REPORT OF THE
NCAA DIVISION I PRESIDENTIAL FORUM
OCTOBER 22-23, 2018, MEETING

***ACTION ITEMS*.**

- None.

***INFORMATIONAL ITEMS*.**

1. **Review of Academic Misconduct/Academic Integrity.** The NCAA Division I Presidential Forum received a report from the NCAA Division I Academic Misconduct Working Group. The NCAA Division I Board of Directors asked the Presidential Forum to take the lead in reviewing the NCAA's role in student-athlete academic misconduct and related NCAA legislation. The NCAA Division I Presidential Forum Steering Committee authorized a working group, the Division I Academic Misconduct Working Group, to initially review the topic, and provide background information and recommendations. Based on the working group's initial report, the Presidential Forum took action and provided feedback for continuing review as noted below.

    a. May 13, 2016, Educational Column. The Presidential Forum directed the NCAA Division I Council and the NCAA Division I Legislative Committee to ensure that edits are made to the May 13, 2016, Educational Column, Item No. 1, to clarify that the NCAA Bylaw 19 violation structure applies equally to both academic misconduct and impermissible academic assistance violations and that the determination of the level (Level I, II, or III) of an academic integrity violation is based on the facts of the case, the impact of the conduct and the individuals involved. The NCAA staff and appropriate committees (e.g., the NCAA Division I Student-Athlete Reinstatement Committee) will review existing policies to ensure that this clarification is appropriately codified in relevant policies and procedures.

    b. Expedited Institutional Process. The Presidential Forum directed the Council and the Legislative Committee to ensure that a question and answer is added to the educational column (May 13, 2016, Item No. 1) to clarify that an institution may use an expedited process to adjudicate an institutional academic integrity issue involving a student-athlete, provided the process was established via normal institutional procedures and existed before the alleged issue involving the affected student-athlete occurred.

    c. Specific Required Policies. The Presidential Forum does not support the need to create or require academic policies that are different for student-athletes than for students generally. Therefore, the Presidential Forum does not support a requirement of supplementary regulations governing student-athletes and institutional staff members (and boosters) in academic matters. Institutions are

expected to have comprehensive policies that govern the academic activities of students generally and the involvement of faculty, staff and outside individuals or entities. Such policies should apply in the same way to all students regardless of the extracurricular activities in which they are involved.

d. Best Practices. The Presidential Forum supports the development and dissemination of best practices related to institutional policies that may help prevent or mitigate potential cases of academic misconduct involving student-athletes.

e. Academic Integrity Oversight Committee. The Presidential Forum supports continued review of a concept that would suggest as a best practice or would require an institution to have a standing committee responsible for identifying areas of risk and areas for improvement with regard to preventing academic misconduct involving student-athletes and the nonstudents who interact with them (coaches, administrators, faculty, staff, tutors, boosters, etc.). It was noted that many institutions have committees that perform such functions for issues related to all students. Therefore, a requirement for an oversight committee related to student-athletes may be unnecessary. The focus should be on best practices to encourage enhancements of existing policies.

f. Concern About Overregulation. The Presidential Forum supports the development of legislation or other mechanisms to effectively address and penalize egregious behavior as it relates to individual and institutional academic integrity. However, the Forum expressed concern with subjecting the entire membership to significant additional regulations in this area. Instead, the Forum suggests the working group focus on concepts that help ensure the finding of violations in situations of egregious academic misconduct (even in instances in which a rules violation may not be obvious) without requiring onerous new regulation on all members.

g. Role of Accrediting Agencies. The Presidential Forum supports outreach to the six regional accrediting agencies to discuss their role in academic misconduct matters, particularly those that are significant and systemic, and to explore the implications of the new importation policy. Such communication with the accrediting agencies may help further define the role of the NCAA and the agencies.

h. Other Feedback. The Presidential Forum noted that major changes were made to the academic misconduct legislation in 2016 and infractions cases have only recently been subject to the new legislation. Many issues and concerns related to academic misconduct may be alleviated through the application of the new legislation. In addition, legislation was recently adopted to permit importation of outside information and decisions into the infractions process, including, for

example, accreditation reports. This legislation is expected to improve the process and help address issues of misconduct.

