



UPDATED

## A G E N D A

National Collegiate Athletic Association

Division III Management Council

Platinum Ballroom 3-4  
Anaheim Marriott

January 22, 2020

1. Welcome and announcements. (Stevie Baker-Watson)
2. Roster. [Supplement No. 1] (Baker-Watson)
- @ 3. Review of summary and minutes. (Baker-Watson)
  - a. Summary of fall 2019 quarterly meetings. [Supplement No. 2]
  - b. November 6, November 7, and November 12, 2019, Administrative Committee reports. [Supplement Nos. 3a, 3b and 3c]
4. Division III Philosophy Statement and the Strategic Positioning Platform. [Supplement Nos. 4a and 4b] (Dan Dutcher)
5. Committee/subcommittee reports.
  - a. Division III Joint Presidents Council/Management Council committees or subcommittees.
    - (1) Convention-Planning Subcommittee. [Supplement Nos. 5a and 5b] (Lori Mazza)
    - (2) Strategic Planning and Finance Committee. [Supplement No. 6a] (Baker-Watson/Mark Aiken)
      - (a) 2019-20 budget-to-actuals. [Supplement No. 6b]
      - (b) Future projections. [Supplement No. 6c]
    - (3) Joint Legislative Steering Committee. (Baker-Watson)
  - b. Management Council subcommittees.
    - (1) Subcommittee for Legislative Relief. (Kate Roy)
    - (2) Playing and Practice Seasons Subcommittee. (Brad Bankston)

- c. Division III committees.
  - (1) Championships Committee. [Supplement Nos. 7a, 7b, 7c and 7d] (Bankston)
  - (2) Committee on Infractions. (Sarah Feyerherm)
  - (3) Financial Aid Committee. [Supplement No. 8] (Kandis Schram)
  - (4) Infractions Appeals Committee. (Roy)
  - (5) Interpretations and Legislation Committee. [Supplement Nos. 9a, 9b, 9c, 9d and 9e] (Michelle Morgan)
    - @ a. Interpretative appeal regarding financial aid endowments. [Supplement No. 9f]
    - @ b. Interpretative appeal regarding waiting period for Conference AQ. [Supplement No. 9g]
  - (6) Membership Committee. [Supplement Nos. 43a and 43b] (Laura Mooney)
  - @ (7) Nominating Committee. [Supplement No. 10] (Mazza)
  - (8) Student-Athlete Advisory Committee. [Supplement No. 11] (Sammy Kastner/Colby Pepper)
  - (9) Student-Athlete Reinstatement Committee. [Supplement No. 12] (Heather Benning)
- 6. Association-wide committees.
  - @ a. Committee on Competitive Safeguards and Medical Aspects of Sports. [Supplement No. 13] (Baker-Watson)
  - b. Committee on Sportsmanship and Ethical Conduct. (Michelle Morgan)
  - c. Committee on Women's Athletics. [Supplement No. 14] (Denise Udelhofen)
  - d. Honors Committee. [Supplement No. 15] (Chuck Brown)
  - e. Minority Opportunities and Interests Committee. [Supplement No. 16] (Gerard Bryant)
  - f. Joint Minority Opportunities and Interests Committee and Committee on Women's Athletics. [Supplement No. 17] (Udelhofen/Bryant)
  - g. Olympic Sports Liaison Committee. [Supplement No. 18] (Joe Walsh)

- h. Playing Rules Oversight Panel. [Supplement No. 19a] (Bankston)
    - National Review of Collegiate Officiating. [Supplement No. 19b]
  - i. Postgraduate Scholarship Committee. (Brown)
  - j. Research Committee. (Tim Millerick)
  - k. Walter Byers Scholarship Committee. (Walsh)
  - l. Gender Equity Task Force. [Supplement No. 20] (Louise McCleary)
7. 2020 Convention Legislation. (Jeff Myers/Bill Regan)
- a. Review of 2020 NCAA Convention Notice.
  - b. Legislative proposal question and answer guide. [Supplement No. 21a]
    - Intercollegiate Horse Shows Association (IHSA) letter. [Supplement No. 21b]
  - c. Review of parliamentary and voting issues. [Supplement Nos. 22a and 22b]
  - d. Review of speaker assignments. [Supplement No. 23]
  - @ e. Review administrative regulations approved by Management Council. [Supplement No. 24] (Myers/Regan)
  - f. Review noncontroversial legislation approved by the Management Council. [Supplement No. 25a] (Myers/Regan)
    - Sports Wagering Activities – Suspension by a non-NCAA Athletics Organization. [Supplement No. 25b]
  - g. Review of modifications of wording approved by the Management Council. (Myers/Regan)
8. Division III initiatives and updates.
- a. Diversity and Inclusion Working Group. (Bryant)
    - Division III Diversity Fast Facts. [Supplement No. 26] (McCleary)
  - b. Faculty Athletics Representative Advisory Group. [Supplement No. 27] (Brown)

