A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council

Marriott Marquis Atlanta
Atlanta, Georgia

January 14, 2010
10:30 a.m. to 1:30 p.m.

1. Welcome and introductions.

2. General Information.

   a. Rosters. [Supplement No. 1]

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

3. Minutes, summaries and agendas.

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

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

   c. NCAA Executive Committee draft agenda – January 16. [Supplement No. 5 will be distributed at the meeting]

@ * 4. Management Council report. [Supplement No. 6 will be distributed at the meeting]

* 5. Report of the Division III Strategic Planning and Finance Committee. [Supplement No. 7]

@ * 6. 2010 NCAA Division III Convention.

   a. Notice and Program. [See 2010 NCAA Convention Notice and Program]

   b. Chancellor/presidents schedule. [Supplement No. 8]

   c. Joint PC/MC/SAAC meeting. [Supplement No. 9]

   d. Review of proposed legislation:

      - Legislative question and answer guide. [Supplement No. 10]
      - Parliamentary issues and voting procedures. [Supplement No. 11]

   e. Review of speaker assignments and position papers. [Supplement No. 12]

   f. Review of interpretations, noncontroversial legislation, and modifications of wording. [Appendices B, C and D of the 2010 NCAA Convention Notice]

* 7. Review Division III Identity Initiative.

   - Issues Forum. [Supplement Nos. 13a and 13b]

- Chancellors/Presidents and Senior Administrators with Athletics Oversight Issues Forum and Luncheons.
- Business Session. [Supplement No. 13c]
- Next steps.

8. Review Division III Presidential Leadership.

- Presidents/Chancellors Issues Forum and Luncheon. [Supplement No. 14a]
- Senior Administrators with Athletics Oversight Forum and Luncheon. [Supplement No. 14b]
- Business Session.

9. Governmental relations update. [Supplement No. 15]

10. Litigation update. [Supplement No. 16 will be distributed at the meeting]

11. Future meetings.

a. April 28-29, 2010 – Indianapolis.

- April 28 – 6 to 9 p.m. – Presidents Council dinner/meeting.
- April 29 – 8 a.m. to noon – Presidents Council meeting.

b. August 11-12, 2010 – Indianapolis.

- August 11 – 6 to 9 p.m. – meet with Presidents/Chancellors Advisory Group.
- August 12 – 8 a.m. to noon – Presidents Council meeting.

c. October 27-28, 2010 – Indianapolis.

- October 27 – 6 to 9 p.m. – Presidents Council dinner/meeting.
- October 28 – 8 a.m. to noon – Presidents Council meeting.

d. January 12-15, 2011 – San Antonio, Texas – 2011 NCAA Convention.

- January 13 – 10:30 a.m. to 1:30 p.m. (time to be determined).

12. Other Business.

13. Adjournment.

@ Denotes key action items.

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

The National Collegiate Athletic Association
December 16, 2009 DTD/LNK:dsk

SUMMARY OF WINTER 2010 QUARTERLY MEETINGS
The National Collegiate Athletic Association

Division III Management Council January 13, 2010 Atlanta, Georgia	Division III Presidents Council January 14, 2010 Atlanta, Georgia	Division III Management Council January 16, 2010 Atlanta, Georgia
PARTICIPANTS		
Kitty Baldridge, Gallaudet University Susan Chapman, Worcester State College Daniel Fulks, Transylvania University [*vice chair*] Mary Jo Gunning, Marywood University Kristen Hall, Bard College Rudy Keeling, Eastern College Athletic Conference Chris Martin, College Conference of Illinois & Wisconsin Jeff Martinez, University of Redlands Lee McKinney, Fontbonne University Lynn Oberbillig, Smith College [*chair]* Jack Ohle, Gustavus Adolphus College Garnett Purnell, Wittenberg University Charlyn Robert, Nichols College Christopher (Brooks) Royer, Rhodes College Joan Sitterly, State University College at Cortland Erin Wojtkun, Christopher Newport University	Livingston Alexander, University of Pittsburgh, Bradford Robert Antonucci, Fitchburg State College Ken Baker, Ohio Northern University James Bultman, Hope College, F. Gregory Campbell, Carthage College Daniel Fulks, Transylvania University [*vice chair of the Management Council*] Pamela Gann, Claremont McKenna-Harvey Mudd-Scripps Colleges James Harris, Widener University [*vice chair*] Catharine Hill, Vassar College David Joyce, Ripon College Marcia Keizs, York College, CUNY Lynn Oberbillig, Smith College [*chair of the Management Council*] Jack Ohle, Gustavus Adolphus College, observer Kathleen Owens, Gwynedd-Mercy College Rosalind Reichard, Emory and Henry College, observer James Schmotter, Western Connecticut State University Ron Thomas, University of Puget Sound Paul Trible, Christopher Newport University [*chair*]	Kitty Baldridge, Gallaudet University Susan Chapman, Worcester State College Timothy Downes, Emory University Daniel Fulks, Transylvania University Mary Jo Gunning, Marywood University Fredina Ingold, Pennsylvania State University, Altoona Portia Lowe, Lake Forest College Lisa Marsh Ryerson, Wells College Chris Martin, College Conference of Illinois & Wisconsin [*vice chair*] Jeff Martinez, University of Redlands Lynn Oberbillig, Smith College [*chair*] Charlyn Robert, Nichols College Christopher (Brooks) Royer, Rhodes College Joan Sitterly, State University College at Cortland
ABSENTEES		
Fredina Ingold, Pennsylvania State University, Altoona William Klika, Fairleigh Dickinson University, Florham Lisa Marsh Ryerson, Wells College		Stanton Ching, Connecticut College William Klika, Fairleigh Dickinson University, Florham Lee McKinney, Fontbonne University Christopher Thomforde, Moravian College Erin Wojtkun, Christopher Newport University

