



**NCAA Division I
Legislative Council**

Policies and Operating Procedures

October 2010

Table of Contents

Duties and responsibilities.....	1
Composition.....	2-3
Organization.....	4-5
Meeting schedule.....	5-6
Terms.....	6
Absences.....	6
Voting.....	7
Selection of Legislative Council chair.....	7
Conflict of interest.....	8-9
Agenda development.....	9
Sponsoring legislation.....	10
Meeting participation by noncouncil members.....	10
Committee or cabinet recommendations.....	10-11
NCAA Division I Legislative Council Subcommittee on Legislative Relief.....	11
Appeals of NCAA Division I Committee on Athletics Certification Decisions.....	11
NCAA Division I Legislative Review and Interpretations Committee.....	11-13
Appendix.....	13-14

DUTIES AND RESPONSIBILITIES

Duties and Responsibilities (NCAA Division I Constitution 4.6.2)

The NCAA Division I Legislative Council shall:

1. Serve as the primary legislative authority (see Constitution 5.3.2);
2. Develop educational materials regarding pending legislation;
3. Take final action on matters delegated to it by the NCAA Division I Board of Directors;
4. Make interpretations of the NCAA bylaws; and
5. Review the recommendations of the substructure.

The Legislative Council is the primary legislative body in the Division I governance structure, subject to Board oversight. The Legislative Council is responsible for considering every proposal in the annual legislative cycle with the caveat that the Board can examine and act on any proposal it so chooses. The Legislative Council's actions on legislation will not be considered final until the conclusion of the following Board meeting to ensure the Board has an opportunity for final review and oversight.

In addition to considering and voting on legislation, the Legislative Council will:

1. Identify the strengths and weaknesses of legislative proposals;
2. Develop educational materials regarding pending legislation;
3. Develop a voting order chart for consideration of proposals;
4. Consider waivers of legislation through the NCAA Division I Legislative Council Subcommittee for Legislative Relief;
5. Consider appeals of certification decisions of the NCAA Division I Committee on Athletics Certification;
6. Identify possible interpretative issues for the NCAA Division I Legislative Review and Interpretations Committee; and
7. Serve as an appellate body for Legislative Review and Interpretations Committee.

COMPOSITION

Pursuant to Constitution 4.6.1, giving due weight to gender and ethnic diversity per Constitution 4.02.5, the Legislative Council shall include 31 members and shall be comprised of athletics administrators (e.g., directors of athletics, senior women administrators, assistant director of athletics, conference administrators), faculty athletics representatives and institutional administrators to whom athletics departments report or who have other significant duties regarding athletics. The members of the Legislative Council shall include:

1. One administrator or representative (who each shall have three votes) from each of the following seven conferences:
 - a. Atlantic Coast Conference;
 - b. Big East Conference;
 - c. Big Ten Conference;
 - d. Big 12 Conference;
 - e. Conference USA;
 - f. Pac-12 Conference; and
 - g. Southeastern Conference.
2. One administrator or representative (who shall have 1.5 votes) from each of the following four conferences:
 - a. Mid-American Conference;
 - b. Mountain West Conference;
 - c. Sun Belt Conference; and
 - d. Western Athletic Conference.
3. One administrator or representative (who shall have 1.2 votes) from each of the following conferences:
 - a. America East Conference;
 - b. Atlantic 10 Conference;

- c. Atlantic Sun Conference;
- d. Big Sky Conference;
- e. Big South Conference;
- f. Big West Conference;
- g. Colonial Athletic Association;
- h. Horizon League;
- i. Ivy Group;
- j. Metro Atlantic Athletic Conference;
- k. Mid-Eastern Athletic Conference;
- l. Missouri Valley Conference;
- m. Northeast Conference;
- n. Ohio Valley Conference;
- o. Patriot League;
- p. Southern Conference;
- q. Southland Conference;
- r. Southwestern Athletic Conference;
- s. The Summit League; and
- t. West Coast Conference.

ORGANIZATION

Administrative Committee

The Legislative Council shall have an administrative committee to act on behalf of the full Legislative Council between meetings to transact necessary and routine items of business clearly required to promote the normal and orderly administration of council business.

The Administrative Committee shall consist of four members, including the vice chair (who shall serve as chair of the Administrative Committee). The members shall be appointed by the Legislative Council chair. The Administrative Committee shall include one representative from a Division I Football Bowl Subdivision (FBS) conference, one representative from a Division I Football Championship Subdivision (FCS) conference and one representative from a Division I subdivision conference. All Administrative Committee members, including the chair, may vote on items of business before the committee. The full Legislative Council will receive all Administrative Committee reports.

