

**From:** "Maher, William J" <maherw@canisius.edu>(Add as Preferred Sender)  
**Date:** Fri, May 02, 2014 7:46 am  
**To:** "input@redesigndivisiononegov.org" <input@redesigndivisiononegov.org>  
**Cc:** "Rich Ensor (rich.ensor@maac.org)" <rich.ensor@maac.org>

From	<a href="#">Subject (Thread Messages)</a>	Date	Size
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- The position that access to the association sponsored national championship tournaments is ensured to all DI members.
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Something to consider as this model continues to move forward.

Bill Maher  
Director of Athletics  
Canisius College  
Metro Atlantic Athletic Conference

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**From:** Rich Ensor <rich.ensor@maac.org>(Add as Preferred Sender)  
**Date:** Mon, May 05, 2014 1:54 pm  
**To:** "Maher, William J" <maherw@canisius.edu>, input@redesigndivisiononegov.org  
**Cc:** dargenio@siena.edu, Eugene Doris <edoris@fairfield.edu>, harnum@rider.edu, Jack McDonald <mcdonald@quinnipiac.edu>, Joe Quinlan <jquinlan@saintpeters.edu>, Marilyn McNeil <mmcneil@monmouth.edu>, Noah LeFevre <noah.lefevre@manhattan.edu>, Rick Cole <rcole@iona.edu>, robert.byrnies@manhattan.edu, Steve Butler <sbutler@niagara.edu>, tim.murray@marist.edu, ASexton@fairfield.edu, 'Debbie Gregory' <deborah.gregory@manhattan.edu>, Elizabeth.Donohue@marist.edu, jfogarty@iona.edu, Katie Arcuri <karcuri@saintpeters.edu>, ktorchia@rider.edu, Lori Anctil <lanctil@siena.edu>, murphy30@canisius.edu, Rachelle Paul <rheld@monmouth.edu>, Tracey Flynn <tracey.flynn@quinnipiac.edu>, bchurch@maac.org, Dan Petrino <dan.petrino@maac.org>, 'Hamilton Cook' <Hamilton.Cook@maac.org>, 'John Wooding' <john.wooding@maac.org>, 'Jordan Confessore' <jordan.confessore@maac.org>, 'Katie Carew' <katie.carew@maac.org>, 'Ken Taylor' <ken.taylor@maac.org>, Kyle Firestine <kyle.firestine@maac.org>, 'Marshall Foley' <marshall.foley@maac.org>, Rachel Walton <rachel.walton@maac.org>, Sean Radu <sean.radu@maac.org>, 'Tania Kennedy' <tania.kennedy@maac.org>, 'Whitney Swab' <whitney.swab@maac.org>

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Bill:

[FCS & DI CCA members met today by conference call with David & Jean from NCAA to discuss governance restructuring. All the items you noted were brought up by me and others. Noreen Morris from the NEC chaired the call. Her summary is that:](#)

Here's the list of items that the FCS/DI commissioners agreed to obtain feedback from their respective conferences during upcoming spring meetings. Ted Gumbart offered to create a scorecard for commissioners to complete subsequent to their meetings to provide feedback on each of the items (e.g., conference vote, comments/concerns).

1. Autonomy
  - a. Review of each topic included in the autonomy section of the revised model – which areas are acceptable under the autonomous umbrella? Which areas should be considered under the shared governance umbrella? What are the “lines in the sand” relative to the autonomy section? Please provide rationale for each position.
  - b. Process for moving topics from shared to autonomous. Is the current threshold outlined in the model acceptable? Please provide rationale for position.
  - c. Process for the other 27 conferences to “opt in” once the Big 5 adopt autonomous legislation. Should the “opt in” be by institution? By conference? Should the “opt in” be immediate? Please provide rationale.
2. Board Composition – Do we still support the PAG's recommendation that the Board should be 5/27 rather than 5/5/22? If yes, please provide your conference's rationale for that position.
3. AQ Access & Revenue Distribution – need to draft legislation to protect the AQ access and revenue distribution according to current standards.

There were some other topics thrown out for discussion, but these are the major issues we discussed on the call. Ted is putting together the scorecard as we speak. Our hope is to collect the completed scorecards sometime before the June 16<sup>th</sup> CCA meeting and schedule another conference call with the FCS/DI group just prior to the June 16<sup>th</sup> meeting (maybe June 12 or 13). I'm collecting meeting dates to get a sense of when everyone is meeting and when we might be able to obtain a majority of the scorecards (even if it's just with AD/SWA input to start....many of the Board meetings don't occur until mid-June).

Let me know if you need anything else before your meetings.

[We can review as part of the May 14 conference call and again in Orlando at the June meetings. |](#)

should have the scorecard sometime this week.

NACDA is having a 'One Voice' meeting at their Convention, although I cannot attend. Expect some of our ADs will attend. There is also a group of ADs from FCS & DI who met last week in California who are trying to develop AD positions from the FCS/DI perspective. Expect there is some concern that the 'One Voice' is built around the BCS 5 model and that the FCS/DI ADs need their voice articulated in the discussions and not just the commissioners.

Anyway, all of these positions need to be submitted by July 1 for the Steering Committee to review. Some thought among the FCS/DI CCA members that a combined position statement on the items highlighted by Noreen needs to be submitted by the 22 conferences so that the committee understands the conferences are united on the importance of these items.

Richard J. Ensor

Commissioner

Metro Atlantic Athletic Conference

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**From:** Maher, William J [mailto:maherw@canisius.edu]

**Sent:** Friday, May 02, 2014 10:47 AM

**To:** input@redesigndivisiononegov.org

**Cc:** Rich Ensor (rich.ensor@maac.org)

**Subject:** input@redesigndivisiononegov.org

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Bill Maher  
Director of Athletics  
Canisius College  
Metro Atlantic Athletic Conference

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**ADVANCING INTEGRITY**

May 9, 2014

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Assistant Executive Director  
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**Jason Galaska**  
Assistant Executive Director

Dr. Nathan Hatch  
President, Wake Forest University  
1834 Wake Forest Rd.  
Winston-Salem, NC 27106

Dear Dr. Hatch,

On behalf of the National Association for Athletics Compliance, we wanted to congratulate you on what was a thorough, thoughtful and comprehensive draft of a redesigned NCAA Division I governance model. It is encouraging that the entire board has preliminarily endorsed the model and we hope these next few months of feedback and refinement will lead to a successful implementation of your work with the steering committee.

In what was among the earlier efforts to start the governance redesign discussion, you may recall extending an invitation to our Association to attend and present to the steering committee and the presidential advisory group in October 2013. This was a moment of significance for the compliance profession – one our membership saw as among the first efforts to establish the compliance profession as a key resource within this discussion with a defined role (similar to the FARs, ADs and SWAs). The entire membership seemed to embrace the notion that the compliance profession would be a represented entity as these discussions moved forward. We imagine they felt--as we do--that it was a natural fit, given the important resources we are for Presidents, Athletic Directors, SWAs, FARs, Coaches and Student-Athletes. Not only are we involved as a resource but we are often the lead decision makers on campus, particularly as it relates to legislation and governance matters.

At that meeting, we presented to you five “headlines” that we believed could assist you in considering what a redesigned structure might look like. For your reference, a copy of those headlines is attached with this correspondence.

Of those five, we note that the first four seemingly have a strong influence on the concepts you presented to the Board of Directors in April. Certainly, this proposed new structure allows for a diverse and transparent mechanism for dealing with the affairs of the Association; competency based representation is a theme, specifically within the council substructure; a clear and manageable legislative “calendar” has been presented in conjunction with both the autonomy and shared governance models which will permit the engagement of the wide variety of constituencies; and the use of technology seems to be a key function in ensuring that this process can move along in an efficient manner that will also increase communication and understanding between constituencies.

Administered by:



What is less clear at this time is the influence of our fifth headline on the redesigned structure – that regulatory and compliance expertise should be engaged and represented throughout. It strikes us that a governance design that does not include representation from the compliance profession (at the very least coming in the form of an advisory capacity) is incomplete. Our professionals are trained to study legislative concepts, educate our constituents on their impact, and design and implement policy to ensure they are followed. While the role of the FAR, AD, SWA and Student-Athlete is clear within the top two levels of this structure, we are curious to see how the role of the compliance professional fits and we look forward to some discussion and refinement of that notion between now and August. We suggest that a designated member of the compliance profession serve in some advisory capacity to the Board and/or Council, and there be individuals representing the compliance profession in certain levels of the substructure.

As we discussed with you back in October, our profession is already organized through NAAC with a membership of nearly 1,000 compliance professionals and a committee structure designed to serve our membership annually and to remain ahead of issues relevant to our profession. We have an outstanding partnership with the NCAA staff and many of our committee initiatives have crossed over into the efforts of academic and membership affairs as well as enforcement. While a direct line into the governance structure from an outside organization such as NAAC was once unheard of, this concept is seemingly open for new discussion in light of the NACWAA and FARA slotted representation on the proposed new Board of Directors.

We would be happy to personally engage you in any future discussion on this topic, and wish you the best in your efforts to finalize your governance redesign proposal. If you would like to initiate that dialogue, please contact either Josh White (NAAC President, 2014-15) at 402-554-4985 or [joshwhite@unomaha.edu](mailto:joshwhite@unomaha.edu) and/or Dan Bartholomae (NAAC President, 2015-16) at 412-648-8452 or [dbartholomae@athletics.pitt.edu](mailto:dbartholomae@athletics.pitt.edu).

Sincerely,

The 2013-14 NAAC Officers

President:	Julie L. Cromer, Indiana University
1 <sup>st</sup> Vice President:	Josh White, University of Nebraska-Omaha
2 <sup>nd</sup> Vice President:	Dan Bartholomae, University of Pittsburgh
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CC: David Berst, NCAA Vice President for Division I  
Kevin Lennon, NCAA Vice President for Academic and Membership Affairs



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**Jason Galaska**  
Assistant Executive Director

To: NCAA Division I Board of Directors  
NCAA Presidential Advisory Group

From: National Association for Athletics Compliance

Subject: NCAA Review of Division I Governance Structure

Date: October 21, 2013

In preparation for your October 29 summit of constituent groups interested in improving the NCAA Division I governance structure, we have engaged our membership to identify matters most critical and relevant to the redesign of both the governance structure and the legislative process it supports. We will reflect this feedback in greater detail during our presentation; however, the following observations provide a summary outline for our ideas and suggestions:

1. *Transparency in process and diversity in structure are two critical components of an effective governance structure and legislative system that will best serve our membership.*
2. *Committees that draft and vet legislation should be comprised to meet both competency and representational needs in order to adopt sensible legislation that can be practically applied.*
3. *Ongoing, "seasonal" legislative cycles should be designed around academic calendars and sports seasons to permit engagement of coaches, student-athletes and other constituent groups so that they have realistic opportunities to develop, advance and vet legislative concepts and proposals.*
4. *Technology should be employed to engage institutions early and often throughout the legislative process, with access to policy documents, relevant data, drafted proposals and a tracking mechanism clearly indicated in each stage of the legislative process.*
5. *Regulatory and compliance expertise should be engaged and represented throughout the redesigned structure.*

We look forward to joining you later this month to discuss these issues and to take part in necessary dialogue with you and our colleagues from other constituent organizations.



# 1A

## FACULTY ATHLETICS REPRESENTATIVES (FAR)

*Academics & Athletics as an Integrated Whole: on Campus, in Governance*

May 12, 2014

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University of Cincinnati  
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**Steve Turner**  
Mississippi State University  
Southeastern Conference

Nathan O. Hatch  
President, Wake Forest University  
Chair, NCAA Division I Board of Directors

Dear President Hatch, and Members, Governance Steering Committee:

The 1A FAR Board of Directors represents the Faculty Athletics Representatives (FARs) at the 125 institutions and 10 conferences comprising NCAA Division I's Football Bowl Subdivision (FBS). As you know, I have previously submitted the 1A FAR Board's input and recommendations as the governance restructuring process has unfolded. I will not repeat our prior detailed submissions, but instead will focus on a few key points.

First, we have reviewed the Steering Committee's Draft Governance Model (Draft). We fully support its three main premises: that the Division I Board needs to move from an operational to an oversight role; that the Division I Council must have members with practical experience and expertise in the administration and integration of college athletics on our campuses; and that universities in the ACC, Big Ten, Big 12, Pac-12, and SEC need autonomy to resolve issues that are unique to those conferences or that generally have more impact on institutions in those conferences than on other universities in Division I.

Division I governance reform has been spurred by a host of external threats to the continued viability of intercollegiate athletics and the collegiate model. The very worst outcomes of this process would be for the governance reform to fail to result in much-needed substantive changes, particularly regarding enhancements to the student-athlete experience, and that it will fail to respond to the perception that college athletics have become a variant of professional athletics in all but name. Accordingly, we recommend the following revisions to the governance proposal:

- (1) **Autonomy.** With regard to the autonomy issues discussed on pp. 27-33 of the Draft:
  - Adoption of proposals by the 5 Conferences should be accomplished on a 60 percent vote of all those voting plus 3 of 5 conferences, or by a simple majority plus 4 of 5 conferences. The super-majority requirement identified in the Draft is excessive.
  - For the 5 Conferences to have true autonomy over certain issues, they should be enabled to interpret, enforce, and grant waivers from those bylaws they adopt.
  - The various subject matter areas for autonomy for the 5 Conferences should be defined in general terms to facilitate the ability of the 5 Conferences to be in position

to be responsive to future issues that are not currently anticipated. The current language in the Draft on pp. 32-33 regarding “Expansion of Autonomy” is unclear and unwieldy.

(2) **Council.** The composition of the new Council as described in the Draft should be revised to include more FARs via the following approaches:

- First, we continue to strongly urge adoption of our proposal that that the Council include 1 AD and 1 FAR from each of the five autonomy conferences (ACC, Big 10, Big 12, Pac-12, and SEC). Doing so would not only assure a greater faculty/campus perspective, but also facilitate the implementation of weighted voting for shared governance issues and create a natural subcommittee to vet issues that are in the autonomy category. Inexplicably, the Steering Committee and Division I Board made no mention of this 5/5 alternative in the current Draft or cover letter.<sup>1</sup> We understand a concern has been voiced that having more representatives from the five autonomy conferences grants them too great a presence on the Council. That concern is easily resolved by altering the weighted voting provisions from 4 votes each to 2 votes each for those conference representatives.<sup>2</sup>
- Second, the Draft’s configuration of the Council should be modified to assure more FAR involvement. On pages 6 and 21 of the Draft, the report calls for “a minimum of 60%” ADs on the Council.<sup>3</sup> That leaves room for as few as 3-5 FARs on the entire Council if the 60% figure is applied to the overall 38 seats on the Council.<sup>4</sup> Similarly, even if the 60% AD target is applicable only to the 32 conference representatives on the Council (as is suggested in the box of bullet

<sup>1</sup> Some have suggested that members may be concerned that a Council of 43 rather than 38 could be too large and unwieldy for effective discussion. If that is the case, we simply disagree. We have all taught different-sized classes. It is our experience that the level of participation and breadth of discussion tends to shift when a group exceeds 20-25. The difference between 38 and 43 is negligible. Even if this were not the case, unduly excluding the faculty/campus point of view from discussions is a move in decidedly the wrong direction.

<sup>2</sup> Accordingly, the exemplar on page 36 of the Draft could be amended as follows – without altering any of the balance of overall voting power at the table:

- Five conferences (~~5x4~~) (10x2) + one commissioner seat (1x4) = 24 = 38.7 percent.
- Middle five conferences (5x2) + one commissioner seat (1x2) = 12 = 19.4 percent.
- DI/FCS - 22 conferences (22x1) + two commissioner seats (2x1) = 24 = 38.7 percent.
- Two student-athletes (2x1) = 2 = 3.2 percent.

<sup>3</sup> The Draft specifies that 60% of the Council should be ADs but is unclear as to what total the 60% figure applies. The Draft also does not articulate a rationale other than a brief statement about “the importance of athletics directors’ involvement.” We very much agree that ADs should play a vital role on the Council, but we believe there should be a greater balance and the inclusion of a significant number of FARs.

<sup>4</sup> We calculate this as follows: 60% ADs out of 38 total seats = 23 ADs. If you then add those 23 AD seats to the 4 slots set aside for commissioners and the 2 for student-athletes, that equals 29 of the 38 seats – thereby leaving only 9 other slots. Then, per page 21 of the Draft, nominees for the Council can include not only ADs and FARs, but also SWAs, commissioners, compliance administrators, and other senior level administrators. If, for example, 2-3 SWAs and 2-3 compliance administrators are selected, that would leave room for only 3-5 FARs on the Council, and even fewer – if any – from FBS institutions.

points on page 21 of the Draft), the number of available seats for FARs is not much greater.<sup>5</sup> Therefore, we urge that should you continue to view the 60% AD figure as fixed, that

- (a) the 60% calculation be applied to the 32 conference seats – thereby resulting in 19 seats for ADs out of the 32 total (excluding the 4 seats for commissioners and the 2 seats for student-athletes); **and**
  - (b) the remaining 13 seats (i.e., 32 – 19) be designated for FARs; or
  - (c) alternatively, should the Board desire representation from other senior athletics administrators such as SWAs or compliance officials, those positions should be a part of the 19 seats otherwise designated for ADs, and not reduce slots for faculty representation.
- In sum, there should be a greater inclusion of FARs on the Council as the representatives of the broader campus. Policy for intercollegiate athletics should be vetted and considered through both an athletics and a campus/academic lens and challenges should be addressed in a manner that not only embodies – but, equally, is *seen* to embody – the values of higher education and the enhancement of all facets of the collegiate student experience, including those directly related to the student-athlete experience. Few, if any, collegiate athletics issues are either exclusively athletic or exclusively academic. The inclusion of both ADs and FARs with significant representation will serve to demonstrate that intercollegiate athletics is a shared partnership between athletics and the greater campus and reflect a renewed commitment to the collegiate model.<sup>6</sup>

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<sup>5</sup> Under that approach, 60% ADs out of 32 conference seats = 19 ADs. That would leave 13 slots for others, including FARs. But, if many of those seats are filled with SWAs, compliance administrators, and other athletics administrators, that still will leave few seats at the table for FARs.

<sup>6</sup> In response to earlier submissions about greater FAR involvement on the Council, we have heard comments from some presidents/chancellors that they are in fact academics and can adequately represent academic interests at the Board level. Although it is true that most of our university presidents/chancellors rose up through the ranks in an academic discipline, we suggest that the premise is flawed. If the Board is truly going to move from an operational role to a position of oversight, the Board's involvement in the details of policy development will be much more limited than in the past. Accordingly, the primary and perhaps sole opportunity for an engaged campus voice on the chief policy-designing entity in the new governance structure, the Council, will need to include FARs in significant enough numbers to be more than mere token representatives. But, more pointedly, is there other justification for having more FARs on the Council? Consider the following alphabetical list of ten typical priorities for a successful intercollegiate athletics program:

- Academic Integrity
- Competitive Success
- Compliance with Regulations, Rules, and Bylaws
- Facilities, New and Upgrades
- Financial Solvency, Enhancing Revenue
- Fund-raising and Sponsorships
- Graduation of Student-athletes
- Marketing and Branding, National Image
- Title IX Requirements and Expectations
- Well-being of Student-athletes

Without question, all of these priorities are important to success. We urge you, however, to consider rank ordering these items from highest to lowest priority, first from the perspective of an AD in Division I and then from the perspective of a FAR. We suggest, of course, that the rank ordering by ADs and FARs will likely differ. Does that make one approach correct and the other

- (3) **Academic Council.** The Draft discusses the Academic Council on page 25. We applaud the plan to merge the current Academic Cabinet and CAP into a single body to focus on all matters academic. We note that the current Academic Cabinet includes 8 FARs, while the CAP has only 2 FARs. The proposed model for the Academic Council on page 25 of the Draft states only that there should be 15-20 members. We strongly urge that at least half of the membership of this *academics-focused* committee be FARs.<sup>7</sup>
- (4) **FAR on the Board.** We applaud the inclusion of a FAR on the redesigned Board of Directors. We note an inconsistency in the Draft, however. On page 43 you emphasize a move to competency-based representation. In contrast, on page 18 of the Draft you specify that the FAR on the Board will be the “highest ranking Division I member of the Faculty Athletic Representatives Association’s Executive Committee.” We urge that you employ a competency-based metric to the FAR Board position and suggest that this can be achieved by allowing FARA and 1A FAR to submit nominees (either collectively or separately) who will be subject to the same competency-based scrutiny as nominees for other positions in the new governance structure. The selected FAR will then serve a four-year term like conference appointees, something that might not happen if the FAR is the highest ranking Division I member of FARA.<sup>8</sup>

Respectfully submitted,



Brian D. Shannon  
 President, 1A FAR Board  
 FAR, Texas Tech University  
 Charles “Tex” Thornton Professor of Law  
 Texas Tech University School of Law

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wrong? Of course not. We point out these differences simply to emphasize that a Council with both ADs and FARs might at times approach challenges and issues facing intercollegiate athletics from differing perspectives, but in ways that are in fact complementary.

Copies of our previous submissions that articulate additional rationales for FAR involvement are available at:

[http://www.oneafar.org/1AFAR\\_letter\\_to\\_President\\_Hatch\\_and\\_Steering\\_Committee\\_3\\_17\\_14.pdf](http://www.oneafar.org/1AFAR_letter_to_President_Hatch_and_Steering_Committee_3_17_14.pdf),  
[http://www.oneafar.org/letter\\_to\\_President\\_Hatch.pdf](http://www.oneafar.org/letter_to_President_Hatch.pdf), and  
[http://www.oneafar.org/Bullet\\_points\\_FARs\\_and\\_ADs\\_working\\_together\\_to\\_develop\\_policy.pdf](http://www.oneafar.org/Bullet_points_FARs_and_ADs_working_together_to_develop_policy.pdf).

<sup>7</sup> Of course, other sub-Council committees should also include a meaningful number of FARs.

<sup>8</sup> Given that the Board will also include a subcommittee to “assess compliance with guiding principles” and standing committees for such matters as nominations and assessing accountability in governance, we encourage the inclusion of the Board’s FAR or student-athlete member on such bodies to assure inclusion of the campus or student voice.

**From:** "Fields, Peter" <pfields@msubobcats.com>(Add as Preferred Sender)  
**Date:** Wed, May 14, 2014 10:52 am  
**To:** "input@redesigndivisiononegov.org" <input@redesigndivisiononegov.org>

From	Subject (Thread Messages)	Date	Size
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In terms of weighed voting in the proposed document, I may ask how weighted voting has worked for this organization since it was developed and implemented in the 90's by the Big 5 conferences. The perpetuation of idea that the Big-conference group knows what it wants may not be an accurate assumption. During Management Council days each of the Big 5 Conferences had three votes, which was weighted voting. The current Legislative Council is set up with weighted voting. Given the calls to revise the current system, this proposal seems like the same package with in a different wrapper on it. When the conversation about changes to the Governance structure began, it addressed making the process more agile with the ability to react to our rapidly changing landscape. In my mind, this new structure does not accomplish this. It is evident that Big 5 athletic administrators from President's to SWA's, do not trust representational governance. They have shown time and again that to them shared governance means to share within the group of 5 as they know best what is good for the Association. This thought process has not been beneficial to the overall wellbeing of the Athletic enterprise on campus and across the nation.

Proposal, make the new structure, representation and streamline all of the committees and councils to include the constituents but not a place for everyone from the Big 5 on the Boards. Have representatives of each group (President, AD, FAR SWA). Communication will be the key to this working, again I resort back to how well has the current structure worked.

We- the NCAA -do many good things. The opportunities provided for competition leading to championship opportunities for 400,000-plus young people are amazing. How much could student-athletes benefit from a better understanding by the NCAA Staff of the student-athlete? How much better direction would the standing committees provide if we take a different stance with regards to eligibility and transfers? What does the NCAA look like in five years? How does the Big 5 maintain what they really are for student-athletes when the enterprise does not easily fit into the academic structure, but rather into a business model? I assert that we presently have what the power group created, and now they want something different for a myriad of reasons.

Question to end: on other than the top 20 or maybe 30 revenue-producing athletic departments, who does this change really benefit? Does this really benefit the student-athlete?

GO CATS!

Peter Fields

Director of Athletics

Montana State University

Telephone (406) 994-4221

Fax (406) 994-2278

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May 15, 2014



Dr. Nathan Hatch  
Division I Board Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, Indiana 46206-6222

Dear Dr. Hatch:

The American Athletic Conference appreciates the opportunity to address various issues and concerns arising from the Steering Committee's draft governance redesign document. Although we will have a fuller response after our May conference spring meeting that will, among other things, address each of the questions contained in the governance model review update of May 1, this letter responds to your request for comments on the Board composition item in which the Steering Committee asked if there should be any changes to the recommended model that allocates permanent Board seats to all ten FBS conferences. Our Conference feels very strongly that this is a critical issue that warrants an immediate response.

We strongly support the Steering Committee's vision for the new Board composition, which includes all ten FBS conferences retaining their seats on the Board. To take away seats that our group of five conferences has historically and justifiably held would defeat the purpose of the NCAA governance redesign process. We would, in this instance, be the only group which would have seats taken away, and that has not been the spirit of the governance discussions.

Please permit us to outline and describe the many powerful and convincing reasons for affording our FBS conferences these seats, reasons that have led to our possession of these seats historically. The first, and most compelling and critical, rationale is that we all play FBS football. This fact alone is a key differentiator and places us in alignment with the five "equity" conferences. All FBS institutions are subject to higher membership requirements that require an increased commitment across the full spectrum of their athletics programs, not just in football (See Bylaw 20.9.9).

Like the equity conferences, our conference and the other four conferences in our group can cite a range of items that distinguishes us from the majority of FCS and Division I conferences. These differences include the size of our budgets, our overall revenues, our spending per student-athlete, the level of our investment on infrastructure and other capital investment, our

stadium sizes, our television exposure, our success in football and basketball, our bowl participation, and our regular season scheduling, among others.

As winners of BCS bowl games and national championships in men's and women's basketball, including most recently the University of Central Florida's victory in the 2014 Fiesta Bowl and the University of Connecticut men's and women's 2014 NCAA Division I basketball championships, our conferences are in the public spotlight in football and basketball, and the issues we face are similar to the equity conferences. Elite athletes compete for our institutions at the highest levels in football and basketball, and as a result our successful athletic programs are subject to the intense public scrutiny that the equity conferences receive as well as the same legal challenges and unionization risks.

