

**NCAA Division I
Awards, Benefits, Expenses and
Financial Aid Cabinet**

Policies and Operating Procedures

[Effective July 1, 2008]

**NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet
Policies and Operating Procedures**

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**Division I Awards, Benefits, Expenses and Financial Aid Cabinet
Policies and Operating Procedures**

1. Cabinet Responsibilities

The NCAA Division I Awards, Benefits, Expenses and Financial Aid Cabinet has oversight authority in the following areas:

- a. Be responsible for review and consideration of the portions of Division I legislation that relate to principles of awards, benefits, expenses and financial aid;
- b. Study issues and make policy or legislative recommendations related to the provision of financial aid to student-athletes; and
- c. Study issues and make policy or legislative recommendations related to the provision of awards, benefits and expenses to student-athletes (excluding awards, benefits and expenses related to NCAA championships).

The cabinet meets three times annually (February, June and September). If a cabinet member is unable to attend a cabinet meeting for a compelling reason, a conference may appoint an alternate for that individual. Alternates may attend, participate fully in and vote in any cabinet meeting or activity in which the regular member is unable to participate (excluding Administrative Committee meetings).

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2. Cabinet Organization

Refer to Appendix A for information on conference representation in the governance structure and the representational requirements.

The cabinet has established an Administrative Committee in order to allow the cabinet to make timely and efficient progress on issues before it:

Administrative Committee

The Administrative Committee consists of five members, including the chair of the cabinet (who also serves as chair of the Administrative Committee) and one member from each of the subdivisions of Division I.

The Administrative Committee is authorized to:

- a. Act for the cabinet on routine and noncontroversial matters (e.g., responding to requests for feedback on waivers) between cabinet meetings.
- b. Act for the cabinet on matters of an emergency nature, particularly those related to the health and safety of student-athletes.
- c. Organize and structure meeting agendas subsequent to the submission of agenda items by cabinet members.

The full cabinet will receive minutes or reports of Administrative Committee actions as soon as possible.

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3. Objectives of the New Division I Governance Structure

a. Objectives at the Board of Directors Level.

- (1) To preserve the final decision-making role of the Board.
- (2) Strengthen the foundation for the Board's policy setting role.
- (3) Ensure high quality input/advice from other levels of the NCAA structure.
- (4) Reduce the legislative load on the Board.
- (5) Reduce/eliminate minutiae where possible.

b. Objectives at the Levels Below the Board of Directors.

- (1) Develop a national dialog within the full membership on consequential issues facing Division I and use representative governance bodies to develop legislation and discuss policy issues.
- (2) Achieve a significant contributing role for the membership in decisions that set the direction of the Association.
- (3) Identify a delegated agenda from the Board on which the councils take action for the Association.
- (4) Ensure that governance matters are addressed at the appropriate level in the substructure so that the Board and the councils are not tied down addressing minutiae.
- (5) Attract the right people to serve (experience, maturity, respect, and judgment) for meaningful work.
- (6) Regain membership trust that the operating level of intercollegiate athletics has a voice in consequential decisions within the Association.

Provide for minimum representational (functional, gender, ethnicity) distribution in some defined sense overall within the governance structure, but not necessarily on each council, cabinet, or committee.

4. Agenda Development

- a. Any cabinet member or conference may submit an agenda item for a meeting. (Conferences not represented on the cabinet may submit agenda items only with the knowledge of their conference commissioner.) Agenda items should be sent to the staff liaison at the NCAA national office. The staff will consult with the cabinet member or conference to determine how best to handle the item and what supplementary material should be provided, if any. The item will be placed on the agenda, with the name of the member or conference that submitted the item.
- b. The staff will send a request for agenda items to cabinet members approximately 10 weeks prior to the meeting. Items must be submitted eight weeks prior to the meeting. The agenda and supplements will be mailed approximately three weeks prior to the meeting so as to be received at least 17 days prior to the meeting.
- c. Generally, appearances before the cabinet are by invitation only. Exceptions may be made by the administrative committee on a case-by-case basis.

