

**REPORT OF THE AUGUST 11, 2011, MEETING OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I BOARD OF DIRECTORS**

1. **Report of the April 28, 2011, Board of Directors Meeting.** The Board approved the report of its April 28, 2011, meeting, noting that the approval of the recommendations of the Task Force to Clarify the Roles of the Committee on Infractions and the Infractions Appeals Committee should include the following clarification:
 - When the Committee on Infractions requests that the academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted, written notice of the request and the response shall be provided to all involved parties (e.g., institution, enforcement staff, Committee on Infractions). (Unanimous voice vote) [Reference Supplement No. 2.]

2. **President's Report.** NCAA President Mark Emmert reported on the following items:
 - a. **Presidential Retreat.** President Emmert thanked the Board members for their lively discussion during the retreat the previous two days and noted that participants in the retreat have asked that he appoint working groups and establish an agenda with aggressive timelines for the Board to act on their recommendations that address the following areas:
 - (1) **Financial Sustainability.**
 - (a) Institutional and NCAA resource efficiencies that can be achieved through the review of NCAA rules and athletics practices (e.g., personnel, travel, recruitment).
 - (b) Identification of areas where greater flexibility can be employed on a conference-by-conference basis to use resources in support of the student-athlete well-being, particularly the value of grants-in-aid and multi-year scholarship commitments.
 - (2) **Integrity of the Collegiate Model.**
 - (a) Review and amend the NCAA Division I Manual to reduce the volume of unenforceable and inconsequential rules that fail to support our core principles and place an emphasis on the most strategically important matters. The group is also charged with developing filters that ensure new legislation aligns and addresses our core principles and values.

- (b) Charge the NCAA Enforcement Staff, Division I Committee on Infractions and Division I Infractions Appeals Committee to propose a multi-level enforcement penalty structure.

BOARD ACTION: The Board directed President Emmert to bring to the Board in October an action plan (including the formation of several working groups and possible action items) that would expeditiously address the issues in the areas of financial sustainability and integrity of the collegiate model. (Unanimous voice vote.)

- b. **Status Report on Work of Bowl Game Licensing Task Force.** Harvey Perlman, chair of the Task Force, provided the Board with an interim report on the work of the Task Force, which included recommendations in the area of governance, advertising and sponsorship, and student-athlete welfare. In its review of bowl game licensing, the Task Force noted that the purpose of NCAA regulation of postseason football bowls should be to assure that the bowls reflect the collegiate model of intercollegiate athletics. In that context, the NCAA has a strong interest in assuring that bowls are governed with integrity, that they are managed in a way that is consistent with student-athlete welfare, and that their commercial, promotional and sponsorship activities be consistent with the values associated with collegiate sports. The Task Force will distribute its preliminary recommendations to constituent groups [e.g., Football Bowl Subdivision (FBS) commissioners, DIA Athletics Directors, DIA Faculty Athletics Representatives, bowl operators) for review and comment with plans to present its final report to the Board in October.
- c. **NCAA Division I Committee on Academic Performance Report.** Walt Harrison, chair of the Committee on Academic Performance (CAP), presented the following committee recommendations to the Board:
 - (1) Academic Performance Rate (APR) Penalty Benchmark.
 - (a) That the Board amend the Academic Performance Rate (APR) penalty benchmark from the current multi-year rate of 900 to a multiyear rate of 930 in order to avoid penalties within the new penalty structure.
 - (b) Replace the current filter system used for determining historical penalties with a single filter system that is based on improvement and is available to all teams/institutions.
 - (c) Approve a longer transition timeline for lower resourced institutions.

BOARD ACTION: The Board approved the revised APR penalty benchmark and the filter systems. (Unanimous voice vote.)

- (2) Academic Performance Program (APP) Penalty Structure. That the Board approve a revised single APP penalty structure that will be cumulative and progressive and consist of five levels.