As a significant component, together with the equity conferences, of FBS football, which has full representation on the Board, we also are signatories to the College Football Playoff Agreement, which creates significant contractual ties and relationships among the FBS membership. We also meet periodically with the equity FBS group, and our groups have many common interests and similar public influence.

In light of the foregoing, we do not feel it is accurate or positive to portray the conference landscape as five equity conferences and the other 27. As mentioned, we comprise half of FBS football. There are ten FBS conferences and 22 FCS and Division I conferences, and that is the distinction that should be made when depicting the collegiate conference landscape. That the five equity conferences will, in the proposed new governance model, have autonomy to pass certain kinds of permissive legislation does not change the fact that all ten FBS conferences share an important role and a bond in NCAA governance matters.

It is also clear that our group would suffer serious economic harm and other collateral damage if we were to lose Board seats that we have held since adoption of the Board structure in 1996. Such a disenfranchisement would create a de facto fourth division, which the Steering Committee eschewed, and would harm our branding and our ability to compete at the highest levels of FBS football and nationally in basketball. Our schools spend at a higher level than the majority of FCS and Division I schools and have made significant investments in their facilities and athletic programs that would be seriously undermined and jeopardized by the loss of our Board seats. Over time, the disenfranchisement would increase for our institutions and student-athletes, which would be detrimental to intercollegiate athletics and could result in a predicament similar to what exists now in our governance system.

The Steering Committee's report clearly demonstrates that the Committee has not been interested in depriving our five FBS conferences of the Board representation that we have historically held and which we should continue to hold in view of our group's position in the collegiate landscape.

We appreciate the excellent work that the Steering Committee and full Board have done in the governance redesign process, and we look forward to a successful NCAA restructuring that will serve the needs of our student-athletes and our institutions in the challenging but promising years to come.

Sincerely,



Dr. R. Gerald Turner  
President, Southern Methodist University  
Chair of the American Athletic Conference  
Board of Directors



Michael L. Aresco  
Commissioner, American Athletic  
Conference

cc: NCAA Board Steering Committee  
NCAA Board of Directors  
Mark Emmert, President, NCAA  
American Athletic Conference Presidents  
American Athletic Conference Directors of Athletics  
Jim Isch, Chief Operating Officer, NCAA  
Donald Remy, Executive Vice President of Law, Policy and Governance  
and Chief Legal Officer, NCAA  
David Berst, Vice President for Division I, NCAA  
Jean Frankel, President, Ideas for Action  
Jackie Campbell, Director of Division I, NCAA  
Britton Banowsky, Commissioner, Conference USA  
Jon Steinbrecher, Commissioner, Mid-American Conference  
Craig Thompson, Commissioner, Mountain West Conference  
Karl Benson, Commissioner, Sun Belt Conference



May 15, 2014

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Nathan O. Hatch  
President, Wake Forest University  
Chair, NCAA Division I Board of Directors

Dear President Hatch, and Members, Governance Review Steering Committee:

The FARA Executive Committee has been carefully following and providing input at each stage of the Division I Governance Review.

We are encouraged that you have proposed for the Board of Directors to include four voting members that are not presidents or chancellors in the latest Draft Governance Model (May 2014). We applaud the inclusion of at least one FAR as one of these additional voting members since we believe that the faculty voice must have a place in the highest level of the new structure to help sustain the collegiate model that is the foundation of the NCAA. The Faculty Athletics Representative Association (FARA) is comprised of FARs from all three NCAA divisions and is dedicated to advancing the work of FARs in the areas of institutional control, academic integrity, and student-athlete well being. The FARA Executive Committee has been elected by the membership and represents all FARs in the NCAA generally, and specifically all of Division I. We strongly believe that in order to have complete representation of all interests in Division I, the FAR selected for the Division I Board should be a Division I member of the FARA Executive Committee. In the current proposal, the FAR is defined as the highest ranking Division I member of the FARA Executive Committee. We believe the representative should be selected by the FARA Executive Committee so as to maximize experience, interest, and multi-year availability to provide continuity of service. Such an appointment will allow the most direct input to and from each group.

As stated in our letter of 11 February, FARA believes strongly in an inclusive and balanced governance structure. We continue to be concerned that the new Council has the potential to be "athletics focus heavy" especially with the prescription of 60 percent AD membership and the allowance for SWA and conference administrator membership. We still believe the issues that will come before the Council will require expertise not only in athletic matters but also in academic integrity and student-athlete well-being concerns and ask for a significant proportion of its membership be FARs. This structure will better serve our student-athletes and help affirm the NCAA's commitment to the collegiate model. If FARs are not well represented in the new governance structure at the Council level and below, the FARA Executive Committee's concern is that the collegiate model's credibility will be severely weakened or lost.

The FARA Executive Committee thanks the Governance Review Steering Committee for its thoughtful and inclusive process in redesigning the governance system of Division I. At this important time in Division I governance revision, it is essential that the voices of all constituencies be heard and considered.

Sincerely,

Frank Webbe  
FARA President  
Florida Institute of Technology

Cc: David Berst  
Jean Frankel



Craig Thompson, Commissioner

May 15, 2014

Dr. Nathan Hatch  
Division I Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear Dr. Hatch:

On behalf of the Mountain West (MW) Board of Directors, I would like to thank you and the Division I Steering Committee for the opportunity to comment on the proposed Division I governance structure model. We applaud the efforts of the Steering Committee and would like to provide you with as much information as possible during this process to ensure the interests of all Division I institutions and conferences are fully considered, particularly, the Football Bowl Subdivision (FBS) members who are not a part of the higher resource group of conferences.

#### **Division I Board of Directors Representation**

Historically, all FBS conferences have been represented equally on the Division I Board of Directors. The MW strongly supports the continued representation of all FBS conferences on the Division I Board and thus fully endorses the Steering Committee's proposed composition of the Division I Board. In supporting the composition of the Board and distinguishing our group of conferences, the MW notes that it, along with the American Athletic Conference, Conference USA, Mid-American Conference and Sun Belt Conference, all play FBS football and all meet FBS membership requirements. Our group of conferences are held to higher membership standards, including financial requirements. This alone distinguishes our group of conferences from FCS and Division I.

The revenues and expenditures in our group of five conferences far exceeds the revenues and expenditures in FCS and Division I conferences. There also are numerous other factors that distinguish our group of conferences from FCS and Division I including, but not limited to, the size of our budgets, overall revenues, spending per student-athlete, investments in athletics programs, facilities, enrollment sizes, television exposure and rights fees, success in football and basketball and football bowl participation. FBS football teams play approximately 90 percent of their football games against fellow members of the Football Bowl Subdivision. Most importantly, all 10 FBS conferences are signatories to the 12-year College Football Playoff agreement with ESPN.

Additional distinguishing factors include the increasing amount of public scrutiny placed on institutions within our five conferences and the resulting pressure to compete at the highest level. Such scrutiny also makes our conferences more visible and more likely to face legal challenges. This further confirms it is necessary for our group of five conferences to have a seat at the table, especially when issues specific to student-athlete welfare are discussed and adopted. It is for these reasons all 10 FBS conferences should be afforded the same representation on the Division I Board of Directors.

#### **Matters of Autonomy**

The MW supports the concept of permissive legislation. However, all such legislation should be included in one category that is equally applicable to all Division I conferences and institutions. Throughout the fall and during the governance dialogue, the message conveyed to institutions and conferences was that areas of autonomy were intended to address student-athlete welfare issues. However, in reviewing the document, there seems to now be a

Dr. Nathan Hatch Letter

May 15, 2014

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desire on the part of the higher resource conferences to also include competitive issues (e.g., autonomy in the area of transfers) as autonomous legislation. In this regard, there needs to be clarification as to whether autonomous legislation is limited to student-athlete welfare issues and whether certain other categories of legislation should require a substantially higher threshold for approval and thus a more comprehensive review before the legislation is included as autonomous. Areas requiring a higher threshold for approval should initially include changes to transfer legislation, membership requirements and athletic grants-in-aid.

### **Moving Forward**

Moving forward, the MW urges the Steering Committee to consider the interests of the five remaining FBS conferences when determining the final governance model. Clearly, the five remaining FBS conferences are separate and distinct from FCS and Division I and as such each should be represented on the Division I Board of Directors. Further, in matters of autonomy, we support the concept of permissive legislation, but believe there is more work to be done in the defining of specific areas of autonomy.

Thanks to you and the entire Steering Committee for all of your hard work. We look forward to working together with the Steering Committee and members of Division I to develop a sustainable governance structure.

Sincerely,



Marc Johnson,

Chair, Mountain West Board of Directors



Craig Thompson,

Commissioner, Mountain West

Cc: NCAA Division I Steering Committee on Governance  
NCAA President Mark Emmert  
David Berst, NCAA Vice President of Division I  
Jackie Campbell, NCAA Director of Division I  
Jean Frankel, NCAA Consultant  
Mountain West Board of Directors  
Mountain West Directors of Athletics  
Michael Aresco, Commissioner – American Athletic Conference  
Britton Banowsky, Commissioner – Conference USA  
Jon Steinbrecher, Commissioner – Mid-American Conference  
Karl Benson, Commissioner – Sun Belt Conference

## RESOLUTION

June 26, 2014

TO: Dr. Nathan Hatch, chair  
NCAA Division I Governance Steering Committee.

FROM: NCAA Division I Committee on Academic Performance members.

SUBJECT: Resolution on the NCAA Division I Academic Council Reporting Line.

WHEREAS, the NCAA Division I Committee on Academic Performance was created by the NCAA Division I Board of Directors as the cornerstone of the academic reform movement over the last decade, and the effectiveness of the committee has been greatly facilitated by a direct reporting line to the Board of Directors;

WHEREAS, the prominence of the academic mission of the NCAA must be clear and visible in the new Division I governance structure; in fact, there should be an explicit path that recognizes the priority of academic legislation in Division I;

WHEREAS, the current members of the committee recognize the critical role that the Committee on Academic Performance has played in the institution and implementation of academic reform in NCAA Division I over the past dozen years;

WHEREAS, presidential leadership of the committee and separate presidential membership on the committee have been key to the committee's success in academic reform, both through president-to-president reporting to the Board of Directors and president-to-president liaison between the committee and member institutions; and

WHEREAS, a Division I governance structure with a direct reporting line between the NCAA Division I Academic Council and the NCAA Division I Council is inappropriate and potentially dysfunctional.

Therefore, we resolve that:

1. The direct reporting line of the Academic Council be to the Board of Directors;
2. A Division I governance structure with communication and collaboration between the Academic Council and the Council is advantageous and essential; that each body would seek counsel of the other on matters which impact academics or represent significant changes to academic standards;

RESOLUTION

June 26, 2014

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3. Policy and regulation having to do with academic matters must be managed in the Academic Council; and
4. In order to differentiate clearly the roles of the Council and the Academic Council, the latter be renamed the NCAA Division I Committee on Academics.

Committee on Academic Performance members:

Jeri Beggs, Faculty Athletics Representative, Illinois State University;  
Jerry Bovee, Director of Athletics, Weber State University;  
Gregory Burke, Director of Athletics, Northwestern State University;  
Jane Caldwell, Associate Director of Athletics for Student-Athlete Services, Wake Forest University;  
M. Grace Calhoun, Director of Athletics, University of Pennsylvania;  
David Clough, Faculty Athletics Representative, University of Colorado, Boulder;  
Jack Evans, Hettleman Professor of Business Emeritus, University of North Carolina, Chapel Hill;  
Vivian Fuller, Director of Athletics, Jackson State University;  
Walter Harrison, President, University of Hartford;  
Roxanne Levenson, Associate Director of Athletics for Internal Affairs/SWA, Seattle University;  
Harold Martin, Chancellor, North Carolina A & T State University;  
Roderick McDavis, President, Ohio University;  
William Meehan, President, Jacksonville State University;  
John Morris, Senior Associate Director of Athletics, Colorado State University;  
Vince Nicastro, Director of Athletics, Villanova University;  
Robert Philippi, Senior Associate Commissioner, Conference USA;  
Jamie Williams, Associate Director of Athletics, University of Nebraska, Lincoln; and  
Thomas Yeager, Commissioner, Colonial Athletic Association.

BIG EAST RESPONSE TO  
NCAA BOARD OF DIRECTORS STEERING COMMITTEE PROPOSAL  
ON GOVERNANCE REDESIGN  
JUNE 27, 2014

The BIG EAST Conference has reviewed the draft governance model developed by the Steering Committee of the NCAA Board of Directors and distributed to the NCAA membership for comment on May 1, 2014 (the “Draft Model”). We appreciate the opportunity to submit feedback on the Draft Model and offer the following comments for consideration by the Steering Committee in advance of the expected vote on governance reform by the full NCAA Board in August of 2014.

A. **Role of Athletics in Higher Education.** While much of the media attention over the NCAA’s governance redesign process has centered on the perspectives and interests of the five conferences with the highest level of financial resources (ACC, Big 10, Big 12, Pac-12 and SEC; hereafter “Big Five”), the scope of Division I intercollegiate athletics is, in fact, much broader and encompasses a wide range of institutions and conferences united in their commitment to the integration of athletics with the values of higher education. As the institutions of the BIG EAST, we have long prided ourselves on the pursuit of these values and on the development of the student-athlete as a complete person whose athletic endeavors are just one facet of his or her collegiate experience. Although the commercial aspects of college sports have attracted much scrutiny, the reality is that the overwhelming majority of college sports teams do not generate revenue, and very few student-athletes go on to compete professionally after their eligibility expires. For BIG EAST institutions, our athletics programs are an educational investment, the true value of which lies in the unique way that sports help prepare our young people for the rigors of the real world.

For all of our schools, athletic events also serve as a bond that brings together students, faculty, administrators, alumni, and community supporters in a way that is unparalleled in American society. Like our Big 5 colleagues, we place great value on the contributions of our student-athletes to our communities and take great pride in the manner in which they represent our schools in intercollegiate competition. To that end, we are committed to providing our student-athletes with a safe, comfortable and welcoming environment and a level of support that will allow them to maximize their athletic, academic and life goals.

B. **Vision.** The BIG EAST supports a long-term vision for the NCAA in which:

- Academic achievement is a priority;

- Student-athletes are incorporated fully into university life;
- Additional flexibility is afforded to conferences and institutions to direct increased resources toward student-athlete welfare in a way that is consistent with the amateur model;
- The ability to compete for a national championship remains widely available to student-athletes as currently provided under NCAA rules;
- National athletics revenue distribution to NCAA institutions is continued under current or future NCAA rules;
- The NCAA is in a position to adapt to the changing operating landscape through a more efficient governance model;
- Division I remains a unified brand; and
- Conferences that have demonstrated a commitment to athletics through sustained resource allocation or competitive success remain fully integrated into the NCAA decision-making process.

C. **Composition of NCAA Board of Directors.**

- The BIG EAST supports the Steering Committee’s vision of a Board of Directors that focuses on oversight, policy and strategic issues. We also support the continued assignment of permanent seats on the new Board to the Big 5 and the inclusion of new, permanent non-CEO seats for an AD, SWA, FAR and student-athlete.
- We are unclear about the reasons behind the continued allocation of permanent seats to each of the remaining five FBS conferences (AAC, Conference USA, MAC, MWC and Sun Belt; hereafter, “Second Five”), as no specific justification has been offered in the Draft Model and certain metrics we have reviewed (including revenue data and NCAA championship performance) do not appear to support a special status for the group as a whole. While we are respectful of the football commitments of the Second Five and mindful of their historical inclusion on the NCAA Board, it is our understanding that the Board will provide strategic oversight with respect to all sports, not just football, and we are concerned that the 5-5-7 Board structure proposed in the Draft Model gives inadequate voice to non-FBS conferences that have demonstrated sustained commitments and successes in other sports, most notably men’s basketball. We also note that the Steering Committee has separately addressed football governance by

providing that voting on football legislation will be considered by the FBS and FCS conferences separately, which appears to lessen the need for all of the Second Five conferences to assume permanent Board seats or have enhanced voting weight at the expense of other leagues.

- As the Steering Committee considers Board composition, the BIG EAST notes that the NCAA, as a membership organization, is powered financially by revenues derived principally from the Division I men's basketball tournament (well more than 90% of total revenue, according to data furnished by the NCAA). These revenues, which include media rights fees and ticket sales receipts, allow the NCAA to fund championships for, and provide services to, all other sports falling under the NCAA umbrella. In simplest terms, the NCAA is a basketball-driven organization at its core. Accordingly, we believe that its Board should not only reflect the perspectives of FBS institutions, but also provide meaningful weight to non-FBS schools that have brought substantial value to the NCAA by virtue of their continuing investments and performance in the sport that directly enables the organization's national operation. This issue was raised at the November 12, 2013 meeting of the Collegiate Commissioners Association, the minutes of which note that "[t]he central role of men's basketball in the NCAA revenue model was also discussed, including concern associated with decision-making authority not having a greater link to men's basketball commitment and success."
- We note further that although the revenue streams from the FBS playoffs are substantial and growing, these funds do not flow to the NCAA or directly support the workings of the association. As the Knight Commission on Intercollegiate Athletics noted in an August 6<sup>th</sup> letter to President Emmert, while the "postseason structure and revenues [for the FBS] are managed outside of the NCAA, ...the NCAA is responsible for all of the operational support..., such as player eligibility, rules compliance and enforcement, management of playing rules, legal services and research related to health and safety." We believe this fragmentation has governance and other ramifications and encourage the Steering Committee and the Board to examine this anomaly as part of their continuing review of the NCAA's functional responsibilities and funding model. At the very least, the exclusion of football-related revenue from the NCAA's budget only underscores the primacy of basketball interests to the overall operation.
- For the reasons described above, the BIG EAST offers the following alternatives to the 5-5-7 Board structure proposed in the Draft Model: (a) a reduction, at the Steering Committee's discretion, in the number of seats allocated to the Second Five and a corresponding increase in the number of seats allocated to FCS/DI; or (b) should the Steering Committee determine that a decrease in Second Five seats is unworkable, an increase of three (3)

FCS/DI seats on the Board, resulting in the following seating configuration: 5 (Big Five); 5 (Second Five); 5 FCS; 5 DI; and 4 non-CEO (AD, SWA, FAR and student-athlete), for a total of twenty-four seats. We also ask the Steering Committee to consider allocating permanent seats within the DI subdivision to conferences that have favorably differentiated themselves in the sport of men's basketball based upon suitable metrics approved by the Board.

- D. **Council**. The BIG EAST supports the proposed composition of the Council, but we believe the combined voting weight of the ten FBS conferences (58%) is unduly high. We propose that the current legislative voting ratio of 53% (FBS) / 47% (FCS/DI) be retained in the new structure.
- E. **Substructures**. We support the Steering Committee's recommendation that committees associated with the sports of football and men's and women's basketball be consolidated and/or coordinated for clarity of purpose and efficiency after the initial governance redesign is completed. For the reasons stated above, we believe that the conferences that have demonstrated a sustained level of commitment and success in men's basketball (as determined by suitable metrics to be developed by the Board or Council) should be afforded a permanent seat on any such men's basketball substructure.
- F. **Autonomy and Shared Governance**. The BIG EAST supports the grant of authority to the Big Five and their institutions to adopt legislative changes on specific matters affecting the welfare of student-athletes, so long as the changes are permissive for all other Division I conferences and institutions, and subject to the following qualifications:
- We believe that modifications to the NCAA's transfer policies should be a matter of discussion and vote among all Division I conferences and, accordingly, should remain in the shared governance category. However, we are mindful of the concerns expressed by the Big Five with respect to the impact of transfer policies on student-athlete welfare, and we would be amenable to an "interim" process whereby accelerated efforts would be undertaken by all conferences, through shared governance, to determine a new set of transfer policies that are more responsive to student-athlete concerns. Should the best efforts of all conferences fail to produce a consensus after a reasonable time, we would support the movement of this subject to the autonomy category, subject to the voting parameters described below.
  - Should the Steering Committee elect to increase the number of seats on the Board to twenty-four as described above, we would be amenable to reducing the Board FBS threshold needed to move a shared governance matter to the autonomy category to a level below two-thirds, subject to: (a) 60-days

advance notice to the NCAA membership of the proposed change; and (b) an annual determination and/or recalibration by the Board of how voting weight will be allocated among the Board members to achieve the requisite FBS majority.

- Notwithstanding the foregoing, due to competitive concerns, we believe that team scholarship limits should remain permanently in the shared governance category and request that this subject be expressly excluded from potential future movement to autonomy.

We believe the reasons behind the NCAA's governance redesign efforts are sound ones, and we agree with the NCAA Board that changes to the NCAA's existing structure are needed to better address student-athlete concerns and to keep the management of college sports in step with the times. We are grateful to – and commend -- Dr. Hatch, the Steering Committee, David Berst and Jean Frankel for the considerable time and effort they have devoted in developing the Draft Model and look forward to being a constructive participant as the NCAA enters its next phase.

John J. DeGioia  
President, Georgetown University  
Chair, BIG EAST Board of Directors

Valerie B. Ackerman  
Commissioner, BIG EAST Conference



*Robin Harris, Executive Director  
Ivy League Council of Presidents  
228 Alexander Street • Princeton, NJ 08540  
[robinharris@ivyleaguesports.com](mailto:robinharris@ivyleaguesports.com)  
June 2014*

## **Ivy League Input on May 2014 NCAA Steering Committee Report**

On behalf of the Ivy League, I am writing to provide feedback on the May 2014 NCAA Steering Committee Report on the Division I governance redesign. These comments are in addition to those we provided in November 2013 and are focused on a few aspects of the Steering Committee's proposed model: the importance of the Division I governing principles, the scope of the areas subject to autonomy, and the governance structure (i.e., conference representation and the sub-structure).

### **Role of Athletics on Campus: Preserving the Collegiate Model**

The Ivy League appreciates the Steering Committee's identification of governing principles that support the role of Division I athletics as an integral aspect of a college campus and experience, serving the campus and the larger community in myriad ways. Preserving the values of higher education in the athletics model is essential to the sustained success and viability of the collegiate model. The Ivy League believes Division I intercollegiate athletics must support the enduring values of higher education, focusing on academic preparedness, ongoing academic progress and the health, safety and welfare of the student-athletes. Further, benefits provided to student-athletes should be consistent with student-athlete integration on campus and should not further alienate the student-athlete population.

### **Autonomy in Identified Areas**

The Ivy League realizes there are vast differences in the resources Division I institutions allocate to athletics and that some areas of legislation, such as the components of an athletics scholarship and permissible benefits, could be left to institutional or conference discretion. The Ivy League offers the following comments regarding Autonomy:

- Codification of Intent/Understanding. It is important to preserve in the legislative record, the intent and membership's collective understanding regarding the areas and scope of autonomy, as specified in the Steering Committee's model. For example:
  - Financial Aid autonomy should specifically not allow increasing scholarship numbers/limits (i.e., the ability to "stockpile") and should specify that athletics scholarships for student-athletes may not exceed cost of attendance (with "cost of attendance" defined to apply equally to all students at the institution).
  - Time Demands autonomy must specifically not be allowed to include expansion of the playing and practice season or other time demands.
  - Recruiting autonomy must not be allowed to expand current recruiting timeframes.
  - Personnel autonomy should be limited to non-coaching positions. Coaching limits should be part of shared governance.
- Health and Wellness is broadly referenced in autonomy and there is also a reference under shared governance, with the demarcation unclear. All institutions have a vested

interest in providing “appropriate and sufficient care” for student-athletes. Consideration should be given to limiting the autonomous aspects of health and wellness to the provision of medical insurance, elective/non-athletically related procedures and related items.

- Expense and Benefits (Pre-Enrollment Support) is a critical area that could directly impact institutions’ ability to recruit prospective student-athletes. As these expenses and benefits do not fall within the stated goals for the areas of autonomy (i.e., enhancing the well-being of student-athletes, advancing legitimate education or athletics-related needs for student-athletes), they should be part of shared governance or should be limited to those prospects who have signed National Letters of Intent.
- Process for Reviewing Autonomy. The Steering Committee should establish a process and criteria for modifying and further defining the areas of autonomy to provide appropriate flexibility as issues arise but also to ensure that any changes are consistent with the scope and intent contained in the Steering Committee’s proposal.
- Notice Regarding Autonomy. A process needs to be developed as to how the remaining 27 conferences will be notified of and adopt legislation in response to legislation adopted by the Big Five conferences and how they will initiate legislation on their own.

**Conference Representation on the Board of Directors and Council.** The Ivy League is not aware of data or rationale that support the special status recommended for the “next” five conferences (American Athletic, Conference USA, Mid-American, Mountain West, and Sun Belt) on the Board of Directors or the Council, particularly since football issues will be handled separately among the ten FBS conferences.

- Board of Directors Composition – The Ivy League prefers that 12 seats should rotate among 27 conferences, but will accept an expansion of the Board to better represent the FCS and Division I conferences.
- Council Composition – The Ivy League supports maintenance of the current voting levels for the Council (i.e., approximately 53% for FBS and 47% for FCS/DI).

**Sub-Structure.** The development of an effective and efficient sub-structure is critical.

- The Board should charge the existing Leadership Council with creating a sub-structure to develop and review legislative changes and reforms. This sub-structure should be able to incorporate specific expertise as needed on an *ad hoc* basis to avoid the desire for establishing new groups outside the structure. In addition, the structure should include sport-specific review committees so that each sport receives a holistic approach and due consideration.
- To populate the new Council, each conference should be empowered to nominate one representative, with the Board retaining oversight to ensure diversity.

Thank you for this opportunity to provide input.



June 4, 2014

Dr. Nathan Hatch  
Division I Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear Dr. Hatch:

Please accept this letter on behalf of the member institutions of the Sun Belt Conference. Let me begin with a sincere thank you to you and the Division I Steering Committee for all of your work in regards to the ongoing NCAA Governance redesign. We understand that what you have in front of you is a monumental undertaking, and we appreciate the opportunity you have given us to provide feedback on behalf of our membership. With regard to our Conference's specific feedback, we would like to highlight a couple of areas that are very important to our member institutions and respectfully request that you consider our feedback as you move forward.