- c. LGBTQ Working Group. [Supplement No. 28] (Scott McGuinness)
  - d. Technology Users Group. [Supplement No. 29] (McCleary)
  - e. Division III Identity Initiative. [Supplement No. 30] (Adam Skaggs)
  - f. FAR Fellow Institute. [Supplement No. 31] (Brown)
  - g. Division III Oversight Working Group on Name, Image and Likeness (NIL). [Supplement Nos. 32a, 32b, 32c, 32d, 32e and 32f] (Benning/Dutcher)
  - h. Feedback from conference meetings. [Supplement Nos. 33a, 33b and 33c] (All)
9. Association-wide updates and issues.
- a. Board of Governors (BOG) update. [Supplement No. 34a] (Mark Emmert/Donald Remy/Cari Van Senus)
    - Federal and State Legislation Working Group on NIL. [See agenda item 8g]
    - BOG Student-Athlete Engagement Committee. [Supplement No. 34b]
    - Governmental Relations report. [Supplement No. 34c]
  - b. Sports Science Institute updates. (Brian Hainline/John Parsons)
    - SSI timeline. [Supplement No. 35a]
    - Arrington concussion settlement. [Supplement No. 35b]
    - Independent medical care and athletics trainer coverage.
    - Mental Health Waiver Think Tank.
  - c. Concussion Annual Reporting – Noncontroversial legislation. [Supplement No. 36] (Myers)
  - d. GOALs Study. (Lydia Bell & Tom Paskus)
  - e. SWA Resource. [Supplement No. 37] (McCleary)
  - f. Common Ground V. (Mooney and Vienna)
  - g. Litigation update. (Jess Kerr)
10. 2020 Convention logistics. (McCleary)
- a. Delegates schedule. [Supplement No. 38]

- b. Joint PC/MC/SAAC meeting. [Supplement Nos. 39a and 39b]
  - c. Division III Issues Forum. [Supplement No. 40]
  - d. Division III Business Session. [Supplement No. 41]
11. Future meeting schedule. [Supplement No. 42] (Baker-Watson)
12. Other business and open forum. (All)
- Acknowledgement of departing Council members. (Baker-Watson/Benning)
13. Adjournment.

@ - Key Action Items



## 2019 NCAA Division III Management Council

### **Stevie Baker-Watson (Chair)**

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**NCAA DIVISION III**  
**PRESIDENTS AND MANAGEMENT COUNCILS**  
**SUMMARY OF FALL 2019**  
**QUARTERLY MEETINGS**