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5. Conflict of Interest Policy

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and governed through a membership-led committee structure. Within the governance structure, committee members must carefully balance their responsibilities to their respective institutions and/or conferences with the obligation to advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience. While the fiduciary obligations of committee members to their own institution, their conference, and to the Association ordinarily are not in conflict, it is recognized that as a representative membership organization, committee members' fiduciary obligations are first to their institution, second to their conference, and third to the Association. 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. NCAA committee members shall disclose any conflict or potential conflict between their respective personal, professional, institutional, conference, or business interests and the interests of the Association that may affect or otherwise threaten such integrity, in any and all actions taken by them on behalf of the Association, for committee evaluation under this Statement.

In addition to any fiduciary obligation to their institution and conference, committee members also 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 personal financial benefit to the member or any organization (other than the member's institution or conference) in which the member is financially interested. A committee member should also not participate in a discussion or vote for which the member's institution or conference is to be accorded a special benefit beyond benefits shared with other institutions or conferences or is to receive a penalty or disqualification. A violation of either of the above rules 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 any actual or potential conflicts of interest or obligations which he/she may have hereunder, and should recuse him/herself from participating in proceedings, as may be warranted by this policy. Abuse of one's position as a member of a committee may result in dismissal from that position. Where such abuse 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 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 NCAA 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*)

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Conference Representation in the Governance Structure

- a. Conference Representation. Division I has a representative form of governance based on conference affiliation. Accordingly, conferences are responsible for submitting the names of nominees for the various governance bodies and representatives on the Board, Presidential Advisory Group, councils and cabinets serve on behalf of the conferences. All 31 multisport conferences are represented on the Legislative and Leadership Councils and the Championships/Sports Management Cabinet. (Subject to weighted voting.). All 11 Football Bowl Subdivision conferences are represented on the five 21-member cabinets. The 20 Football Championship and Division I Subdivision conferences are represented on no fewer than two but no more than three cabinets at any one time.

- b. Terms. With the reorganization of the Division I governance structure scheduled to take effect in September 2008, representatives on the cabinets and councils have been assigned staggered terms of two, three and four years to help create a level of continuity on the councils and cabinets. Upon expiration of those terms, all service terms will be four years in length. To assist the individual conferences along with the 31 multisport conferences in managing their governance nomination process, a conference rotational schedule has been designed. Pursuant to this schedule, all conferences within the Football Bowl Subdivision rotate at the same time and conferences in the Football Championship Subdivision/Division I Subdivision have been assigned to groups of 10 and further designated into groups of five, which rotate at the same time. This means that when these rotations occur, individuals will be assigned four-year terms. In the event of interim appointments, those appointments will complete the original four year term and are subject to the conference's rotational schedule. Where an individual serves a complete four-year term, that term will automatically coincide with the conference's term on the rotational schedule. To explain in more detail, where an individual leaves a term before the four-year term ends and someone else is appointed as a replacement, that person will serve until the conclusion of the conference's term on the rotational schedule. If the replacement representative serves less than two years, that person may again be appointed to a full term on the same governance body if the conference has a seat on that body when the conference's rotation starts anew.

- c. Eligibility to Serve. While a representative who serves what is considered to be a full term on a cabinet or council is not eligible to be reappointed immediately to the same cabinet or council, that representative is eligible to be immediately appointed to another cabinet or council for which the conference has a seat.

- d. Conference Rotation. Under the rotational schedule, all of a conference's terms on the councils and cabinets rotate at the same time. For example, the terms of all America East Conference representatives will end at the same time. Further, all representatives within the Football Bowl Subdivision will rotate at the same time. At the Football Championship and Division I Subdivision levels, all conferences have been placed in groups of 10 regardless of subdivision and then further divided in groups of five that will rotate seats at the same time. This assignment at the Football Championship Subdivision/Division I Subdivision levels is designed to anticipate future movement of conferences between the Football Championship and Division I Subdivisions. The 31 multisport conferences are

responsible for managing the conference rotational schedule but the NCAA governance staff will maintain a record of the rotational schedule at the National Office on their behalf.