The Administrative Committee is authorized to:

1. Act for the Legislative Council on necessary and routine items of business clearly necessary to promote the normal and orderly administration in the interim between Legislative Council meetings.
2. Act for the Legislative Council on matters of an emergency nature.
3. Recommend that a Legislative Council member be replaced if he or she is not properly discharging his or her duties.
4. Sponsor legislative proposals recommended by Association-wide committees or other committees reporting to the Legislative Council into the normal legislative cycle, if necessary due to the timing of the full Legislative Council meetings.

Vice Chair

The Legislative Council shall have a vice chair who shall act as chair in the chair's absence. The vice chair shall serve as the chair of the Administrative Committee.

Subcommittees

The Subcommittee for Legislative Relief has been established as a subcommittee of the Legislative Council. Any additional subcommittees must be established through the legislative process.

Reporting Lines

The following committees report solely to the Legislative Council:

1. LRIC;
2. Committee on Athletics Certification;
3. NCAA Division I Student-Athlete Reinstatement Committee; and
4. FCS Governance Committee. [Note: The FBS and the FCS will vote separately on football issues. FCS conferences with representation on the committee per Constitution 4.6.6 will be permitted to vote on such legislative issues at the FCS Governance Committee meeting.]

The Legislative Council will also review legislative actions and items from other entities within the Division I governance structure, including those that may report to both the Legislative Council and the NCAA Division I Leadership Council.

MEETING SCHEDULE

The Legislative Council will meet three times per year:

1. In conjunction with the regularly scheduled NCAA Division II and III Management Council meetings in October;
2. At the NCAA Convention in January; and
3. In conjunction with the regularly scheduled Division II and III Management Council meetings in April.

This meeting schedule is designed to follow the flow of the annual Division I legislative cycle.

The Legislative Council may also convene via teleconference, as necessary to conduct its business (e.g., review override requests, conduct appeal conference calls).

Exceptions

Should the Legislative Council determine it necessary to meet in person at a time other than a time designated in the master Division I meeting schedule or should the Legislative Council want to schedule an additional meeting, such requests shall be forwarded to the Leadership Council for consideration and possible approval.

Weekends

To the extent possible, the schedule will be arranged so there are no meetings on weekends. The Convention meetings may be an exception to this policy.

TERMS

Pursuant to Constitution 4.02.6.2.2, the term of office shall be as follows; although, initial terms have been staggered due to the new governance structure:

1. Members shall serve for a four-year term. Members are not eligible for immediate reappointment;
2. A conference may remove its representative during a term;
3. The terms of office of FBS positions, FCS and Division I Subdivision positions shall expire on a staggered basis to provide for continuity. Members may be appointed for less than full terms; and
4. Members who serve more than one-half of a term shall be considered to have served a full term.

A representative who serves what is considered to be a full term on the Legislative Council is not eligible to be reappointed immediately to the Legislative Council.

ABSENCES

The full Legislative Council meets in person three times annually (October, January, April). If a Legislative Council member is unable to attend a meeting for a compelling reason, a conference may appoint an alternate for that individual. Alternates may attend, participate fully in and vote in any Legislative Council meeting or activity in which the regular member is unable to participate (excluding Administrative Committee and Subcommittee on Legislative Relief meetings and activities).

VOTING

Weighted Voting and Voting Percentages

Weighted voting shall be applied. Voting percentages in the new governance structure reflect the percentages established under the 1997 agreement. These percentages are listed in the "Composition" section.

Voting Method

Roll-call voting shall be used. Legislative Council members are required to use the voting device to record roll-call votes on all legislative proposals. All roll-call vote results of legislative actions shall be reported to the membership, except for actions taken by unanimous consent of the members present and voting. The overall outcomes of votes on other matters shall be reported to the membership, but neither the vote count nor individual votes shall be reported.

Sunset Provision

Pursuant to Constitution 5.3.2.2.3, if, within two legislative meetings, the Legislative Council fails to act on a proposed change, it shall be considered defeated; however, when appropriate, the Legislative Council may extend the time period for action.

SELECTION OF LEGISLATIVE COUNCIL CHAIR

The Legislative Council shall elect one of its members to serve for a period of not more than two years as chair. The chair shall not be eligible for immediate re-election to that position. At least once in every three chair rotations, there shall be an FCS or Division I subdivision representative serving as chair.

A Legislative Council member is eligible for nomination for the position of chair if:

1. His or her Legislative Council term expiration date will permit service for a period of not more than two years as chair; and
2. A particular subdivision must be represented due to the rotation requirement and he or she represents a conference in that division.

In years in which a chair is to be selected, during or prior to the January meeting, Legislative Council members eligible to serve as chair shall nominate themselves or another Legislative Council member by communicating with the current chair. When nominating another Legislative Council member, the person nominating should confirm that the nominee would accept the chair position.