#### **Board of Directors**

The Sun Belt Conference currently has a seat on the Division I Board of Directors, just as there is representation from all other FBS Conferences. We feel strongly that the new governance model should similarly provide representation from each FBS Conference. The logic here is clear and convincing – more is expected and required of the FBS membership than non-FBS Division I institutions. For example, FBS institutions, like the Sun Belt Conference membership, are required to sponsor more Division I sports than non-FBS Conferences. Generally, FBS institutions have larger student-athlete populations than non-FBS institutions. Further, we at the FBS level are commonly expected to provide more resources for student-athlete academic success and athletics facilities, amongst other things. As a result of these expectations, the financial commitment to our athletics programs is greater than non-FBS Conferences. The expectations that are stipulated for each FBS member institution, coupled with the historical precedent of all FBS Conference representation, should continue to afford all FBS Conferences with a permanent seat on the Division I Board of Directors.

#### **Autonomy, Permissive Legislation, Shared Governance**

As a matter of principle, the Sun Belt Conference supports the idea of permissive legislation regarding matters of student-athlete welfare. When our student-athletes arrive on campus, our goal is to provide them with the best experience possible, in the best possible environment. Being able to provide our student-athletes with additional support, to help them further maintain a sound mind and sound body, should be of the utmost importance. To that point, as the Governance Model has developed, there are some issues that we believe fall outside the scope of student-athlete welfare and should remain within the purview of shared governance within the entire Division I membership. Specifically, three (3) areas that should stay under the umbrella of shared governance are: (1) scholarship limits for all sports; (2) transfer legislation; and (3) FBS membership requirements. Our Conference would like to be part of any



June 4, 2014

dialogue determining the future of these area, as should all other FBS Conferences. Further, our membership would like to stress the importance of clarifying the areas of legislation that fall under the umbrella of autonomy and those that should be considered under shared governance as we move forward.

In summation, we believe that, although there is a lot of work to still be done, the progress made thus far by your group has been tremendous. We are confident that given the feedback from all Division I Conferences, particularly all ten (10) FBS Conferences, that our governance structure will represent a terrific improvement for the NCAA Division I membership. Most importantly, this will be a massive step forward for our student-athletes.

Sincerely,

Dr. Nick Bruno  
Chair, Sun Belt Conference Board of Directors

Karl Benson  
Commissioner, Sun Belt Conference

Cc. NCAA Division I Steering Committee on Governance  
Mark Emmert, President, NCAA  
David Berst, Vice President, NCAA Division I  
Jean Frenkel, President, Ideas for Action  
Jackie Campbell, Director, NCAA Division I  
Sun Belt Conference Board of Directors  
Sun Belt Conference Directors of Athletics  
Michael Aresco, Commissioner, American Athletic Conference  
Britton Banowsky, Commissioner, Conference USA  
Jon Steinbrecher, Commissioner, Mid-American Athletic Conference  
Craig Thompson, Commissioner, Mountain West Conference



June 11, 2014

*Mid-American Conference  
Charter Member*

Dr. Nathan Hatch  
Division I Board of Directors  
Division I Board Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, Indiana 43206-6222

Dear Dr. Hatch:

As the Athletic Director of a Mid-American Conference member institution, I appreciate the opportunity to address some concerns stemming from the Steering Committee's draft governance redesign. I am responding to your invitation for comments on the Board configuration item in the governance model review update of May 1, regarding permanent seats allocated for all ten FBS conferences.

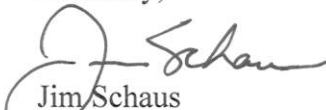
I firmly support the Steering Committee's vision for the new Board composition which includes all ten FBS conferences maintaining their seats on the Board. To revoke the seats, which the Group of Five FBS conferences (American Athletic, Mountain West, Conference USA, Mid-American and Sun Belt) has historically and rightly held since the Board of Directors' inception, would defeat the purposes of the NCAA governance redesign process.

Please allow me to describe a few of the many reasons for preserving the seats of our FBS conferences:

1. We all play FBS football. This fact is the key characterization and places us in alignment with the five "equity" conferences.
2. Per Bylaw 20.9.9, all FBS institutions are subject to elevated membership standards which require greater financial commitment to all sports programs.
3. The Mid-American Conference is a signatory of the College Football Playoff agreement, thus, distribution revenues are considerably more than those generated by FCS conferences.
4. Revoking seats on the Board would stifle voices of professionals and constituent groups of meaningful input, as well as diminish the sense of community, consensus and trust.

I appreciate the excellent work done by the Steering Committee and entire Board regarding the governance redesign process, and I look forward to a successful NCAA restructuring that will benefit our student-athletes and our institutions for years to come.

Sincerely,

  
Jim Schaus  
Director of Athletics

**From:** Rich Ensor [<mailto:rich.ensor@maac.org>]

**Sent:** Friday, June 06, 2014 10:31 AM

**To:** joinus

**Cc:** Berst, David; Jean S Frankel; Campbell, Jackie; John Hurley; Eugene Cornacchia Ph. D; Barbara Church; Glenn M. Wong

**Subject:** MAAC response to NCAA BOD DI Governance Redesign Proposal of May 30, 2014

The Metro Atlantic Athletic Conference submits the attached response to your May 30 correspondence concerning the Division I Board of Directors' Steering Committee on Governance Redesign Proposal. It has been reviewed and endorsed by the MAAC Council of Presidents and the Committee on Athletic Administration.

The response is consistent with previous submissions by the MAAC membership that have noted the conferences three key requirements for any governance redesign:

- The MAAC to have continued access to the DI Governance System
- The MAAC to have continued access to DI Championship participation at the level that currently exists
- The MAAC to have continued funding allocations from the DI Revenue Distribution System in a manner consistent with current ratios and revenue flows

The MAAC membership looks forward to a continued dialogue on this important process as the Board of Directors prepares for its August meeting and vote on the governance redesign.

**Richard J. Ensor**

Commissioner

Metro Atlantic Athletic Conference

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| June 6~~5~~, 2014

## **Response to NCAA Division I Board of Directors' Steering Committee on Governance – Proposed Division I Governance Redesign**

The member schools of the Metro Atlantic Athletic Conference appreciate the opportunity to participate in the redesign process for NCAA Division I Governance. The MAAC has fully engaged in the review process which internally has consisted of meetings within the league involving its Committee on Athletic Administration (ADs & SWAs), MAAC Student Athlete Advisory Committee, Strategic Planning Committee and the MAAC Council of Presidents. Its membership has also participated in the governance review process taking place within the NCAA PAG, NCAA Leadership Council, CCA and other bodies.

Following the conclusion of the MAAC Council of Presidents May 28, 2014, the conference offers the following opinions and suggestions to the proposed governance redesign that President Hatch distributed on May 1, 2014.

### **Overview**

The MAAC view is that the restructuring of Division I governance must be built around three basic principles:

- Continued participation in the NCAA governance structure as outlined in the proposed governance redesign
- Continued access to NCAA championships as it is currently provided within Division I with updating of bylaws to reflect current standards and procedures
- Continued NCAA revenue sharing as it is currently distributed within Division I

### **Governance System – Constitutional Guarantees**

In order to maintain all 32 Division I member conferences continued access to championships and revenue sharing the MAAC would offer the following amendments to the NCAA Constitution and Bylaws. These guarantees have been the basis for the MAAC's support of the governance redesign and are a requirement for it to continue as the Division I Board of Directors prepares to vote on the proposal in August. As such, these amendments should be ratified concurrently with legislative enactment of the restructured Division I governance system.

**NCAA Constitution & Bylaws 4 & 31**  
**current practices)**

(Amended ~~updated to current practice~~ language in ~~red~~ reflects

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4.01.2.1 Budget Allocations.

Members are guaranteed revenue through allocations made to each division from the Association's general operating revenue. Division II shall receive at least 4.37 percent of the Association's annual general operating revenue. Division III shall receive at least 3.18 percent of the Association's annual general operating revenue. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2 Revenue Guarantee.

All members shall receive revenue from all gross revenue sources received by the Association, unless specifically excluded, through the division's revenue distribution formulas. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.1 Revenue From New Subdivision Championship.

This provision shall not apply to the distribution of revenue produced directly by a new subdivisional championship in a sport that has a subdivisional championship at the time of the adoption of this legislation. Any revenue produced by such a new subdivisional championship shall be distributed as determined by that subdivision. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.2 Revenue Distribution Formula.

As used in this section, the components of the division's revenue distribution formulas as they existed at the time of the adoption of this legislation **in 1996** include the Academic Enhancement, Basketball, Conference Grant, Grant-in-Aid, Special Assistance, and Sports Sponsorship funds, and the supplemental and reserve funds intended for distribution to the membership. **These formulas can only be amended within the shared governance legislative process as adopted in 2014 per Bylaw TBD.** *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.2.2.1 Proportion of Revenue.

The revenue distributed through these funds shall be allocated among the funds in the same proportion as existed in the fiscal year 2013-14 **and can only be amended within the shared governance legislative process as adopted in 2014 per Bylaw TBD** *(Adopted: 1/9/96 effective 8/1/97, Revised: 1/14/97)*

4.01.2.2.2.2 Formula for Allocation.

The formula for allocating each such fund among the members shall be as it existed at the time of the adoption of this legislation **in 1996 and can only be amended within the shared governance legislative process as adopted in 2014 per Bylaw TBD.** *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.3 Championships.

Members are guaranteed access to national championships. *(Adopted: 1/9/96 effective 8/1/97)*

4.01.2.3.1 Championships Access.

Members are guaranteed access to national championships (including **an opening** structure in certain championships, sizes of championship fields and the number and ratio of automatic qualifying conferences) at least at the level provided as of **August 1, 2014 and can only be amended within the shared governance legislative process as adopted in 2014 per Bylaw TBD.** *(Adopted: 1/9/96 effective 8/1/97, Revised: 12/15/06)*

31.3.4 Automatic Qualification.

Each governing sport committee shall forward annually to the Championships/Sports Management Cabinet those conferences that should receive automatic qualification for their teams or individual student-athletes into NCAA championships. Prior to forwarding the list of conferences to receive automatic qualification, a governing

sport committee shall ensure that the member conference meets the requirements specified in Bylaws [31.3.4.1](#) through [31.3.4.7](#). A member conference may appeal to the Championships/Sports Management Cabinet the automatic-qualification review of the sport committee and the committee's decision to find, or not find, a conference qualified for automatic-qualification status. The decision of the Championships/Sports Management Cabinet on such appeals will be final. **As used in this section, the automatic qualification access provided to member conferences to NCAA Championships shall not be lessened below that provided to member conference in existence and qualified for participation as of August, 2014.** (Revised: 1/14/97 effective 8/1/97, 4/27/00, 11/1/07 effective 8/1/08)

#### Opening Round Games.

Opening round games for championships that require such bracketing based on the championships fields and the number and ratio of automatic qualifying conferences are considered part of championships and will be paired as follows: The lowest ranked automatic qualifying conferences against the last at-large qualifying teams to the championship field. All teams participating in championships, including teams in the opening round matchups, are noted as NCAA championship participating schools and will receive all travel, per diem, student-athlete gifts and mementos, awards, public relations and related operational elements at the same level as teams participating in later rounds of the championship.

#### 31.3.4.1 Requirements -- Division Championship.

To be eligible for automatic qualification in a Division Championship, a member conference must meet the following requirements: (Revised: 12/9/91, 8/13/93, 12/5/94, 10/18/95, 10/27/98, 4/20/99, 1/9/06 effective 8/1/06, 12/15/06)

(a) Conference competition must be conducted in the applicable sport and the conference champion in that sport must be determined not later than the date on which participants are selected for the NCAA championship, either by regular in-season conference competition or a conference meet or tournament, as indicated at the time of application. If a conference's competition to determine its automatic qualifier is unexpectedly terminated (e.g., due to inclement weather), the conference may designate its qualifier, provided it has established objective criteria for making that designation and has communicated that information to the appropriate sports committee by a specified deadline.

(b) In the event of a tie for the conference championship, the conference shall have the responsibility of determining which team or individual shall represent the conference in NCAA competition. If a play-off is held, such competition shall be considered conference competition, not NCAA competition.

(c) In sports other than championship subdivision football, a conference may establish subdivisions and conduct competition within each subdivision to determine a conference champion, as long as each subdivision consists of at least four members. Conferences with subdivisions of four members must conduct double round-robin competition within each subdivision, plus a postseason tournament, to determine their champion. Conferences with subdivisions of five or more members may conduct either single or double round-robin competition within each subdivision, plus a postseason tournament to determine their champion. (Note: This regulation does not apply to Division I men's or women's basketball. In those sports, a conference may conduct either double round-robin, in-season competition, or a minimum of 14 conference games in order to determine its champion.)

(d) In championship subdivision football, football-playing conferences that subdivide into five or more teams are required to conduct a single round-robin competition within each division and develop a formula for determination of the conference champion, which must be approved by the Football Championship Committee prior to the start of the season. A postseason championship game is not required.

(e) The conference must maintain and actively enforce compliance with eligibility rules at least as stringent as those in Bylaw 14 applicable to its members. The use of an ineligible student-athlete by a team in a conference that has been granted automatic qualification may result in the involved team being denied the right to be the automatic entry in the NCAA championship. The governing sports committee may recommend loss of the automatic-qualification privilege for the conference during the season in which the violation occurred or for a future championship.

(f) All eligible member institutions must agree to participate in the appropriate NCAA championship. If a conference champion is ineligible to compete, declines to compete or cannot compete for any reason,

automatic qualification shall be withdrawn for that year and the remaining conference members shall be considered at large. Automatic qualification for a conference shall not be withdrawn if a conference champion declines to compete in an NCAA championship for reasons related to written religious policies against competition on certain days. Under such circumstances, the conference's second-place team (as determined by the conference) shall receive the automatic bid to the NCAA championship.

(g) All institutions may hold membership in only that conference in the sport in which automatic qualification is sought and may participate in only that conference's process to determine the automatic qualifier.

#### 31.3.4.6 Sports Groupings for Automatic Qualification.

For purposes of evaluating criteria for automatic qualification, the various sports shall be grouped as follows:

(a) Team Sports -- baseball, basketball, field hockey, football, ice hockey, lacrosse, rowing, soccer, softball, volleyball and water polo. In this category, subject to the approval of the Championships/Sports Management Cabinet, a sport committee may grant exceptions to the six-team requirement for sports that are sponsored by less than 30 percent of the membership, provided the conference previously included six teams that sponsored the sport; *(Revised: 4/26/07 effective 8/1/07, 11/1/07 effective 8/1/08)*

(b) Timed Individual Sports -- indoor track and field, outdoor track and field, and swimming; and

(c) Other Individual Sports -- cross country, fencing, golf, gymnastics, rifle, skiing, tennis and wrestling. In this category, a sports committee may grant exceptions to the six-team requirement, subject to the approval of the Championships/Sports Management Cabinet. *(Revised: 11/1/07 effective 8/1/08)*

### Governance Structure

It is the MAAC's position that the Division I governance should remain a conference representative system that balances this core principle with access for participation by those that are governed. The governance system needs to provide participation by a core leadership element that represent the decision makers on member school campuses and conference offices, while providing access points for FARs, rules compliance officers, SAAC and coaches.

**BOD.** The proposal calls for a 21 member Board of Directors consisting of 5 FBS members, 5 from other FBS, 7 from FCS/Division I, and 1 AD, SWA, FAR, and SAAC from any sub-division. The MAAC would offer that the proposal be amended so that in establishing the rotation of the twelve DI conference board members, not from the core group of five conferences, that at no time will the Board be comprised of more than four representatives from the other 5 FBS conferences. This limitation would be in place to ensure that the Board does not result in having 14 FBS representatives at any time because of appointments from the AD, SWA, FAR and SAAC. At all times, there must be at least one FCS and Division I representative for the AD, SWA, FAR, or SAAC positions.

**Leadership Council.** The structure of governance system should flow through one Leadership Council made up of key decision makers for athletic policy on member school campuses or at conference offices. The MAAC would offer that adding four commissioner representatives is excessive as it replicates conference representation that is already present in the 32 designated seats. The MAAC would offer the suggestion that instead of adding seats, that the Steering Committee only require that within the 32 seats that four commissioners must be appointed, one each from the FBS 5 group, FBS 7 group, 1 from the FCS group and 1 from the Division I group.

**Governance Substructure.** A substructure generally built around the current cabinet structure that includes a compliance/rules making group, an academic group, a championship group, a SAAC group and a new coaches group should be developed with these bodies reporting to the Leadership Council.



June 10, 2014

Dr. Nathan Hatch  
Division I Board Steering Committee on Governance  
National Collegiate Athletics Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Re: Division I Governance

Dear Dr. Hatch:

On behalf of the Presidents and Chancellors of Conference USA, we appreciate the opportunity to comment on the proposed changes to the NCAA Division I governance structure. After a thorough discussion of this matter at our June 9<sup>th</sup> Board meeting with Dr. Emmert, it was agreed that we should forward this letter reflecting our collective views, rather than asking each institution to write separately.

From our perspective, the Steering Committee has done a wonderful job of developing a new and more efficient governance approach while balancing the diverse interests of member institutions and conferences. We also think it better positions the organization to be more responsive to the interests of the student-athletes we serve.

### **Autonomy and Shared Governance**

We support the concept that the Division I members in the group of five conferences (Big Ten, Pac 12, ACC, Big 12, and SEC) should have autonomy to develop rules that enhance the student-athlete experience, including permissive legislation to increase the financial aid limits to full cost of attendance. With very limited exception (i.e., transfer rules and team scholarship limits in all sports), we believe the outline of matters subject to autonomy was well framed and appropriately targeted on the issues which can help all of us evolve the student-athlete experience into one that better aligns with the values of our universities and the realities of college sports in the twenty first century.

We also fully support continued shared governance of matters of common interest across the Division I. We think this is an important and fundamental principle and should apply to all other matters including those of particular importance such as academic eligibility, transfer policies and team scholarship limits.

### **Division I Board of Directors Representation**

We strongly support the steering committee's extension of conference representation at all levels and the composition of the Division I Board of Directors, which includes all ten FBS conferences

**CONFERENCE USA**

retaining their seats on the Board. Our support of the overall restructuring is contingent upon maintaining representation at the Board for Conference USA and the other FBS Conferences. There are many reasons for this position including, but certainly not limited to, the following:

- Historically, all FBS conferences have been represented equally on the Division I Board.
- All FBS conferences are held to higher membership standards, requiring more significant investments in athletics.
- There is significant data to support that FBS Conferences that are not among the group of 5, are clearly distinguishable from the vast majority of those not in FBS in various ways including the size of budgets, overall revenues, spending per student-athlete, investment in facilities, and the overall scale of operations and media platforms.
- All ten FBS conferences are active and managing participants in the College Football Playoff, which recently formalized its organizational structure and entered into a 12 year contractual relationship. A loss of representation would most certainly undermine this CFP relationship and create harm.

The amount of public interest in the activities of our conferences has never been greater. This is something we share with the other FBS conferences and, with that heightened visibility, we share a greater likelihood of external challenges, legal and otherwise. Clearly, all FBS conferences should maintain representation on the Board, as the model contemplates.

Thanks to you and the other members of the Steering Committee for the numerous hours of hard work developing this new structure for us going forward. In order to be effective for higher education, we need a strong national organization and engaged presidential leadership which certainly is the case here.

Finally, we fully support the attached document which reflects the collective position of the five conferences.

Please let us know if you have questions or if we can be of assistance.

Sincerely,



Britton Banowsky  
Commissioner  
Conference USA



Dr. Diana Natalicio  
President, University of Texas at El Paso  
Chair, Conference USA Board of Directors

**Position Paper on the Proposed NCAA Division I Governance Structure Model:**  
(American Athletic Conference, Conference USA, Mid-American Conference, Mountain West, Sun Belt Conference)

After review of the proposed NCAA Division I Governance Structure Model, the American Athletic, Conference USA, Mid-American, Mountain West and Sun Belt Conferences (hereinafter referred to as “our group of five conferences”) identified the following areas of concern related to the proposed NCAA Division I governance structure.

**FBS Representation on the Division I Board of Directors:** Although the Division I Steering Committee recommended all 10 FBS conferences retain their Division I Board of Directors seats in the NCAA Division I Governance Redesign, the Steering Committee apparently received some opposition to the concept from FCS/Division I conferences. Consequently, the Steering Committee has asked the membership to provide rationale for any concept in which it is suggesting a change or revision. Consistent with the Steering Committee report and historical precedent, we feel strongly that all FBS conferences should be represented on the board. In this regard, some of our conferences already have provided feedback to the Steering Committee on the composition of the Division I Board.

**Autonomy and Shared Governance:** Our group of five conferences understands and supports the other group of five conferences’ desire to have autonomy to develop rules to enhance the student-athlete experience, as long as the rules are permissive for all Division I conferences and institutions. We do, however, feel strongly that the following areas should be subject to shared governance:

- **Four-Year College Transfers:** The legislation outlining the parameters for student-athletes transferring from one Division I four-year institution to another should be included in the shared governance category. Given the potential competitive effects, we are strongly opposed to any changes in transfer rules that would permit student-athletes to transfer from our institutions to high resource conference institutions without restrictions unless it is the result of shared governance discussions and provides for shared voting privileges for all Division I conferences/institutions.
- **Scholarship Limitations.** The legislation that sets forth the maximum number of scholarships for all sports should be included in the shared governance category. In sports other than football, proposed changes to the maximum number of scholarships provided to student-athletes should be discussed and voted on by all Division I conferences/institutions. Given the potential competitive effects, in the Football Bowl Subdivision (FBS), any proposed changes to the maximum number of scholarships should be discussed and determined equally by all 10 FBS conferences. It is acknowledged that future academic changes, such as freshmen ineligibility, might necessitate a very limited increase in scholarship limits.
- **Football Bowl Subdivision Membership Requirements.** All Football Bowl Subdivision (FBS) conferences should participate equally in any proposed changes to FBS membership requirements.

**Additional Support.** Our group of five conferences will support additional policy development that, while subject to shared governance, is consistent with the fundamental enhancement of the student-athlete educational and athletic experience.

**Other Areas that Require Additional Review:** There are five areas that require additional clarification: 1) personnel limitations, 2) recruiting, 3) instances in which legislation would be designated as autonomous

but not necessarily considered permissive (e.g., time demands), 4) the voting protocol/threshold for the creation of new autonomous categories in the future and 5) the mechanism and parameters for gaining access to, as well as maintaining the designation of, a high-resource conference. In addition, with respect to the threshold required to pass autonomous legislation through the current governance process, we will support whatever agreement is reached by the five high resource conferences and the Steering Committee.

As we move toward the finalization of the new governance structure, it is important to continue to emphasize the importance of all FBS conferences being afforded a representative on the Division I Board of Directors as well as an opportunity to address the matters of autonomy as outlined herein.

CH:ch

June 4, 2014

Dr. Nathan Hatch  
Division I Board of Directors  
Division I Board Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear Dr. Hatch,

Miami University is a highly principled and successful institution that promotes a vibrant learning and discovery environment that produces extraordinary student and scholarly outcomes. We believe that competing at the highest level of Division I athletics is consistent with our University mission. Miami is ranked 18<sup>th</sup> in all of FBS in all time winning percentage and 24<sup>th</sup> in all time victories at the FBS level. In this letter, I would like to give you my thoughts on the Board composition item in the governance model.

Based on the success that we have had here at Miami in football and that the MAC has had as well, I strongly support the Steering Committee's vision for the new Board composition, which includes all ten FBS conferences retaining their seats on the Board. To take away seats that group of five conferences has historically and justifiably held would defeat the purpose of the NCAA governance redesign process. We would, in this instance, be the only group which would have seats taken away, and that has not been the spirit of the governance discussions.

Even more importantly, the MAC's emphasis on the student-athlete adds important perspectives to the NCAA governance structure. Miami University continues to fund the athletic program at a high level as we continue to meet the higher membership requirements as an FBS program, which means an increased commitment across all of our athletic programs—not just in football. We are different than FCS conferences in many ways, including the size of our budgets, our overall revenues, our spending per student-athlete, the level of our investment on infrastructure and other capital investment, our stadium size, our bowl participation, our history and our regular season scheduling, among others.

The Steering Committee's report clearly demonstrates that the Committee recognizes the value of the group of five FBS conferences in Board representation that we have historically held and which we should continue to hold in view of our group's position in the collegiate landscape.

Page 2  
June 4, 2014

I appreciate the excellent work that the Steering Committee and full Board have done in the governance redesign process, and I look forward to a successful NCAA restructuring that will serve the needs of our student-athletes and our institutions in the challenging but promising years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hodge", with a long horizontal flourish extending to the right.

David Hodge  
President  
[hodgedc@MiamiOH.edu](mailto:hodgedc@MiamiOH.edu)

c: Jon Steinbrecher, MAC Commissioner



Craig Thompson, Commissioner

June 12, 2014

Dr. Nathan Hatch  
Division I Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear Dr. Hatch:

The Mountain West (MW) Board of Directors met this month and discussed extensively the draft NCAA Division I Governance Structure Model. The MW Board continues to support the concept of autonomy and the efforts of the Division I Board and Steering Committee to develop a model that meets the needs of Division I as a whole. After review of the proposed governance model, the MW identified the areas of concern listed below.

**Football Bowl Subdivision Representation on the Division I Board of Directors:** Although the Division I Steering Committee recommended all 10 Football Bowl Subdivision (FBS) conferences retain their Division I Board of Directors seats in the Division I governance redesign, the Steering Committee apparently received some opposition to the concept from FCS/Division I conferences. Consequently, the Steering Committee has asked the membership to provide rationale for any concept in which it is suggesting a change or revision. Consistent with the Steering Committee report and historical precedent, we feel strongly that all FBS conferences should be represented on the Board. In this regard, the MW, as well as several of the FBS conferences not included in the high-resource category (hereinafter referred to as our group of five conferences), already provided feedback to the Steering Committee on the composition of the Division I Board.

