

Report of the October 29 - 30, 2008, Division I Board of Director

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**Report of the NCAA Division I Board of Directors meeting
October 29 - 30, 2008**

Session 1

Special Closed Session

October 29, 2008

1. Opening remarks.
 2. **Presentation and discussion regarding value-based decision making.** Had a session to discuss the current financial landscape for intercollegiate athletics and the need for making decisions about intercollegiate athletics that are based on the values of higher education.
 3. Adjournment.
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Session 2

October 30, 2008

1. Opening remarks.
2. **Minutes of the August 7 Board of Directors meeting.** [Reference BD Supplement No. 1]
BOARD ACTION: Approved the minutes as distributed. (Unanimous Voice Vote.)
3. **Report of the August 7 meeting of the NCAA Executive Committee.** [Reference BD Supplement No. 2]
BOARD ACTION: Received an update, which included information about the new committee Conflict of Interest Policy, the establishment of the Jim McKay Postgraduate Scholarship and the NCAA's enhanced data sharing efforts.
4. **NCAA president's report.**
BOARD ACTIONS: Received a report from the NCAA president in which he:
 - a. **Update on NCAA Committee on Sportsmanship and Ethical Conduct Initiative.**
Informed the group that a subgroup of the Board has been established to offer

comments and direction to the Committee on Sportsmanship and Ethical Conduct as that committee seeks to enhance the level of sportsmanship in intercollegiate athletics and address the problem of negative fan behavior. As part of this update, the Board heard from the chair of the subgroup who explained the committee has done extensive work and has reached the following conclusions, which the subgroup generally supports, including:

- Fan conduct is the most serious and pressing issue.
 - Coaches and student-athletes believe they should be responsible for establishing expectations of appropriate behavior.
 - Athletics administrators should enforce guidelines for appropriate behavior; addressing negative incidents when they occur.
 - In terms of defining sportsmanship, *respect* and *integrity* are two words that consistently resonate with the membership.
- b. **Status report of the efforts of the Division I Task Force on Commercial Activity in Intercollegiate Athletics.** Informed the Board that the task force is close to completing its goal of developing a statement of principles that reflects the values of higher education and protects the unique amateur status of student-athlete.

[Note: Once developed, this statement of principles will be forwarded to the Board of Directors for preliminary review and then to the Leadership Council so that body can address the necessary application details. Any recommended legislative changes will be addressed by the Division I governance structure and ultimately the Board of Directors.]

5. Litigation update.

BOARD ACTION: Received a report from the NCAA general counsel regarding current cases involving the Association.

6. Governmental relations report. [Reference BD Supplement No. 4.]

BOARD ACTION: Received a report and took no action.

7. Appearance by representatives from the Division I Committee on Infractions.
[Reference BD Supplement No. 5.]

BOARD ACTIONS:

- a. Received a report from the chair of the Division I Infractions Appeals Committee in which he not only provided background information about the committee's jurisdiction and policies and procedures, but noted recent changes to the committee's operations as a result of adoption of the Duff Report recommendations. As part of this report, the chair indicated the committee hopes to provide the membership with more information regarding this appellate process and would like to be included in Regional Rules programming.
- b. Heard from the former chair of the Division I Committee on Infractions who informed the Board that the committee has conducted a review of the current infraction penalty structure to ensure the penalties are substantially greater than the benefits gained from violating the NCAA rules, reflect the severity of the violations and are in line with penalties given by other NCAA bodies. As a result of this review, the committee is recommending changes to the penalty structure that would provide the committee with more substantial penalties and with a wider array of sanctions options.

[Note: While not all of the recommendations set forth in the Report of the Division I Committee on Infractions will require approval by the Board of Directors, the committee would like Board affirmation that it is moving in the correct direction. It is anticipated that these recommendations will be reorganized in another document by the level of Board action required. Membership feedback will be sought where appropriate before the Board is requested to take formal action.]