OTHER PARTICIPANTS

Troy Arthur, NCAA Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Jim Isch, NCAA Leah Kareti, NCAA Debbie Kresge, NCAA, *recording secretary* David Lovell, NCAA Karen Morrison, NCAA Jeff Myers, NCAA Delise O'Meally, NCAA Dan Parker, Parker Executive Search Wally Renfro, NCAA JoJo Rinebold, NCAA Jennifer Royer, NCAA Charlotte Westerhaus, NCAA	Jack Copeland, NCAA Dennis Cryder, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Bernard Franklin, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Jim Isch, NCAA Leah Kareti, NCAA Debbie Kresge, NCAA, *recording secretary* David Lovell, NCAA Jeff Myers, NCAA Delise O'Meally, NCAA Jack Ohle, Gustavus Adolphus College, Presidents Council member elect Dan Parker, Parker Executive Search Rosalind Reichard, Emory and Henry College, Presidents Council member elect JoJo Rinebold, NCAA Jennifer Royer, NCAA	Alicia Benson, Shorts Travel Jack Copeland, NCAA Azure Davey, NCAA Daniel T. Dutcher, NCAA Eric Hartung, NCAA Amy Huchthausen, NCAA Debbie Kresge, NCAA, *recording secretary* Jeff Myers, NCAA Leah Kareti, NCAA Stacey Preston, NCAA JoJo Rinebold, NCAA Jennifer Royer, NCAA Damon Schoening, NCAA

1. WELCOME AND ANNOUNCEMENTS.

January 13 Management Council. The meeting was called to order at 8:03 a.m. by the chair, Lynn Oberbillig. The chair welcomed Council members and reviewed logistics for the meeting.

Presidents Council. The meeting was called to order at 10:34 a.m. by the chair, President Paul Trible. The chair welcomed Council members and reviewed logistics for the meeting.

January 16 Management Council. The meeting was called to order at 12:33 p.m. by the chair, Lynn Oberbilling. The chair welcomed all new Council members.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meeting – October 19-20, 2009.

January 13 Management Council. The Management Council approved the Fall 2009 Quarterly Summary as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – October 29, 2009.

January 13 Management Council. The Management Council reviewed the Fall 2009 Quarterly Summary of the Presidents Council meeting. No action was necessary.

Presidents Council. The Presidents Council approved the Fall 2009 Quarterly Summary as presented.

c. Executive Committee Meeting—October 29, 2009.

January 13 Management Council. The Management Council reviewed the minutes of the October 29 Executive Committee meeting. No action was necessary.

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

d. Administrative Committee Actions.

January 13 Management Council. The Management Council approved the minutes of the November 16, 2009, Administrative Committee actions.

Presidents Council. The Presidents Council approved the minutes of the November 16, 2009, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

a. Association-Wide and Common Committees.

(1) Competitive Safeguards and Medical Aspects of Sports.

Staff Liaisons:
Klossner
Wilfert

Council Rep:
Hall

January 13 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(2) Honors Committee.

Staff Liaison:
Tufano

Council Rep:
Klika

(a) Appointment of Nationally Distinguished Citizen Committee Member.

January 13 Management Council. The Council approved the appointment of Valerie Ackerman to serve as one of the three nationally distinguished citizens on the Honors Committee.

Presidents Council. No action was necessary.

(b) 2010 Theodore Roosevelt Award Selection.

January 13 Management Council. The Council reviewed the committee's report and noted the Theodore Roosevelt Award winner was George Mitchell, Bowdoin College. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Bracken, Rossello Thompson

Council Rep: Keeling

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

January 13 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Calandro, Perez Suscha

Council Rep: Chapman

(4) Olympic Sports Liaison Committee.

January 13 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: Strum

Council Rep: Chapman

(5) Postgraduate Scholarship Committee.

January 13 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison: Bracken

Council Rep: Ryerson

(6) Research Committee.

January 13 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Ahlgren-Bedics, Newman-Baker, Halpin, Miller, Smith

Council Rep: Ingold

(7) Committee on Sportsmanship and Ethical Conduct.

January 13 Management Council. The Council reviewed the committee's report noting the Sportsmanship Awards for Division III – women's lacrosse team, Fitchburg State College (Massachusetts State College Athletic Conference), and Isaac Rothenbaum, Carthage College (Conference College of Illinois and Wisconsin). No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Chichester

Council Rep: Ohle

(8) Walter Byers Scholarship Committee.

January 13 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(9) Committee on Women's Athletics.

Staff Liaisons: Ford, Holzman, Morrison

Council Rep: Oberbillig

January 13 Management Council. The committee had no formal report; however the Council noted that a survey on Division III interest in sand volleyball will be forwarded to the membership after Convention with the benefit of the Division I override vote results. No action was necessary.

Presidents Council. No action was necessary.

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

(1) Convention-Planning Subcommittee.

Staff Liaisons: Dutcher, Kareti, Davey, Kresge

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

January 13 Management Council. The Council reviewed the committee's report. No action was necessary.

The Council was briefed on the following sessions scheduled to occur during the 2010 Convention:

- Division III Commissioners meeting. This agenda will include an update on all significant Division III priorities.
- Measuring Academic Success at Division III – Academic Reporting. Reviewed the time of this educational session, and noted that the session will be videotaped.
- Presidents Council meeting. The Presidents Council will review the Division III Identity Initiative video to be shown to the entire membership during the Issues Forum Friday.
- Issues Forum. Reviewed the agenda, round table questions and format, and mementos for distribution to the membership.
- Chancellor/Presidents Issues Forum and Luncheon. The agenda will focus on presidential leadership and the Division III Identity Initiative.
- Senior Administrators with Athletics Oversight. This agenda will focus on presidential leadership and the Division III Identity Initiative, as well as best practices for senior administrators to work with their athletics departments and communicate with the NCAA.
- Business Session. The agenda will include legislative voting, an update on the presidential leadership initiative and an additional opportunity for feedback on the Identity Initiative.

Presidents Council. No action was necessary.

(2) Strategic Planning and Finance Committee.

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

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

- Working Group Oversight of Division III Academic Reporting Pilot.