BOARD ACTION: The Board approved the revised penalty structure in principle and directed CAP to bring to the Board in October a final recommendation for a multi-year penalty structure that incorporates the APR benchmark (930) as the four-year academic performance requirement for a team's eligibility to participate in any postseason event. (Unanimous voice vote.)

- (3) Occasion-Three and –Four Historical Penalty Waiver Hearing Procedures. That the Board approve a revision to CAP's current policies and procedures for Occasion-Three and –Four Historical Penalty waiver hearings that requires the institutional staff member responsible for the implementation of the institution's APR improvement plan be in attendance at the institution's in-person penalty waiver hearing.

BOARD ACTION: The Board approved the revision to the waiver hearing policies and procedures as recommended above. (Unanimous voice vote.)

- (4) Division I Academic Performance Program Supplemental Support Fund. That the Board approve and fund the APP Supplemental Support Fund (SSF) for two additional years (i.e., 2011-12 and 2012-13).

BOARD ACTION: The Board agreed to approve the APP Supplemental Support Fund for two additional years. (Unanimous voice vote.)

- (5) Appointment of Vice Chair. That the Board appoint President Roderick McDavis of Ohio University as vice chair of the committee.

BOARD ACTION: The Board voted to appoint President Roderick McDavis as vice chair of the committee. (Unanimous voice vote.)

It was noted that legislation to address the 2-4 transfer academic requirements are included in the 2011-12 legislative cycle and the Board expressed its intent to consider the legislation by the end of the academic year. In addition, the Board expects the Academic Cabinet to present recommendations regarding enhanced initial

eligibility standards, which could include a partial qualifier group that would qualify for financial assistance but not competition during the initial year in residence.

- d. **Institutional and Conference Networks.** Board members previously received a letter from the chair of the Big 12 Board of Directors noting their recent action to set a moratorium of at least a year to prohibit high school content from being broadcast on Big 12 institutional media platforms. In that regard, the staff recommended that the Board endorse a staff interpretation of current recruiting rules to preclude the broadcast of any youth programming on an institutional- or conference-branded network.

BOARD ACTION: The Board voted to endorse the staff interpretation, noting that discussions will continue throughout the upcoming year to determine the best course of action for the Association relative to this issue. (Unanimous voice vote.)

3. **NCAA Executive Committee Report.** During its April 28, 2011, meeting, the Executive Committee took action to recommend restructuring of the inclusion advocacy committees within the Association's governance structure, which included the dissolution of the Executive Committee Subcommittee on Gender and Diversity Issues. The Executive Committee noted the need for greater involvement of presidents within the substructure to provide guidance and insight at the policy development level. To achieve this goal, the Executive Committee recommended that the divisional presidential bodies consider sponsoring legislation to modify the composition of the NCAA Committee on Women's Athletics (CWA) and the NCAA Minority Opportunities and Interests Committee (MOIC) by increasing the size of each committee from 15 to 18 members and to specify that the three additional positions be filled by a president from each division. Further, that there be an equal distribution of committee members from each division. [Reference Supplement Nos. 3A and 3B.]

BOARD ACTION: The Board used its authority to adopt Proposal No. 2011-09 as noncontroversial legislation to modify the composition of the CWA and MOIC as recommended. (Unanimous voice vote.)

4. **Division I Governance Structure Update.**

- a. **Report of the August 2, 2011, Meeting of the Leadership Council.** Mike Alden, chair of the Division I Leadership Council, highlighted the following issues from its August 2, 2011, Leadership Council meeting. [Reference Supplement No. 5.]

- (1) Men's Basketball Recruiting Model. The Leadership Council received reports from its two men's basketball recruiting subcommittees and developed recommendations for concepts to be considered in a new men's basketball recruiting model. The Council's recommendations will be distributed to various constituent groups for feedback prior to final review in October. The Council will present its final recommendations to the Board during its October meeting, at which time the Board will be asked to sponsor legislation for the 2011-12 legislative cycle.
 - (2) Agents. The Leadership Council received a report on several strategies being developed to address agent-related issues. The Council took no formal action, but encouraged its Agent Subcommittee to continue discussion and monitoring of agent-related issues.
- b. Report of the July 14, 2011, Teleconference of the Division I Legislative Council.** Carolyn Campbell-McGovern, chair of the Division I Legislative Council, reported on actions taken during the Legislative Council's July 14, 2011, teleconference.