8. Report of the Division I Presidential Advisory Group. [Reference BD Supplement No. 6.]

BOARD ACTION: Received a report from the Division I Presidential Advisory Group's October 29, 2008, meeting and heard comments from the group's chair throughout the meeting regarding pertinent points raised by the group.

9. Report of the Committee on Academic Performance (CAP). [Reference BD Supplement No. 7.]

BOARD ACTIONS: Received an update from the Division I Committee on Academic Performance, and as part of that presentation:

- a. Reviewed Graduation Success Rate (GSR) data, which shows student-athletes continue to perform well in the classroom, with more student-athletes graduating from college. The GSR data indicates that 79 percent of student-athletes in the 2001 cohort graduated within six years.
- b. Learned that of the 270 institutions that have initiated APR data submission, the preliminary information appears to be positive as estimates indicate approximately half of the teams subject to historical penalties appear to have improved enough to reduce or avoid penalties this year. The Board discussed the importance of trying to share this good news broadly.
- c. **Discussed the value of gaining a better understanding of the high school academic profiles of 2-4 transfers in order to develop sound policy and legislative requirements and used its authority to sponsor Proposal No. 2008- 77 in the 2008-09 legislative cycle. This proposal will require a two-year college transfer to have his/her initial academic eligibility certified by the NCAA Eligibility Center prior to the end of the student-athlete's first regular academic term of full-time enrollment at a Division I institution.** (Effective Date: August 1, 2010, for those enrolling in a Division I institution on or after August 1, 2010.) (Unanimous Voice Vote.)

[Note: This recommendation is the second of two initiatives to obtain additional academic data on 2-4 transfers, as requested by four separate NCAA governance groups currently studying the academic progress of this student-athlete subgroup. The CAP has also agreed to update its own data collection requirement to collect information regarding the academic performance of 2-4 transfers while enrolled at the two-year institution.]

- d. **Approved amendments to the committee's policies and procedures to incorporate a conflict of interest policy for committee members and to reflect revisions drafted since the August 2008 Board meeting.** (Unanimous Voice Vote.)
- e. **Agreed to grant the Committee on Academic Performance time to fully develop the particulars of the mechanism to track the academic performance of head coaches and to engage various coaches associations regarding the reporting format. In discussing such a rate, Board members noted this information would serve as a helpful tool for presidents in their leadership role and the Board suggested the development of a detailed reporting mechanism to be used by**

institutions and a more general tool for public dissemination. Board members also mentioned that they would appreciate easy and quick access to such information and suggested the possible inclusion of GSR information.

- f. Discussed the fact that while academic reform is an institutional responsibility, some coaches may be slow in adapting to the cultural changes brought on by academic reform, and as a result, there is potential for academic support personnel to experience undue pressure to ensure student-athletes succeed. Mindful of institutional autonomy the members discussed whether there was optimum structure for academic support units for student-athletes.
- g. Asked that the issues of professional development and certification for academic support personnel, along with frequency of external reviews of academic support units, be placed on a future agenda for discussion.

10. Update on the work of the Division I Men's Basketball Academic Enhancement Group.

BOARD ACTIONS:

- a. Received a progress report on the work of the Men's Basketball Academic Enhancement Group, which was charged by the Board with offering recommendations to enhance the academic progress and graduation rates of men's basketball student-athletes;
- b. Learned that the group is scheduled to meet on December 3, at which time it is expected to examine playing and practices season recommendations and to continue its discussion regarding summer school and transfer issues; and
- c. Noted that while this examination has taken longer than originally anticipated due to the complexity of the issues, the membership must be clear that the Board has a genuine commitment to academic reform and changing the culture in men's basketball. The Board noted that while the group should work expeditiously it is important that the group also take the necessary time to develop a meaningful response.

11. News from the Division I Governance Structure.

- a. **Update from the substructure, including a report from the Communications and Coordination Committee.** [Reference BD Supplement No. 9A and 9B.]