  January 13 Management Council. The Council approved a recommendation to appoint a working group to advise the Management and Presidents Councils on the development and evaluation of the Division III Academic Reporting Pilot. This recommendation was not included in the Strategic Planning and Finance Committee report, but rather was generated as result of an informational item in that report.

While the Academic Reporting Pilot remains under the direct oversight of the Management and Presidents Councils, the establishment of a working group provides a resource for pilot planning and analysis. Membership of such a working group would include Management and Presidents Council representatives, as well as other key academic stakeholders [e.g., members from faculty athletic representatives (FAR) community] and others with academic reporting experience (e.g., institutional research, conference commissioners). The working group would provide targeted and diverse expertise to assist the Management and Presidents Councils with both the practical and philosophical issues related to the pilot, as well as any policy recommendations that may result from the pilot. Also, a broad and diverse working group will help enhance the level of transparency of the pilot and any related membership communications.

The work of this group would primarily be to receive updates and detailed reports from NCAA staff administering the pilot. The group would be expected to make periodic reports to the Councils and membership at large outlining progress of the pilot, recommendations for adjustments to the pilot, and any recommendations for action once the pilot has been completed. This work would not require any additional in-person meetings and could largely be conducted via e-mail, Web-based software (e.g., SharePoint) and periodic teleconferences.

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

c. Management Council Subcommittees.

Staff Liaisons: Davey, Nesbitt

Council Reps: Hall, Ingold, Martinez

(1) Academic Issues Subcommittee.

January 13 Management Council. The Council reviewed the committee's report, noting its desire to continue working with the NCAA consultant on education impacting disabilities. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Huchthausen, Myers

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

(2) Playing and Practice Seasons Subcommittee.

January 13 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons: Fuchs, Nesbitt

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

(3) Subcommittee on Legislative Review.

January 13 Management Council. The Council reviewed the committee's report noting the subcommittee approved a blanket waiver for the 2009-10 academic year to permit institutions that are eligible for national collegiate championships in sports that have two thirds of the membership in one division to follow the NCAA rules of the institution's division. Currently, all sports that have the national collegiate championships as the postseason opportunity include two-thirds Division I members. It has come to the attention of the NCAA staff that Divisions II and III members have not been complying with the

requirement in NCAA Bylaw 20.8.1 for several years. Thus, the blanket waiver only impacts Divisions II and III institutions. However, since this is a common legislative provision that applies to all three divisions, a blanket waiver in each division is necessary. The subcommittee noted the blanket waiver is appropriate to provide some flexibility for the 2009-10 academic year while the membership discusses solutions for this issue (e.g., legislative proposal to amend the rule, communicate compliance is required).

No action was necessary.

Presidents Council. No action was necessary.

d. Division III Committees.

(1) Championships Committee.

(a) Championships Date Formula – Women's Volleyball.

Staff Liaisons: Suscha, Williams

Council Reps: Martinez, Oberbillig, Sitterly

January 13 Management Council. The Council approved a change to the championships date formula in women's volleyball to adjust the finals to one day later, from the third Thursday in November (Thursday-Saturday) to the third Friday in November (Friday-Sunday), and to adjust the championship date formula for the regionals from Thursday-Saturday the week prior to the finals to Friday-Sunday the week prior to the finals.

The adjustment to the date formula would result in less missed class time for the participating teams. The practice day at the regionals and the finals would be Thursday rather than Wednesday, which would allow the participating teams to travel one day later and miss one less day of class. The match time for the championship match at the regionals and the finals would be slated for Sunday afternoon instead of Sunday evening in order for the two teams to have a better opportunity to travel home Sunday night. In addition, attendance is traditionally lowest for matches scheduled on Thursday at regionals and the finals. Fans would have more opportunity to attend competition scheduled in a Friday-Sunday format.

Presidents Council. No action was necessary.

(b) Field Size Expansion – Men's and Women's Swimming and Diving.

January 13 Management Council. The Council approved an increase in the field size of the NCAA Division III Men's and Women's Swimming and Diving Championships by 35 student-athletes per gender to accommodate a minimum field size of 16 in the swimming relay events. The field size for men will move from 225 to 260 while the women will move from 232 to 267.

Prompted by concern over the access ratio for student-athletes in swimming and diving, the Championships Committee invited the men's and women's swimming and diving committee to submit a proposal for field size expansion. The proposal to increase the minimum field size for relays will move the championships access ratio from approximately 1:21 to 1:18 for the women and 1:17 to 1:15 for the men.

With the addition of relay opportunities at the time of selections, points earned toward team standings will become more meaningful as relay teams that actually qualified for the championships will be competing for points rather than teams who only had relays at the meet due to optional entries.

The estimated budget impact is $164,000 (both genders combined). The NCAA administrative services group estimated budget impact inclusive of the increased number of student-athletes, estimated non student-athletes, and the incremental increase in game expense.

Presidents Council. No action was necessary.

(c) Field Size Expansion – Men's and Women's Outdoor Track and Field.

January 13 Management Council. The Council approved an increase in the field size of the NCAA Division III Men's and Women's Outdoor Track and Field Championships by 54 student-athletes per gender. The field size for both genders will move from 344 to 398.

Prompted by concern over the access ratio for student-athletes in track and field, the Championships Committee invited the men's and women's track and field committee to submit a proposal for field size expansion. The proposal to increase the minimum field size will move the championships access ratio from approximately 1:20 to 1:17 for the women and 1:25 to 1:22 for the men. The additional opportunities will allow for increased field sizes for all events contested at the outdoor track and field championships.

The estimated budget impact is $208,000 (both genders combined). The NCAA administrative services group estimated budget impact inclusive of the increased number of student-athletes, estimated non student-athletes, and the incremental increase in game expense.

Presidents Council. No action was necessary.

(d) Field Size Expansion – Wrestling.

January 13 Management Council. The Council approved an increase in the field size of the NCAA Division III Wrestling Championships by 10 student-athletes, with a requirement that the NCAA Division III Wrestling Committee establish a minimum field size of 16 in each of the 10 weight classes. The total field size will move from 160 to 170.