The following 10 Football Championship/Division I Subdivision conferences are assigned to the same rotational grouping:

SWAC	Colonial
Ohio Valley	Patriot
Southland	Atlantic Sun
Missouri Valley	MAAC
Big South	Atlantic -10

The grouping of 10 conferences listed above is subdivided in groups of five conferences for rotational purposes as follows:

Group 1: Atlantic Sun, Colonial, Missouri Valley, Ohio Valley, SWAC; and

Group 2: Atlantic 10, Big South, MAAC, Patriot, Southland.

The following 10 Football Championship/Division I Subdivision conferences are assigned to the same rotational grouping:

Southern	Mid Eastern Athletic
Ivy League	Northeast
Big Sky	Summit League
West Coast	America East
Horizon	Big West

The grouping of 10 conferences listed above is subdivided in groups of five conferences for rotational purposes as follows:

Group 1: Mid-Eastern Athletic, Northeast, Southern, Summit League, West Coast; and

Group 2: America East, Big Sky, Big West, Horizon League, Ivy League.

- e. Rotational Schedule. The conference rotational schedule is attached as Addendum C.
- f. Weighted voting and voting percentages. Weighted voting shall be applied at the Leadership Council, Legislative Council, and Championships/Sports Management Cabinet levels, as these bodies are the three 31-member bodies in the Division I governance structure. The voting percentages in the new governance structure reflect the percentages established under the 1997 agreement. These percentages are listed below as follows:

One representative (who shall have three votes) from each of the following seven conferences:

1. Atlantic Coast Conference;
2. Big East Conference;
3. Big Ten Conference;
4. Big 12 Conference;
5. Conference USA;
6. Pacific-12 Conference; and
7. Southeastern Conference.

One representative (who shall have 1.5 votes) from each of the following four conferences:

1. Mid-American Conference;
2. Mountain West Conference;
3. Sun Belt Conference; and
4. Western Athletic Conference.

One representative (who shall have 1.2 votes) from each of the following conferences:

1. America East;
2. Atlantic 10 Conference;
3. Atlantic Sun Conference;
4. Big Sky Conference;
5. Big South Conference;
6. Big West Conference;
7. Colonial Athletic Association;
8. Horizon League;
9. Ivy League;
10. Metro Atlantic Athletic Conference;
11. Mid-Eastern Athletic Conference;
12. Missouri Valley Conference;
13. Northeast Conference;
14. Ohio Valley Conference;
15. Patriot League;
16. Southern Conference;
17. Southland Conference;
18. Southwestern Athletic Conference;
19. Summit League; and
20. West Coast Conference.

There shall not be weighted voting at the five 21-member cabinets since not all of the 31 multisport conferences are represented on each of the bodies, with the 11 Football Bowl Subdivision conferences represented on all five cabinets and the 20 remaining conferences represented on at least two but no more than three cabinets at one time.

- g. Roll Call Voting. Roll call voting shall be used at the Legislative Council (as is the case at the Division I Board of Directors level).