BOARD ACTION: Received an update from the chair of the Leadership Council regarding the work of that council and the Communications and Coordination Committee and learned those serving within the governance structure appear to have a high level of enthusiasm and a commitment to communicating more effectively with the membership. As part of this report, the chair also reviewed the cabinets and councils priorities.

- b. **Report of the October 20-21, 2008, Division I Legislative Council.** [Reference BD Supplement No. 10.]

BOARD ACTIONS:

- (1) Received a report from the chair of the new Legislative Council in which he explained, that under the new Division I legislative process, which assigns a high level of legislative responsibility to the Legislative Council, it is imperative that there is trust in the system and that the council earn that trust.
- (2) **Learned that the Legislative Council not only had a dynamic first meeting as it reviewed the 68 proposals in the annual cycle but used its emergency or noncontroversial legislative authority to adopt the following three legislative proposals:**
 - (a) **Proposal No. 2008-61 -- Committees -- Division I Cabinets and Committees -- Women's Soccer Committee -- Composition – Regions.** Intent: To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.
 - (b) **Proposal No. 2008-69 -- Administrative Regulations -- Summer Basketball Leagues and Certified Basketball Events -- Additional Criteria -- Approval of Event and League Operators – Basketball.** Intent: In basketball, to specify that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff.
 - (c) **Proposal No. 2008-73 -- Executive Regulations -- National Statistics Program.** Intent: To specify that the NCAA Division I Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to

specify that the policies and procedures shall be published on the NCAA Web site.

[Note: The Board of Directors accepted the Leadership Council's legislative action.]

- (d) **Used its authority at the request of the Legislative Council to sponsor the following proposal in the 2008-09 legislative cycle:**

Proposal No. 2008-75—Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Qualifier – Exception – Early Academic Certification – Submission of Transcript. Intent: To specify that if a student-athlete is certified as a qualifier pursuant to the early academic certification exception and his or her initial full-time collegiate enrollment occurs at the certifying institution, the institution shall ensure submission of his or her final high school transcript (official or unofficial) to the NCAA Eligibility Center by November 15 following the student-athlete's initial full-time enrollment; further, to specify that a violation of this provision shall be considered an institutional violation, however, the student-athlete's eligibility shall not be affected. (Unanimous Voice Vote.)

- c. **Other emergency legislation/legislative sponsored proposals.**

BOARD ACTIONS:

- (1) **Used its emergency legislative authority to adopt Proposal No. 2008-78 -- Playing and Practice Seasons – General Regulations – Skill Instructions – Sports Other Than Football – Publicity.** Intent: In sports other than football, to specify that skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience. (Unanimous Voice Vote.)

[Note: In adopting this proposal, Board members state this practice of using two hours of skill instruction prior to the start of the season as a celebratory event for the public and potential recruits warranted the use of the Board's emergency authority and cautioned that if this practice were allowed to continue it could harm the trust that has been built up in recent years between the coaching community and presidential leadership.]

- (2) **Used its legislative authority to place the following proposal in the 2008-09 legislative cycle:**

Proposal No. 2008-79 – Amateurism -- Involvement with Professional Teams -- Professional Basketball Draft -- Four-Year College Student-Athlete -- Men's Basketball. Intent: In men's basketball, to specify that an enrolled student-athlete may enter a professional league's draft one time during his collegiate career without jeopardizing eligibility in the sport, provided the student-athlete requests that his name be removed from the draft list and declares his intent to resume intercollegiate participation by the end of the day prior to the first day of the spring National Letter of Intent signing period for the applicable year; the student-athlete's declaration of intent is submitted in writing to the institution's director of athletics; and the student-athlete is not drafted. (Unanimous Voice Vote.)

d. Legislative issues of interest in the 2008-09 annual cycle. [Reference BD Supplement No. 12.]