**Autonomy and Shared Governance:** Our group of five conferences understands and supports the five high-resource conferences' desire to have autonomy to develop rules to enhance the student-athlete experience, as long as the rules are permissive for all Division I conferences and institutions. We do, however, feel strongly that the following areas should be subject to shared governance:

- **Four-Year College Transfers:** The legislation outlining the parameters for student-athletes transferring from one Division I four-year institution to another should be included in the shared governance category. Given the potential competitive effects, we are strongly opposed to any changes in transfer rules that would permit student-athletes to transfer from our institutions to high-resource conference institutions without limitations unless it is the result of shared governance discussions and provides for shared voting privileges for all Division I conferences/institutions.
- **Scholarship Limitations.** The legislation that sets forth the maximum number of scholarships for all sports should be included in the shared governance category. In sports other than football, proposed changes to the maximum number of scholarships provided to student-athletes should be discussed and voted on by all Division I conferences/institutions. Given the potential competitive effects, any proposed changes to the maximum number of scholarships in the FBS should be discussed and determined equally by all 10 FBS conferences. It is acknowledged that future

academic changes, such as freshmen ineligibility, might necessitate a very limited increase in scholarship limits.

- **FBS Membership Requirements.** All FBS conferences should participate equally in any proposed changes to FBS membership requirements.

**Additional Support.** Our group of five conferences will support additional policy development that, while subject to shared governance, is consistent with the fundamental enhancement of the student-athlete educational and athletic experience.

**Other Areas that Require Additional Review:** There are five areas that require additional clarification: 1) personnel limitations, 2) recruiting, 3) instances in which legislation would be designated as autonomous but not necessarily considered permissive (e.g., time demands), 4) the voting protocol/threshold for the creation of new autonomous categories in the future and 5) the mechanism and parameters for gaining access to, as well as maintaining the designation of, a high-resource conference. In addition, with respect to the threshold required to adopt autonomous legislation through the current governance process, we will support whatever agreement is reached by the five high-resource conferences and the Steering Committee.

As we move toward the finalization of the new governance structure, it is important to continue to emphasize the importance of all FBS conferences being afforded a representative on the Division I Board of Directors as well as an opportunity to address the matters of autonomy as outlined herein.

Thanks to you and the Steering Committee for this opportunity to provide feedback. We look forward to continued dialogue.

Sincerely,



Dr. Marc Johnson,  
Chair – Mountain West Board of Directors



Craig Thompson,  
Commissioner – Mountain West

Cc: NCAA Division I Steering Committee on Governance  
NCAA President Mark Emmert  
David Berst, NCAA Vice President of Division I  
Jackie Campbell, NCAA Director of Division I  
Jean Frankel, NCAA Consultant  
Mountain West Board of Directors  
Mountain West Directors of Athletics  
Michael Aresco, Commissioner – American Athletic Conference  
Britton Banowsky, Commissioner – Conference USA  
Jon Steinbrecher, Commissioner – Mid-American Conference  
Karl Benson, Commissioner – Sun Belt Conference  
John Swofford, Commissioner – Atlantic Coast Conference  
Jim Delany, Commissioner – Big Ten Conference  
Bob Bowlsby, Commissioner – Big XII Conference  
Larry Scott, Commissioner – PAC-12 Conference  
Mike Slive, Commissioner – Southeastern Conference



June 13, 2014

Dr. Nathan Hatch  
Division I Board Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, Indiana 46206-6222

Dear Dr. Hatch:

The American Athletic Conference concluded its Annual Meeting on May 30, during which our membership had extensive discussions about the proposed governance model. As you will recall, we addressed the Steering Committee's question about Board composition in a letter to you dated May 15, 2014, and this letter responds to the Steering Committee's request for comments to the additional topics described below and also discusses several miscellaneous topics we feel are important to a successful conclusion to the governance redesign process.

#### Majority Vote Required for Autonomous Legislation

We believe the determination of the threshold required for passage of autonomous legislation by the five equity conferences should be made by the Steering Committee in conjunction with those five conferences.

#### Application of Autonomous Legislation to the Other 27 Conferences

As we stated in our previous letter, we do not feel it is accurate or positive to portray the conference landscape as five equity conferences and the other 27. Comprising half of FBS football, we feel strongly that the distinction should be ten FBS conferences and 22 FCS/Division I Conferences. We remain concerned about any portrayal that creates a perception of a separate subdivision that would harm our branding and status as an FBS Conference.

With respect to legislation adopted through the autonomous system, there should not be any matters that would require additional action by the other conferences before implementation. If "permissive" legislation is passed in an autonomous area, that legislation should automatically be available to all Division I conferences and there should be no separate or additional requirements in order for those conferences to adopt it. Legislation adopted by the five equity conferences through the autonomous system should be available to all institutions, and each conference should have the ability to determine how its individual schools may implement (or not implement) a particular rule. We also believe that there should be a mechanism by which our group of five and the FCS/Division I conferences would be consulted and would be able to provide meaningful input regarding legislation to be proposed in the autonomous areas. This would include the opportunity to suggest proposed legislation as well as to provide comments prior to any vote.

## Council

We understand that the new Council is intended to be the principal group below the Board of Directors voting on matters related to shared-governance legislation, championships and policy. It is, therefore, critical that the substructure created to assist the Council be broad-based and include personnel who have the experience, expertise and judgment to enable the Council to make good decisions. Our suggestions to ensure competent and efficient assistance and advice for the Council are as follows.

- a. The establishment of a body that thoroughly examines any proposed legislation and advises the Council prior to its vote. This group should include individuals who have appropriate experience and expertise in reading, interpreting and applying rules on a daily basis.
- b. If ad hoc and/or working groups are utilized in lieu of standing committees, the staffing process should be transparent, fair and available to all individuals with appropriate experience. In addition, should discussions focus on specialized areas, such working groups should include individuals with appropriate expertise in those areas. For example, if a group is formed to review financial aid legislation, the group should include financial aid officers who understand NCAA, institutional and federal financial aid rules.

As a related matter, we feel that there should be equal representation for all ten FBS conferences on any governance body that provides for guaranteed representation for the equity five conferences. For example, if a legislative committee does not include representation for every conference, but includes guaranteed representation for the equity five conferences, then guaranteed representation should be extended to all ten FBS conferences.

The following are our observations and suggestions regarding several other items affecting the redesign model:

### Entry Into and Exit from the Five Conference Group

The Steering Committee report does not discuss a process or criteria for adding or removing conferences from the autonomy group. As we believe that this is an extremely important issue, we would urge the Steering Committee to address it in its report to the Board of Directors. As it is important for conferences to have an avenue by which to move into the autonomy group, and because changed circumstances may also warrant an exit from such group, it should be made explicit that mobility in either direction is possible. The Steering Committee and the Board also should develop criteria, including a performance and merit-based model, that would help guide decisions as to future membership in the autonomous group of conferences. Based on the rationale for providing autonomy set forth in the Steering Committee's report, such criteria could include a conference's demonstrated willingness and ability to meet the needs and expectations of its student-athletes based on its increased resources, its competitiveness at the highest levels, its comparative position when analyzing reasonable criteria such as media exposure and sources of revenue, and the similar scrutiny it may receive with respect to such nationally visible and important issues as enforcement, transfer policies and national governance concerns. Decisions as to such entry and exit could be made by a majority vote of the Board of Directors or the Division I membership.

## Mandatory Legislation

The Steering Committee should review those areas included in the autonomous category list that may not lend themselves to being "permissive" legislation. For example, allowing student-athletes to use their names or likenesses in non-athletic related career pursuits, (Career Pursuits, NCAA Bylaw 12.5), or changes to the rules related to the terms or conditions of awarding athletic aid (as opposed to full cost-of-attendance), (Financial Aid, NCAA Bylaw 15.3 – 15.3.5.2) do not appear to fit the "permissive" concept. Because these areas are not related to benefits provided to student-athletes, there would be implications for institutions not in the autonomous group. There should be a discussion as to which categories of autonomy would be more appropriate as mandatory rather than permissive.

## Previously Deregulated Legislation

There are also several areas of the autonomy list that have already been deregulated, and institutions currently have the discretion to provide such benefits to student-athletes (e.g., providing health insurance, lifetime education benefits, addressing the nutritional needs of student-athletes). The Steering Committee should consider providing some clarification or rationale for keeping these deregulated areas on the autonomy list so that it is clear to the membership whether the equity five conferences have plans for changing such legislation in the future.

## Shared Governance

As stated in the Steering Committee's report, "*Autonomous legislation is designed to allow permissive use of resources or to otherwise enhance the well-being of student-athletes by any member, to advance the legitimate educational or athletics-related needs of student-athletes.*"

Our position has been that a category may be included in the autonomy list if it relates to financial benefits to enhance student-athlete welfare or if it disproportionately affects the equity five conferences. Categories that directly affect competitive equity on the field or court should remain subject to shared governance. Our conference and others outside the equity five conferences compete at an elite level and are successful in national competition. The concept of autonomy was not created to affect the competitive balance that now prevails.

In reviewing the remaining items and in taking a broad view of governance, we believe that Transfer Eligibility (NCAA Bylaw 14.5), which is currently included as an autonomous category, should instead be subject to shared governance for all Division I conferences, as it does not meet the stated rationale for inclusion as autonomous legislation.

In addition, shared governance should include areas that directly affect competitive equity on the field or court as well as the areas listed below which are not currently included in the autonomous categories set forth in the Steering Committee report, as they do not meet the stated rationale for autonomy.

1. Access to championships
2. Revenue distribution
3. Scholarship limitations for any sport
4. Athletic and academic eligibility standards
5. Divisional membership requirements
6. Recruiting rules

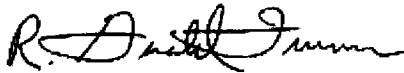
7. The process for determination of future areas of autonomy

Interpretation of Autonomous Legislation

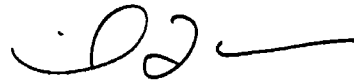
Some commissioners of the equity five conferences have stated publicly that they would like to have the ability to interpret, waive and enforce the rules passed under the autonomy system. The Steering Committee should consider making a recommendation as to the processes by which autonomous legislation may be interpreted, waived and enforced, and we strongly believe that these processes should be available, consistent and fair to all the institutions that adopt the autonomous legislation.

As we stated in our previous letter, we appreciate the excellent work that the Steering Committee and the full Board have done and are doing in the governance redesign process, and we look forward to a successful resolution late this summer that meets the needs of our student-athletes and our institutions in the years to come.

Sincerely,



Dr. R. Gerald Turner  
President, Southern Methodist University  
Chair of the American Athletic Conference  
Board of Directors



Michael L. Aresco  
Commissioner, American Athletic Conference

cc: NCAA Board Steering Committee  
NCAA Board of Directors  
Mark Emmert, President, NCAA  
Donald Remy, Executive Vice President of Law, Policy and Governance  
and Chief Legal Officer, NCAA  
David Berst, Vice President for Division I, NCAA  
Jean Frankel, President, Ideas for Action  
Jackie Campbell, Director of Division I, NCAA  
Britton Banowsky, Commissioner, Conference USA  
Jon Steinbrecher, Commissioner, Mid-American Conference  
Craig Thompson, Commissioner, Mountain West Conference  
Karl Benson, Commissioner, Sun Belt Conference  
American Athletic Conference Presidents  
American Athletic Conference Directors of Athletics

**Position Paper on the Proposed NCAA Division I Governance Structure Model:**  
(American Athletic Conference, Conference USA, Mid-American Conference, Mountain West, Sun Belt Conference)

After review of the proposed NCAA Division I Governance Structure Model, the American Athletic, Conference USA, Mid-American, Mountain West and Sun Belt Conferences (hereinafter referred to as “our group of five conferences”) identified the following areas of concern related to the proposed NCAA Division I governance structure.

**FBS Representation on the Division I Board of Directors:** Although the Division I Steering Committee recommended all 10 FBS conferences retain their Division I Board of Directors seats in the NCAA Division I Governance Redesign, the Steering Committee apparently received some opposition to the concept from FCS/Division I conferences. Consequently, the Steering Committee has asked the membership to provide rationale for any concept in which it is suggesting a change or revision. Consistent with the Steering Committee report and historical precedent, we feel strongly that all FBS conferences should be represented on the board. In this regard, some of our conferences already have provided feedback to the Steering Committee on the composition of the Division I Board.

**Autonomy and Shared Governance:** Our group of five conferences understands and supports the other group of five conferences’ desire to have autonomy to develop rules to enhance the student-athlete experience, as long as the rules are permissive for all Division I conferences and institutions. We do, however, feel strongly that the following areas should be subject to shared governance:

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- **Football Bowl Subdivision Membership Requirements.** All Football Bowl Subdivision (FBS) conferences should participate equally in any proposed changes to FBS membership requirements.

**Additional Support.** Our group of five conferences will support additional policy development that, while subject to shared governance, is consistent with the fundamental enhancement of the student-athlete educational and athletic experience.

**Other Areas that Require Additional Review:** There are five areas that require additional clarification: 1) personnel limitations, 2) recruiting, 3) instances in which legislation would be designated as

autonomous but not necessarily considered permissive (e.g., time demands), 4) the voting protocol/threshold for the creation of new autonomous categories in the future and 5) the mechanism and parameters for gaining access to, as well as maintaining the designation of, a high-resource conference. In addition, with respect to the threshold required to pass autonomous legislation through the current governance process, we will support whatever agreement is reached by the five high resource conferences and the Steering Committee.

As we move toward the finalization of the new governance structure, it is important to continue to emphasize the importance of all FBS conferences being afforded a representative on the Division I Board of Directors as well as an opportunity to address the matters of autonomy as outlined herein.

CH:ch



June 13, 2014

Dr. Nathan O. Hatch  
Chair, Division I Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear Dr. Hatch:

Greetings from the Mid-American Conference!

The following is submitted on behalf of the member institutions of the Mid-American Conference. We are appreciative of the time and effort put forth by you and the members of the Steering Committee on the issue of the future governance of NCAA Division I. The purpose of this letter is to convey the consensus view of the Conference's membership regarding the draft governance model distributed by the Steering Committee in May.

**Board of Directors**

The Mid-American Conference strongly supports the draft model that provides a seat on the Board of Directors for all 10 Football Bowl Subdivision conferences (which is consistent with the current Board composition). The Steering Committee noted that the FCS and Division I Subdivision conferences have made issue of the fact that Group of Five conferences (AAC, CUSA, MAC, MWC, Sun Belt) have each been allotted seats on the Board. There are several characteristics that distinguish the Group of Five conferences (and in fact all of FBS) from FCS and Division I Subdivision conferences. By NCAA regulation, we are different and must meet more stringent standards. All FBS member institutions must meet sport-sponsorship and financial aid requirements that exceed the requirements for other Division I members. The Mid-American Conference is one of 10 signatories of the College Football Playoff agreement. This agreement formalizes the relationship among the 10 FBS conferences and their member institutions. The agreement will also provide significant revenue to each FBS conference that far exceeds what an FCS or Division I Subdivision conference will receive for participating in a national championship event. In fact, Group of Five revenues are considerably more than those generated by FCS/Division I Subdivision conferences as a result of the College Football Playoff. This is in addition to revenues generated through media/television rights, NCAA revenue distributions, etc. Our conferences face substantially greater public and media scrutiny as a result of competing at the highest levels. This has additionally resulted in our being named in multiple lawsuits that are challenging the legality of the collegiate model. Removing Board

Dr. Hatch  
June 13, 2014  
Page Two

seats from the Group of Five would create a de facto "Division IV" which was never the intention of this process. Due to the common interests, historic and contractual relationships, support of broad-based programs and long-standing competitive bonds among the 10 FBS conferences we strongly encourage the Steering Committee to hold firm to its recommendation of providing Board seats to all 10 FBS conferences.

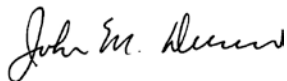
**Autonomy**

The Mid-American Conference is supportive of providing the five higher resourced conferences with the autonomy to approve legislation that is related to student-athlete well being. Such legislation should be permissive in nature and apply to all Division I institutions. All other issues should be subject to shared governance involving all 32 Division I conferences. Issues such as transfers or grant-in-aid limitations (team limits) should be classified as shared governance issues. As to the issue of the voting threshold to approve autonomous legislation, while believing the threshold for such matters should exceed a simple majority, the Mid-American Conference has concluded it is appropriate for the Steering Committee and the five higher resourced conferences to more fully debate this matter.


We hope this correspondence provides the Steering Committee with a clear understanding of our membership's position on governance which is consistent with that of the other Group of Five conferences. Also included with this correspondence is a memo that articulates the thoughts of the Group of Five conferences on the Steering Committee draft model.

The Steering Committee is to be commended for its efforts in addressing this challenging matter. The Mid-American Conference is committed to working with the entire Division I membership in the development and implementation of a long-lasting, efficient, and productive governance system that works for the benefit of the student-athletes.

Sincerely,



John M. Dunn  
President  
Western Michigan University &  
Chair  
Mid-American Conference Council of Presidents



Jon A. Steinbrecher  
Commissioner  
Mid-American Conference

JAS:js

Attachment

C: Mid-American Conference Council of Presidents  
Mid-American Conference Council of Directors of Athletics  
Select NCAA Staff  
NCAA FBS Commissioners

**Position Paper on the Proposed NCAA Division I Governance Structure Model:**  
(American Athletic Conference, Conference USA, Mid-American Conference, Mountain West, Sun Belt Conference)

After review of the proposed NCAA Division I Governance Structure Model, the American Athletic, Conference USA, Mid-American, Mountain West and Sun Belt Conferences (hereinafter referred to as “our group of five conferences”) identified the following areas of concern related to the proposed NCAA Division I governance structure.

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**Autonomy and Shared Governance:** Our group of five conferences understands and supports the other group of five conferences’ desire to have autonomy to develop rules to enhance the student-athlete experience, as long as the rules are permissive for all Division I conferences and institutions. We do, however, feel strongly that the following areas should be subject to shared governance:

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CH:ch

**Subject:**

**From:** Ron Prettyman <Ron.Prettyman@indstate.edu>(Add as Preferred Sender)  
**Date:** Fri, Jun 13, 2014 1:59 pm  
**To:** "input@redesigndivisiononegov.org" <input@redesigndivisiononegov.org>

From	<a href="#">Subject</a> ( <a href="#">Thread Messages</a> )	Date	Size
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Recognizing the differences and challenges between the 5 highly funded conferences and everyone else, it is understandable that various positions of autonomy are being considered. While supportive of the areas of autonomy, I do not see the need or the value of weighted voting. If there are additional areas of autonomy that should be considered, then those areas should be placed on the table in this initial process. Current weighted voting has some merit, but there is no autonomy. Why is it important that the schools from the 5 highly funded conferences not only have autonomy but also expect the authority of weighted voting? It makes no sense that the 65 schools from the 5 highly funded conferences control the voting processes and opportunities of the 300 or so schools that are not a part of the 5 highly funded conferences. I am supportive of autonomy or weighted voting, but not both. The gap is getting wider and the opportunities are getting greater for the 5 highly funded conferences while the opportunities are being diminished for everyone else. My recommendation is that we approve autonomy issues so that the 5 highly funded conferences can deal with their needs and issues, but we do not approve the weighted voting where the minority number of institutions have the power to completely dominate the fate of the other 300 or so schools in Division I.

GO SYCAMORES!  
Ron Prettyman  
Athletics Director  
Indiana State University

---



June 13, 2014

Dr. Nathan Hatch  
Division I Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dr. Hatch:

Attached is a document outlining the joint position of the Sun Belt Conference, American Conference, Conference USA, Mid-American Conference and Mountain West Conference.

Good luck to you and the Steering Committee as you continue your work on this very important issue.

Sincerely,

A handwritten signature in black ink that reads "Karl Benson". The signature is written in a cursive, flowing style.

Karl Benson  
Commissioner, Sun Belt Conference

CC: NCAA Division I Steering Committee on Governance  
Mark Emmert, President, NCAA  
David Berst, Vice President, NCAA Division I  
Jean Frankel, President, Ideas for Action  
Jackie Campbell, Director, NCAA Division I  
Sun Belt Conference Board of Directors  
Sun Belt Conference Directors of Athletics  
Sun Belt Conference Faculty Athletics Representatives  
Michael Aresco, Commissioner, American Athletic Conference  
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Craig Thompson, Commissioner, Mountain West Conference

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**Additional Support.** Our group of five conferences will support additional policy development that, while subject to shared governance, is consistent with the fundamental enhancement of the student-athlete educational and athletic experience.

**Other Areas that Require Additional Review:** There are five areas that require additional clarification: 1) personnel limitations, 2) recruiting, 3) instances in which legislation would be designated as

autonomous but not necessarily considered permissive (e.g., time demands), 4) the voting protocol/threshold for the creation of new autonomous categories in the future and 5) the mechanism and parameters for gaining access to, as well as maintaining the designation of, a high-resource conference. In addition, with respect to the threshold required to pass autonomous legislation through the current governance process, we will support whatever agreement is reached by the five high resource conferences and the Steering Committee.

As we move toward the finalization of the new governance structure, it is important to continue to emphasize the importance of all FBS conferences being afforded a representative on the Division I Board of Directors as well as an opportunity to address the matters of autonomy as outlined herein.

CH:ch

TO: NCAA DI Governance Redesign Steering Committee

FROM: American Hockey Coaches Association  
American Volleyball Coaches Association  
College Gymnastics Association  
College Swimming Coaches Association of America  
Golf Coaches Association of America  
Intercollegiate Women's Lacrosse Coaches Association  
National Fastpitch Coaches Association  
National Soccer Coaches Association of America  
National Wrestling Coaches Association  
United States Track & Field and Cross Country Coaches Association  
Others pending

SUBJ: PROPOSAL FOR COACH ASSOCIATION ROLE IN NEW GOVERNANCE  
STRUCTURE

RECOMMENDATION:

1. Membership with voice on sport committees and rule committees
2. That each NCAA DI championship sport be assigned a Sport Manager / Point of Contact who works with the coach association to integrate the flow of information between coaches and NCAA staff in various sectors of responsibility. This model is already informally in place for several sports (FB, M-W Bball, Baseball) and should be extended to other sports.
3. Coach Association Sub-Council. Subcommittee reporting to council to provide legislative review (Voice, ability to propose legislation with conference support)
  - a. Review of existing legislation
  - b. Review of proposed legislation
  - c. Creation of federated sport specific legislation- playing and practice season, etc.
  - d. Create professional development programming for coaches around legislative changes

COMPOSITION:

9 members serving staggered 3-year terms, comprised of coach association executive directors, president, or their designee from ABCA, AFCA, AHCA, NABC, AVCA, CWPA, NFCA,

NSCAA, IWLCA, NWCA, USTFCCA, NFHCA, GCAA, IMLCA, ITA, CSCAA, CGA, NACGC, WBCA, etc.

**RATIONAL:**

By providing a review of legislation in the conceptual stage prior to it being proposed coach associations will have the ability to weigh in on sport specific impact and develop solutions. Adding a “coach voice” layer to the review process will lessen the likelihood of an override as coaches will be more informed of the legislation and better able to communicate with their administrators, colleagues and associations about the positive and negative impact of legislative concepts. It will also be possible to parse out federated sport specific legislation, particularly around recruiting, as well as bylaws covering playing and practice seasons to reflect staff size, budget allocations, etc.

As a collective group, we are making a statement that those of us who represent DI coaches, the most influential people in the lives of student-athletes, support a change of direction in DI athletics, and that we are ready to assume a leadership role in implementing that change.

Respectfully submitted,

Joel Shinofield  
Executive Director  
College Swimming Coaches Association of America



### Senior Woman Position on the NCAA Board of Directors

NACWAA appreciates the opportunity to identify the female who will serve as the senior woman administrator on the proposed new NCAA Division I Board of Directors, and offers the following guidelines and clarifications:

- This appointment will be made by the NACWAA Executive Committee.
- The designee will be a senior level female practitioner of national stature, recognition, and respect, whose voice will represent the well-being of all student-athletes in Division I.
- The intent for this position is that an SWA will be appointed, and that she will also serve in an ex officio role to the NACWAA Board of Directors. The NACWAA Board may choose to designate another senior ranking woman administrator, who does not have the SWA title, as long as she has similar institutional responsibilities (e.g., service on the leadership team, direct connection with student-athletes).

**Subject:** Input from the Pac-12 Faculty Athletics Representatives Committee  
**From:** David Clough <David.Clough@colorado.edu>(Add as Preferred Sender)  
**Date:** Wed, Jun 18, 2014 3:37 pm  
**To:** "input@redesigndivisiononegov.org" <input@redesigndivisiononegov.org>

From	Subject (Thread Messages)	Date	Size
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The following was voted upon and approved unanimously by the Faculty Athletics Representatives Committee of the Pac-12 Conference on Friday, June 6, 2014.

=====

To: NCAA Division I Board of Directors  
From: Faculty Athletic Representatives of the Pac-12 Conference  
Re: Division I Draft Governance Model  
Date: June 6, 2014

The Faculty Athletics Representatives (FARs) of the Pac-12 Conference has reviewed the proposed governance model for Division I, and we recommend and support the following revisions to the governance proposal:

- (1) **Autonomy.** With regard to the autonomy issues discussed on pp. 27-33 of the Draft Proposal:
  - Adoption of proposals by the 5 Conferences should be accomplished on a 60 percent vote of all those voting plus 3 of 5 conferences, or by a simple majority plus 4 of 5 conferences. The super-majority requirement identified in the Draft is excessive.
  - For the 5 Conferences to have true autonomy over certain issues, they should be enabled to interpret, enforce, and grant waivers from those bylaws they adopt.
  - The various subject matter areas for autonomy for the 5 Conferences should be defined in general terms to facilitate the ability of the 5 Conferences to be in position to be responsive to future issues that are not currently anticipated. The current language in the Draft on pp. 32-33 regarding "Expansion of Autonomy" is unclear and unwieldy.
- (2) **Council.** Amend the composition of the new Council as follows:
  - Include one AD and one FAR from each of the 5 Conferences on the Council with weighted voting of two votes each rather than 5 representatives with weighted voting of four votes each.
  - If the Council is to be comprised of 60 percent ADs, four commissioners, and two student-athletes, then the remaining positions should be FARs. Specifically,
    - (a) the 60% calculation should be applied to the 32 conference seats – thereby resulting in 19 seats for ADs out of the 32 total (excluding the 4 seats for commissioners and the 2 seats for student-athletes); **and**
    - (b) designate the remaining 13 seats (i.e., 32 – 19) for FARs; **or**
    - (c) alternatively, should the Board desire representation from other senior athletics administrators such as SWAs or compliance officials, those positions should be a part of the 19 seats otherwise designated for ADs, and not reduce slots for faculty representation.