Representational Requirements and the Appointment Process

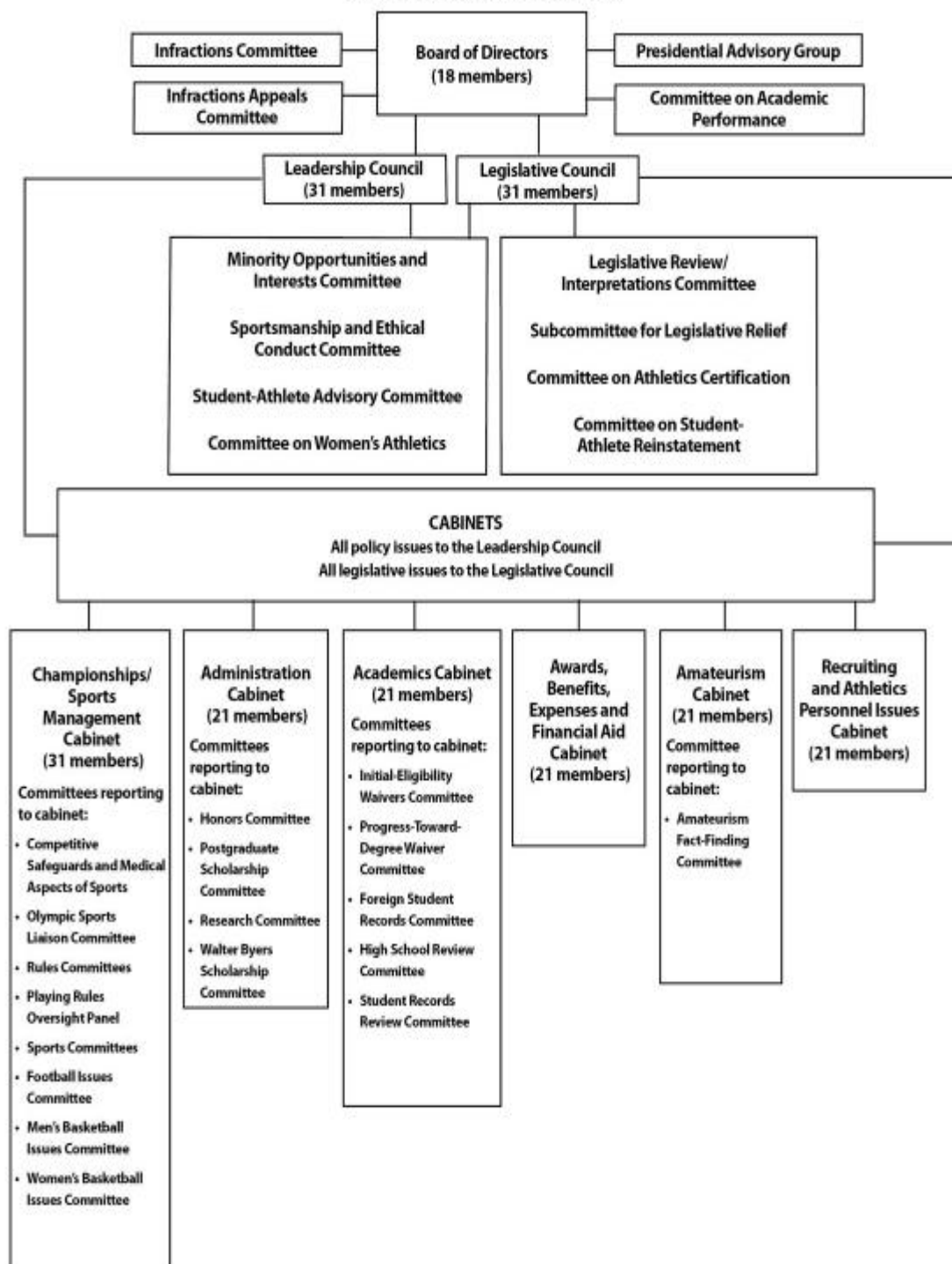
- a. Gender and Diversity Requirements. The legislated minimums of 20 percent ethnic minorities and 35 percent of either gender shall be applied independently to two separate groups of governance bodies, i.e. the three 31-member governance bodies and the five 21-member governance bodies. Specifically, the representational minimums shall be applied to the 93 service opportunities provided by the 31-member Legislative Council, Leadership Council and Championships/Sports Management Cabinet and that the minimum percentages be applied separately to the 105 service opportunities provided by the five 21-member cabinets.

Additionally, the Football Bowl Subdivision will be responsible for meeting the diversity requirements at each of the two tiers at the level approximately equal to their percentage of representation at that tier (1/3 and 1/2) and the other two subdivisions shall together be responsible for the diversity requirements at each of the two tiers at a level equal to their percentage of representation (2/3 and 1/2).

- b. Positional Requirements. While there are no specific positional requirements at the council and cabinet levels, it is expected that the Division I governance structure will be populated by faculty members and athletics administrators who hold a variety of positions. Representatives serving in the Division I governance structure shall represent a variety of perspectives and viewpoints reflective of the diversity of the Division I membership. It should be noted that given that intercollegiate athletics is woven into the fabric of higher education, it is expected that the faculty voice will be strongly heard in the Division I governance structure.
- c. Role of the Division I Board of Directors in the Appointment Process. The Board of Directors will make all appointments to the Division I councils and cabinets. As part of this process the Board will examine slates of nominees to not only ensure they meet the legislated requirements but to confirm that each governance body has balanced representation. The Board has stated it wants to ensure the required minimums are just a starting point and not an end in and of themselves.