**KEY ACTION/DISCUSSION ITEMS:**

Proposed legislation for 2020 Convention.....Page Nos. 15-18

Sport Science Institute updates.....Page Nos. 22-23

2020 Presidents Council Leadership and appointments.....Page No. 22

<p align="center"><b>Division III Management Council October 21-22, 2019 Indianapolis, IN</b></p>	<p align="center"><b>Division III Presidents Council October 29-30, 2019 Atlanta, GA</b></p>
<p align="center">ATTENDEES</p>	<p align="center">ATTENDEES</p>
<p>Stevie Baker-Watson, DePauw University, chair Brad Bankston, Old Dominion Athletic Conference Heather Benning, Midwest Conference, vice chair Steve Briggs, Berry College Chuck Brown, Pennsylvania State University Erie, the Behrend Gerard Bryant, John Jay College of Criminal Justice Jason Fein, Bates College Sarah Feyerherm, Washington College (Maryland) Sammy Kastner, Notre Dame of Maryland University, SAAC representative Lori Mazza, Western Connecticut State University Scott McGuinness, Washington and Jefferson College Tim Millerick, Austin College Laura Mooney, Massachusetts College of Liberal Arts Michelle Morgan, John Carroll University Colby Pepper, Covenant College, SAAC representative Kate Roy, North Atlantic Conference Kandis Schram, Maryville College (Tennessee) Dennis Shields, University of Wisconsin, Platteville Denise Udelhofen, Loras College Michael Vienna, Emory University</p>	<p>Teresa Amott, Knox College Stevie Baker-Watson, DePauw University, MC chair Heather Benning, Midwest Conference, MC vice chair Kate Conway-Turner, Buffalo State, State University of New York Mary Beth Cooper, Springfield College Margaret Drugovich, Hartwick College Richard Dunsworth, University of the Ozarks Tiffany Franks, Averett University William Fritz, College of Staten Island Troy Hammond, North Central College Sue Henderson, New Jersey City University, chair Robert Lindgren, Randolph-Macon College Fayneese Miller, Hamline University Tori Murden McClure, Spalding University, vice chair Elsa Nunez, Eastern Connecticut State University Troy Paino, University of Mary Washington Kent Trachte, Lycoming College Bill Tsutsui, Hendrix College</p>
<p align="center">ABSENTEES</p>	<p align="center">ABSENTEES</p>
<p>Joe Walsh, Great Northeast Athletic Conference, participated via teleconference</p>	<p>Javier Cevallos, Framingham State University Kathleen Murray, Whitman College</p>
<p align="center">OTHER PARTICIPANTS</p>	<p align="center">OTHER PARTICIPANTS</p>
<p>Deborah Atkinson, NCAA Scott Bearby, NCAA Brian Burnsed, NCAA Dan Calandro, NCAA Sarah Dehring, Alma College, Pathway Participant Dan Dutcher, NCAA Mark Emmert, NCAA president Kevin Fenstermacher, Presidents' Athletic Conference, Pathway Participant Brian Hainline, NCAA Anthony Holman, NCAA Louise McCleary, NCAA</p>	<p>Scott Bearby, NCAA Brian Burnsed, NCAA Dan Dutcher, NCAA Mark Emmert, NCAA president Brian Hainline, NCAA Eric Hartung, NCAA Louise McCleary, NCAA Jeff Myers, NCAA John Parsons, NCAA Bill Regan, NCAA Donald Remy, NCAA Cari Van Sensus, NCAA</p>

<p>OTHER PARTICIPANTS, continued...</p> <p>Miriam Merrill, Hamilton College, Pathway Participant</p> <p>Jeff Myers, NCAA</p> <p>Hannah Orbach-Mandel, NCAA postgrad intern</p> <p>John Parsons, NCAA</p> <p>Laura Peterson, NCAA</p> <p>Bill Regan, NCAA</p> <p>Ashley Reid, The College of Wooster, Pathway Participant</p> <p>Michael Schulist, Carroll University (Wisconsin), Pathway Participant</p> <p>Ali Spungen, NCAA</p> <p>Cari Van Senus, NCAA</p> <p>Kiana Verdugo, NCAA intern</p> <p>Caryl West, NCAA</p> <p>Sarah Wilhelmi, Director of Collegiate Partnerships; United States Olympic &amp; Paralympic Committee</p>	
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[Note: This summary reflects only actions (formal votes or “sense of meeting”) in accordance with the established policy governing minutes of all NCAA entities. The only discussion included is that ordered by the chair or a member of the group.]

**1. WELCOME AND ANNOUNCEMENTS.**

October 21-22 Management Council. The meeting was called to order at 8 a.m., October 21 and 7:46 a.m., October 22, by the chair, Stevie Baker-Watson.

October 29-30 Presidents Council. The meeting was called to order at 3:06 p.m., October 29, and 9:15 a.m. October 30, by the chair, President Sue Henderson.

**2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.**

**a. Management Council Meetings – July 22-23, 2019.**

Management Council. The Management Council approved the summary of its July 22 and July 23, 2019, meetings.

Presidents Council. No action was necessary.

**b. Presidents Council Meeting – August 6-7, 2019.**

Management Council. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its August 6 and August 7, 2019, meeting.

**c. Administrative Committee Actions.**

Management Council. The Management Council ratified the August 12, August 15, August 29 and September 18, 2019, Administrative Committee reports.

Presidents Council. The Presidents Council ratified the August 12, August 15, August 29 and September 18, 2019, Administrative Committee reports.

The Council discussed the denial of an appeal of a denial waiver request from Trine University of the graduate/postbaccalaureate student eligibility legislation. The student-athlete's family reached out to Council members to request they overturn the action of the Administrative Committee that upheld the Subcommittee for Legislative Relief's decision to deny the waiver. The Council directed staff to send a letter to the family with its decision to uphold the Administrative Committee's action.