The rationale for the above recommendations has been presented to the Steering Committee and the Board at various times by, among others, the 1A FAR Board (FARs representing the ten FBS conferences and 125 FBS colleges and universities).

=====

Respectfully submitted,



# Atlantic Sun Conference

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East Tennessee State • Florida Gulf Coast • Jacksonville • Kennesaw State • Lipscomb • Mercer  
North Florida • Northern Kentucky • USC Upstate • Stetson

June 23, 2014

Division I Board of Directors' Steering Committee on Governance  
NCAA  
Indianapolis, IN

RE: Feedback on Current Draft of Division I Governance Model

We, the Faculty Athletics Representatives of the Atlantic Sun Conference, thank you for the opportunity to review and provide feedback on the latest draft of the proposed Division I Governance Model. We appreciate the efforts that have been put into creating the model and therefore felt it important for us to review the model thoroughly and provide feedback, as requested. While our Conference has chosen to communicate the collective feedback of our member institutions via a single, collaborative response from the 27 other FCS and Division I conferences, we felt it most appropriate to provide our own feedback based on our unique perspective as FARs – academics who serve our Division I institutions through our involvement with intercollegiate athletics and who provide an academic perspective to athletics and on athletics matters.

Our feedback is specifically related to the future role of the FAR as well as to the role of non-“Big 5” institutions (i.e., institutions from the “other” 27 Division I conferences) in the Division I governance structure.

## Proposed Composition of the Board of Directors

We applaud the proposed inclusion of a Faculty Athletics Representative as a voting member on the new Board of Directors. We believe this sends a positive message that the collective voice of the FARs, who represent the academic interests of the University, is important and is valued. We also applaud the inclusion of a student-athlete and a senior woman administrator on the Board.

## Proposed Composition of the Council

We concur with the overall composition of the proposed Council, with 32 conference representatives, four conference commissioners, and two student-athletes (presumably one of each gender). We also do not take general issue with the proposed requirement that 60% of the Council's membership be athletic directors, oft referred to of late as the “practitioners,” or that the chair must be an athletic director (although we have reservations about the willingness of most athletics directors to serve in this capacity given their significant commitments to the institutions and the potential impact of this on the overall effectiveness of the Council).

We are, however, concerned that representation by Faculty Athletics Representatives (and, for that matter, senior woman administrators) is not guaranteed under the current proposal. We believe it reasonable to mandate that at least 10% (three members) of the Council be comprised of Faculty Athletics Representatives, with the hope that the Council would typically include four or five FARs. Given that the proposed Council will likely be significantly involved in legislative issues, we further believe it reasonable to mandate that at least one member of the Council be an individual who is actively involved in a NCAA compliance function, whether at a member institution or at the conference level.

#### Proposed Council Weighting of Votes

It is proposed that the Council will serve a legislative role for issues of “shared governance.” Our assumption is that issues of “shared governance,” whether they be academic standards, playing and practice season limitation, head count/equivalency limitations, or otherwise, are of equal importance to all Division I members. As such, we are frankly puzzled as to why it is proposed that Council voting would be weighted in the same fashion that Board of Director voting would be weighted. If the proposed “autonomy system” is created and the “Big 5” are given the latitude to make their own rules in certain areas, why should it be necessary to also provide weighting voting on issues of equal concern to all of us? Are academic standards, for example, any more important to an SEC school than an Atlantic Sun school? We think not. As such, we strongly encourage the Committee to re-consider its stance on weighted voting for the Council. We’d strongly prefer a “one member, one vote” approach, which we believe in the best overall interest of Division I, both the institutions and the student-athletes.

#### Proposed Structure, Composition and Leadership of Academic Council

We applaud the intent to include an “Academic Council” in the new governance system, as education is the core purpose of our institutions and must be of critical importance in the governance and regulation of Division I athletics. We are concerned, however, that the structure, composition, and leadership of the Academic Council has not yet been more clearly and concisely defined. The proposal calls for a Council comprised of 15-20 members. Is the intention that the number of members may vary over time and, if so, why? Or was the range selected because the Committee was unsure as to how many members would be optimal? While we stop short of recommending a specific number, we believe that the size of the Council should be set at the higher end of this range, particularly since the Council will be charged with duties that had previously been handled by two separate groups (CAP and the Academic Cabinet) and there will likely need to be sub-committees of the Council appointed to handle various issues of importance, necessitating more rather than fewer Council members.

Given that the Academic Council will be charged with academic standards and related academic issues, we firmly believe that the majority of Council members, by rule, be Faculty Athletics Representatives or other institutional leaders with strong academic credentials and significant academic experiences (i.e., a provost, a president with a traditional academic background) and that the chair of the Council be chosen from among these academic members.

## Comments on Proposed Autonomy

With some reservation, we accept the proposed autonomy system and the areas of autonomy as currently identified in the proposal. We are, however, concerned about any possible expansion of these areas of autonomy, as such expansion could undermine the effectiveness of the new structure.

## Comments on Proposed Application of Autonomous Legislation to the “Other” 27 Conferences

We are strongly against permitting individual (non-Big 5) institutions or (non-Big 5) conferences to individually adopt legislation of the Big 5 developed through the autonomous system. First, we are concerned about the potential “trickle down” of Big 5 legislation to “other” institutions that had no involvement in the Big 5 legislative process. We don’t believe it is healthy for the Big 5 to, in essence, drive legislation for the “other” institutions. Second, we are concerned a “pick and choose” option for “other institutions” could negatively impact balance and consistency among “other” institutions and conferences, including negatively impacting the principle of fair competition. Rather, we believe it should be mandated that any legislation adopted by the Big 5 of interest to the “other” institutions go through a formal legislative process, with a vote of all members of the “other” 27 conferences required in order for a Big 5 initiative to become permissive (or mandatory) for “other” institutions. Further, if the Big 5 are to be granted autonomy, perhaps some level of autonomy should be granted to the “other” 27 conferences to separately consider other (non-Big 5 driven) legislation that may be in our best interest and that of our student-athletes, independently of the Big 5.

## Proposal for a FAR Advisory Group (FARAG)

Education is the core mission of any academic institution and academics must be at the forefront. Athletics, while not directly related to the core mission of an institution, does provide certain educational value to student-athletes and most certainly can have a significant impact on an institution financially and on its reputation. We, the faculty, not only represent the needs of our student-athletes, but also the needs (and concerns) of non-student-athletes, faculty, and others. As such, we believe it is of the utmost importance that faculty play an active role in the oversight of institutional athletic programs and the NCAA. It is our belief that lack of more significant faculty involvement in this role over the years has led to many of the problems facing the NCAA and/or individual institutions today (e.g., major infractions, academic/academic support scandals, budget issues, explosion of spending on facilities and excessive academic services for student-athletes who are not well-prepared for the rigors of the institution they are attending, etc.). Giving more control to the “practitioners” is not necessarily going to solve many (any?) of these problems. This is particularly true given the increasing number of athletics directors (and even University presidents) who come from non-traditional professions (e.g., the for-profit sector, elected office, etc.) and may not be accustomed to the centrality of academic to *all* that we do and *all* decisions that are made at an academic institution.

As such, to ensure that the voice of faculty, through the faculty athletics representative, is heard loudly and clearly, we propose the creation of a FAR Advisory Group (FARAG). The

FARAG would exist to advise and counsel the Board of Directors and the Council on athletics matters impacting the educational missions and the overall welfare of our Division I institutions. To be functional and effective, memberships on the FARAG would not be representative of all 32 conferences. Rather, we envision a 16 member group with membership rotated among the 32 member conferences. All members, of course, would be FARs. This group would meet to discuss (and perhaps identify) NCAA issues and make written recommendations to the Board and/or Council and provide feedback, on request, on various issues at the request of the Board or the Council. Used correctly, we believe the FARAG could be a very effective group.

Thank you again for the opportunity to comment. We hope you will find our perspectives of use and will consider them as you shape the final proposal that will be considered by the Division I Board of Directors in August.

Sincerely,

The Faculty Athletics Representatives of the Atlantic Sun Conference\*

Ludmilla Wells, PhD  
Associate Professor of Marketing  
Florida Gulf Coast University

Kim Capriotti, PhD  
Associate Professor of Finance and Accounting  
Jacksonville University

Jim Griffis, PhD  
Associate Professor of Philosophy  
University of South Carolina Upstate

Dan Niederjohn, PhD  
Associate Professor of Psychology  
Kennesaw State University

Kent Johnson, PhD  
Professor of Kinesiology  
Lipscomb University

Mary Kirk, PhD  
Professor of Physical Education  
Northern Kentucky University

Jennifer Kane, PhD  
Associate Professor of Sport Management  
University of North Florida

Michael Bitter, PhD, CPA  
Rinker Distinguished Professor of Accounting  
Stetson University

\*-effective July 1, 2014, East Tennessee State University and Mercer University are no longer members of the Atlantic Sun Conference. As such, this letter has been endorsed by the FARs as the Conference's remaining institutions.

[www.atlanticsun.org](http://www.atlanticsun.org)

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3370 Vineville Ave., Suite 108-B • Macon, GA 31204-0790 • P 478/474-3394 • F 478/474-4272



**Subject:** Feedback on Governance Issues  
**From:** "Roby, Peter" <p.robby@neu.edu>(Add as Preferred Sender)  
**Date:** Tue, Jun 24, 2014 11:54 am  
**To:** "input@redesigndivisiononegov.org" <input@redesigndivisiononegov.org>

From	<a href="#">Subject (Thread Messages)</a>	Date	Size
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Thank you for the opportunity to share my thoughts and concerns with the BOD regarding the future Governance Model. Please let me know if you have additional questions. Regards,

Peter Roby

Director of Athletics and Recreation  
Northeastern University

- What is the rationale for allocating 5 BOD positions to remaining FBS conferences when the purview of the BOD will be much broader than Football?
- I have concerns about the unintended consequences of the autonomous legislation being permissive. I fear it will drive a wedge between schools in the same conferences and result in more conference realignment and lost trust among conference members, not to mention the continuation of the "Arms Race" we have witnessed over the last 20 years.
- I like the idea of including outside experts to Council sub-committees as long as those sub-committees are chaired by AD member of Council.
- Should there be a "Sunset Provision" included in the Autonomy Legislation that allows the membership to revisit the structure and the legislation passed after 5 years, 7 years, or 10 years?
- The "Unifying Principles" suggests... *continued revenue distributions as they currently exist*. Do we agree with this or do we want to ask that additional revenue be distributed to the remaining 22 or 27 conferences through the SAOF?
- Should we consider capping the number of teams eligible for NCAA Championships from Autonomous Five? *Ensuring the needs of all conferences are addressed regarding championship access* is another "Unifying Principle". The advantages that will accrue to these conferences combined with 10 FBS BOD members and weighted voting could result in minimal access to championships in the future.
- Why is the voting weighted on issues considered to fall under "Shared Governance"? If it is shared the voting should be equal.
- How will the voting on the idea of Autonomy be done? Is there an override provision? If so, what is the number of votes required to override?
- What will the nominating process be for Council Membership?
- If the BOD *seeks to build community, consensus and trust* how does self-enforcement, weighted voting, and 10 seats on the BOD accomplish these things?
- Many of the items highlighted for autonomy already exist. This suggests that the call for autonomy is more about public perception and less about true governance reform.
- So much of what inspired these changes involves football...why not make any governance changes limited to just FBS football?
- How is what we are attempting to do aligned with the NCAA Values of *the supporting role that intercollegiate athletics plays in the higher education mission, while respecting institutional differences and the way they manifest themselves in intercollegiate athletics*?
- If *Widespread Competitive Opportunity* is so important why don't we create a separate Division for FBS football schools to compete for their own championships?
- How is it fair competition for such resource diversity to exist in the future while we all compete

for the same NCAA championships? All except for FBS football!!!!!!

- Will there be a discussion about a % of the revenue generated from the Football Playoff being distributed back to the broader membership for the opportunity to allow the autonomous 5 to widen the competitive gap that already exists between them and the rest of division 1?
  - How is weighted voting on Council consistent with stated values of Trust, Shared Governance, Community, and Consensus?
  - Why will committees associated with football and basketball be consolidated?
  - ADs better be prepared for the work load and responsibility the new governance structure requires of us.
  - What % of current students in Autonomous 5 conferences currently receive Pell Grants?
  - If we are recruiting students with a realistic chance to graduate then the amount of academic support the Autonomous 5 conferences provide their athletes should already suffice
  - We already have too many people working on staffs to suggest that we will allow the personnel issues to be managed by sport based on com
-



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**Commissioner**  
Lynn Holzman

VIA ELECTRONIC MAIL

June 24, 2014

President Nathan Hatch  
NCAA Division I Board of Directors Chair  
c/o David Berst  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear President Hatch,

On behalf of the West Coast Conference (WCC), thank you for the opportunity to provide feedback regarding the Division I governance redesign recommendations from the NCAA Division I Board of Directors' Steering Committee. The WCC Presidents' Council and Executive Council reviewed the proposed model during its June 4, 2014 joint meeting and expressed support for the Division I unifying principles outlined by the Steering Committee:

- Maintain the current structure to access NCAA Division I Championships,
- Sustain the current model for NCAA Division I revenue sharing, and
- Preserve the collective NCAA Division I brand.

The WCC requests that the Steering Committee further consider and discuss the principles with regard to the composition and weighted voting structure at the proposed NCAA Board of Directors and Council levels. The autonomy system and weighted voting privileges afforded to the Big Five Conferences (ACC, Big Ten, Big 12, Pac-12, and SEC) and their members are warranted due to the scope and size of the environments in which they operate. However, the justified and distinct treatment of the Big Five Conferences does not then directly apply to the remaining 27 Division I conferences for the following reasons:

- The strengths and challenges vary greatly among the remaining 27 conferences and such variance cannot be appropriately controlled and/or measured through weighted voting.
- There are arguments suggesting the conferences sponsoring football, beyond the Big Five, should be afforded guaranteed representation and voting leverage. However, the legislative process is already federated to account for football-only related proposals. There is no further rationale to support guaranteed representation and weighted voting on non-football issues that pertain to all members of Division I.

- An alternative argument could be made that conferences and, therefore institutions that prioritize the investment in men's basketball, should receive increased representation and voting privileges. A conference's commitment, investment and historical performance in men's basketball aligns more closely to the core operations and financial structure of the Association, which strives to enhance and maximize the NCAA Division I men's basketball championships experience.

The WCC strongly recommends the Steering Committee consider a model that provides more equitable access to available Board seats (e.g., representation and/or increased Board positions). Further, the WCC strongly advocates for equitable voting and weight allocations on the Council for the remaining 27 conferences.

We commend the Steering Committee for their time and diligence to assess and examine this important issue in the context of the overall Division I governance reform.

Sincerely,



Lynn M. Holzman



June 25, 2014

## SOUTHEASTERN CONFERENCE

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MIKE SLIVE  
COMMISSIONER

Dr. Nathan Hatch  
Chair, Division I Steering Committee on Governance  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206-6222

Dear Dr. Hatch:

Please accept this letter as comment from the Five Conferences and their member institutions (ACC, Big 12, Big Ten, Pac 12, SEC) submitted in response to the Steering Committee's Draft Governance Model.

After review of the Draft Model, which included consideration of feedback provided to the Steering Committee, the Five Conferences recommend the following adjustments be made to the Areas of Autonomy currently presented in the Draft Report:

- The Areas of Autonomy should remain as listed, with the exception of Transfer Eligibility, which will be included on a new list of Interim Shared Governance Areas; and
- A new list of Interim Shared Governance Areas should be created. This list will be subject to the Shared Governance process during the first two years of the new Division I governance structure, with the entirety of Division I participating in developing and adopting strategies to better support student-athletes in areas to include:
  - Transfer eligibility, with the objective of seeking a new division-wide strategy before transfer eligibility is included as an Area of Autonomy for enactment of policy specific to the Five Conferences; and
  - Enacting change to the NCAA enforcement program that will provide a relevant and effective system of accountability for compliance with all NCAA rules and policies, while also providing for enforcement of legislation enacted by the Five Conferences through the proposed System of Autonomy.

If the two-year window concludes without enactment of desired change to the Interim Shared Governance Areas, these two items (transfer eligibility and enforcement) shall then be included as Areas of Autonomy subject to action by the Five Conferences and their member institutions.

We believe this modified approach provides an important opportunity for Division I to collaborate in developing a new model for the identified areas, with the goal of supporting student-athletes.

Dr. Nathan Hatch  
June 25, 2014  
Page Two

The Five Conferences have also agreed to reaffirm support for the voting threshold applied to decision-making for the Areas of Autonomy, as follows:

- Each Group of Five member institution will appoint one representative and each Group of Five member conference will appoint three student-athlete representatives to cast votes on Areas of Autonomy;
- There shall be 80 total votes (65 institutional and 15 student-athlete); and
- An item shall be approved with:
  - 60% of all votes (at least 48 votes of support) and simple majority support from the institutions in three of the five conferences; or,
  - Simple majority of all votes (at least 41 votes of support) and simple majority support from the institutions in four of the five conferences.

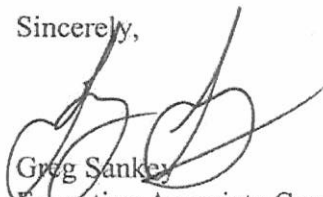
The Five Conferences have had further discussion on the process to be used for expansion of the Autonomy category. Rather than retain the currently proposed two-thirds majority vote to add items to the Areas of Autonomy, the Five Conferences suggest the following approach:

- Areas of Autonomy shall be expanded with a request from the Five Conferences, supported by a two-thirds (of 80) vote (at least 54 votes of support) and simple majority support from the institutions in four of the five conferences, submitted to the Division I Board of Directors, which shall be automatically included within the Areas of Autonomy unless at least two-thirds of the Division I Board of Directors votes to oppose the requested addition.

The Five Conferences encourage broader participation of Faculty Athletics Representatives (FARs) as members of the proposed Council. This can be achieved by permitting each of the Five Conferences to appoint an FAR to serve with an athletics director or senior woman administrator, with the added recommendation for the votes of the two representatives (AD or SWA and FAR) from each conference to be weighted 1x2. Addition of the FARs as proposed will leave the Five Conference voting total unchanged at 24, while providing important opportunities for FAR involvement within the NCAA governance structure.

Please let me know if you require additional information on this recommendation.

Sincerely,



Greg Sankey  
Executive Associate Commissioner

cc: Commissioners of the Five Conferences  
David Berst, Division I Vice-President, NCAA

GS/se



**MEMORANDUM**

TO: Dr. Gene Block, University of California, Los Angeles  
Dr. Rita Cheng, Southern Illinois University at Carbondale  
Dr. Michael Drake, Ohio State University  
Dr. David Hopkins, Wright State University  
Mr. David Leebron, Rice University  
Dr. Harris Pastides, University of South Carolina  
Dr. Kirk Schulz, Kansas State University  
Dr. Nathan Hatch, *Chair*, Wake Forest University

FROM: Atlantic 10 Conference Presidents Council  
Bernadette V. McGlade, Commissioner

DATE: June 26, 2014

RE: Feedback on May 2014 Division I Governance DRAFT Model

The Atlantic 10 Conference Presidents Council recommends changes to the May 2014 draft model related to the NCAA Division I governance restructuring. The A-10 supports enhanced benefits for student-athletes in areas of academic support, cost of attendance, health and safety and insurance benefits as needed.

Board Composition

Restructured Board of Directors – The high resourced basketball centric conference(s) should have a permanent seat. The Men’s Basketball Championship revenues fund approximately 90 percent of NCAA operations, including governance, thus the A-10 should have a permanent seat; same rationale as the ten (10) FBS permanent seats. If accomplishing this balance requires an expanded Board membership, the A-10 would support that as well.

Application of Autonomous Legislation to all other 27 Conferences

All institutions, not within the membership of the Five equity conferences, must have the right to apply the autonomous principles available and/or adopt the legislation immediately as deemed appropriate in a consistent manner.

Council and Shared Governance

There should be three seats designated for Commissioners that represent the three subdivisions of Division I (FBS, FCS, Division I). A revised weighted vote that affords the Five equity leagues with 30 percent of the vote, with an equally weighted vote for all other conference representatives, is appropriate.

Proposed Timeline

The Steering Committee should be required, through whatever means necessary, to distribute the final revised draft model to the full Division I membership with a minimum of 14 business days (i.e., July 18) to review prior to the August 7, 2014 Board meeting.

A brief article summarizing the A-10 Presidents Council's thoughts on the governance restructuring can be viewed using the following link ([Link to article](#)).

If there is a need for further elaboration of any item outlined above, please contact Commissioner Bernadette V. McGlade.

Atlantic 10 Conference Member Institutions

Davidson College, Dr. Carol Quillen

University of Dayton, Dr. Daniel Curran

Duquesne University, Dr. Charles Dougherty

Fordham University, Rev. Joseph McShane, S.J.

George Mason University, Dr. Ángel Cabrera

George Washington University, Dr. Steven Knapp, Presidents Council Chair

La Salle University, Dr. James Gallagher, *interim*

University of Massachusetts, Dr. Kumble Subbaswamy

University of Rhode Island, Dr. David Dooley

University of Richmond, Dr. Edward Ayers

St. Bonaventure University, Sr. Margaret Carney, O.S.F, S.T.D

Saint Joseph's University, Rev. C. Kevin Gillespie, S.J.

Saint Louis University, Mr. William Kauffman, J.D., *interim*

Virginia Commonwealth University, Dr. Michael Rao

Cc: NCAA, Division I Board of Directors  
Dr. Mark Emmert, President, NCAA  
Selected Others

## RESOLUTION

June 26, 2014

TO: Dr. Nathan Hatch, chair  
NCAA Division I Governance Steering Committee.

FROM: NCAA Division I Committee on Academic Performance members.

SUBJECT: Resolution on the NCAA Division I Academic Council Reporting Line.

WHEREAS, the NCAA Division I Committee on Academic Performance was created by the NCAA Division I Board of Directors as the cornerstone of the academic reform movement over the last decade, and the effectiveness of the committee has been greatly facilitated by a direct reporting line to the Board of Directors;

WHEREAS, the prominence of the academic mission of the NCAA must be clear and visible in the new Division I governance structure; in fact, there should be an explicit path that recognizes the priority of academic legislation in Division I;

WHEREAS, the current members of the committee recognize the critical role that the Committee on Academic Performance has played in the institution and implementation of academic reform in NCAA Division I over the past dozen years;

WHEREAS, presidential leadership of the committee and separate presidential membership on the committee have been key to the committee's success in academic reform, both through president-to-president reporting to the Board of Directors and president-to-president liaison between the committee and member institutions; and

WHEREAS, a Division I governance structure with a direct reporting line between the NCAA Division I Academic Council and the NCAA Division I Council is inappropriate and potentially dysfunctional.

Therefore, we resolve that:

1. The direct reporting line of the Academic Council be to the Board of Directors;
2. A Division I governance structure with communication and collaboration between the Academic Council and the Council is advantageous and essential; that each body would seek counsel of the other on matters which impact academics or represent significant changes to academic standards;

## RESOLUTION

June 26, 2014

Page No. 2

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3. Policy and regulation having to do with academic matters must be managed in the Academic Council; and
4. In order to differentiate clearly the roles of the Council and the Academic Council, the latter be renamed the NCAA Division I Committee on Academics.

Committee on Academic Performance members:

Jeri Beggs, Faculty Athletics Representative, Illinois State University;  
Jerry Bovee, Director of Athletics, Weber State University;  
Gregory Burke, Director of Athletics, Northwestern State University;  
Jane Caldwell, Associate Director of Athletics for Student-Athlete Services, Wake Forest University;  
M. Grace Calhoun, Director of Athletics, University of Pennsylvania;  
David Clough, Faculty Athletics Representative, University of Colorado, Boulder;  
Jack Evans, Hettleman Professor of Business Emeritus, University of North Carolina, Chapel Hill;  
Vivian Fuller, Director of Athletics, Jackson State University;  
Walter Harrison, President, University of Hartford;  
Roxanne Levenson, Associate Director of Athletics for Internal Affairs/SWA, Seattle University;  
Harold Martin, Chancellor, North Carolina A & T State University;  
Roderick McDavis, President, Ohio University;  
William Meehan, President, Jacksonville State University;  
John Morris, Senior Associate Director of Athletics, Colorado State University;  
Vince Nicastro, Director of Athletics, Villanova University;  
Robert Philippi, Senior Associate Commissioner, Conference USA;  
Jamie Williams, Associate Director of Athletics, University of Nebraska, Lincoln; and  
Thomas Yeager, Commissioner, Colonial Athletic Association.

BIG EAST RESPONSE TO  
NCAA BOARD OF DIRECTORS STEERING COMMITTEE PROPOSAL  
ON GOVERNANCE REDESIGN  
JUNE 27, 2014

The BIG EAST Conference has reviewed the draft governance model developed by the Steering Committee of the NCAA Board of Directors and distributed to the NCAA membership for comment on May 1, 2014 (the “Draft Model”). We appreciate the opportunity to submit feedback on the Draft Model and offer the following comments for consideration by the Steering Committee in advance of the expected vote on governance reform by the full NCAA Board in August of 2014.

A. **Role of Athletics in Higher Education.** While much of the media attention over the NCAA’s governance redesign process has centered on the perspectives and interests of the five conferences with the highest level of financial resources (ACC, Big 10, Big 12, Pac-12 and SEC; hereafter “Big Five”), the scope of Division I intercollegiate athletics is, in fact, much broader and encompasses a wide range of institutions and conferences united in their commitment to the integration of athletics with the values of higher education. As the institutions of the BIG EAST, we have long prided ourselves on the pursuit of these values and on the development of the student-athlete as a complete person whose athletic endeavors are just one facet of his or her collegiate experience. Although the commercial aspects of college sports have attracted much scrutiny, the reality is that the overwhelming majority of college sports teams do not generate revenue, and very few student-athletes go on to compete professionally after their eligibility expires. For BIG EAST institutions, our athletics programs are an educational investment, the true value of which lies in the unique way that sports help prepare our young people for the rigors of the real world.

For all of our schools, athletic events also serve as a bond that brings together students, faculty, administrators, alumni, and community supporters in a way that is unparalleled in American society. Like our Big 5 colleagues, we place great value on the contributions of our student-athletes to our communities and take great pride in the manner in which they represent our schools in intercollegiate competition. To that end, we are committed to providing our student-athletes with a safe, comfortable and welcoming environment and a level of support that will allow them to maximize their athletic, academic and life goals.