- d. Call for Nominations. The call for nominations for the cabinets and councils will occur each January and the window for conferences to submit nominations will be open until the middle of March. This schedule is designed to provide the conferences with time to work together to present a diverse slate of nominees to the Division I Board of Directors at its April meeting.
- e. Role of the Conferences. For the Division I governance structure to truly be populated by a dynamic and diverse group of leaders, the 31 multisport conferences must work closely together to develop the slate of nominees. It is anticipated that each conference as well as the Football Bowl Subdivision and the Football Championship/Division I Subdivision assigned rotational groups will seek to develop tentative appointment plans to help identify and grow new talent to serve in the Division I governance structure.
- f. Interim Appointments. While the legislated gender and diversity requirements will not be applied at the time interim appointments are made, the legislated requirements will be applied at the next opportunity for the Board to make regular appointments, thereby ensuring that any appointments made in the interim period are ultimately subject to the legislated requirements.
- g. Alternates. The Board, councils and cabinets shall permit alternates to attend the appropriate governance meetings when the appointed representative cannot attend. These governance bodies are encouraged to establish a flexible standard to permit alternates to attend. Given that the Division I governance structure is based on conference representation, it is therefore essential that conferences are allowed to participate in the structure.

FIGURE 4-1
Division I Governance Structure



Meeting Schedule for Division I Governance Entities

Division I Awards, Benefits, Expenses and Financial Aid Cabinet

September 19, 2011, Indianapolis, Indiana;
February 2, 2012, Dallas, Texas; and
June 2012, Indianapolis, Indiana (date to be determined).

Division I Leadership Council

October 13, 2011, Indianapolis, Indiana; and
January 12, 2012, Indianapolis, Indiana.

Division I Legislative Council

October 17-18, 2011, Indianapolis, Indiana; and
January 10-12, 2012, Indianapolis, Indiana (in conjunction with the NCAA Convention).