- (1) Were reminded that pursuant to the new Division I legislative process it is intended that the Legislative Council will take final action on the day-to-day legislative matters necessary for the efficient management of Division I, leaving discretion to the Board to act on the broader issues facing the division. Therefore, to ensure appropriate Board oversight, the Legislative Council's actions in January (and April) will not be considered final until the conclusion of the Board meeting.
- (2) Learned that the staff and Councils will seek to assist the Board in identifying legislative issues that should rise to the level of presidential review and briefly reviewed a few legislative proposals in the cycle including, Proposal Nos. 2008-32, 2008-35, 2008-40, 2008-41, 2008-46 and 2008-48.
- (3) In reviewing Proposal No. 2008-48 – Playing and Practice Seasons – Baseball – Maximum Number of Contests – 52, discussed the fact that:
 - At its April 2006 meeting, the Board tabled Proposal No. 2006-2, which called for a reduction in the maximum number regular season baseball games from 56 to 52.
 - At that time, the Board established the Baseball Enhancement Working Group to develop a proposal to address concerns regarding academic performance in baseball and “indicated an intention to review the impact of any changes resulting from the baseball community’s proposal in three years to determine whether additional changes to baseball would be warranted to help enhance the overall level of academic performance in that sport.”

- In April 2007 the Board adopted the reform package presented by the Baseball Enhancement Working Group and implementation of those recommendations began in August 2008.
 - The Board indicated a lack of support for Proposal No. 2008-48 at this time noting there has been insufficient time to assess the impact of the baseball reform package.
- e. **Follow up from the August meeting:** [Reference BD Supplement No. 13.]

BOARD ACTIONS:

- (1) Received an update from staff regarding efforts to address membership concerns regarding the application of current legislation pertaining to videographers and were informed that the revised policy is intended to provide participating institutions the ability to capture and utilize championship footage for various non-commercial purposes while assuring the integrity of the NCAA's multimedia rights to the event. Under this policy institutional videographers will be permitted to capture competition footage from the still photographer areas as designated by the championship sports committees in conjunction with the championship media coordinator. Each institution will be permitted to have one videographer for this purpose and will only be permitted to capture footage of events/contests in which it is participating. Further, institutional videographers will be permitted inside the locker room, with approval of the institution's head coach, during periods that are closed/off limits to general, non-NCAA media rights holding members of the media. In addition, institutions are permitted to use institutional videographer footage captured for specified commercial uses subject to specific usage restrictions, which are set forth in the NCAA Videographer Policy as found in Supplement 13B.
- (2) Discussed the fact that pursuant to the Board's earlier request, it appears a workable compromise has been reached but indicated a desire for periodic updates regarding the application of this videographer policy.
- (3) **Defeated Proposal No. 2007-109 -- Executive Regulations -- NCAA Properties and Marketing Restrictions -- Exception for Institutions Participating in NCAA Championship Events -- Number of and Access of Videographers and Photographer.** Intent: To permit an institution to designate two videographers and one photographer to be present at NCAA championship events involving the institution's teams; further to specify that

one videographer shall be permitted access to the area designated for media photographers and shall be limited to capturing video images for nonscouting purposes and to specify that one videographer and the photographer shall have access to the institution's team locker room prior to, during and after the contest, subject to institutional discretion. (Unanimous Voice Vote.)

- f. **2009 NCAA Convention.** [Reference BD Supplement No. 14.]

BOARD ACTIONS:

- (1) Reviewed the schedule of pertinent Division I and Association-wide events scheduled for the 2009 NCAA Convention in Washington D.C. The events are set forth below as follows:

Thursday, January 15

- Opening Business Session. (4 – 5:30 p.m.)
- Delegates Reception and Honors Celebration. (6 – 10 p.m.)

Friday, January 16

- Division I Issues/Legislative Forum. (9 - 11:30 a.m.)
- BOD/Leadership Council/Legislative Council Luncheon. (11:30 a.m.–1 p.m.)
- Division I Issues/Legislative Forum (cont.) (1 – 3:30 p.m.)
- Division I Business Session – At the conclusion of the Legislative Forum. [Note: Vote on the override of Proposal No. 2007-30-c will occur during the Division I Business Session.]