B. **Vision.** The BIG EAST supports a long-term vision for the NCAA in which:

- Academic achievement is a priority;

- Student-athletes are incorporated fully into university life;
- Additional flexibility is afforded to conferences and institutions to direct increased resources toward student-athlete welfare in a way that is consistent with the amateur model;
- The ability to compete for a national championship remains widely available to student-athletes as currently provided under NCAA rules;
- National athletics revenue distribution to NCAA institutions is continued under current or future NCAA rules;
- The NCAA is in a position to adapt to the changing operating landscape through a more efficient governance model;
- Division I remains a unified brand; and
- Conferences that have demonstrated a commitment to athletics through sustained resource allocation or competitive success remain fully integrated into the NCAA decision-making process.

C. **Composition of NCAA Board of Directors.**

- The BIG EAST supports the Steering Committee’s vision of a Board of Directors that focuses on oversight, policy and strategic issues. We also support the continued assignment of permanent seats on the new Board to the Big 5 and the inclusion of new, permanent non-CEO seats for an AD, SWA, FAR and student-athlete.
- We are unclear about the reasons behind the continued allocation of permanent seats to each of the remaining five FBS conferences (AAC, Conference USA, MAC, MWC and Sun Belt; hereafter, “Second Five”), as no specific justification has been offered in the Draft Model and certain metrics we have reviewed (including revenue data and NCAA championship performance) do not appear to support a special status for the group as a whole. While we are respectful of the football commitments of the Second Five and mindful of their historical inclusion on the NCAA Board, it is our understanding that the Board will provide strategic oversight with respect to all sports, not just football, and we are concerned that the 5-5-7 Board structure proposed in the Draft Model gives inadequate voice to non-FBS conferences that have demonstrated sustained commitments and successes in other sports, most notably men’s basketball. We also note that the Steering Committee has separately addressed football governance by

providing that voting on football legislation will be considered by the FBS and FCS conferences separately, which appears to lessen the need for all of the Second Five conferences to assume permanent Board seats or have enhanced voting weight at the expense of other leagues.

- As the Steering Committee considers Board composition, the BIG EAST notes that the NCAA, as a membership organization, is powered financially by revenues derived principally from the Division I men's basketball tournament (well more than 90% of total revenue, according to data furnished by the NCAA). These revenues, which include media rights fees and ticket sales receipts, allow the NCAA to fund championships for, and provide services to, all other sports falling under the NCAA umbrella. In simplest terms, the NCAA is a basketball-driven organization at its core. Accordingly, we believe that its Board should not only reflect the perspectives of FBS institutions, but also provide meaningful weight to non-FBS schools that have brought substantial value to the NCAA by virtue of their continuing investments and performance in the sport that directly enables the organization's national operation. This issue was raised at the November 12, 2013 meeting of the Collegiate Commissioners Association, the minutes of which note that "[t]he central role of men's basketball in the NCAA revenue model was also discussed, including concern associated with decision-making authority not having a greater link to men's basketball commitment and success."
- We note further that although the revenue streams from the FBS playoffs are substantial and growing, these funds do not flow to the NCAA or directly support the workings of the association. As the Knight Commission on Intercollegiate Athletics noted in an August 6<sup>th</sup> letter to President Emmert, while the "postseason structure and revenues [for the FBS] are managed outside of the NCAA, ...the NCAA is responsible for all of the operational support..., such as player eligibility, rules compliance and enforcement, management of playing rules, legal services and research related to health and safety." We believe this fragmentation has governance and other ramifications and encourage the Steering Committee and the Board to examine this anomaly as part of their continuing review of the NCAA's functional responsibilities and funding model. At the very least, the exclusion of football-related revenue from the NCAA's budget only underscores the primacy of basketball interests to the overall operation.
- For the reasons described above, the BIG EAST offers the following alternatives to the 5-5-7 Board structure proposed in the Draft Model: (a) a reduction, at the Steering Committee's discretion, in the number of seats allocated to the Second Five and a corresponding increase in the number of seats allocated to FCS/DI; or (b) should the Steering Committee determine that a decrease in Second Five seats is unworkable, an increase of three (3)

FCS/DI seats on the Board, resulting in the following seating configuration: 5 (Big Five); 5 (Second Five); 5 FCS; 5 DI; and 4 non-CEO (AD, SWA, FAR and student-athlete), for a total of twenty-four seats. We also ask the Steering Committee to consider allocating permanent seats within the DI subdivision to conferences that have favorably differentiated themselves in the sport of men's basketball based upon suitable metrics approved by the Board.

- D. **Council**. The BIG EAST supports the proposed composition of the Council, but we believe the combined voting weight of the ten FBS conferences (58%) is unduly high. We propose that the current legislative voting ratio of 53% (FBS) / 47% (FCS/DI) be retained in the new structure.
- E. **Substructures**. We support the Steering Committee's recommendation that committees associated with the sports of football and men's and women's basketball be consolidated and/or coordinated for clarity of purpose and efficiency after the initial governance redesign is completed. For the reasons stated above, we believe that the conferences that have demonstrated a sustained level of commitment and success in men's basketball (as determined by suitable metrics to be developed by the Board or Council) should be afforded a permanent seat on any such men's basketball substructure.
- F. **Autonomy and Shared Governance**. The BIG EAST supports the grant of authority to the Big Five and their institutions to adopt legislative changes on specific matters affecting the welfare of student-athletes, so long as the changes are permissive for all other Division I conferences and institutions, and subject to the following qualifications:
- We believe that modifications to the NCAA's transfer policies should be a matter of discussion and vote among all Division I conferences and, accordingly, should remain in the shared governance category. However, we are mindful of the concerns expressed by the Big Five with respect to the impact of transfer policies on student-athlete welfare, and we would be amenable to an "interim" process whereby accelerated efforts would be undertaken by all conferences, through shared governance, to determine a new set of transfer policies that are more responsive to student-athlete concerns. Should the best efforts of all conferences fail to produce a consensus after a reasonable time, we would support the movement of this subject to the autonomy category, subject to the voting parameters described below.
  - Should the Steering Committee elect to increase the number of seats on the Board to twenty-four as described above, we would be amenable to reducing the Board FBS threshold needed to move a shared governance matter to the autonomy category to a level below two-thirds, subject to: (a) 60-days

advance notice to the NCAA membership of the proposed change; and (b) an annual determination and/or recalibration by the Board of how voting weight will be allocated among the Board members to achieve the requisite FBS majority.

- Notwithstanding the foregoing, due to competitive concerns, we believe that team scholarship limits should remain permanently in the shared governance category and request that this subject be expressly excluded from potential future movement to autonomy.

We believe the reasons behind the NCAA's governance redesign efforts are sound ones, and we agree with the NCAA Board that changes to the NCAA's existing structure are needed to better address student-athlete concerns and to keep the management of college sports in step with the times. We are grateful to – and commend -- Dr. Hatch, the Steering Committee, David Berst and Jean Frankel for the considerable time and effort they have devoted in developing the Draft Model and look forward to being a constructive participant as the NCAA enters its next phase.

John J. DeGioia  
President, Georgetown University  
Chair, BIG EAST Board of Directors

Valerie B. Ackerman  
Commissioner, BIG EAST Conference



*Today's Scholar-Athletes ~ Tomorrow's Leaders*

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**MEMORANDUM**

June 27, 2014

TO: Steering Committee on Governance  
of the NCAA Board of Directors

FROM: Carolyn Schlie Femovich  
Executive Director

RE: Comment on Draft Governance Model

On behalf of the Patriot League Council of Presidents and Committee on Athletic Administration, I am writing to submit our comments to the Draft Governance Model that was distributed following the April 24<sup>th</sup> Board of Directors' meeting. These comments are in addition to those we submitted in November 2013 and are focused on the key aspects of the Steering Committee's proposed model.

The Patriot League is firmly committed to the full integration of intercollegiate athletic programs into the academic enterprise and preserving the collegiate model. We believe athletics can play an important role in the overall educational experience. To that end, the primary goal for intercollegiate athletics must be to enhance the education and personal development of the individual through participation and competition in a safe and healthy environment.

**Board of Directors**

The composition of the Board of Directors should reflect the strength as well as the diversity of the Division I membership. Given that the focus of the Board will be on strategic oversight, policy and legislative and management oversight of the NCAA, it is essential that all three sub-divisions be fairly represented at the Board level. We are supportive of providing all of the five major FBS conferences a permanent seat on the Board, but believe that the other members of the Board should be equally distributed across the other 27 conferences. We see no reason or data to support why the other five FBS conferences should be guaranteed a seat on the Board, especially since football issues have been and will continue to be addressed separately by the ten FBS conferences. We agree that the representative from the Athletic Directors, Senior Woman Administrators, Faculty Athletic Representatives and Student-athletes should be fully vested members of the Board.

Should the presidential positions on the Board remain at 17, we believe the model should be 5 plus 12, with the other 12 Board members coming from all of the remaining 27 conference. However, if the other five FBS conference were to be given a permanent seat on the Board, then we feel strongly that the Board be expanded to 20 presidential appointments with a 5+5+5+5 distribution: 5 from the major equity conferences, 5 from the other FBS conferences, 5 from FCS conferences and 5 from Division I conferences. Either of these models would allow for broader engagement from across the membership and fewer intervening years that a conference would not be represented on the Board.

With respect to voting, if the Board were to remain at the proposed 17 members (plus the four positional appointments) and with guaranteed positions for the 10 FBS conferences, a two-thirds vote should be required to move an item from shared governance to autonomy. Should the Board be expanded as suggested above to include five members from each of the four sub-groups, we would be inclined to support a more lenient percentage for moving items to the autonomous package.

### **Council**

We are supportive of a 38-member Council with representatives from each of the 32 Division I conferences plus four commissioners and two student-athletes. However, should the autonomy package be expanded as proposed and all other Council business be considered “shared governance”, we believe there should not be weighted voting, rather one vote per Council representative. However, if weighted voting were to be applied to the Council, the representatives from all ten of the FBS conferences should not hold more than 53% of the vote as has been the case in the current governance structure.

### **Autonomy Package**

We are supportive of the items in the original autonomy package that will permit the high resource institutions to devote more of their resources to directly benefit current student-athletes, their health and wellness and needs related to their academic success. While these areas are acceptable to our membership, the tone of the language within the autonomy package is offensive in that it implies that conference outside the Big Five are not concerned about these areas of critical importance to student-athletes. It is the goal of every conference and institution to provide “appropriate and sufficient care”, and should not be implied otherwise just because their resources may be more restricted than others.

With respect to the new items included in the autonomy package, we are concerned about the lack of specificity and rationale for their inclusion, and the potential breadth of impact. Further, inclusion of any areas of autonomy should meet a defined set of criteria or standards directly related to the benefit for student-athletes, their health and wellness or to their academic engagement and success.

The Patriot League offers the following specific comments related to areas of autonomy that have been proposed:

Financial Aid—Conditions of Awarding Aid: This area of autonomy should be restricted to cost-of-attendance and specifically exclude any increase in the number of scholarships. The conditions for awarding of aid should be consistent across the Division I membership and remain in shared governance.

Expenses and Benefits—Pre-Enrollment Support: Establishing different regulations for the recruitment and treatment of prospective student-athletes could have a significant impact on institutions’ ability to recruit. We would support differing or permissive legislation once a Letter of Intent has been signed, but all other pre-enrollment regulations should be determined as part of shared governance.

Time Demands: This area seems to imply more restrictive legislation in regard to time demands on student-athletes. This is a Division-wide concern that would be supported across the membership and therefore should be addressed through shared governance. If the intent is to allow greater

latitude or increase time demands (i.e., expanded playing and practice seasons) on student-athletes, we would strongly oppose autonomy in this area.

Recruitment: As written, this area appears to be proposing restrictions on recruiting activities. Again, this is an area that the entire membership would likely support and therefore should be included in shared governance. If the intent is to expand recruiting activities such that future demands would be imposed on prospective student-athlete's time, we would strongly oppose autonomy in this area.

Personnel: The intent of this proposed area needs to be clarified. If intended to reduce existing limits, then the language should be revised to clearly specify such. The League could support autonomy for non-coaching positions, but coaching staff limits should remain a part of shared governance.

Transfer Eligibility: Differing transfer rules would result in confusion and instability for student-athletes when contemplating transfer options within Division I. As has recently been suggested, the League would support the withdrawal of transfer regulations from the autonomy package for a broad but focused review by the full membership over the next two years.

Lastly, it should be noted that autonomy will ultimately create a further divide within FBS and among the sub-divisions. There will be an overall competitive shift in the balance for all sports, not just football. This is an area of concern for our membership.

### **Other Areas**

Shared Governance—Override replaced by Rescission Process: The simplified rescission process is acceptable to our membership. While an 85% approval threshold is a high bar, it is appropriate to require accountability and voting at the Council level that reflects the will of the membership.

Sub-Structure: The development of a functional and effective sub-structure is critical and will require expediency and due diligence once a governance structure has been approved. Due to the anticipated significance of their work, any governance group that reports directly to the new Council should include 32 members with representation from each conference.

Nomination process: We support moving to a competency-based process for appointing representatives to the various governance bodies and strongly support diversity and inclusion at all levels of the governance structure. However, we have concerns about the effectiveness of an independent group determining appointments, especially at the Council level, due to their limited knowledge of those being nominated other than what appears on paper. The conference offices are in a better position to determine the best and most competent individual(s) from within their membership to serve on the Council. We recommend a process whereby the conferences retain the authority to appoint their Council representative, subject to review and final approval by the Board to insure appropriate levels of gender, ethnic and other diversity factors. In addition, the governance structure would be well-served by a nominating committee with representatives from all 32 conferences. They should be tasked with appointments to all committees below the Council level and insuring that the competency-based system is upheld when approving any committee appointments.

Thank you for the opportunity to provide input into this important process.



SENT VIA ELECTRONIC MAIL

June 30, 2014

**MEMORANDUM**

TO: NCAA Division I Steering Committee on Governance

FROM: Amy Huchthausen, Commissioner

SUBJECT: Feedback on Draft Governance Model

On behalf of the America East Conference Board of Presidents, I am pleased to have the opportunity to submit feedback on the draft governance model as outlined in the attachment. The nine members of the America East Conference share a common belief in the NCAA as an organization to support intercollegiate athletics as an integral part of higher education and as a vehicle to enrich the student-athlete experience through championships, revenue distributions and regulations that govern competition and operation of the enterprise.

As a Division I subdivision conference that includes Football Championship Subdivision members along with institutions that regularly compete for national championships in certain sports (e.g., football, men's and women's ice hockey, skiing), we represent a unique cross-section of non-FBS members that are committed to broad-based programs with both a national and regional emphasis.

While we have identified concerns with the draft model in the attached document, we remain committed to the ideals of Division I and the efforts of the Steering Committee to improve our system of governance. Furthermore, we recognize that varying tensions exist across the division and within certain segments of the division; therefore, we support generally the work performed by the Steering Committee and offer only those recommendations and commentary that we believe are fundamental to a successful model of governance.

Finally, we would like to express our sincere appreciation for your efforts on this important endeavor as it is no small task to generate consensus across a diverse membership on such critical matters, while also leading your respective institutions. Your service is truly valued and respected by the entire America East membership.

If you have any questions, please do not hesitate to contact me. Thank you.

cc: America East Conference Board of Presidents  
America East Conference Athletics Directors Council  
David Berst, Vice President for Division I, NCAA  
Jean Frankel, Governance Consultant, NCAA

**America East Conference**  
**Summary of Feedback for the NCAA Board of Directors Steering Committee on Governance**  
**June 30, 2014**

**Board of Directors**

1. The America East would likely support the composition and size model for the Board of Directors that received general support by the Collegiate Commissioners Association (CCA) during its June meeting, as follows:
  - a. Expand the Board of Directors by three for a total of 24 members, consisting of five presidents/chancellors from each of the Big 5 conferences, other FBS conferences, FCS and DI subdivisions along with the four other positions (5-5-5-5-4 model);
  - b. Stipulate that no more than two of the four other positions shall be held by any one of the three subdivisions; and
  - c. Reduce the threshold to move an item from shared governance to autonomy to less than two-thirds (2/3) majority.

Rationale. If the Steering Committee and Board of Directors believe the other five FBS conferences (non-Big 5) should retain their guaranteed positions on the revised Board, then the Board should be expanded to more fairly represent the remainder of the division. The balance of the FCS and DI subdivisions should not be minimized in the new structure simply for reasons of history, branding and football, as more clearly stated in Item No. 2 below. The 5-5-5-5-4 model adds only three members while resolving a fundamental concern held by a majority of the FCS and DI conferences and institutions within those conferences, thereby potentially minimizing the number of possible override requests. It appears to be a reasonable compromise that strikes the balance of fair representation across each subdivision and voting category while providing more flexibility for the Big 5 conferences to make decisions about future matters for autonomy consideration.

2. If the recommendation in Item No. 1 above is eliminated for further consideration, and if the Board of Directors size and composition remains as presented in the draft model report [21 members = 17 presidents + 4 other positions (1 AD/1 SWA/1 FAR/1 SA)], the America East supports the Big 5 conferences holding 5 guaranteed presidential/chancellor seats, but strongly believes the remaining 12 presidential/chancellor seats shall be shared evenly among the 27 other conferences.

Rationale. There is no longer a logical rationale for the other five FBS conferences (non-Big 5) to have guaranteed positions on the Board of Directors. Reasons such as branding and identity for those other five are not compelling given the distinct differences the Big 5 will already have with autonomy. Under the new structure, the underlying distinguishing and determining factor will be the autonomy granted to the Big 5 conferences. The distinguishing factor of FBS, as offered in the present structure, will no longer be the core distinction in our governance model. Distinctions based on football already exist in the FBS and FCS categories making it unnecessary on the Board of Directors, as a separate process currently exists to decide those matters and

will continue to do so. Furthermore, the FBS conferences are already bound by the College Football Playoff (CFP) which is wholly separate from the NCAA; therefore, it is disingenuous to base the NCAA structure on the CFP at any governance level, including the Board of Directors or Council.

3. Regardless of the composition and size of the Board of Directors, the America East supports adding a legislative provision that would require a minimum 60-day notice to the entire division for any potential modification to the autonomy areas the Board of Directors may consider. This would ensure the full membership has an opportunity to review and provide input to the Board of Directors on matters that would likely have significant impact.

### **Council**

1. The America East remains concerned with the proposed weighted voting, specifically the additional weight of the non-Big 5 FBS conferences for the same reasons mentioned in the Board of Directors section. As a proposed solution, the America East would likely support a voting model that maintains the current weighted voting percentages for FBS (53%) and FCS/DI (47%). Decision-making on items contemplated under shared governance should more fairly represent the entire division, understanding that a structure based on autonomy should grant increased weight solely to the Big 5 conferences.
2. The America East is also concerned with the workload and expectations being placed on this group which may lead to less engagement from the athletic directors, which is directly opposite of the desired outcome. The lack of detail regarding the substructure will make it difficult to potentially identify qualified athletics directors to serve and may disenfranchise them if a substructure is not organized and implemented in a timely manner.

### **Autonomy**

1. The America East Board of Presidents specifically raised antitrust concerns with the autonomy model for a select few conferences as the basis for a governance system. To that end, the America East Board of Presidents respectfully requests that a written antitrust analysis be conducted by outside counsel prior to the NCAA Board of Directors adoption. The NCAA legal counsel has noted that the autonomy model itself does not necessarily heighten antitrust concerns and that individual items will need to be reviewed on their own merits. The conference still believes strongly the model itself should receive a thorough analysis from outside counsel. This reorganization proposal causes the most serious antitrust challenges than any of the other proposals.
2. The America East recommends that a review of the autonomous areas by the Board of Directors occur on a regular basis to ensure they align with the vision and goals of the division and

Association as an academic enterprise and maintains an emphasis on the student-athlete experience.

3. The America East would support a suggestion made during the CCA meeting to delay the shift of transfer regulations to the autonomy area for a two-year period in order to permit the full membership the opportunity to address a matter that has broad and common implications. Furthermore, our conference believes other areas in the expanded autonomy list (e.g., time demands) are worthy of a similar delay given the potential for consensus among the entire division. In lieu of adding to the autonomy section upon inception of the new model, those items should instead be on the priority agenda of the Council in order to immediately engage the full membership. If no consensus resolution can be achieved within a one- or two-year period, then it would be reasonable to move these items into the autonomy section. This is a more reasoned and sound approach that would allow the full division an opportunity to exercise the shared governance model to areas that (1) are likely to find consensus across the membership, and (2) have lack of justification detail to support an immediate yield to autonomy.
4. The America East reaffirms its support for scholarship limits remaining in shared governance, as outlined in the proposed model. Furthermore, the conference recommends the Board of Directors continue to articulate this in written form as the model is reviewed and adopted in order to codify a record of this position.

### **General**

1. The America East reaffirms its support for maintaining championship access and revenue distribution under current standards, as outlined in the proposed model, including support for the Board of Directors to update and revise current AQ legislation to reflect current figures. Accordingly, the America East supports the proposed legislation submitted by the Metro Atlantic Athletic Conference in this regard.
2. The America East requests the Steering Committee reconsider the concept of the Nominating Committee; specifically, it believes that conferences should retain authority for Council appointments subject to final review and approval by the Board, consistent with the current process.
3. The America East is extremely concerned with the impact on sports other than football and basketball as institutions will have autonomy to spend more resources on those sports, possibly at the expense of others (e.g., dropped sports). This potential trend to minimize or reduce sport offerings should be an issue the Board of Directors monitors and evaluates on a regular basis in order to protect the collegiate model of athletics within the context of higher education which intends to serve a diverse set of students.

4. The America East questions whether this new model will truly enhance the student-athlete relationship and experience as intended. While an expansion of certain benefits may add to what a student-athlete receives, it does not automatically follow that the student-athlete's relationship with the institution will improve in any significant manner. While this is an unknown, it is something the conference requests the Board of Directors considers as it evaluates implementation of the new model.
  
5. The America East strongly urges the top priority for the new Board of Directors be to engage the membership in a strategic planning process in order to develop a substantive strategic plan for the division centered on a common set of values and vision. The lack of a strategic plan for so many years in Division I is difficult to comprehend, and has contributed to many of today's current problems surrounding issues, structure and process within our governance system. It has created an environment in which there has been little direction, leadership or adherence to a common vision or set of values and has caused the division to be on a dangerous precipice as it faces some of the most significant challenges in the history of intercollegiate athletics. Leadership and stability are an absolute necessity as a new model is adopted and it is our conference's sincere hope and desire that the new Board of Directors will provide a higher and stronger level of leadership than has been provided over the past few years. We look forward to working together with the Board of Directors and the entire membership as this next chapter of Division I unfolds.

# Atlantic Sun Conference

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East Tennessee State • Florida Gulf Coast • Jacksonville • Kennesaw State • Lipscomb • Mercer  
North Florida • Northern Kentucky • USC Upstate • Stetson

June 30, 2014

Nathan O. Hatch  
President  
Wake Forest University  
Chair, Division I Board of Directors  
Chair, Steering Committee on Governance

Dr. Hatch,

Thank you for the considerable time and effort you and your colleagues on the Steering Committee have invested into the proposed redesign of the NCAA Division I Governance Structure. Outstanding progress has been achieved and the Atlantic Sun Conference fully supports the efforts to meet the priority premise of remaining a unified Division I.

In response to your invitation for feedback on the latest proposed model, the input provided below will not likely be unique, but hopefully valuable in learning where constituents stand and what decision points are the overall keys to finding a proposal which will gain broad support and not be threatened by override.

The A-Sun supports the overall concept of the “Five” conferences receiving the desired autonomy role, and the ability for the group of autonomy items to be amended over time. We believe the keys for broadest support are guarantees on the following:

- A. A meaningful role in the overall governance process as a member of Division I
- B. Maintaining AQ levels and NCAA championship access for conference champions at a level at least equivalent to the levels currently in place
- C. Maintaining the structure of the basketball tournament and the resulting revenue distribution made possible through the strength of that event

As the Steering Committee works on the challenge of determining what the “meaningful” role of all Division I members should be in the governance process, the A-Sun offers the following:

1. Board of Directors. Beyond the first “Five,” there must be more seats available to the remaining 27 conferences if a one seat/one vote structure stays in place. If a permanent seat for each of the next five FBS conferences is intractable, then 7 for the remaining 22 are not enough to reach a level of meaningful participation. An appropriate level must be tied to the voting parameters for moving shared governance items into the autonomy grouping.
2. Moving from Shared Governance into Autonomy. This process is essential, and its construct allows the Steering Committee and the Board of Directors the freedom to limit the number of items in the initial autonomy group as

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needed to ensure the redesign package has the broadest levels of support. An appropriate construct will allow future modification. Because this process is so important – perhaps the single item that will be most scrutinized by all constituents in determining support for any new model – no single group or subdivision should have a controlling vote on this process. The threshold of support should be set so that unanimous support from the Five or from FBS should not guarantee the move; if it was set in this manner it would establish a level that fails to provide “meaningful” participation for the remaining 22 conferences.

3. Rescission. The ability for the membership as a whole to address a governing body decision is a must. We applaud the inclusion of the rescission process and would support at the levels set for its implementation.

Thank you for the opportunity to participate in the ongoing work of the Steering Committee.

Sincerely,

Ted Gumbart  
Commissioner



June 30, 2014

Dr. Nathan O. Hatch  
President  
Wake Forest University  
Chair, Division I Board of Directors  
Chair, Steering Committee on Governance  
PO Box 6222  
Indianapolis, IN 46206

Dear Dr. Hatch:

Thank you for the opportunity to comment on the latest draft of the Division I Governance Model. The Big South Conference has been engaged in this process both internally and externally and our position is outlined below.

Prior to providing that feedback, however, I want to thank you and the Steering Committee for your time and dedication to this very challenging task. The very future of the NCAA relies on the outcome of this process, so your task must seem insurmountable at times, especially given the disparate opinions expressed by the Division I membership.

It is important for us to say that we understand the pressures the “Big Five” institutions face and their interest in having autonomy to determine how to utilize their resources to support student-athletes. While there was initial resistance to the idea, the Big South membership is willing to compromise for the greater good and supports the ability for those institutions to have this autonomy.