[Note: In accordance with the Division I legislative process, the Board has the authority to consider any action taken by the Legislative Council, but is not required to do so. Where the Board decided to take action on proposals below, you will see the action indicated in bold type. For those proposals on which it did not act, the Legislative Council's actions stand.]

- (1) Legislative Actions. Due to the receipt of the requisite number of requests for override votes, the Legislative Council reconsidered its previous actions to adopt Proposal Nos. 2010-30 and 2009-100-A and took the following actions:
 - (a) Proposal No. 2009-100-A – Recruiting – Nonscholastic Practice and Competition and Institutional Camps or Clinics – Men's Basketball. This proposal would prohibit an institution from hosting a nonscholastic practice/competition on its campus that involves men's basketball prospects, with limited exceptions. The Legislative Council voted to maintain its previous action to adopt the proposal. The Board took no action.
 - (b) Proposal No. 2010-30 – Recruiting – Telephone Calls – Time Period For Telephone Calls – Sports Other Than Football. This proposal would apply the current telephone rule in men's basketball to all sports other than football. The Legislative Council reversed its previous action and defeated the proposal. The Board took no action.

(2) Board of Directors Resolution. The Legislative Council continued its discussion of the Board's resolution to review the legislative process and developed two concepts for which it requests Board endorsement:

- (a) Development of a legislative process that consists of two overlapping two-year cycles to allow the membership to focus attention on particular bylaws during each legislative cycle.

BOARD ACTION: The Board endorsed the concept of two overlapping two-year cycles and asked that draft legislation be brought to the Board for review and sponsorship in October. (Unanimous voice vote.) [Reference Supplement No. 7.]

- (b) Increase the requisite number of requests required to initiate an override of the adoption or defeat of a legislative proposal. The recommendation would be to increase the number required for a call for override vote from 30 to 75 and the number to suspend a proposal from 100 to 125. In addition, for Football Championship Subdivision (FCS) specific legislation, the number would increase from 15 to 25 and 40 to 50. Further, it is recommended that the same minimum threshold numbers that are applicable to FCS specific legislation be established for Football Bowl Subdivision (FBS) specific legislation.

BOARD ACTION: The Board used its authority to adopt Proposal No. 2011-10 as emergency legislation, effective immediately, to increase the requisite number of override requests as recommended above. (Unanimous voice vote.) [Reference Supplement No. 7.]

5. Division I Committee on Infractions. The NCAA Division I Administration Cabinet requested the Board reappointment Britton Binowsky, commissioner, Conference USA; Melissa Conboy, deputy director of athletics, University of Notre Dame, and John Black, attorney (public member) to the Committee on Infractions. [Reference Supplement No. 9.]

BOARD ACTION: The Board approved the reappointments as recommended. (Unanimous Voice Vote.)

6. Division I Infractions Appeals Committee. The committee requested the Board approve several bylaw revisions and the Division I Administration Cabinet recommended one committee appointment and several reappointments. [Reference Supplement No. 10A.]

- a. **Bylaw 32.10 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.10 that would establish one action to meet the submission deadlines for written documents and would simplify the determination of whether those deadlines are met.
- b. **Bylaw 32.10.6 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.10.6 that would grant the committee the authority to review requests to waive the procedures established for the written appeal process.
- c. **Bylaw 32.11.3 Revision.** The committee recommended that the Board approve a revision to Bylaw 32.11.3 that would grant the committee the authority to review requests to waive the policies and procedures for conducting hearings.

BOARD ACTION: The Board approved the three legislative revisions as recommended by the committee. (Unanimous voice vote.)

d. **Committee Appointment and Reappointments.**

- (1) Appointment. The Division I Administration Cabinet recommended the Board appoint W. Anthony Jenkins (Dickinson Wright PLLC, Detroit, Michigan) as a public member of the committee. [Reference Supplement No. 10B.]