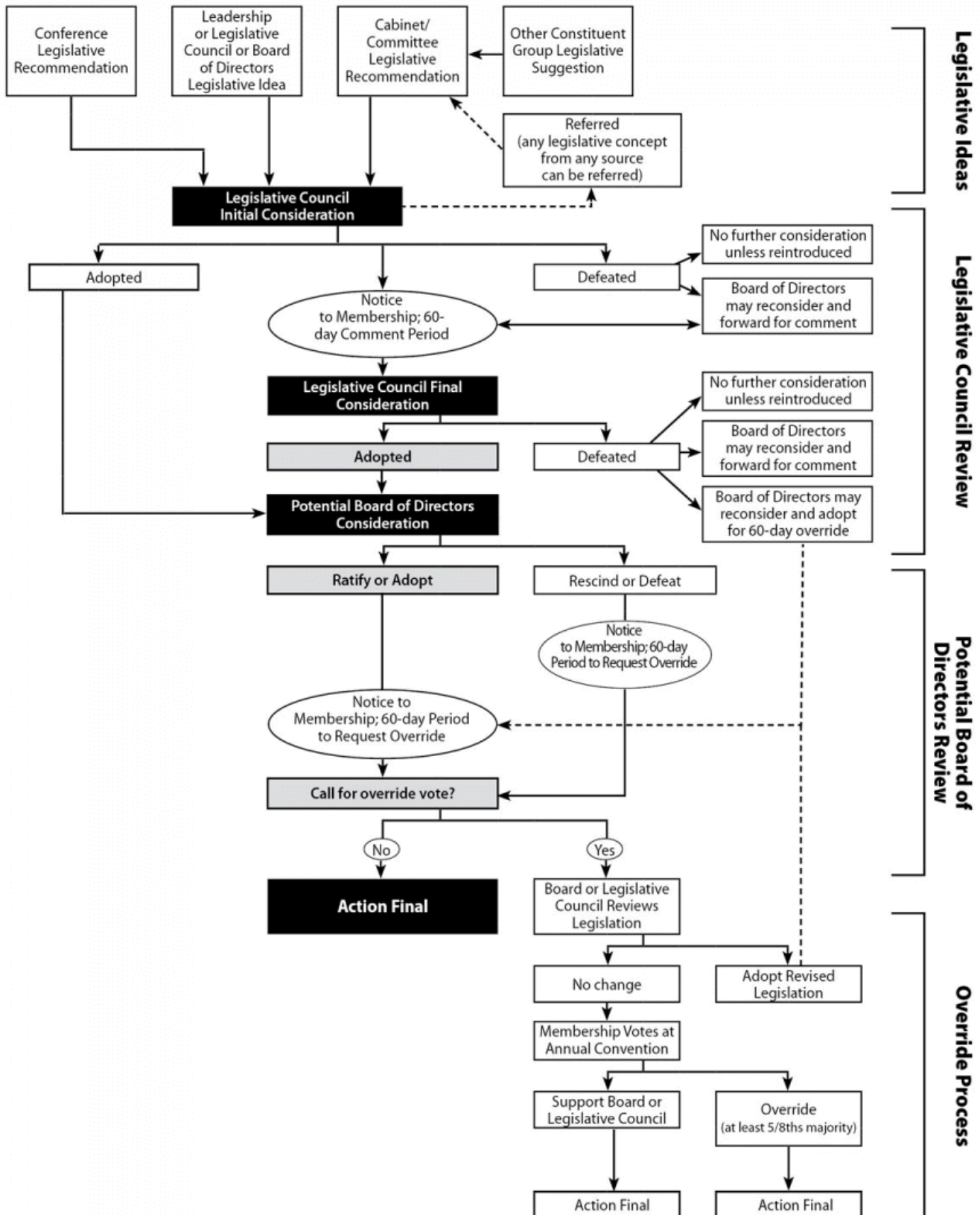
Division I Board of Directors

October 27, 2011, Indianapolis, Indiana;
January 14, 2012, Indianapolis, Indiana;
April 26, 2012, Indianapolis, Indiana; and
August 9, 2012, Indianapolis, Indiana.

Executive Committee

October 27, 2011, Indianapolis, Indiana; and
January 2012, Indianapolis, Indiana (in conjunction with the NCAA Convention).

**FIGURE 5-1
NCAA Division I Legislative Process**



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:

a. Noncontroversial Legislation. Legislative proposals shall be considered noncontroversial only if:

- Broader consultation and debate are unlikely to improve the proposal in any substantial way.
- Significant disagreement or alternative points of view will not be generated.
- 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:

- The proposal should have minimal impact on competitive or recruiting equity.
- The proposal should have minimal financial impact.
- The proposal must enjoy broad support from its primary stake holders.
- The proposal should not negatively impact student-athlete welfare.
- The proposal should not significantly impact the Division I academic standards (initial and continuing eligibility).

b. Emergency Legislation. Legislative proposals shall be considered emergency legislation only if:

- Significant values or harm are at stake; and
- 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.
- Potential legal actions.
- Issues that have a significant financial impact.
- Egregious situations involving disparities in fairness.
- Unintended or unanticipated consequences resulting from the current legislation.

c. **Process for Considering Noncontroversial or Emergency Proposals.**

There is a two-part process for voting on noncontroversial or emergency proposals, as follows:

- The Legislative Council shall initially vote on whether a proposal shall be considered as noncontroversial or emergency. The proposal must receive three-fourths majority of all Legislative Council members present and voting to satisfy such a standard. Those proposals that do not satisfy such standards will not be considered defeated, but will be considered by the Division I membership in accordance with the normal legislative process.
- A proposal that satisfies the initial standard as being either noncontroversial or emergency will then be debated by the full Legislative Council on its merits. Such a proposal will then require a three-fourths majority of Legislative Council members present and voting to approve the proposal. Proposals that do not receive a three-fourths majority vote, but receive a majority vote, will be remanded back into the normal legislative cycle.