Prompted by concern over the access ratio for student-athletes in wrestling, the Championships Committee invited the wrestling committee to submit a proposal for field size expansion. The proposal to increase the minimum field size will move the championships access ratio from approximately 1:14 to 1:13. The additional opportunities will allow for each of the 10 weight classes to be contested with a minimum bracket size of 16; thereby protecting the integrity of the competition (i.e., a participant(s) will have a minimum of three rounds of competition at the championships site).

The estimated budget impact is $17,500. The NCAA administrative services group estimated budget impact inclusive of the increased number of student-athletes, estimated non student-athletes, and the incremental increase in game expense.

Presidents Council. No action was necessary.

(e) Men's Basketball Championship Format.

January 13 Management Council. The Council received the information that the Championships Committee approved a recommendation to replace the men's basketball consolation game with an all-star game sponsored and coordinated by the National Association of Basketball Coaches and the host institution, effective with the 2010 NCAA Division III Men's Basketball Championship. The Council charged the Championships Committee to work with the Men's and Women's Basketball Committees to review the format of both the men's and women's championships and determine if it is appropriate to have two different formats. The Council questioned the funding model for the men's all star game, and on learning that funding was to be provided by the coaches association, questioned whether the women's coaches association would be able to provide the same funding if the women desired such an event format.

Presidents Council. No action was necessary.

(2) Financial Aid Committee.

Staff Liaisons: Hartung, Myers, Nesbitt

Council Rep: McKinney

COI Staff Liaisons: Cooper, Elworth

Council Rep: Gunning

(a) Referral to the NCAA Division III Committee on Infractions – Potential Legislation to Require That One Member of the Committee on Infractions be an Individual with Student Financial Aid Expertise.

January 13 Management Council. The Council charged the Committee on Infractions (COI) with considering the following: (1) recommending a change to NCAA Bylaws 19.1.1 and 21.9.5.4 that would require one of the five members of COI to be an individual with student financial aid expertise [either immediately or beginning with the next appointment]; or (2) recommending a change to Bylaws 19.1.1 and 21.9.5.4 that would create an additional position on the COI for an individual with student financial aid expertise that would only participate in cases involving violations of Bylaw 15. As the Division III Financial Aid Committee's annual reporting process grows more sophisticated, the number of cases referred to COI has increased. This trend is expected to continue in future reporting cycles. The student financial aid awarding process is complex and varies widely across member institutions. Requiring COI deliberations to include a member who possesses student financial aid expertise would help ensure that the intricacies of these processes are fully understood and within relevant major infractions cases.

Presidents Council. The Presidents Council directed the staff to pursue creation of software or some other system to enable institutions to examine their financial aid processes with the same efficiency employed in the Division III reporting process. No action was necessary.

(b) Development of Financial Aid Educational Training.

January 13 Management Council. The Council charged staff with coordinating training for the members of the COI on the methodology employed by the Financial Aid Committee in the financial aid reporting process.

Due to the unique and highly technical nature of the financial aid reporting process, financial aid violations present a challenge both in analyzing alleged infractions and determining the appropriate penalties when a violation has occurred. Educating the members of the COI on the process will increase its efficiency and effectiveness in assessing violations of financial aid legislation, as well as its consideration of potential penalties.

Presidents Council. No action was necessary.

(3) Committee on Infractions

Staff Liaisons: Cooper, Elworth

Council Rep: Gunning

January 13 Management Council. The committee had no formal report. No action was necessary. [NOTE: See referral from Financial Aid Committee on Page No. 9]

Presidents Council. No action was necessary.

(4) Interpretations and Legislation Committee. (ILC)

Staff Liaisons: Huchthausen, Myers,

Council Rep: Fulks

(a) Approval of Official Interpretation – Advertising Intercollegiate Contests in Conjunction with High School Contests.

January 13 Management Council. The Council approved the following official interpretation:

Advertising of Intercollegiate Contests Held in Conjunction with High School Contests (III). The NCAA Division III Management Council determined that if an institution permits competition between high schools, preparatory schools or two-year colleges to be conducted in conjunction with an intercollegiate event, the institution may include the names of the participating teams in advertising for the event. However, the institution may neither publicize the appearance of any specific prospective student-athlete nor use individual or team photographs of participating prospective student-athletes in any advertising for the event.

[References: NCAA Division III Bylaws 13.10.4 (prospective student-athlete's visit) and 13.11.2.2 (competition in conjunction with a high school, preparatory school or two-year college) and a staff interpretation (5/17/95, Item No. b), which has been archived]

This is currently a staff interpretation in Division I and an official interpretation in Division II. It is appropriate to elevate this staff interpretation to an official interpretation in Division III.

Presidents Council. No action was necessary.

(b) Noncontroversial Legislation – Amateurism and Playing and Practice Seasons – Fundraising for Institutional Activities.

January 13 Management Council. The Council tabled the recommendation to approve in concept noncontroversial legislation to:

i. Permit an institution to earmark funds for a particular student-athlete that are considered earned by the student-athlete, but require any unearned funds to be deposited into the general team or institutional fund;
ii. Specify that any funds earmarked for a student-athlete may not exceed the cost of the student-athlete's actual and necessary expenses for the particular athletics event;
iii. Specify that any funds raised by a student-athlete in excess of actual and necessary expenses, even if earned, must be applied to the general team or institutional fund;
iv. Specify that all funds must be given to the institution to administer rather than given directly to the individual student-athlete;
v. Establish a definition of "earned" for purposes of fundraising activities as any money received as a result of volunteering or working a specific function (e.g., concession stands) provided the rate of pay is commensurate with actual duties performed and is available to all team members; and
vi. Maintain current legislation that permits an institution to require participation in a fundraiser at any time (i.e., during and outside the playing season), but during the playing season prohibits an institution from making a student-athlete's involvement in practice or competition contingent on participation in the fundraiser.