BOARD ACTION: The Board approved the appointment of W. Anthony Jenkins (Dickinson Wright PLLC, Detroit, Michigan) as a public member of the committee. (Unanimous voice vote.)

- (2) Reappointments. The Division I Administration Cabinet recommended the Board reappoint David Williams II, vice chancellor/general counsel, Vanderbilt University, Southeastern Conference, and Jack Friedenthal, professor of law, George Washington University, Atlantic 10 Conference, to the committee. [Reference Supplement No. 10C.]

BOARD ACTION: The Board approved the reappointments as recommended. (Unanimous voice vote.)

7. **Division I Administration Cabinet Recommendation.** The Administration Cabinet recommended that the Board elect Florida Gulf Coast University, Houston Baptist University, University of North Carolina Central and University of South Carolina Upstate to active Division I membership status. The cabinet also recommended that the Board approve the conference applications of the Great West Conference, a multi-sport conference, and the National Lacrosse Conference, a single-sport conference.

BOARD ACTION: The Board voted to elect the four recommended institutions to active Division I membership status and approved the two conference applications. (Unanimous voice vote.)

8. Future Meeting Dates.

- a. October 27, 2011, Indianapolis, Indiana.
- b. January 14, 2012, in conjunction with the NCAA Convention, Indianapolis, Indiana
- c. April 26, 2012, Indianapolis, Indiana.

Board of Directors chair: Judy Genshaft, University of South Florida
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

NCAA DIVISION I BOARD OF DIRECTORS
August 11, 2011, MEETING ATTENDANCE

Board members in attendance:

Stanley Albrecht, Utah State University, Western Athletic Conference
Guy Bailey, Texas Tech University, Big 12 Conference
William Beauchamp, University of Portland, West Coast Conference
Judy Genshaft, University of South Florida, Big East Conference, chair
Nathan Hatch, Wake Forest University, Atlantic Coast Conference
David Hopkins, Wright State University, Hhorizon League
Sidney McPhee, Middle Tennessee State University, Sun Belt Conference
William Meehan, Jacksonville State University, Ohio Valley Conference
Ann Millner, Weber State University, Big Sky Conference
Harris Pastides, University of South Carolina, Southeastern Conference
John Peters, Northern Illinois University, Mid-American Conference
Edward Ray, Oregon State University, Pacific-12 Conference
David Schmidly, University of New Mexico, Mountain West Conference
Lou Anna Simon, Michigan State University, Big Ten Conference
Steadman Upham, University of Tulsa, Conference USA
Timothy Wright, University of California, Riverside, Big West Conference

Board members not in attendance:

William R. Harvey, Hampton University, Mid-Eastern Athletic Conference
David Skorton, Cornell University, Ivy League

NCAA staff liaisons in attendance:

S. David Berst, NCAA
Jacqueline Campbell, NCAA, recording secretary

Guests from other Division I governance bodies:

Michael Alden, University of Missouri, chair of the Division I Leadership Council
Carolyn Campbell-McGovern, Ivy League, chair of the Division I Legislative Council
Walter Harrison, University of Hartford, chair of the Division I Committee on Academic Performance
Harvey Perlman, University of Nebraska, chair of the Division I Bowl Licensing Task Force

Other NCAA staff members in attendance: Scott Bearby, Erik Christanson, Joni Comstock, Diane Dickman, Mark Emmert, Bernard Franklin, Lynn Holzman, Michelle Hosick, Jim Isch, Amy Kudwa, Kevin Lennon, Steve Mallonee, Keith Martin, Kathleen McNeely, Delise O'Meally, Tom Paskus, Todd Petr, Dennie Poppe, Ronnie Ramos, Bill Regan, Donald Remy, Wallace Renfro, Julie Roe Lach, Greg Shaheen, Jennifer Strawley, Robert Vowels, Wendy Walters and Bob Williams.