This process became very complicated and more difficult to accept, however, when the initial autonomy list was expanded well beyond resource issues. There is very little clarity on the overall impact of these new autonomy areas, and there continues to be significant discomfort in departing from our usual practice of having intent and rationale clearly stated prior to approving legislation. Our preference would be to stay with the original autonomy list, then add to it as intent and rationale become clear.

Specifically related to the latest Governance Model, the position of the Big South membership is as follows:

1. Expand the Board of Directors from 17 to 24 – 5 “Big Five”, 5 other FBS, 5 FCS, 5 DI, 4 “other” (AD, SWA, FAR, S-A). This enables a larger representation for FCS and DI. It is extremely difficult to maintain engagement with our CEOs when we have no seat on

Dr. Nathan O. Hatch  
June 30, 2014

the Board. While this will not provide a continuous seat, it will give us representation every other term.

2. With an expanded Board, we are willing to lower the requirement for moving legislation from shared governance to autonomy from a 67% Board vote to 63%, or 15 votes. We oppose any one subdivision having the necessary votes on the Board to move legislation into the autonomy category. Board members from multiple subdivisions should have to collaborate to make this happen.
3. If the full, expanded autonomy list is to be considered, we strongly believe transfer legislation should not be included. Even if this were designed just for transfers between “Big Five” institutions, it can have a trickle-down effect throughout the membership. In fact, having more flexibility to transfer would make the current challenge of retention worse. With documented evidence that transfer student-athletes do not graduate at the same rate as those that haven’t transferred, this is an area that is truly of shared concern.

Thank you again for the opportunity to comment. Best of luck in your task and please don’t hesitate to ask if we can be of further assistance.

Sincerely,

Kyle B. Kallander  
Commissioner

KBK:ms

cc: Council of Chief Executive Officers  
Board of Administrators  
Selected Staff

## ON BEHALF OF THE 22 FCS AND DIVISION I COMMISSIONERS

June 30, 2014

Mr. David Berst  
Vice President Division I  
NCAA  
Indianapolis, IN 46206

Dear Dave:

We would like to formally submit a report from the FCS and Division I commissioners regarding recommendations for the Steering Committee to consider in crafting its final report.

As you know, the 22 FCS & DI commissioners met last week at the CCA meeting and had lengthy discussions regarding several aspects of the new governance plan. We believe that our position regarding representation on the Board of Directors has been adequately captured, so there is no need to elaborate other than to restate that our colleagues support a 20 member Board (plus 4 non-presidential representatives) and a voting threshold of less than the currently recommended two-thirds majority for moving items from Shared Governance to Autonomy.

Our recommendation regarding the voting structure of the Council, while reported to the full group of 32 commissioners, really did not generate any substantive discussion or general agreement given the primary focus of discussion on the Board composition and size. For this reason, we would like to formally restate it and ask that it be conveyed to the Steering Committee for further consideration.

As you know, the issue of autonomy is of great concern to most of the Division I membership. Topics identified for autonomy have been described as the major operational elements of intercollegiate athletics. Yet, despite the significant differences in operation that will likely be created by autonomy for a select group of conferences, there appears to be significant support amongst our conferences for granting that privilege.

In regard to the issue of Shared Governance in which all 32 conferences will participate, and specifically regarding the voting structure of the Council, we collectively believe that the current voting weight between FBS (53%) and FCS & DI (47%) should be maintained in the new structure. The 6 additional members would have their votes attached to their respective classification and voting percentage. We have noted that this governance formula has successfully operated for the past 17 years. This recommendation would continue to allow each classification to determine its own voting weights, which may evolve due to the appointment of the additional Council members. We believe maintaining the current voting percentages between FBS and FCS & DI on items that have historically been, and will continue to be, governed by the entire division is fair and appropriate. Consequently, there appears to be no compelling reason to modify these voting weights.

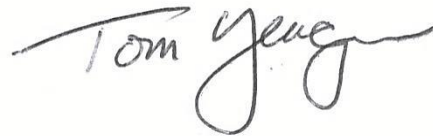
Much has been made about the need to reach good faith compromise that presents acceptable solutions for the entire Division I membership. We believe that the general acceptance of expanded autonomy and the support of a reduced majority necessary to move items into autonomy, are major concessions from a group of conferences who will be most impacted by the privileges sought by a select group of conferences. In our view, the retention of the voting weights for shared governance that have successfully operated for 17 years is a fair and reasonable request in exchange.

Thank you for including these recommendations with your report to the Steering Committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Huchthausen', with a large, stylized flourish at the end.

Amy Huchthausen  
Chair, Division I Commissioners

A handwritten signature in black ink, appearing to read 'Tom Yeager', with a long, sweeping horizontal line above the name.

Thomas E. Yeager  
Chair, FCS Commissioners

Dear President Hatch, Division I Steering Committee on Governance, and Mr. Berst:

I write to urge that the May 2014 Draft Governance Model be revised to ensure guaranteed representation by Faculty Athletics Representatives (FARs) on the proposed Council because their primary professional commitment is to the academic mission. The current proposal does not guarantee any FAR representation. I endorse the ACC FAR Resolution's suggestion that the Council be expanded by five to include one FAR in addition to one AD from each of the five Conferences, with each having a weighted vote of two (rather than a single representative from each of the 5 conferences with a weighted vote of four). If the Steering Committee is concerned about the increased size of the Council (43, up from 38) it would be possible to eliminate the four conference commissioners from the Council because they are the most removed from the day-to-day functioning of athletics and academics on a college campus.

Thank you for your important work on these important governance issues.

Regards,

Chancellor Carol L. Folt  
University of North Carolina at Chapel Hill

## NCAA Division I Governance Redesign

From: Joe Hull, AD, College of Charleston

Meaningful change to the current NCAA structure is needed and underway. I hope these concepts contribute positively to the conversation.

The most important concept of all - that intercollegiate athletics is a component of the educational system and must complement and align with the values of higher education - seems to have been accepted by everyone throughout intercollegiate athletics. The challenge is to find a way to implement 'the collegiate model' in a way that benefits student-athletes, coaches, staff and a broad array of Division I institutions.

Restructuring the NCAA Board of Directors into a policy oriented group is a very good change. The debate about 5/12 or 5/5/5/5 is likely to result in people of goodwill finding a fair solution. Creating a new Council structure in which ADs have significantly more input into the management of the NCAA is also a very good change.

My concern is with the proposed autonomy granted to the Big Five conferences. The problems and challenges facing the Big Five are real. But is the problem the fact that too much revenue is controlled by too few universities? Or is the problem that the universities with the bulk of the revenues do not have enough power to spend the funds as they see fit? Autonomy seeks to grant more power to those with more resources. My alma mater is in the Big Five, and I worked for 23 years in the Big Five. I want to help the Big Five solve their problems. But legislative autonomy is, at best, a short-term solution to a long-term problem. It will not work long term for the Big Five primarily because it does not directly address the sources of the problem.

One source of the problem is the perception that the Big Five are focused more on revenue than on education. Ironically, the whole concept of legislative autonomy for the Big Five seems to verify that the focus is on revenue. Essentially the concept is that the high-resourced conferences are generating billions per year in revenue, and they need to be able to spend it without input from those who do not have similar revenue. The best solution is for the NCAA and the Big Five to take some small percentage of these new revenues and share across all of Division I, to the benefit of student-athletes at universities far and wide. The Big Five would be smart to embrace those lower resourced universities outside the Big Five whose focus is clearly on education. Much of the conversation about paying players, etc. is being generated because so much revenue has been aggregated in the hands of a few universities, rather than being spread more broadly. Almost all TV revenue goes to the Big Five, and most of the football playoff revenue will too. Interestingly, even the professional leagues understand and embrace the concepts of revenue sharing and a level playing field.

Another problem with autonomy is that it attempts to fix all sports rather than focusing where the real problem is - FBS football and men's basketball. Almost all of the complaints and concerns are centered in those sports, yet autonomy does not provide a means to fix the football and basketball problems without disrupting all sports. In addition autonomy will damage, perhaps destroy, what is left of the level playing field in Division I athletics. Finally, autonomy, as outlined on page 32 of the Steering Committee's Draft Governance Model, strips most members in Division I of their right to attend, vote and override on student-athlete well-being issues.

In an attempt to deal directly with the real problems, to somewhat preserve the level playing field within Division I and to allow members to maintain their rights, I recommend the following:

1. I recommend three Management Councils. One would manage FBS Football. A second Council would manage D-I Basketball, both men and women. The third Council would manage all other sports. Each Council would have a Commissioner who would serve as CEO for that entity. In the beginning, each Council would operate under the existing NCAA rules, but there will be an opportunity for each Council to offer and adopt rules to govern its particular entity, subject to veto by the Board of Directors.

A. A Management Council for FBS Football Plus a Commissioner of College Football - FBS Football has many characteristics that make it different from other sports. Much of the dissension and complication present in today's NCAA originates from the fact that FBS Football needs the ability to set more of its own rules. This structure would allow FBS Football to do so without destroying fair competition for a broad array of other sports. For example, the Council for FBS Football may decide that funding cost of attendance is appropriate. Another example could be establishment of minimum criteria to be considered FBS in Football like minimum stadium size or even minimum budget size in Football. Other examples could include the adoption of rules concerning autographs, jersey sales, insurance, agents or medical issues like concussion. FBS College Football is arguably the second biggest sport in America. The attendance, revenues, salaries, TV audience and media attention have reached amazing levels. To continue to treat it as just some other college sport seems nonsensical. If this management structure proved workable and the Commissioner proved effective, perhaps FBS Football could eventually become less reliant on the BCS for its governance.

B. A Management Council for D-I Basketball (both men and women) Plus a Commissioner of College Basketball – The NCAA is almost wholly dependent on men's college basketball for its financial existence. In addition, for most D-I members that do not play FBS Football (and even for some who do), the health and well-being of basketball is critical to the overall well-being of their program. In the view of the public and the media, Basketball merits great interest and attention and most would think it deserves its own management structure. Since both men's and women's basketball are managed by one Council, it is likely no gender equity issues would be created.

C. A Management Council for College Sports Plus a Commissioner of College Sports – From my perspective the other sports, including FCS Football, share sufficient similarities that they can be governed together. By gaining the ability to set its rules without trying to deal with so many of the issues created by Football and Basketball, it is believed that the College Sports Council can establish guidelines that more directly benefit these sports, student-athletes and coaches.

The structure outlined above, in which NCAA governance is segmented to some extent by sport rather than by topic, is clearly a significant departure from the current NCAA structure. However to continue to govern FBS Football or D-I Basketball as if its issues are no different than those faced by Tennis, Golf or Softball ignores the facts. The above structure will allow the Big Five the flexibility it needs to solve a broad array of the problems it faces, while also allowing those outside the Big Five to maintain a level playing field and fair competition in most sports.

In the professional ranks, most sports have significant rules aimed at maintaining a level playing field. Those rules include a worst-to-first player draft, salary caps, revenue sharing, etc. In college athletics, the defined value of a full scholarship and the scholarship limits per team are the primary rules

protecting what remains of the level playing field. Under the Steering Committee proposal of autonomy, those rules, and what is left of the level playing field, will be altered very quickly.

We can help the Big Five solve the issues they face without having to destroy the competition from those of us outside the Big Five in all sports.

One argument I have heard is that regulating Football separately will violate Title IX. I disagree. Each University's compliance with Title IX is unique to the facts and circumstances of that Campus. For example in Charleston, SC, the College of Charleston and The Citadel are one mile apart, part of the same state system and, for 14 years, in the same conference. Yet our compliance with Title IX is starkly different because of our gender numbers, CofC (65% female) and Citadel (93% male), and a host of other factors. No conference rule or NCAA rule can make a University compliant or non-compliant with Title IX. However it is reasonable to expect that some rules adopted by a FBS Football Council could have a Title IX impact that will need to be addressed by certain members.

2. I also recommend that the NCAA consider asking Congress for an Antitrust Exemption or some relief from antitrust rules so that the nation's universities can gain some control over costs. The escalation in costs associated with salaries, facilities and other items is on an unsustainable path. The NCAA membership has strong constituents that love college athletics in all 50 states and in most congressional districts. Support for such an initiative seems feasible.

June 30, 2014

Dr. Nathan O. Hatch  
Chair, Division I Board of Directors Steering Committee on Governance  
[input@redesigndivisiononegov.org](mailto:input@redesigndivisiononegov.org)

Dear Dr. Hatch:

The Missouri Valley Conference appreciates the opportunity to provide input regarding the May 2014 draft model circulated by Division I Board of Directors Steering Committee on Governance.

In our Conference's review of the draft model, four key principles emerged: first, support of the student-athlete well-being philosophy underlying many aspects of the model; second, a commitment to fair competition across Division I; third, a strong interest in maintaining the collegiate model of athletics and integration of athletics as part of higher education; and fourth, a hope that the final model will be sustainable well into the future.

We are supportive of much of the draft model's structure, including the agreed-upon principles of championships access at current levels, continuation of revenue distributions as they currently exist, and maintaining the big tent of Division I. Feedback on specific elements of the model is as follows:

- 1. Board Composition:** Our membership is concerned about the proposed subdivisinal distributions on the Board. The preferred solution would be to add FCS/Division I seats. At a minimum, safeguards should be implemented to ensure that the combination of FBS slots and positional slots could never create a two-thirds supermajority within FBS sufficient to move items from shared governance to autonomy in the future.
- 2. Council Composition:** Our membership's most serious concern is the dilution of the FCS/Division I vote on shared governance matters. At a minimum, the MVC believes that weighted voting should be based upon a 5/27 model rather than the proposed 5/5/22 model. Further, given that football and those matters which fall within autonomy will not be managed under shared governance, we believe it is imperative the Council's agenda be managed in a more democratic manner than is currently presented in the proposed model.
- 3. Autonomy Items:** We are supportive of the concept of autonomy in defined areas in order to allow the five highest-resource conferences to efficiently manage certain student-athlete well-being issues.

Most of the items on the autonomy list are acceptable in concept. However, the MVC strongly believes that transfer eligibility rules have a significant impact on fair competition across Division I and it is critical that these issues be managed through the shared governance process. In addition, although acceptable as broad principles, further definition of the recruiting-related items would be helpful given their potential direct impact on recruiting outcomes.

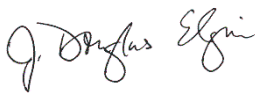
4. **Autonomy Expansion:** It would be helpful to clearly articulate broad principles/filters related to the student-athlete well-being philosophy underlying the autonomy concept in order to direct possible future consideration of additional autonomy topics; these principles and filters would also be helpful to the Board in interpreting whether an issue falls into the “autonomy” or “shared governance” categories. Finally, we are supportive of the draft model’s enumerated list of items that will remain within shared governance and believe that it is critical that team scholarship limits remain a shared governance item as under the current draft model; it may also be beneficial to consider enumeration of further items that will remain within shared governance.

5. **Process Issues:** It would be helpful to have clarity regarding (1) options for FCS/Division I to take collective legislative action in autonomy areas (e.g., to act collectively rather than on a conference or institutional basis) and (2) the process for FCS/Division I to obtain interpretations and/or waivers of legislation within autonomy areas.

Finally, it is our understanding the CCA will propose removal of transfer matters from the autonomy list (with the understanding that transfer rule concerns will be addressed and resolved within shared governance within the next two years) and expansion of the board to better represent FCS and Division I conferences. The MVC is fully supportive of these positions. It is our further understanding that the Top 5 conferences desire lowering the board’s threshold to move items from shared governance to autonomy which, as currently proposed, is a 2/3<sup>rd</sup> non-weighted vote. The MVC would be open to lowering the voting threshold, at the Steering Committee’s discretion, provided the first two proposals are included in the final proposed governance model.

Again, we thank the Steering Committee for the opportunity to provide input and for its efforts to develop a strong and sustainable model for future Division I governance.

Sincerely,

A handwritten signature in black ink that reads "Doug Elgin". The signature is written in a cursive, flowing style.

Doug Elgin  
Commissioner

**FEEDBACK AND COMMENTS OF THE DIVISION I –AAA ATHLETICS  
DIRECTORS TO THE DIVISION I GOVERNANCE REDESIGN MODEL THAT  
WAS PRESENTED TO THE DIVISION I MEMBERSHIP FOR REVIEW IN  
MAY 2014**

July 1, 2014

I am writing to you as the chair of the Division I-AAA Athletics Directors. Our group has had an opportunity to review the draft governance model that was developed by the Steering Committee of the NCAA Board of Directors and distributed to the NCAA membership for feedback and comment. Please know that we appreciate the opportunity to submit our thoughts on the document and are grateful for the time and effort that the Steering Committee has put forth relative to the Division I Governance Redesign Initiative.

The Division I-AAA Athletics Directors wish to offer its feedback on four specific areas of the model:

1. Transfer-related Legislation
2. The Composition of the Board of Directors
3. The Weighted Voting Structure of the Council
4. Team Scholarship Limits
5. Access to NCAA Championships
6. The Calculation of a Full Grant-in-Aid and How it Relates to a Student-Athlete's Equivalency

**Transfer-related Legislation**

As a group, we believe that any future changes or modifications to the NCAA's Division I transfer policies should be a matter of discussion and vote among all Division I conferences. Accordingly, we would request that the Steering Committee consider amending its model so that any and all matters associated with transfers are dealt with via the policies and procedures of shared governance and not autonomy.

**The Composition of the Board of Directors**

The Division I-AAA Athletics Directors support several of the parameters that have been set forth by the Steering Committee regarding the redesigned and recharged Board of Directors. First, we support the principal that going forward the Board will transition most of its day-to-day policy and legislative responsibility to the Council, and will be charged with concentrating its efforts more on oversight and strategic issues. Second, we support that the Big 5 would continue to have permanent seats on the new Board and that new permanent seats would be granted to an AD, SWA, FAR and student-athlete.

Similar to many other constituency groups within the Division I membership, the Division I-AAA Athletics Directors continue to be perplexed as to the reasons why in the proposed Model the “other five” FBS conferences (AAC, Conference USA, MAC, MWC and Sun Belt) continue to maintain permanent seats on the Board. Aside from what would seem to be an historical perspective or analysis, the Steering Committee has not offered any specific reasoning as to why the “other five” would be deserving of this level of representation. As the leaders of institutions that are deeply committed to achieving success in all sports, especially men’s basketball, we are concerned that the Board composition set forth in the proposed Model does not provide adequate representation to our Conferences. The NCAA as we know it, and the services that it provides to its member institutions, does not exist if it is not for the revenue generated by the Division I men’s basketball tournament. The role that men’s basketball plays within the Division I structure should not be underestimated and the Division I-AAA Athletics Directors believe that the composition of the Board should provide a meaningful level of representation to the Conference’s that drive a large portion of the men’s basketball matrix.

As an alternative to the 5-5-7 structure that is proposed in the current Model, we would suggest that the Steering Committee consider either (1) reducing the number of Board seats allocated to the “other five” and increasing the number of Board seats allocated to FCS/DI Conferences by the reduced number; or (2) increasing the number of seats on the Board allocated to FCS/DI Conferences by three. Thus resulting in a Board consisting of twenty-four total seats, ten of which are dedicated to FCS/DI.

### **The Weighted Voting Structure of the Council**

The Division I-AAA Athletics Directors are supportive of having the voting levels of the proposed Council mirror the current voting levels of the existing Legislative Council. The current breakdown of the weighted voting levels is approximately 53% for FBS and 47% for FCS/DI. For shared governance matters we believe that these percentages should remain in place.

### **Team Scholarship Limits**

Although the proposed Model in no way suggests that team scholarship limits are part of autonomy, the Division I-AAA Athletics Directors request that the final version of the Model specifically delineate that this category of legislation will forever remain part of shared governance. We understand that there will always be differences between our institutions and those that comprise the FBS, but allowing the Big 5 autonomy in this area could tip the balance so greatly that it would be difficult for us to maintain a level competitiveness in basketball and the Olympic sports on a national level.

### **Access to NCAA Championships**

Although the proposed Model in no way suggests that access to NCAA championships via automatic qualification is part of autonomy, the Division I-AAA Athletics Directors request that the final version of the Model specifically delineate that this category of legislation will forever remain part of shared governance. The opportunity for all student-athletes, at every level of Division I, to be able to compete for national championships must always be part of the Division I fabric.

### **The Calculation of a Full Grant-in-Aid and How it Relates to a Student-Athlete's Equivalency**

As a group, we understand that going forward Division I institutions will more than likely be able to award a full grant-in-aid to a student-athlete up to the value of that student-athlete's cost-of-attendance. If the definition of a full grant-in-aid were to change to include cost-of attendance, we feel strongly that this inclusion should not affect how a student-athlete's individual equivalency rate is calculated. Including the cost-of attendance in the equivalency rate calculations could lead to an unintended adverse effect on institutions that are not able to provide student-athletes with cost-of attendance dollars. Consequently, we would request that the Steering Committee codify that cost-of attendance dollars will forever be excluded from the numerator and denominator in equivalency calculations.

Thank you again for the opportunity to submit our thoughts and feedback.

Robert Driscoll  
Athletics Director, Providence College  
Chair of the I-AAA Athletics Directors

## NCAA Division I Governance Structure – NCAA Division I Academic Cabinet and NCAA Division I Committee on Academic Performance Feedback and Consideration

### Background.

The NCAA Division I Academic Cabinet and the NCAA Division I Committee on Academic Performance each discussed the academic portion of the new Division I draft governance model proposed by the NCAA Division I Steering Committee on Governance. The latest model would establish a Division I Council to oversee and resolve operational and legislative issues. Within the Council's substructure, an Academic Council would serve as the academic leadership branch of the new governance model. As proposed, the Academic Council will report to the NCAA Division I Board of Directors on academic standards and policy-related issues, and report to the Council on legislative items.

Both academic bodies responded to the proposed governance model during their June 2014 meetings. The two bodies largely agree to the general construct of the proposed Academic Council. However, both bodies agree that authority on all matters that impact academics be vested in the academic portion of the new governance model, subject to direct oversight by the Board of Directors. Lastly, each body offered particularized feedback on components of the proposed Academic Council.

### Feedback Summary.

The Academic Cabinet and the Committee on Academic Performance provided the following recommendations regarding the proposed academic portion of the new Division I governance model.

Recommendation/Key Shifts from the Steering Committee's May 2014 Proposed Academic Council	Proposing Academic Body	Rationale/Notes
<ul style="list-style-type: none"> <li>• Academic Council has a solid, direct reporting line, to the Division I Board of Directors.</li> <li>• Academic Council has no reporting line to the Council.</li> </ul>	Both bodies support.	<ul style="list-style-type: none"> <li>• A direct reporting line to the Board of Directors is essential to maintaining presidential leadership on academics matters.</li> <li>• The proposed dual reporting lines to the Board of Directors and the Council are disruptive to both process and emphasis on academics as a priority.</li> <li>• Academic Council will seek input from the Council, and vice versa, on academic initiatives and matters that impact academic standards, as appropriate.</li> </ul>

<b>Recommendation/Key Shifts            from the Steering            Committee's May 2014            Proposed Academic Council</b>	<b>Proposing            Academic Body</b>	<b>Rationale/Notes</b>
<ul style="list-style-type: none"> <li>Academic Council manages all policy and regulation pertaining to academic matters.</li> </ul>	Committee on Academic Performance.	<ul style="list-style-type: none"> <li>Board of Directors, as opposed to the Council, is the proper entity to review legislative items sponsored by the Academic Council.</li> <li>The proposed governance model could allow the Council to dismantle legislative efforts sponsored by the Academic Council. Academic Council policy and legislative efforts, devised under presidential leadership, should not be subject to override by athletics administrators.</li> </ul>
<ul style="list-style-type: none"> <li>Academic Council has authority to approve routine, noncontroversial academic policy.</li> </ul>	Both bodies support.	<ul style="list-style-type: none"> <li>Provides operational relief to Board of Directors and vests academic authority over routine matters with the highest academic body.</li> <li>No current steering committee position.</li> </ul>
<ul style="list-style-type: none"> <li>Academic Council composition includes all levels of institutional and athletics administration.</li> </ul>	Both bodies support.	<ul style="list-style-type: none"> <li>Apprehension regarding a student-athlete as a voting member of the Academic Council given time commitment, extensive waiver hearings and implications of the NCAA Division I Academic Performance Program (APP) penalty structure inherent to the work of the academic governance body.</li> <li>No current steering committee position.</li> </ul>

<b>Recommendation/Key Shifts from the Steering Committee's May 2014 Proposed Academic Council</b>	<b>Proposing Academic Body</b>	<b>Rationale/Notes</b>
<ul style="list-style-type: none"> <li>Academic Council composition includes 20 members, including a diverse representation of institutions and conferences, and is appointed by the Board of Directors.</li> <li>Include a provost within the Academic Council composition.</li> </ul>	Both bodies support.	<ul style="list-style-type: none"> <li>A 20-member academic body will provide both adequate representation and number of members to sufficiently administer academic functions.</li> <li>Given the presidential leadership of the Academic Council, the Board of Directors should appoint members to the Academic Council.</li> <li>The proposed governance model provides for a composition of 15-20 members.</li> </ul>
<ul style="list-style-type: none"> <li>Academic Council oversees a substructure of three academic subcommittees.</li> </ul>	Both bodies support.	<ul style="list-style-type: none"> <li>Three subcommittees are necessary to administer current academic functions (i.e., APP appeals, APP data and reporting, and student-athlete waivers).</li> <li>No current steering committee position.</li> </ul>
<ul style="list-style-type: none"> <li>Academic Council be renamed the NCAA Division I Committee on Academics.</li> </ul>	Committee on Academic Performance.	<ul style="list-style-type: none"> <li>"Committee on Academics" formally distinguishes the role of the academic body within the new governance structure.</li> <li>The proposed designation of "Academic Council" implies that the academic body is subsidiary to the Council.</li> <li>No current steering committee position.</li> </ul>



Big Sky Conference  
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## Comments of the Big Sky Conference President's Council on NCAA Division I Governance Model Review

July 2014

We appreciate the intent of the Division I Board and NCAA leadership in initiating this governance review process. However, we feel compelled to point out that the most recent revised model (May 2014) does very little to address the real and persistent issues which threaten collegiate athletics. The proposed structure perpetuates and exacerbates the inconsistency between the NCAA collegiate amateurism model and the vast amounts of money coming into some institutions and conferences through football and, to a lesser extent, to the NCAA through the basketball tournament. Regardless of the outcome of current legal challenges to various aspects of the NCAA model, these issues, and the critics raising them, are not going to go away. We remain skeptical of how durable this governance reform will be. However, we do offer the following comments in the spirit of supporting our membership organization and, more importantly, our student-athletes' opportunity to participate in meaningful intercollegiate competition.