Current rules regarding preferential treatment restrict a student-athlete's ability to raise funds based on any number of factors unique to the student-athlete, even those that may not be based on the student-athlete's athletics reputation or skill. For example, a student-athlete who dedicates more hours of time selling concessions at institutional events than his or her teammates is not permitted to receive the benefit of his or her efforts through the monies raised if it is unequal to his or her teammates. Instead, the funds must go directly to the team or institutional fund. This unfairly treats student-athletes who actively participate in fundraisers compared to those that do not. Establishing a definition of what constitutes an "earned" activity will address this imbalance in a more objective manner and permit institutions to earmark funds under limited conditions with appropriate institutional oversight. Under this recommendation, the restrictions on strict earmarking of donations would continue to apply and such funds would have to be distributed to the general team or institutional fund rather than being assigned directly to an earmarked student-athlete. Accordingly, this restriction maintains the safeguard against legitimate preferential treatment in order to prevent a student-athlete from using his or her athletics reputation or skill as the sole basis for receipt of funds.

The Council and Student-Athlete Advisory Committee (SAAC) discussions were spilt regarding whether any earmarking of funds should be permitted. Management Council members who support earmarking prefer a policy beyond what had

been recommended by ILC, supporting a concept to permit an institution to earmark any funds, and not just those "earned" for fundraising purposes.

A majority of the Council was in support of the other elements of the Interpretations and Legislation Committee's (ILC) recommendation, namely that all earmarked funds:

- Go directly to the institution to administer.
- Could not exceed actual and necessary expenses.
- Any remaining funds in excess of actual and necessary could not be earmarked for any other student-athlete, but must go to the general team or institutional fund.

The Management Council agreed to obtain feedback from the Division III Commissioners Association (D3CA), Presidents Council and Division III conference meetings and will revisit the issue at its Post-Convention meeting on Saturday. [NOTE: Informal feedback from D3CA indicated the group also had no clear consensus.]

Presidents Council. The Presidents Council took a position that it is comfortable with the current fundraising prohibition, and was not interested in proposing legislation without a clear consensus emerging from the governance structure or membership.

January 16 Management Council. The Council considered feedback from Convention discussion, and took the same position as the Presidents Council. It will not recommend legislation on this topic without a clear consensus emerging from the governance structure or membership. Such proposed amendments would best come directly from the membership. The Council suggested conducting a Virtual Focus Group on this topic to generate additional feedback, and that the staff issues an educational video on the application of the existing legislation.

(5) Membership Committee.

Staff Liaison: Davey, Willett

Council Rep: Hall

(a) Non-controversial Legislation – Reclassifying Institutions – Exploratory Year.

January 13 Management Council. The Council approved in concept noncontroversial legislation to require institutions interested in reclassifying to Division III to complete an exploratory year prior to making application to the Division III reclassification program. Reclassifying institutions currently are not required to complete an exploratory year prior to making application to reclassify. These institutions may make application for Division III and be accepted to the Division III reclassification process without ever receiving formal education about the division, its structure, rules and bylaws, philosophy and Strategic Positioning Platform. As a result, reclassifying institutions may commit less time to studying potential divisional affiliation than their provisional counterparts coming from outside the Association. The committee noted reclassifying institutions are not well served by the shorter timetable and may face compliance challenges when they are required to meet Division III rules and bylaws as soon as they enter the reclassification process.

Presidents Council. No action was necessary.

(b) Rensselaer Polytechnic Institute Waiver Request.

January 13 Management Council. The Council approved the committee's recommendation to deny the waiver request for Rensselaer Polytechnic Institute to allow a transfer student-athlete in men's ice hockey, which is a Division I sport at the institution, to practice during the 2009-10 academic year and not use a season of participation.

The NCAA Division III Membership Committee reviewed a waiver request from Rensselaer and noted that as a Division III institution that sponsors a Division I sport, the institution is required to apply the rules of both divisions or the more stringent rule if both divisions have a rule concerning the same issue per NCAA Division III Bylaw 20.7.1.1 (Division III application). Rensselaer filed a similar waiver two years earlier on behalf of a different student-athlete. That waiver was approved due to lack of institutional knowledge and lack of advisement when recruiting the student-athlete. However, when that decision was issued, the institution was notified in writing that future waivers of this type would not be considered. The institution was instructed to educate men's ice hockey transfer student-athletes about the unique status of the institution. The committee also noted the student-athlete in this particular case was not academically eligible at the previous institution.

Presidents Council. No action was necessary.

(c) East Texas Baptist University – Sports-Sponsorship Waiver Request.

January 13 Management Council. The Council approved the committee's recommendation to accept the sports-sponsorship waiver request from East Texas Baptist University. Specifically, the institution will sponsor five sports for males and five sports for females during the 2010-11 academic year, despite having a full-time undergraduate enrollment greater than 1,000 which would require sponsorship of six sports for each gender.

The effective date is September 1, 2010 – September 1, 2011. The committee noted the institution demonstrated its financial hardship and presented a thorough plan for compliance with sports sponsorship requirements by the 2011-12 academic year.

Presidents Council. No action was necessary.

(d) Provisional/Reclassifying Institutions Do Not Count for Conference Automatic Qualification.

January 13 Management Council. The Council accepted the information that the Championships Committee sought feedback from the Membership Committee related to counting provisional institutions toward conference membership totals during provisional year three and year four for purposes of the two-year automatic qualification waiting period. The Championships Committee requested the

Membership Committee consider whether granting these types of waivers would serve as an incentive for provisional institutions to adhere to Division III rules. The Championships Committee also requested clarity on what impact granting waivers of this nature may have. The Membership Committee noted that provisional institutions must follow Division III legislation when they commence with the provisional program and should adhere to those rules each of the four provisional years. Committee discussion also focused on the fact that provisional institutions are not guaranteed to become active members and are often times held back and asked to repeat provisional years. As a result, the committee agreed provisional institutions should not be counted toward conference membership needed for a conference to begin its two-year automatic qualification waiting period. No action was necessary.

Presidents Council. No action was necessary.