Excerpted Legislation Governing Division I Cabinets and Committees

Eligibility for Membership

[21.7.1]

1. "On the Staff." Individual shall be salaried on a regular basis by a Division I member in-stitution or conference and perform a regular staff function representing at least 50 percent of the normal workload, unless otherwise specified. [21.7.1.1]
2. Modification in Employment Status. If a cabinet or committee member's employment status is altered to the extent that the individual no longer meets this requirement, the individual shall be replaced. [21.7.1.1.1]
3. Individuals on Sabbatical or Temporary Leave. An individual on such leave for a period not exceeding 12 consecutive months may be considered to be "on the staff". An individ-ual on terminal leave or on leave in excess of 12 consecutive months shall not be eligible to serve. [21.7.1.1.2]
4. Waiver of Replacement Requirement. The Administrative Cabinet, subject to ratification by the Board of Directors, shall have the authority to waive this provision or to approve a delayed replacement if it deems that an immediate replacement would be detrimental to the work of the cabinet or committee involved. [21.7.1.1.3]

Appointments, Method of Selection and Term of Office

[21.7.3]

1. Appointment of Cabinets -- Conference Representation. Each conference listed in Constitution 4.2.1-(a) shall have one representative on each of the cabinets. Each of the conferences listed in Constitution 4.2.1-(b) shall have at least two representatives on the cabinets in the aggregate. [21.7.3.1]
2. Term of Office of Cabinets. The term of office for members of cabinets shall be as follows:
 - (a) Members of cabinets shall be appointed for one four-year term. A former cabinet or committee member may be appointed to an additional term on that cabinet or committee after three years have elapsed. An individual who has served two terms on a cabinet or committee may not serve further on that cabinet or committee;
 - (b) The terms of office of Football Bowl Subdivision positions and Football Championship Subdivision and Division I Subdivision positions shall expire on a

staggered basis to provide for continuity. Members may be appointed for less than full terms;

- (c) The terms of office shall commence on the first day of July following the member's appointment;
- (d) Members who serve more than one-half of a term shall be considered to have served a full term;
- (e) A conference may remove its representative to a cabinet during a term; and
- (f) The chair of each cabinet may recommend to the Administration Cabinet that a member be replaced if he or she is not properly discharging his or her duties. [21.7.3.2]

Conflict of Interest

[21.02.5]

A cabinet or committee member shall not participate in the cabinet or committee's discussion or vote on any action that might bring direct or indirect financial benefit to the member of 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 a cabinet or committee shall not invalidate the action taken by the cabinet or committee if, following disclosure of the conflict of interest, the cabinet or committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the cabinet or committee member with the conflict of interest, and the Leadership Council approves such action. All cabinet and committee members shall agree to this policy prior to cabinet or committee service and shall abide by the policy at all times. The current conflict of interest policy is located on the NCAA website (ncaa.org) or may be obtained from the NCAA national office.

Guidance for Committee Members Regarding Meeting Minutes, Notes and Email

Committee members' notes of meetings are subject to discovery if litigation ensues regarding the committee's work. The following guidelines will assist in determining what is appropriate and what is not appropriate to include in meeting minutes and notes.

Meeting minutes and notes should:

- Be taken if needed.
- Include information regarding the historical development of programs.
- Synopsise the committee discussion along with whether the committee supported the proposed action or not.
- Clearly express the rationale and reasoning behind policy decisions and recommendations (including obvious reasons, e.g., the action was taken "to preserve the integrity of the game").

Meeting minutes and notes should not:

- Contain extraneous matters or personal comments.
- Identify what individual committee members said or how they voted.
- Include "attorney-client privileged" materials that were shared during a meeting (instead, the minutes should reflect that the committee reviewed and discussed recommendations of legal counsel in executive session without revealing specific recommendations and whether the committee chose to adopt them).

Retention of notes:

- Committee members should routinely discard their notes from committee meetings when they are no longer needed. However, in the event of litigation, committee members may be directed NOT to discard their notes. From that point until instructed otherwise by NCAA legal counsel, no material from past or present meetings may be discarded.

Email communications...

- Email communications between committee members and a staff liaison and other NCAA staff members are also discoverable in litigation. Care and discretion therefore should be exercised in committing to writing sensitive matters that might better be dealt with in person or by telephone.
- Committee members are advised to routinely discard email that is no longer needed, with the exception that should litigation ensue, they may be directed NOT to discard their email.