2. Discussion on Presidential Accountability, Certification of Compliance and Attestation. The Presidential Forum began a discussion related to the recently adopted legislation that increases the accountability of presidents and chancellors, athletics department staff, and coaches by requiring them to annually attest to compliance with NCAA rules and regulations.

a. Accountability. During the August Board of Directors meeting, it was suggested that presidents would be helped by more discussion and greater clarity regarding the appropriate and reasonable standards by which presidents should be held accountable related to the conduct of their intercollegiate athletics programs. The NCAA Division I Enforcement/Infractions Process Working Group sought feedback from the Presidential Forum regarding whether presidents, chancellors and directors of athletics should be subject to additional accountability for rules violations beyond the requirements of the new legislation. Members of the Presidential Forum noted that institutional governing boards will hold them accountable for failures in their athletics programs that result in conclusions of lack of institutional control. Accordingly, any institutional sanction prescribed by the NCAA for systemic failures will reflect negatively on the president or chancellor and, as such, there is no need for the NCAA to prescribe additional individual penalties on a president or chancellor. The Presidential Forum reaffirmed the critical role presidents and chancellors play in establishing a culture of integrity and compliance and that they should be held accountable for instances in which a lack of institutional control is concluded. The Presidential Forum provided the following additional feedback as it relates to reasonable and appropriate expectations for presidents and chancellors and directors of athletics:

(1) There are important distinctions between the responsibilities of a president or chancellor and a director of athletics as they relate to oversight of athletics programs, and there is value in further clarifying these distinctions.

(2) Presidents and chancellors should focus attention on articulating clear and unambiguous expectations for ethical and rules compliance behaviors among athletics staff and student-athletes, and adherence to university and athletics department policies and procedures; and ensure that the director of athletics has working compliance systems in place to monitor compliance with NCAA, conference and institutional requirements. (This feedback is consistent with several elements that are included in the NCAA Division I Enforcement Charging Guidelines.*)

(3) A director of athletics, hired by the president or chancellor, is responsible for the day-to-day administration of the athletics department and bears significant responsibility related to ensuring that the president's or chancellor's expectations are reinforced; compliance systems are engaged and functioning; violations are properly reported; appropriate athletics department policies and procedures have been developed and are followed; and that university policies and procedures are being followed within the department. (This feedback is consistent with several elements that are included in the NCAA Division I Enforcement Charging Guidelines.*)

(4) As it relates to a finding of lack of institutional control, the NCAA Division I Committee on Infractions is encouraged to exercise its current authority to identify a president or chancellor and/or director of athletics in a public infractions decision.

(5) There is value in the Presidential Forum and Board of Directors identifying important principles of director of athletics accountability to help the NCAA Council as it provides more detail to the issue of accountability.

(6) Finally, a suggestion was made that an examination occur related to implications of the recently adopted legislation that requires a president's or chancellor's employment contract to confirm the obligation to cooperate fully in the infractions process.

*The Division I Charging Guidelines provide a clear outline of specific guidelines the enforcement staff considers when determining whether to bring allegations for four serious breaches of conduct—lack of institutional control, failure to monitor, unethical conduct and head coach responsibility.

b. Certification of Compliance and Attestation. The Presidential Forum believes the focus of the yearly attestation should center around a president's or chancellor's knowledge of and adherence to the principles of institutional control and rules compliance as it relates to his or her athletics program and consistent with presidential responsibilities. There is support for using the NCAA Learning Management System (LMS) for purposes of efficiently administering the certification and attestation. Given that all athletics department staff members must also provide an annual attestation, it will be important to consider whether it is necessary to distinguish in any way, by position, the elements of the attestation so individual staff members can reasonably attest to the broad principles of institutional control and rules compliance.

3. **Update on College Basketball Reform Initiatives.** The Presidential Forum received the following updates related to ongoing college basketball reform initiatives:

   a. **Enforcement and Infractions.** The Enforcement/Infractions Process Working Group is continuing its work on phase one topics of alternative resolution of complex cases, negotiated resolutions, the enhanced obligation to cooperate, penalties and importation. The working group has recommended adoption of a proposal to clarify elements of negotiated resolutions, which the Council will consider during its October 31 teleconference. Other remaining issues to be addressed are financial penalties, immediate penalties for refusal to cooperate and leadership accountability.

   b. **Independent Members of the NCAA Board of Governors.** The Presidential Forum expressed support for adding independent members to the Board of Governors while noting that additional details should be provided regarding the definition of "independent" and the process by which independent members would be selected. When additional information is available, members of the Presidential Forum will serve as points of contact with their conference offices to help ensure institutions are fully informed and prepared to vote. The Association-wide vote will occur Thursday, January 24, at the 2019 NCAA Convention. A two-thirds majority of delegates present and voting in favor of the proposal is required for adoption. The appointment of delegate process will commence with an email to institutional presidents/chancellors, directors of athletics and conference commissioners on November 13.