Saturday, January 17

- Joint SAAC/BOD breakfast. (8 – 9:30 a.m.)
- Board of Directors meeting. (9:30 a.m. – 5 p.m.)
- Executive Committee meeting. (5:30 – 7:30 p.m.)
- President's Reception. (7:30 – 9 p.m.)

- (2) Review of override process. Were reminded that as a result of its determination to sustain its previous adoption of Proposal No. 2007-30-c, a vote of the active Division I membership will occur on January 16, 2008, at 3 p.m. during the Division I Business Session. At least a five-eighths majority vote of individual active members present and voting shall be required to override the legislative

action taken by the Board. The vote shall be based on the principle of one institution, one vote and the vote shall be taken by roll call.

12. Update regarding championships travel initiatives. [Reference BD Supplement Nos. 15A, 15B, 15C.]

BOARD ACTIONS:

- a. Received a brief update from the NCAA senior vice president of administration and CFO regarding the general financial landscape for intercollegiate athletics in these volatile financial times.
- b. Heard a presentation from the NCAA senior vice president for championships regarding recent travel industry trends and were informed:
 - With most expenses in for the 2007-08 championships year, the NCAA has incurred an additional \$8 million on championships travel over 2006-07, which represents an increase of approximately 23 percent over the 2006-07 fiscal year. If the trend continues, the Association's travel costs will have increased from \$33 million in 2006-07 to \$50 million in 2008-09, an unsustainable trend.
 - These increases are largely attributable to the current travel landscape in which fuel costs are rising and carriers are reducing their flight capacity. In addition, when charter flights are necessary, their costs have risen dramatically, primarily due to fuel costs. Often site locations, bracketing and seeding practices further exacerbate these factors.
- c. Learned that the staff has sought to address these concerns by developing a series of recommendations that fall within three tiers based on the level of approval required and were told the Board will be kept informed regarding the impact of changes that have been enacted.

13. Appeal from the University of California – Davis. [Reference BD Supplement No. 16.]

BOARD ACTION:

The Board reviewed and discussed correspondence and pertinent points submitted by the University of California – Davis related to the university's request to receive a portion of Division I broad-based revenue distribution. It

was noted that the 2007-08 funds were distributed during the summer based upon calculation of Division I grants-in-aid and sports sponsored during the

2006-07 academic year and that this policy has been followed since 1990-91. The Board voted to sustain the policy, which would not permit the university to receive funds for grants-in-aid awarded and sports sponsored prior to the date the university became an active member of Division I. (Unanimous Voice Vote.)

14. Committee appointments. [Reference BD Supplement Nos. 17A, 17B.]

BOARD ACTIONS: Made the following committee reappointments:

a. Committee on Infractions.

- Brian Holloran - public member (Term 3)
- Alfred Lechner Jr. – public member (Term 3)

b. Infractions Appeals Committee.

- Christopher Griffin – public member (Term 3)
- David Williams – Vanderbilt University, Southeastern Conference (Term 2)

15. Report of the Executive Committee Subcommittee on Gender and Diversity Issues.

BOARD ACTION: Did not receive a report due to time constraints but learned that the subcommittee is soliciting for four new Division I members from the NCAA Executive Committee to serve on this important governance body. [Note: 2 FBS members, 1 FCS member and 1 Division I subdivision member are needed.]

16. Future meeting dates.

- January 17, 2009, Washington D.C., held in conjunction with the NCAA Annual Convention. [Note: there is a BOD luncheon scheduled for January 16.]
- April 30, 2009, National Office, Indianapolis, Indiana.
- August 6, 2009, National Office, Indianapolis, Indiana.
- October 29, 2009, National Office, Indianapolis, Indiana.

17. Adjournment.