(6) Nominating Committee.

Staff Liaison: Tufano

Council Rep: Keeling

January 13 Management Council. The Council approved the committee's recommendation to appoint Stuart Robinson, director of athletics, State University College at New Paltz, to the Division III Championships Committee replacing Tim Downes.

Presidents Council. No action was necessary.

(7) Student-Athlete Advisory Committee.

Staff Liaisons: Conklin, Davey, Montgomery

Council Rep: Royer, Wojtkun

(a) Athletic Training Services.

January 13 Management Council. The Council referred to the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS), a request to explore whether institutions are eliminating or reducing athletics training services as a means of surviving the current economic pressures.

CSMAS Staff Liaisons: Klossner Wilfert

Council Rep: Hall

The committee noted that several student-athletes have concerns that training room hours and access have been eliminated or reduced as a means of reducing institutional costs. While the committee is cognizant of the economic hardship many institutions face, it has concerns that athletics training services may be one of the first to be negatively impacted and may not be the appropriate student service to cut from a student-athlete well-being perspective.

Presidents Council. No action was necessary.

(b) Lesbian, Gay, Bisexual and Transgendered (LGBT) Student-Athlete Resources.

January 13 Management Council. The Council directed the NCAA Office of Gender Initiatives or Diversity and Inclusion to present the SAAC with an inventory of current outreach efforts and resource materials aimed at assisting institutions serve the unique needs of LGBT student-athletes. The SAAC noted there is a wealth of information and resources related to student-athlete well-being available via the NCAA Web site and other sources, yet there does not appear to be enough

resources or best practices for institutions to best serve lesbian, gay, bisexual or transgendered student-athletes. The committee noted it is important to educate and inform institutions that may need assistance in providing a safe environment for lesbian, gay, bisexual or transgendered student-athletes.

Presidents Council. No action was necessary.

(c) January 13 Management Council. The Council noted the committee conducted an initial review of the diversity, inclusion and gender equity draft framework language. The committee noted that the draft framework seemingly perpetuates issues identified by the working group which include an overly broad statement that does not identify specific dimensions of diversity including: creed, national, origin, age, disability, sexual orientation, religion, marital status, education, income and geographic location. The committee indicated that it was necessary to identify diverse groups by name because these groups are inherently underrepresented and therefore not immediately identifiable by the general population. The committee noted that the underrepresented groups should be identified and the statement may also include additional amorphous language to include those not specifically listed. It was also noted that current NCAA programs may address a variety of diversity issues but may not be adequately publicized or available to student-athletes. No action was necessary.

Presidents Council. No action was necessary.

(8) Student-Athlete Reinstatement Committee.

Staff Liaisons:
Groddy
Bandy

Council Rep:
Gunning

January 13 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. The Presidents Council accepted the information regarding the chancellors' and presidents' letters sent by the Student-Athlete Reinstatement Committee (SAR) when circumstances involving institutional error or misinformation result in the NCAA student-athlete reinstatement staff providing relief for a specific student-athlete. SAR has established that (1) the conference commissioner be copied on all letters; (2) letters be sent to the conference president as identified by the conferences (given compliance may be handled by conference commissioner) in cases when conference error led to relief; and (3) although staff should continue to exercise discretion in sending such letters, consideration should be given when a significant component resulting in relief from a normal withholding condition is that misinformation was provided by institution/conference personnel. The committee also requested the issue be presented to the NCAA Division III Presidents Council for input regarding when such letters should be sent to institutions.

The Presidents Council acknowledged as appropriate the current process as detailed above.

4. 2010 NCAA CONVENTION LEGISLATION.

a. Review of 2010 NCAA Convention Notice and program.

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

January 13 Management Council. The Council reviewed the Convention Notice and program. No action was necessary.

Presidents Council. No action was necessary.

b. Legislative proposal question and answer guide.

January 13 Management Council. The Council reviewed the Legislative Q & A document noting an error on page 17. The document should have read 21st contest rather than 11th. Copies with the change were made for the Issues Forum. No action was necessary.

Presidents Council. No action was necessary.

c. Review of parliamentary and voting issues.

January 13 Management Council. The Council approved the parliamentary and voting issues document. [See Attachment]

Presidents Council. The Council approved the parliamentary and voting issues document.

d. Review of speaker assignments and position papers.

January 13 Management Council. The Council reviewed the speaker assignments and position papers.

Proposal No. 3 – Recruiting – Tryouts – Deregulation and Reformatting of Tryout – Permissible and Nonpermissible Tryouts. The Council reviewed the proposal noting that there may be a motion to divide it on the Convention floor. The Council determined that if there is a motion to divide the prohibition on coaching AAU basketball from this proposal, it would oppose that motion.

Proposal No. 5 – Playing and Practice Seasons – Length of Playing Seasons – End of the Fall and Spring Nontraditional Segments. The Council reviewed the proposal noting that there may be a motion to divide it on the Convention floor. The Council determined that if there is a motion to divide specific sports from the proposal, it would oppose that motion.

Presidents Council. The Council reviewed the speaker assignments and position papers and recommended responses to possible motions. No action was necessary.

e. Review of incorporations of interpretations adopted by the Management Council per Constitution 5.4.1.1.1.

January 13 Management Council. No action was necessary.

Presidents Council. No action was necessary.

f. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1.

January 13 Management Council. No action was necessary.

Presidents Council. No action was necessary.

g. Review of modifications of wording adopted by the Management Council per Constitution 5.4.1.1.1.

January 13 Management Council. No action was necessary.

Presidents Council. No action was necessary.

h. Amendment of legislation adopted at 2010 Convention.

January 16 Management Council. The Council approved in concept a modification of wording to add Men's Water Polo, Rifle and Skiing to the adopted proposal No. 5.