4. **Sports Wagering Update.** The Presidential Forum received an update on the current sports-wagering environment, including overall monetary estimates of sports wagering, data regarding student-athletes who report wagering on sports and strategic areas of review that the NCAA staff is working on to help protect student-athletes. The strategic areas of review include: maintaining the integrity of competition; managing data proactively; and negotiating this dynamically changing environment. The Presidential Forum strongly encourages the national office, conferences and institutions to attend to student-athlete well-being and integrity of competition issues. It was noted that the NCAA Division I Board of Governors will consider the creation of an ad hoc committee on sports wagering to assist with these efforts.

5. **Progress on the "Charting the Course" Inventory.** The Presidential Forum received a progress report on the development of an inventory of successful campus programming designed to ensure a well-rounded student-athlete experience. An online database is under development to catalog effective student-athlete well-being programming that is currently occurring throughout the membership, as well as materials and programs developed by the NCAA national office. Presidents or chancellors and athletics administrators will have the

opportunity to review information related to the programs and consider implementing them (or elements of them) on their campuses. It is anticipated that the database will be available to the membership in January 2019.

6. **Board of Governors Strategic Planning Process.** The Presidential Forum engaged in a discussion with facilitators from a consulting firm that is leading the Association through a strategic planning process. The consulting firm is gathering information from various sources in the input phase of the process in order to understand perspectives surrounding the NCAA. The development of the strategic plan will continue with the collection and analysis of stakeholder input and the formulation of goals, strategies, actions and measures throughout the next several months. A strategic plan report is scheduled to be provided to the Board of Governors in August 2019.

7. **NCAA President's Report.** The Presidential Forum received a report from NCAA President Mark Emmert, which included an overview of the most significant issues facing the Association and the progress being made to address them.

8. **Report of the April 24-25, 2018, NCAA Division I Presidential Forum Meeting.** The Presidential Forum approved the report of its April meeting. *(Unanimous voice vote.)*

Presidential Forum chair:	*Franklin Gilliam, The University of North Carolina at Greensboro*
Staff Liaisons:	*Diane Dickman, Law, Policy and Governance*
	Jenn Fraser, Law, Policy and Governance
	Kevin Lennon, Law, Policy and Governance
	Todd Petr, Research

Division I Presidential Forum October 22-23, 2018, Meeting
Attendees:
Victor Boschini, Texas Christian University; Big 12 Conference.
John Bravman, Bucknell University; Patriot League.
Rita Cheng, Northern Arizona University; Big Sky Conference.
James Danko, Butler University; Big East Conference.
David DeCenzo, Coastal Carolina University; Sun Belt Conference.
James Donahue, Saint Mary's College of California; West Coast Conference.
Sharon Gaber, University of Toledo; Mid-American Conference.
Patrick Gallagher, University of Pittsburgh; Atlantic Coast Conference.
Jerome Gilbert, Marshall University; Conference USA.
Frank Gilliam, The University of North Carolina at Greensboro; Southern Conference.
Renu Khator, University of Houston; American Athletic Conference.
Wendy Libby, Stetson University; Atlantic Sun Conference.
Brian Mueller, Grand Canyon University; Western Athletic Conference.
Philip Oldham, Tennessee Technological University; Ohio Valley Conference.
Judy Olian, Quinnipiac University; Metro Atlantic Athletic Conference.
Mary Papazian, San Jose State University; Mountain West Conference.
Carol Quillen, Davidson College; Atlantic 10 Conference.
Gary Roberts, Bradley University; Missouri Valley Conference.
Kim Schatzel, Towson University; Colonial Athletic Association.
Phil Schubert, Abilene Christian University; Southland Conference.
Jack Thomas, Western Illinois University; The Summit League.
Malachi Van Tassell, Saint Francis University (Pennsylvania); Northeast Conference.
David Wilson, Morgan State University; Mid-Eastern Athletic Conference.
Greg Woodward, University of Hartford, America East Conference.
Absentees:
Andrew Hugine, Alabama A&M University; Southwestern Athletic Conference.
Jere Morehead, University of Georgia; Southeastern Conference.
Christina Paxson, Brown University; The Ivy League.
Taylor Reveley, Longwood University; Big South Conference.
Michael Schill, University of Oregon; Pac-12 Conference.
Ashish Vaidya, Northern Kentucky University; Horizon League.
Kim Wilcox, University of California, Riverside; Big West Conference.
Guests in Attendance:
Carol Cartwright, Kent State University.
NCAA Staff Liaisons in Attendance:
Diane Dickman, Jenn Fraser and Kevin Lennon
Other NCAA Staff Members in Attendance:
Katrice Albert, Scott Bearby, Joni Comstock, Jon Duncan, Mark Emmert, Michelle Hosick, Joel McGormley, Bridget Rigney, Naima Stevenson, Cari Van Senus, Stan Wilcox, and Leeland Zeller.