CONFLICT OF INTEREST

NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. Committee decisions should advance the interests of the Association, the division, or the sport and ultimately enhance the student-athlete experience.

NCAA committee members scrupulously shall avoid any conflict between their respective personal, professional or business interests and the interests of the Association, in any and all actions taken by them on behalf of the Association.

Committee members have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect financial benefit to the member or any organization in which the member is financially interested (other than the member's institution or the conference of which it is a member). A violation of this rule by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of potential conflicts of interest and should recuse himself or herself from participating in proceedings where a personal, professional or business interest would reasonably result in a conflict of interest. Abuse of one's position as a member of a committee may result in dismissal from that position. Where a conflict of interest appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. (*August 2008 NCAA Executive Committee minutes*)

Speaking Agent Policy

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

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

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of

advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the Executive Committee or the president of the Association.

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

AGENDA DEVELOPMENT

Submitting Agenda Items

Any Legislative Council member or conference may submit an agenda item for a full Legislative Council meeting, provided it is within the duties and responsibilities of the Legislative Council. Agenda items should be sent to the Legislative Council's primary staff liaisons at the NCAA national office. The staff will consult with the Legislative Council member or conference to determine how best to handle the item and what supplementary material should be provided, if any. In addition, the staff liaisons may consult with the chair to determine how best to handle the item. If appropriate, the item will be placed on the agenda, with the name of the member or conference that submitted the item.

Timing of Submission of Agenda Items

Items should be submitted eight weeks prior to the meeting. Items submitted after the deadline may be added, subject to the chair's approval.

Review of Agenda Items

The full Legislative Council will receive agendas and supplements in advance of the meetings to ensure that each Legislative Council member has an opportunity to comment on issues being addressed by those groups. The agenda and supplements will be made available on the NCAA website 17 days prior to the meeting. All actions, except where otherwise legislated (e.g., waivers) or determined by policy (e.g., referrals to other committees), are subject to review and final approval by the full Legislative Council.

SPONSORING LEGISLATION

The Legislative Council along with the Board, Leadership Council, cabinets and any of the 31 multisport conferences will be permitted to propose legislation under the Division I governance structure.

Timeframe for Sponsoring Legislation

The deadline for sponsoring legislation for the conferences, cabinets and councils is July 15, which marks the beginning of the annual legislative cycle. The Board has until the conclusion of the October/November Board meeting to sponsor legislation in the annual cycle.

Emergency or Noncontroversial Legislation

The Legislative Council will use the guidelines outlined in the Appendix for assistance in determining whether a legislative proposal should be considered as emergency or noncontroversial legislation.

MEETING PARTICIPATION BY NONCOUNCIL MEMBERS

Generally, appearances before the full Legislative Council are by invitation only. Exceptions may be made by the Legislative Council chair on a case-by-case basis. The chair may invite subject matter experts to participate in meetings based on topics included in the agenda.

COMMITTEE OR CABINET RECOMMENDATIONS

The Legislative Council follows these policies in processing recommendations from committees that report to it or from cabinets requesting action:

1. A committee or cabinet shall provide a written report from its meeting to the full Legislative Council (or designated subcommittee) prior to the meeting. The report shall include any recommendations for which the committee or cabinet requests full Legislative Council action.
2. Any change to Division I legislation that is recommended by a committee or cabinet shall be presented to the full Legislative Council for discussion and action. In cases of cross-committee or cross-cabinet collaboration, recommendations may be forwarded to other relevant committees or cabinets within the governance structure.
3. The Legislative Council may elect to alter the recommendation, requiring a vote of the full Legislative Council.

4. If further deliberations are required, the Legislative Council may table the recommendation or refer it back to the committee or cabinet for additional discussion.

SUBCOMMITTEE FOR LEGISLATIVE RELIEF

Pursuant to Constitution 5.4.1.3, an institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the Subcommittee for Legislative Relief when no other entity has the authority to act. In reaching its decision, the subcommittee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Legislative Council shall establish the process for such a review, shall monitor the action taken under this authorization and shall report annually to the membership the actions taken, in summary, aggregate form.