Management Council discussion of this proposal led to the discovery of a drafting error that erroneously omitted these sports from the original draft of 2010 Convention Proposal No. 5. The amendment to the end date of the nontraditional segment was meant to apply to all sports having a nontraditional segment. This error and intent to update the proposal was communicated to the membership at the Convention during the Division III Issues Forum. The Council also charged the Playing and Practice Seasons Subcommittee with examining the split season sports (e.g., golf, tennis and rowing) and whether or not existing legislation best accommodates the unique schedule of those sports.

5. 2010 NCAA CONVENTION PROGRAMMING AND LOGISTICS.

January 13 Management Council. The Council reviewed the updated agenda for the joint meeting of the Management Council/Presidents Council and Student-Athlete Advisory Committee as well as other Convention sessions. No action was necessary.

Presidents Council. The Council reviewed logistics for the Convention, specifically the format of the Division III Issues Forum, the Presidents and Senior Administrators with Athletics Oversight Forum and Luncheons and the Business session. The Presidents Council reviewed the Division III Identity video, and offered feedback on video content and planned use. No action was necessary.

January 16 Management Council. The Council welcomed staff from NCAA Convention Management to its meeting. Discussion and suggestions regarding logistics were as follows:

- Signage and directional information were excellent.
- The Honors Celebration format, presentation and food were excellent; however, registration closed quickly.
- There was plenty of room for the delegate's breakfast.
- There were great meal options at this location, especially the low-priced food court.
- The properties were very easy to navigate.
- The schedule of events was great.

- It was suggested that the academic colloquium start on weekend.
- Registration was quick and easy; however, many delegates did not understand in which events they were actually registered.
- The $25 gift certificate for apparel was a good gift; but the NCAA should consider adding more options for older women.
- The NCAA's and Marriott's green initiative was well received.
- Some educational sessions Power Points were changed without the presenter's approval or review.
- The ballroom where the Business Session was held was too long and narrow. It was very hard to see those at the back microphones from the dais.

The Council then discussed the Division III Convention sessions.

(a) Joint MC/PC/SAAC breakfast. The Council expressed appreciation for the opportunity to speak with the student-athletes and found the round table discussions valuable.

(b) Measuring Academic Success at Division III – "Academic Reporting." The Council noted the session was well received and contained new and interesting information.

(c) Presidents/Chancellors Forum and Luncheon. The luncheon was very well attended.

(d) Senior Administrator with Athletics Oversight Luncheon. The luncheon was very well attended and senior administrators enjoyed the opportunity to network with their peers.

(e) Conference Meetings. No specific feedback was offered.

(f) Presidents Council Hosted Reception. The reception was well attended by Division III presidents and the Student-Athlete Advisory Committee.

(g) Issues Forum. The release of the Division III Identity Initiative was well received by the membership. Feedback on the platform and video will be incorporated into the activation plan.

(h) Business Session. The length of agenda and thorough legislative education and preparation was appreciated by the membership. The Council noted it would have liked to see more interaction by the membership on the Division III Identity Initiative following the Friday conference meetings.

6. PROPOSED LEGISLATION FOR THE 2011 CONVENTION.

a. Review of governance-sponsored legislation.

- **2011-1 – Recruiting – Recruiting Materials – Advertisements and Promotions – Non-athletics Institutional Advertisements**.

  January 13 Management Council. The Council approved in legislative format a Convention proposal to permit an institution (or a third party acting on behalf of the institution) to produce nonathletics institutional promotional material (e.g., use of signage, kiosks, distribution of printed materials, television and radio advertisements, electronic advertisements,

electronic advertisements) for use at high school or two-year college athletics events or during broadcasts of such events.

Presidents Council. No action was necessary.

b. Review of administrative regulations approved by the Management Council per Constitution 5.2.3.

- **ADM-2011-1 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Automatic Qualification – Principles of Establishing Bracket Sizes – Golf and Tennis.**

  January 13 Management Council. The Council approved in legislative format an executive regulation in golf and tennis, to revise the team portion of the championship bracket to be based on an access ratio in the range of 1:7 to 1:7.5 with the specific access ratio to be recommended by the NCAA Division III Men's and Women's Golf Committees and the Division III Men's and Women's Tennis Committees, respectively, subject to approval by the NCAA Division III Championships Committee.

  Presidents Council. No action was necessary.

- **ADM-2011-2 – Executive Regulations – Selection of Teams and Individuals for Championships Participation – Selection and Balance of Championship Field - Selection Criteria.**

  January 13 Management Council. The Council approved in legislative format an executive regulation in baseball, basketball, field hockey, ice hockey, lacrosse, soccer, softball and volleyball to amend the strength of schedule criteria within the primary and secondary selection criteria by combining the opponents' average winning percentage (OWP) with the opponents' opponents' average winning percentage (OOWP) on a weighted scale of 2/3 for OWP and 1/3 for OOWP, further, in baseball, basketball, field hockey, ice hockey, lacrosse, soccer, softball and volleyball, to authorize the Championships Committee, on a sport-by-sport basis and on the recommendation of the relevant sports committee, to attach different significance to contests played at home and contests played on the road when calculating the OWP and OOWP; finally, in all other sports, to clarify the strength of schedule criteria is determined by the Championships Committee on a sport-by-sport basis.

  Presidents Council. No action was necessary.

c. Review of noncontroversial legislation adopted by the Management Council per Constitution 5.3.1.1.1.

- **NC-2011-1 – Ethical Conduct – Unethical Conduct – Knowingly Influencing Others to Furnish False or Misleading Information.**

  January 13 Management Council. The Council approved in legislative format a proposal to specify that knowingly influencing others to furnish the NCAA or an individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation constitutes unethical conduct.

Presidents Council. No action was necessary.

- **NC-2011-2 – Recruiting – Tryout Exceptions – Recreational Activities – Permissible Observation of Recreational Activities – Open to the General Public.**

  January 13 Management Council. The Council approved in legislative format a proposal to eliminate the requirement that an institution's facilities must be open to the general public to satisfy the conditions of a coaching staff member's permissible observation of prospective student-athletes in recreational activities in the course of performing his or her documented job responsibilities.

  Presidents Council. No action was necessary.