**3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.**

**a. Division III Joint Presidents Council/Management Council Committees or Subcommittees.**

**(1) Convention-Planning Subcommittee.**

**(a) 2020 NCAA Convention Educational Session Topics.**

Management Council. The Council reviewed the subcommittee's report regarding the educational session topics. It endorsed the following recommendations:

- Collaborative Approaches – When Mental Health Intersects with Student-Athlete Identities. This session will provide a panel discussion on mental health issues facing Division III student-athletes. The panel will examine where mental health intersects with LGBTQ-A+ and disability identities. The presentation will share resources and collaborative best practices.
- Crisis Management: Being Your Best During Your Institution's Worst Days. Crisis is a "when" not an "if" and it will hit colleges and universities of all shapes and sizes. The question this session will address is, how ready are you to respond when the unthinkable happens? This interactive presentation will ask the audience to consider their institution's readiness for a crisis. The session will include real-life examples of how and how not to handle a crisis. Attendees will be provided with tools to help them understand the importance of protecting a brand, student-athletes, the campus community, administrative staff and others. Attendees also will learn best practices for developing a crisis communication plan, a crisis communication team, social media readiness and examples of effective crisis leadership.

Staff Liaisons:  
Brown,  
McCleary

Council Reps:  
Baker-Watson,  
Franks, Mazza,  
Mooney,  
McGuinness,  
Pepper, Schram,  
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- NADIIIAA: Growing Our Next Generation of Leaders through Mentorship and Opportunity. As leaders, we have a responsibility to our profession and the institutions we serve to identify and facilitate the growth of the next generation of leaders in intercollegiate athletics. Active mentorship is a key element in achieving this goal. Providing opportunities that will challenge emerging leaders and help them develop is equally important. This panel of veteran and emerging leaders will speak to their experiences in both providing and finding sound mentorship as well as opportunities to enable the development of our next generation of leaders.

**(b) Issues Forum – Friday, January 24.**

Management Council. The Council received the subcommittee’s recommendation for the following discussion topics during the Issues Forum: (1) Haydn Shaw’s presentation on generational gaps; (2) Update from the Board of Governor’s Federal and State Legislative Working Group (Name, Image and Likeness); and (3) Convention legislation proposals Q&A/Open Forum.

Presidents Council. No action was necessary.

**(c) Business Session – Saturday, January 25.**

Management Council. The Council noted the subcommittee endorsed the following format for the Business Session.

8 to 8:15 a.m.	Welcome.
8:15 to 8:30 a.m.	Division III SAAC Mental Health Video.
8:30 to 11 a.m.	Voting on 2020 Legislative Proposals.

Presidents Council. No action was necessary.

**(d) Convention Management Updates.**

Management Council. The Council reviewed the subcommittee’s report noting the following:

- Hotel property. Division III meeting space and sleeping rooms will be at the Anaheim Marriott. The room rate is \$204 a night plus taxes.
- Transportation. John Wayne, Orange County is the closest airport. The NCAA will only provide complimentary airport shuttles to John Wayne Airport, Orange County, upon conclusion of the Business Session Saturday, January 25.

Presidents Council. No action was necessary.

(e) **Presidents and Chancellors Programming.**

Management Council. The Council noted the following programming for presidents and chancellors:

- Presidents and Chancellors Engagement Program. This session is open to all chancellors and presidents and will take place Thursday, January 23, from 8 to 9:30 a.m.
- Division III Presidents and Chancellors Forum and Luncheon. This session is open to all Division III presidents and chancellors and will take place Thursday, January 23, from 11:30 a.m. to 1 p.m.
- Association-wide Education Session. The NCAA's Office of Legal Affairs, in conjunction with President Emmert's office, will conduct a session on Thursday, January 23, from 2:30 to 4 p.m. that will focus on Name, Image and Likeness.

(2) **Strategic Planning and Finance Committee.**

Management and Presidents Councils. The Councils reviewed the division's 2018-2019 final budget report and the 2019-2020 budget-to-actual. The division finished the 2018-19 year with a surplus of \$1.5 million in championships due mainly to fewer charter flights and less expensive airfare and with a surplus of \$300,000 in nonchampionships. The total surplus will be added to the mandated reserve.

The Councils also reviewed the future budget projections through 2023-24, noting an intentional spend down of the surplus above and beyond the mandated reserve by the end of the current broadcast agreement in 2023-24.

(3) **Joint Legislative Steering Subcommittee.**

Management Council. The Council reviewed the subcommittee's report from its July 29, 2019, teleconference. No action was necessary.