APPEALS OF THE COMMITTEE ON ATHLETICS CERTIFICATION DECISIONS

Pursuant to NCAA Bylaw 22.3.5, following a hearing before the Committee on Athletics Certification, an institution may appeal the certification decision of the committee to the Legislative Council subject to the following procedures:

An institution requesting an appeal of a Committee on Athletics Certification decision from the hearing shall do so in writing within 30 calendar days after receiving written notification of the Committee on Athletics Certification's decision from the hearing. This appeal must be submitted by the president or chancellor. The appeal information will be provided to the Legislative Council for consideration at its next meeting. An institution may request to participate via teleconference to present its appeal. In such cases, the institution shall be provided 15 minutes to make its presentation to the Legislative Council with additional time determined at the discretion of the Legislative Council chair. The Legislative Council may ask the institution questions before the institution exits the call at which time the Legislative Council will deliberate privately. Legislative Council members may deliberate and vote, subject to the conflict of interest policy. A decision by the Legislative Council is final and no additional appeal opportunity shall exist for the institution.

LEGISLATIVE REVIEW AND INTERPRETATIONS COMMITTEE DECISIONS

Pursuant to Constitution 5.4.1.2.2, the Legislative Council shall review all interpretations issued by the Legislative Review and Interpretations Committee and may approve, reverse or modify such interpretations. An institution may appeal a decision of the Legislative Review and Interpretations Committee to the Legislative Council at the Legislative Council meeting immediately following the decision of the committee.

A Legislative Review and Interpretations Committee decision may include formally issued official interpretations (i.e., confirmations or determinations) or a response to an institution's request for which a formal official interpretation was not issued.

An institution wishing to appeal a Legislative Review and Interpretations Committee decision must adhere to the following procedures:

An institution requesting an appeal of a Legislative Review and Interpretations Committee decision shall do so in writing eight weeks prior to the next Legislative Council meeting. Appeal requests submitted after this deadline may be added to the Legislative Council's agenda, subject to the chair's approval. The appeal must be submitted by the institution's chancellor or president, faculty athletics representative or director of athletics. The appeal information will be provided to the Legislative Council for consideration at its next meeting. An institution may request to participate via teleconference to present its appeal provided the activity at issue already has occurred and the interpretive decision has resulted in an individual or institutional violation. In such cases, the institution shall be provided five minutes to make its presentation to the Legislative Council with additional time determined at the discretion of the Legislative Council chair. The Legislative Council may ask the institution questions before the institution exits the call at which time the Legislative Council will deliberate privately. Legislative Council members may deliberate and vote, subject to the conflict of interest policy. A decision by the Legislative Council is final and no additional appeal opportunity shall exist for the institution.

For situations involving eligibility or infractions issues, an institution may request an expedited appeal of a Legislative Review and Interpretations Committee decision by providing the staff written notice of its intent to appeal the decision within seven calendar days of receiving an interpretation from the Legislative Review and Interpretations Committee. Once written notice has been provided, the institution shall have 14 calendar days to submit materials for its appeal. Once the appeal materials are received by the staff, the Legislative Council (or Administrative Committee) will convene within 14 calendar days to decide the appeal.

If an institution has a NCAA Division I Committee on Infractions hearing scheduled for a date that occurs during the window for submitting an appeal of a Legislative Review and Interpretations Committee interpretation, such requests may be expedited and heard prior to the scheduled Committee on Infractions hearing date.

An institution or conference that is not a party to the original Legislative Review and Interpretations Committee decision may challenge the committee's decision at the next Legislative Council meeting [through its Legislative Council representative] during the Legislative Council's normal review of Legislative Review and Interpretations Committee minutes.

Revision

Interpretations approved by the Legislative Council may not be revised by the Legislative Review and Interpretations Committee. The committee may only recommend revisions of such interpretations to the Legislative Council.

APPENDIX

Guidelines for Consideration of Emergency/Noncontroversial Legislation

Emergency/Noncontroversial Legislation – Guidelines. The following guidelines are to assist in determining whether a proposal should be considered outside the normal legislative process as either noncontroversial or emergency legislation:

1. **Noncontroversial legislation.** Legislative proposals shall be considered noncontroversial only if:
 - a. Broader consultation and debate are unlikely to improve the proposal in any substantial way.
 - b. Significant disagreement or alternative points of view will not be generated.
 - c. Such proposals do not have a significant impact (unanticipated consequences, undesirable precedent) on existing legislation or proposed legislation.
 - A noncontroversial proposal, at a minimum, should have the following factors present:
 - (a) The proposal should have minimal impact on competitive or recruiting equity.
 - (b) The proposal should have minimal financial impact.
 - (c) The proposal must enjoy broad support from its primary stake holders.
 - (d) The proposal should not negatively impact student-athlete welfare.
 - (e) The proposal should not significantly impact the Division I academic standards (initial and continuing eligibility).

2. Emergency legislation. Legislative proposals shall be considered emergency legislation only if:
 - a. Significant values or harm are at stake; and
 - b. The use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division I membership because of the delay in its effective date.
 - Examples of situations in which it may be appropriate to consider legislation emergency include, but are not limited to, the following:
 - Immediate health and safety concerns or issues.