- **NC-2011-3 – Awards, Benefits and Expenses – Expenses Provided by the Institution for Practice and Competition – Departure/Return Expense Restrictions – Exceptions – Travel Following Championships Events.**

  January 13 Management Council. The Council approved in legislative format a proposal to specify that return transportation following contests in NCAA championship events, National Governing Body Championships in emerging sports or postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms, are exempt from the requirement that a student-athlete remains no longer than 36 hours following the conclusion of the competition to receive actual and necessary expenses to return to campus.

  Presidents Council. No action was necessary.

- **NC-2011-4 – Eligibility – Seasons of Participation: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Minimum Amount of Participation - Competition During the Nontraditional Segment – Baseball, Field Hockey, Lacrosse, Soccer, Softball, and Women's Volleyball – Retroactive Effective Date.**

  January 13 Management Council. The Council tabled approval of this legislation until its Post-Convention meeting.

  Presidents Council. No action was necessary.

  January 16 Management Council. The Council approved in legislative format a proposal to revise the effective date of the exception to the seasons of participation legislation for participation in one date of competition in the nontraditional segment in baseball, field hockey, lacrosse, soccer, softball and women's volleyball so that it applies retroactively to August 1, 2005.

d. Review of incorporations of interpretations adopted by the Management Council per Constitution 5.4.1.1.1.

- **I-2011-1 – Recruiting – Recruiting Materials – Printed Promotional Materials for Conference or NCAA Championships.**

  January 13 Management Council. The Council approved in legislative format a proposal to amend 13.4.1, as follows:

  13.4.1 General Regulations. Institutions are permitted to provide to prospective student-athletes, prospective student-athlete's relatives [or guardian(s)], and to coaches of prospective student-athletes any official academic, admissions, athletics and student-services publications or electronic media published or produced by the institution. Institutions are also permitted to provide other information of a general nature that is available to all students or prospective students.

  Presidents Council. No action was necessary.

7. ASSOCIATION-WIDE UPDATES AND OTHER BUSINESS.

a. 2010 rosters and Association-wide/Division III committee/subcommittee assignments.

January 13 Management Council. No action was necessary.

Presidents Council. The Council reviewed the roster and Association-wide/Division III committee/subcommittee assignments. No action was necessary.

January 16 Management Council. The Council reviewed the roster and Association-wide/Division III committee/subcommittee assignments. No action was necessary.

b. Membership Communication.

January 13 Management Council. The Council reviewed the conference meeting summaries, as well as responses from the VFG on communication efforts used with prospective student-athletes and staff. No action was necessary.

Presidents Council. No action was necessary.

c. Executive Committee update.

January 13 Management Council. Dr. Bernard Franklin and Delise O'Meally updated the Management Council on the current Executive Committee agenda. Highlights include the ongoing discussion about membership growth and application of NCAA regional accreditation requirements.

Presidents Council. Dr. Bernard Franklin and Delise O'Meally updated the Presidents Council on the current Executive Committee agenda. Highlights include the ongoing discussion about membership growth and application of NCAA regional accreditation requirements.

d. Drug Education and Testing Pilot.

January 13 Management Council. The Council received a presentation on the Executive Summary of the Drug Education and Test Pilot, noting that the full pilot report will be released to the membership following Convention, with related discussion to occur throughout the coming year.

Presidents Council. The Council received the Executive Summary of the Drug Education and Testing Pilot. No action was necessary.

e. NCAA Presidential Search.

January 13 Management Council. Jim Isch, acting president of the NCAA national office and Dan Parker of Parker Executive Search attended the Council meeting to provide an update on the presidential search and timeline. The Council provided feedback about the attributes required for this position and Mr. Parker requested that nominations be directed to the search firm.

Presidents Council. Jim Isch, acting president of the NCAA national office and Dan Parker of Parker Executive Search attended the Council meeting to provide an update on the presidential search and timeline. The Council provided feedback about the attributes required for this position and Mr. Parker requested that nominations be directed to the search firm.

Mr. Isch also reviewed the status of the NCAA's current media contract and related negotiations as well as the status of plans to build an additional office building at the NCAA headquarters.

f. NCAA Diversity, Inclusion and Gender Equity Framework.

January 13 Management Council. The Council received a report from Charlotte Westerhaus, NCAA Vice President for Diversity and Inclusion on the NCAA's review of diversity, inclusion and gender equity programs and the related draft Diversity, Inclusion and Gender Equity Framework. The Council questioned why the framework did not specifically identify those dimensions of diversity beyond race and gender that were highlighted by the working group, including: creed, national origin, age, disability, sexual orientation, religion, marital status, education, income and geographic location. Further, the Council requested that the framework include a reference to conference offices, and include a reference to faculty (rather than just staff). No action was necessary.

Presidents Council. No action was necessary.

g. Litigation update.

January 13 Management Council. The Council reviewed the litigation report. No action was necessary.

Presidents Council. No action was necessary.

h. CWA agenda referral – Championship Funding for Non Division I teams in National Collegiate Championship Sports.

CWA Staff Liaisons: Ford, Holzman, Morrison

Council Rep: Oberbillig

January 16 Management Council. The Council noted that the cost to run a national championships type experience for Division III women's gymnastics teams is becoming prohibitively expensive because of the low number of sponsoring institutions and geographic dispersion of those teams. The Council requested that the CWA explore a new category of sports for women, where the NCAA could make available championships funding for sports where non Division I members have no reasonable access to the National Collegiate Championship.

i. Departing Council Members.

January 13 Management Council. The chair thanked outgoing Council members Hall, Keeling, Ohle and Purnell for their service.

Presidents Council. The chair thanked outgoing Council members Campbell and Gann for their service, and the chair was also recognized for his contributions to the Council.

8. ADJOURNMENT.

January 13 Management Council. The Management Council meeting adjourned at 5:02 p.m.

Presidents Council. The Presidents Council meeting adjourned at 1:30 p.m.

January 16 Management Council. The Post-Convention Management Council meeting adjourned at 1:55 p.m.