Presidents Council. No action was necessary.

b. **Management Council Subcommittees.**

(1) **Subcommittee for Legislative Relief.**

(a) **Noncontroversial Legislation – Eligibility 14.5.4.1 – Transfer Regulations – Two-Year College Transfers – Exceptions.**

Management Council. The Council approved the subcommittee's recommendation to approve noncontroversial legislation to expand the exception of Bylaw 14.5.4.1-(c) and permit immediate eligibility for a student-athlete who successfully completes the required two full-time semesters

Staff Liaisons:  
Aiken, Dutcher,  
Hartung, Kresge,  
McCleary, Myers,  
Spungen

Council Reps:  
Baker-Watson,  
Benning,  
Drugovich,  
Lindgren,  
Murden-McClure,  
Pepper, Roy,  
Shields, Trachte,  
Vienna, Walsh

Staff Liaisons:  
Dutcher,  
McCleary, Myers,  
Regan

Council Reps:  
Baker-Watson,  
Briggs, Cooper,  
Feyerherm, Fritz,  
Henderson,  
Millerick, Shields

Staff Liaisons:  
Berg,  
Purcell

Council Reps:  
Fein, Mazza,  
McGuinness,  
Roy, Udelhofen,  
Vienna

and 24-semester hours of transferrable-degree credit (or quarter equivalent) by enrolling one semester at a two-year institution and the other at the certifying Division III institution while not competing.

Presidents Council. No action was necessary.

**(b) Approval of Division III Management Council Subcommittee for Legislative Relief Guidelines.**

Management Council. The Council approved the subcommittee's recommendation to revise the Subcommittee for Legislative Relief guidelines. Specifically, the subcommittee approved making the currently required chief executive officer letter optional in cases involving transfer waivers. This change is consistent with the standards for other waivers, where staff has the discretion to determine if the actions in the case are egregious enough to warrant a letter, or whether institutional education and one-time approval conditions are sufficient.

Presidents Council. No action was necessary.

**Staff Liaisons:**  
Alford, Peterson,  
Romash

**Council Reps:**  
Bankston,  
Kastner, Mooney,  
Morgan, Schram,  
Vienna, Walsh

**(2) Playing and Practice Seasons Subcommittee.**

Management Council. The Council reviewed the subcommittee's report. No action was necessary.

Presidents Council. No action was necessary.

**c. Division III Committees.**

**Staff Liaison:**  
Peterson-Myllinski,  
Suscha

**Council Reps:**  
Baker-Watson,  
Bankston, Fein

**(1) Championships Committee.**

**(a) Championships Committee Chair.**

Management Council. The Council noted that Kiki Jacobs, director of athletics at Roger Williams University, will serve as chair of the Championships Committee, succeeding Bill Stiles.

Presidents Council. No action was necessary.

**(b) Alcohol Sales at the 2020 Division III Men's Basketball Championship.**

Management Council. The Council, per a recommendation from the Championships Committee, approved a waiver of Bylaw 31.1.13 to permit alcohol sales at the 2020 Division III Men's Basketball Championship. The decision was made in accordance with recently adopted legislation that permits alcohol sales at Division III championships held in conjunction with Division I in the same venue.



Presidents Council. The Presidents Council also approved the recommendation.

(c) **Dates for 2020 Division III Men's Basketball Championship Preliminary Rounds.**

Management Council. The Council approved a recommendation from the Championships Committee to adjust the 2020 men's basketball championship preliminary round format to accommodate for this year's joint basketball championship. The adjustment has a potential budget impact of approximately \$48,000, which accounts for additional flights that may be needed for teams at the quarterfinal round site.

Presidents Council. No action was necessary.

(d) **Exception to Bracketing Policies for the Division III Men's and Women's Ice Hockey Championships.**

Management Council. The Council approved a request to allow men's and women's ice hockey championships to pair teams outside of the 500-mile travel radius (i.e., create a flight) in the quarterfinal round when the bracketing principles would otherwise require two teams to face one another for a third consecutive year (and the quarterfinal round is the bracket entry point for the teams). The effective date is the 2021 national championship.

Presidents Council. No action was necessary.

(e) **Men's and Women's Tennis Rules Subcommittee.**

Management Council. The Council approved, at the recommendation of the Championships Committee, the creation of an eight-member Men's and Women's Tennis Rules Subcommittee (from within the existing Divisions I, II and III Men's and Women's Tennis Committees) to oversee the playing rules modifications for all three divisions effective January 1, 2020.

Presidents Council. No action was necessary.