The proposed structure strikes us as responding almost exclusively to the desires of the wealthiest five conferences. Although we in the Big Sky do not wish to prevent wealthier programs from generating revenue and supporting student-athletes, we do think there is a moral, and organizational, hazard in allowing those programs to move ever closer to professionalism in the name of "autonomy." Frankly, the hazard is not so much to those of us who happily compete at the Football Championship Subdivision level, but we are concerned about the overall health of college athletics and our membership association if we strain too hard to keep Division I together by allowing one segment of the membership to dominate the entire Division over competitive and financial issues. We believe that this gives the NCAA the appearance of ignoring, for the most part, issues about student-athlete welfare. We, as presidents, are charged with protecting the welfare of student-athletes in the same way we are responsible for the education and welfare of all of our students. We take that very seriously.

Our caution to the Steering Committee and to the membership is that the so-called Big Five should not be allowed to be, to put it bluntly, too greedy in its aggregation of power in the new structure. A few of our specific concerns to date are:

- **Board Composition.** We believe that the Board is too large, and that it has regressed back to being representative in nature, which creates political divisions and evidences a systemic lack of trust. It is our sense that the Board structure was created as a political compromise (see "legislation" and "sausage-making") weighted heavily toward the interests of the "Big Five" in an attempt to mollify the "Second Five" conferences. This has the bizarre effect of creating a fourth subdivision within Division I without due process.

- Autonomous versus Shared Governance Issues. Although we as Big Sky presidents accept the concept that there are some issues which are appropriate for autonomy, we resist the pressure to label issues which affect all Division I members as matters for individual institutional or conference determination. We believe that the autonomy bucket should include only the things the Big Five **need** to thrive and fulfill their commitment to student-athlete welfare. Attempts to move more and more topics into the “autonomy pile”, and to weight voting for the items left under “shared governance” in favor of the wealthier conferences, render the rest of our leagues irrelevant in the governance process. This destroys trust, which is a fatal flaw in an organizational structure.
- Big Sky Suggestion for Board Composition. Although, as presidents, we are concerned about our conference’s potential irrelevance in a new structure, we are not eager to negotiate the minutia of governance. We do have a compromise suggestion which may be adequate to allay our fears and to dissuade us from joining an override campaign. We suggest a Board made up of five representatives from the high resource leagues, five from the next five FBS leagues [the de facto fourth subdivision], five from the FCS, and five from the non-football Division I sector. We would concede the issue of the proposed supermajority to move issues to autonomy. We believe that this approach would encourage interaction among the haves and the have-nots in a more productive way than the May 2014 proposal.

Thank you again for the opportunity to comment.

Respectfully submitted on behalf of the Big Sky President’s Council,

P. Kay Norton

President

University of Northern Colorado

Member, PAG



## COLONIAL ATHLETIC ASSOCIATION

College of Charleston • University of Delaware • Drexel University • Elon University • Hofstra University • James Madison University  
University of North Carolina Wilmington • Northeastern University • Towson University • College of William & Mary

July 1, 2014

Division I Steering Committee on Governance  
c/o NCAA  
P.O. Box 6222  
Indianapolis, IN 46206-6222

RE: CAA response to revised governance plan

On behalf of the CAA Council of Presidents, I am forwarding our response to the May 2014 report of the NCAA Division I Steering Committee on Governance.

The CAA Presidents do not support the major overhaul of the governance structure reflected in the Steering Committee's report. In our thorough discussions it was noted that it is our belief that the current governance structure can, and has, responded to the pressing concerns of the Association at the time they occurred. Of particular note:

1. A version of Cost of Attendance was passed by the NCAA Board in 2011. While enough institutions submitted requests to initiate the override process of the Board's action, a majority did not, and the Board withdrew further consideration of the proposal rather than call for a final vote.
2. The newly adopted opportunity for the significant expansion for meals was adopted under the present system.
3. Multiple year scholarships have been permitted since 2011, adopted again under the current governance system.
4. "Life-long" athletic scholarships are permitted under current legislation.

Most of the items identified for autonomy (at least 7 of the 12) are generally based in principles that Division I institutions support and currently administer to protect the welfare and interests of their student-athletes. We support the continued expansion in these areas for the benefit of our students who happen to participate in athletics.

All our institutions recognize the rapidly changing forces challenging the way intercollegiate athletics presently operates and we are willing to tackle those issues with a global view of trying to accommodate the needs of those most impacted by the challenges. We believe that these objectives can be accomplished with new perspectives on the issues that do not require the proposed major revisions of the governance structure. Therefore, we do not support the revised plan.

The CAA Presidents appreciate the considerable time, effort and expertise that many have contributed in reviewing the NCAA Governance structure and will be happy to provide more information to the Steering Committee if desired

Sincerely,

A handwritten signature in black ink that reads "Tom Yeager". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Thomas E. Yeager  
Commissioner

Cc: CAA Council of Presidents  
CAA Executive Committee




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**NCAA GOVERNANCE MODEL  
Northeast Conference Feedback  
July 1, 2014**

The NEC Presidents and athletic administrators generally support the need for a new governance model and the desire of the Big 5 conferences to provide their student-athletes with benefits that positively impact their collegiate experience. However, the NEC has concerns regarding a number of issues addressed in the model and we respectfully submit the following recommendations for the NCAA Steering Committee’s consideration:

- Expand the Board composition from the proposed 5/5/7 model to a 5/5/5/5 model. This would provide each category of Division I conferences (Big 5, Other 5, FCS, DI) with the same number of guaranteed spots on the Board. Given the move to autonomy and the fact that football related matters will be handled through other channels, there is no need for the other FBS conferences to have more representation on the Board than the FCS and Division I conferences (which exists under the proposed model distributed in May).
- Assuming a Board composition of 5/5/5/5, prohibit representatives from any one subdivision (e.g., Big 5, Other 5, FCS, DI) from holding more than two of the four non-presidential appointments to Board (i.e., AD, SWA, FAR, SA). Without this preclusion, it is possible that the Board could easily attain the vote necessary to move an issue from the shared governance bucket to the autonomy bucket (this assumes that the voting requirement will be less than the 2/3 vote initially proposed). The ability to adequately discuss, debate and vote on the topics/issues that are moved into the autonomous governance section is critical to the NEC. While we are open to discussing a voting percentage of less than 2/3, we would not support a simple majority vote to move an item from shared governance to autonomy.
- Change the Council weighted voting system to a 5/27 concept. This would provide the Big 5 with 38.7% of the vote, and the remaining 27 conferences would equally share the remaining 61.3% of the vote (or 2.27% vote per conference). The current model provides the other 5 FBS conferences with more voting power (3.88% per conference) than the FCS and DI conferences (1.76% per conference) which as noted above is no longer necessary given the fact that the football and autonomous matters will be handled through other avenues.
- Remove a number of sections that currently fall within the autonomous governance bucket and return them to the shared governance. Given the limited information available relative the desired outcomes associated with the followings sections, the fact that they do not directly align with the original goal to provide more benefits to student-athletes and the potential significant impact on recruiting, the NEC athletic administrators believe the following sections be moved to the shared governance bucket (listed in order of importance):

(1) Transfer Eligibility (Bylaw 14.5): This is the highest priority issue for the NEC administrators -- we believe all Division I institutions should operate under the same transfer rules. Allowing different transfer rules for each subdivision would create chaos and confusion in the recruiting process as well as an unfair recruiting advantage for those subdivisions that have less restrictive transfer rules. As such they believe this section should be moved to the shared governance section and should be considered a non-negotiable issue. It should be noted that we would support the suggestion to put this section in a two-year abeyance, giving the full Division I membership the opportunity to address the issue within that time frame.

(2) Pre-Enrollment Expenses and Benefits (Bylaw 13.2): Considering the fact that this bylaw is titled "Offers and Inducements" and encompasses a wide array of potential for change, the NEC requests additional clarity on this topic. While the model outlines a few possibilities for additional benefits, the comprehensive nature of the bylaw allows for a much broader list of potential changes. It should be noted that we verbally received some additional clarification at the recent Commissioner's meeting that was helpful in outlining some of the desired outcomes; however, we would prefer that the final model more clearly articulate those desired outcomes.

For example, will there be any specified "off-limits" benefits (e.g., use of private jets, provision of a car, arrangement for jobs for prospects and/or family members)? In addition, will such benefits be permitted only after the signing of an NLI; or will the benefits be permissible at any point subsequent to the first permissible recruiting interaction? We understand the need to assist with a prospects' transition to college, but we're concerned about the potential for returning to the "wild west" mentality of recruiting which would not be in the best interest of college athletics regardless of subdivision.

(3) Personnel (Bylaw 11.7) – If legislation can result in an increase in the number of countable coaches, this issue should be moved to the shared governance bucket. If the legislative changes are limited to non-coaching personnel, the NEC supports leaving this section in autonomy.

(4) Terms and Conditions of Awarding Financial Aid (Bylaw 15.3-15.3.5.2): If the Big 5 conferences provide more clarity on the desired outcomes of this section, the NEC might be willing to accept some components of this bylaw in the autonomy section. However, until such time that information is provided we believe this section should be moved to the shared governance section.



July 1, 2014

To the Members of the NCAA Steering Committee on Governance:

Following considerable discussion during our recent league meetings, and after some time to reflect on those discussions, the Council of Presidents of the Southern Conference wish to share some viewpoints with the Division I governance steering committee.

The Southern Conference is troubled by the voting representation proposed for the Board of Directors. It is frustrating to have 22 conferences rotate through only 7 BOD seats. All 10 FBS conferences being insured representation signals to us that the BOD is being constructed to protect sub-divisional positions rather than act globally for all of Division I.

Likewise, we have concerns regarding how shared governance matters are shifted into the autonomy category. In our opinion, the FBS representatives seeking such an outcome should be required to convince at least one representative of the 22 conferences in order to succeed. Yet the composition of the Board as drafted by the steering committee could easily result in a Board guaranteed the 2/3 majority it needs to move something into the autonomy pile.

Perhaps the most common theme expressed by our membership is a fear that the collegiate model of students using an opportunity to receive a sound education while playing a sport they love will be compromised. Discussions regarding permissive legislation aimed at reducing recruiting and competitive disadvantages will become divisive topics between and within conferences. We believe institutions will be forced to make decisions about which programs they can support and which they cannot. This will drive wedges between student-athletes on our campuses, reduce opportunities and further erode the current structure.

In conclusion, the Southern Conference recommends the steering committee revise the composition of the Board of Directors to provide greater representation from the 22 non-FBS conferences; insure an automatic 2/3 majority does not exist for the Board relative to autonomous matters; and pursue a governance structure that benefits all 32 Division I conferences rather than just a portion of them.

Sincerely,

John Iamarino  
Commissioner



Abilene Christian University  
University of Central Arkansas  
Houston Baptist University  
University of the Incarnate Word  
Lamar University  
McNeese State University  
University of New Orleans  
Nicholls State University  
Northwestern State University  
Sam Houston State University  
Southeastern Louisiana University  
Stephen F. Austin State University  
Texas A&M University-Corpus Christi

July 1, 2014

Division I Steering Committee on Governance  
c/o NCAA  
P.O. Box 6222  
Indianapolis, IN 46206-6222

RE: Southland Conference Response to the May 2014 NCAA  
Division I Steering Committee Report on Governance

Steering Committee Members,

On behalf of the Southland Conference Board of Directors, I am forwarding the feedback of our presidential leadership in response to the May, 2014, report of the NCAA Division I Steering Committee on Governance.

The Southland Board has thoroughly reviewed the Steering Committee's report, and after multiple discussions, has expressed opposition to the proposed Governance restructuring model and its related elements.

The Southland Conference presidents appreciate this opportunity to respond, and can provide the Steering Committee with more information if needed. Thank you.

Cordially,

A handwritten signature in black ink that reads "Thomas E. Burnett, II".

Thomas E. Burnett, II  
Commissioner

cc: Southland Conference Board of Directors  
Southland Conference Advisory Council

2600 Network Boulevard  
Suite 150  
Frisco, TX 75034  
(p) 972.422.9500  
(f) 972.422.9225  
www.southland.org

July 1, 2014

TO: NCAA Division I Board of Directors

FR: Jeff Hurd, Commissioner  
Western Athletic Conference

RE: Feedback on Proposed Governance Model

Subsequent to the completion of its Spring Athletics Council meetings and its June Board of Directors' meeting, the Western Athletic Conference respectfully submits its feedback to the NCAA Division I Board of Directors' Steering Committee on Governance in response to its May, 2014, report.

In general, the WAC supports the Committee's efforts to establish a governance structure that addresses the established concerns of all Division I entities. However, it does not support the report as written and believes significant refinement is necessary to address concerns of the majority of conferences that comprise Division I.

It also strongly supports the unifying principles outlined in the Executive Summary. Specifically, it believes that equitable championship access and continued revenue distributions are principles that must be fundamental to any revised governance model.

### **Board of Directors**

The WAC does not endorse the recommended 17-member Board as the model does not provide adequate representation for the combined majority of the 22 FCS/Division I conferences.

The WAC does instead support expansion of the Board to 20 members (three additional FCS/DI positions) in addition to the four other positions (AD, SWA, FAR and S-A). Such an expansion results in a Board comprised of the 10 FBS, 5 FCS and 5 Division I representatives (a 5-5-5-5-4 model).

Should the Steering Committee ultimately continue with its recommendation of a 17-member (plus four) Board, the remaining seats after the Big Five conferences should have equal distribution as there is no apparent rationale for the non-Big 5 conferences to have full Board representation.

The WAC also endorses a limit of no more than two FBS representatives included among the AD, SWA, FAR and SAAC slots and suggests that a 60-day minimum notice be in place regarding for any potential autonomy modifications under Board consideration.

## **Council**

The WAC has concern regarding the recommended voting structure. It does not believe that the non-Big Five should be given a voting weight that is substantially different from that of the remaining 22 conferences.

Rather it supports a 5/27 concept in which the Big Five still maintains approximately 38-40 percent of the total weighted vote. The remaining 27 conferences then receive an equal distribution of the remaining vote.

The WAC also likely could endorse a higher percentage for the Big Five provided that the remaining 22 FCS/Division I conferences maintain their current combined percentage of 47.

## **Autonomy**

While the WAC agrees that a level of autonomy is necessary for the high resource conferences, it remains concerned by the lack of specificity in many of the issues. Items defined as outside of the original autonomy package are vague and lack even general definition. Such a lack of detail creates a significant level of distrust and makes the items difficult to endorse.

The WAC also endorses a suggestion from the recently completed CCA meetings that would result in a two-year delay in the movement of student-athlete transfer regulations to autonomy. The implications for a separate rule for the Big Five conferences are enormous and potentially extremely detrimental to the remaining members.

## **Other**

The WAC endorses the shared governance system as described and could support a slight reduction in the threshold in which to move a shared governance item to the autonomy category. In any case, such a reduction should not provide a more favorable advantage to the 10 FBS institutions than the current 53-47 percent ratio.

Regarding the Council substructure, in general the WAC endorses a system that can be effective within a minimal number of subsets populated by individuals with specific committee-related expertise.

The WAC appreciates the opportunity to provide its feedback to the Steering Committee and recognizes the enormous task that is inherent in identifying a solution that can address a majority of the involved issues.

Thank you.

cc: David Berst, NCAA  
Jean Frankel, NCAA Consultant  
WAC Board of Directors

# MID-EASTERN ATHLETIC CONFERENCE

2730 ELLSMERE AVENUE • NORFOLK, VA 23513 • www.meacsports.com

## OFFICE OF THE COMMISSIONER

**BETHUNE-COOKMAN UNIVERSITY**  
Daytona Beach, FL

July 3, 2014

**COPPIN STATE UNIVERSITY**  
Baltimore, MD

Nathan Hatch  
President, Wake Forest University  
Chair of Steering Committee  
Division I Steering Committee on Governance

**DELAWARE STATE UNIVERSITY**  
Dover, DE

c/o NCAA  
P.O. Box. 6222  
Indianapolis, IN 46206-6222

**FLORIDA A&M UNIVERSITY**  
Tallahassee, FL

Dear Steering Committee Members,

**HAMPTON UNIVERSITY**  
Hampton, VA

On behalf of the Mid-Eastern Athletic Conference (MEAC) Council of Chief Executive Officers (CCEOs), I am forwarding the feedback from our conference members in response to the May 2014 report of the NCAA Division I Steering Committee on Governance.

**HOWARD UNIVERSITY**  
Washington, DC

The MEAC has reviewed the report and is in support of the proposed Governance Restructuring model with the following concerns.

**UNIVERSITY OF MARYLAND  
EASTERN SHORE**  
Princess Anne, MD

1. The Board of Directors should be 5 Football Bowl Subdivision (FBS), 5 other FBS and 22 Football Championship Subdivision (FCS)/Division I (DI) as proposed by the Collegiate Commissioners Association (CCA).
2. The voting on the Council should be equally weighted among the 27 conferences.
3. In regards to Autonomy, there is concern regarding having time demands listed as an item of autonomy. Ultimately, the membership should be on the same page with student-athletes progressing towards graduation and not creating additional time demands. More time should be focused on academics to make sure student-athletes are progressing towards their degrees.
4. The effective date should be extended to August 2015 once all aspects of the structure has been vetted.

**MORGAN STATE UNIVERSITY**  
Baltimore, MD

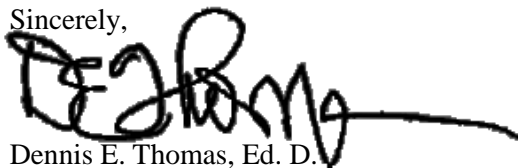
**NORFOLK STATE UNIVERSITY**  
Norfolk, VA

The MEAC is most appreciative of this opportunity to provide our feedback to the Steering Committee. We would like to commend the steering committee for your hard work and dedication to this effort. Thank you.

**N.C. CENTRAL UNIVERSITY**  
Durham, NC

**N.C. A&T STATE UNIVERSITY**  
Greensboro, NC

Sincerely,



Dennis E. Thomas, Ed. D.  
Commissioner

**SAVANNAH STATE UNIVERSITY**  
Savannah, GA

**S.C. STATE UNIVERSITY**  
Orangeburg, SC

DET/sos



SENT VIA ELECTRONIC MAIL

**MEMORANDUM**

TO: NCAA Division I Steering Committee on Governance

FROM: Beth DeBauche, Commissioner

SUBJECT: Feedback on the Proposed Division I Governance Model

DATE: July 7, 2014

On behalf of the OVC Board of Presidents, I am writing to thank the Division I Board of Directors Steering Committee for its efforts to date on seeking to develop a new and lasting Division I governance structure and for its willingness to consider different viewpoints regarding this governance reform effort reflecting the rich diversity of the Division I membership.

Similar to a number of the other Division I conferences that have provided the Steering Committee feedback and comments, the OVC Board of Presidents is deeply committed to maintaining the collegiate model, and the important role presidential leadership plays in maintaining that model.

The OVC Board of Presidents, along with our conference membership, has spent a great deal of time discussing the future of Division I. The Board of Presidents acknowledges, while there are substantial resource differences between the top five revenue producing conferences and the remaining 27 other conferences, there are fundamental similarities between the 32 conferences pertaining to the values associated with Division I intercollegiate athletics that tie the conferences together. The new governance structure must seek to preserve and promote the similarities in values and vision among the Division I conferences, while taking reasonable and measured steps to address the differences.

Although, it may sound a bit cliché, the whole of Division I is truly greater than the sum of its parts. Accordingly, while the OVC Board of Presidents recognizes the new governance structure must meet the needs of all 32 conferences it also must address the top five producing conferences' desire for legislative autonomy over areas where their resources could further be

tailored to issues surrounding student-athlete well-being. With this appreciation in mind, the OVC Board of Presidents' crafted this memorandum focused on two main areas: The Division I governance structure and the scope of the autonomy package.

#### Composition of the Division I Board of Directors

The OVC Board of Presidents respectfully requests the Steering Committee reconsider its preliminary recommendation that 17 presidents/chancellors should serve on the Division I Board of Directors, and asks the Steering Committee to consider the establishment of a larger board, which is more representative of the diversity in Division I.

In a new governance structure, where presidential leadership is more important than ever, it is essential that presidents/chancellors from all subdivisions have an opportunity to be engaged and stay informed. Without representation on a continual, or at least a frequent basis, it is difficult for presidents and chancellors to receive the necessary information and requisite context regarding important Division I issues. Accordingly, the OVC Board of Presidents would ideally like to see all 32 conferences have a seat on the Division I Board. Given the Board of Directors new focus on providing strategic direction rather than legislative actions, it naturally lends itself to a larger Board with less political rancor. Further, the OVC Board of Presidents posits a larger board is manageable as evidenced by the fact many Universities have boards of 32 members or larger. Lastly, the OVC Board of Directors acknowledges a larger Board would most likely warrant some level of weighted voting, but notes access rather than voting weight is important for informed governance.

Having expressed the OVC's support for full representation on the Division I Board of Directors with weighted voting, our Board understands at this stage in the Steering Committee's work such an expansion may seem difficult. If that is the Steering Committee's view, the OVC Board of Presidents would strongly encourage the Steering Committee to explore other Board composition models that are more inclusive in nature than the current recommendation, for the Board believes this is imperative for a sustaining Division I structure. The OVC Board of Presidents also asks the Steering Committee to reconsider its approach to the assignment of Board seats.

Specifically, OVC Board of Presidents offered no objections to the top five producing FBS conferences receiving permanent seats on the Division I Board of Directors, but believes the other 27 conferences should have equal status within the governance structure. As the data reveal, the distinction between the other five FBS conference and the 22 conferences has more to do with the number of football scholarships they award and its residual impact than any philosophical or other consequential factors. While we respect our peers' decision to sponsor FBS football, we do not support the concept of building a governance structure on such a distinction, as such a distinction has potential to further fracture the division by giving undue

influence to certain conferences with no philosophical basis. The OVC Board of Presidents strongly believes treating the remaining 27 conferences equally in the structure will lead to a stronger Division with less dissonance and more credibility.

If the Steering Committee seeks to provide the other five FBS conferences permanent seats on the Board of Directors, the OVC Board of Presidents would ask the committee to consider the compromise position identified by the Collegiate Commissioners Association whereby 20 presidents would serve on the Board of Directors, with five representatives coming from each of the three subdivisions plus the other five FBS conferences. This 5-5-5-5 model would still provide for more presidential involvement and engagement throughout the totality of Division I and allow for a shorter waiting period for conferences to receive a seat on the Board.

#### Voting Percentage and Notice

If the Steering Committee determines to make no modification to the Board structure as proposed, the OVC Board of Presidents recommends the proposed two-thirds voting requirement to move items from shared governance to the autonomous category remain the same, as such a move has potential to have a large impact on Division I and warrants a high threshold. Should the Steering Committee agree to expand the size of the Board, the OVC Board of Presidents would understand a desire to modify the requisite voting percentage. The Board of Presidents would also request all 32 conferences receive formal notification before a matter can be considered for movement from the shared governance category to the autonomous list.

#### Autonomy List

While the OVC Board of Presidents appreciates the top five conferences' desire for autonomy to use resources to benefit student-athletes and to provide for their well-being in certain areas, the OVC Board of Presidents is concerned that as work of the governance structure has continued, the autonomy list has expanded and now extends beyond the stated purpose of using available resources to benefit student-athletes. The Board of Presidents is also apprehensive about the lack of sufficient detail being provided regarding some of the new areas being proposed for the autonomy list. The Board recognizes the top five conferences' desire to develop an autonomy list that is flexible enough to address unforeseen issues that may arise in the future, given the OVC Board of Presidents' fiduciary duty to our student-athletes and membership, the Board believes more detail in some of the listed areas is prudent.

Specifically, the OVC Board of Presidents asks that given all governance implementation issues that still need to be addressed and the lack of specificity regarding some of the items included in the autonomy package, that the Steering Committee consider establishing a multi-phased approach for establishing the autonomy list. Pursuant to a phased in approach, issues pertaining to resources, such as Bylaw 16 matters (awards and benefits) and cost of attendance, could be

included in the first phase of autonomy, with matters pertaining to transfers, personnel, financial aid, pre enrollment benefits and playing and practice season being considered in a second phase.

The Board of Presidents believes while the top five conferences may need a level of autonomy in a few areas, the more areas in which the Division can stay together, the stronger the overall Division will be. Therefore, Division I must be thoughtful in its approach to autonomy, giving latitude to the top five conferences in those areas where the resource gap truly matters, but maintaining the system of shared governance in those areas central to the collegiate model. The Division has a successful history of tackling difficult matters using a multi-phased approach. A multi-phased approach, managed under the new Division I governance structure, would help protect from unintended consequences, assist in ensuring the membership does not feel overwhelmed by change and enhance confidence in the new structure. For this reform effort to be truly successful, it is going to have to philosophically ring true to the membership that the autonomy list reflect items pertaining to student-athlete benefits and well-being. The current autonomy list, with its lack of detail in some areas, unfortunately does not do that.

#### Other governance issues

The OVC asks the Steering Committee to reconsider its recommendation to establish a nominating subcommittee. It is the OVC's humble belief that the weakness in appointing representatives to the current structure had more to do with the overly prescriptive requirements than it did with the conferences' inability to identify competent and dedicated representatives. The conferences take the nomination process seriously and are in the best position to know the qualifications and credibility of their nominees.

Further, the OVC Board of Presidents requests the Steering Committee, or other subsequent body charged with looking at governance, identify successful forms of meaningful and concise communication regarding the Division I agenda so there is an informed and engaged Division I membership from the presidential level on down. The proposed new structure, with the elimination of a council and the cabinets, has far fewer service opportunities for the membership than the current structure. Therefore, establishing a clear Division I agenda with supporting context and clear communication is essential.

The OVC Board of Presidents would like to again express its gratitude to the Board of Directors Steering Committee for its time and effort it helping to set the appropriate and sustaining course for Division I and appreciates your consideration of the requests in this memorandum.