(f) **Conference Requirements for AQ Eligibility.**

Management Council. The Council noted the Championships Committee reviewed and discussed whether to establish regular-season-competition requirements for a conference to be eligible to earn an automatic qualification to Division III championships. The committee acknowledged that there is insufficient momentum currently within the committee and the membership to recommend changes despite reviewing some initial concepts. As such, it took no formal action but agreed to ask the Division III Commissioners Association whether it was interested in formulating a proposal in the future.

Presidents Council. No action was necessary.

**(g) Sport Region Realignment Project.**

Management Council. The Council heard an update on the Championships Committee's review of a 10-region alignment model proposed by the Division III Commissioners Association. The latest request for sport committee input focused on the proposal's effect on competitive equity, which several sport committees cited as a significant concern. Accordingly, the committee sought feedback on a model that retains the three original guiding principles but also accounts for competitive equity as each sport committee sees fit. After reviewing the sport committee feedback, the Champs Committee endorsed the 10-region model, as amended by sport committees, and will forward it to the Division III commissioners for feedback.

Presidents Council. No action was necessary.

**(h) Championship Bench Size Policy.**

Management Council. The Council received feedback on the Championships Committee's review of increased bench sizes during national championships, which would occur at the expense of the participating institutions. The membership, via a survey, and sport committees, expressed a consistent desire to increase the bench size. The committee also discussed practice limitations and determined that practice will be open to all student-athletes who are at the competition site at any round of the championship, provided it still fits within a given sport's playing rules. The bench size increases will be implemented for the 2020-21 championships.

Presidents Council. No action was necessary.

**(i) Championship Alcohol Advertising Restrictions.**

Management Council. The Council considered a Board of Governors recommendation to eliminate legislative restrictions on alcohol advertising and sponsorship activities in conjunction with NCAA championships, and establish that topic as a policy responsibility of the BOG. The Council approved, in concept, an administrative regulation to accomplish that goal.

Presidents Council. No action was necessary.

**(2) Committee on Infractions.**

Management Council. The Council reviewed a report detailing the trend analysis of major infraction cases. Key takeaways included:

- Most common infraction type is exceeding financial aid.
- The number of major infractions, an average of four per year, continues to increase.

Staff Liaisons:  
Cooper, Elworth  
Kleppel

Council Rep:  
Feyerherm

- Probation is the most common penalty.

The Council recommended the Committee on Infractions review this report and share it with the Division III membership.

Presidents Council. No action was necessary.

Staff Liaisons:  
Alford,  
Hartung,  
  
Council Rep:  
Schram

(3) **Financial Aid Committee.**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:  
Walters  
  
Council Reps:  
Fritz, Roy

(4) **Infractions Appeals Committee.**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
Myers, Purcell,  
Regan  
  
Council Rep:  
Morgan

(5) **Interpretations and Legislative Committee (ILC).**

(a) **Incorporation of Official Interpretation – Length of Playing Season – Indoor/Outdoor Track and Field.**

Management Council. The Council approved the incorporation of the following official interpretation into legislation:

Indoor/Outdoor Track and Field Playing Season Parameters (III). The Division III Interpretations and Legislation Committee determined that an institution that sponsors both indoor and outdoor track and field may not divide the playing season into segments (i.e., traditional and nontraditional). The weeks of the playing season shall be conducted consecutively unless the institution does not practice or compete during any full week that includes a published vacation, holiday or exam period, which shall not be counted as part of the playing season.

Presidents Council. No action was necessary.

(b) **Incorporation of Official Interpretation – Sports Camps and Clinic and Other Athletics Events – Limitations on Participation.**

Management Council. The Council approved the incorporation into legislation the portion of the following official interpretation that indicates that a camp, clinic and other athletics events may be limited by gender and grade level:

Permissible Limitations for Participation in Camps, Clinics and Other Athletics Events (III). The committee confirmed that a camp, clinic or other athletics event is considered open to the general public even if participation is limited by number, age, gender and grade level. Participation limited by academic criteria (e.g., grade-point average, standardized test score) is not considered open to the general public.

Presidents Council. No action was necessary.

(c) **Approve Official Interpretation – Personalizing Recruiting Materials.**

Management Council. The Council approved the following official interpretation:

The committee confirmed that it is permissible for institutions to provide prospective student-athletes personalized recruiting materials, provided the materials are on official athletics publications (e.g., institutional letterhead, institutional email and institutional postcard) published or produced by the institution.

Presidents Council. No action was necessary.

(6) **Membership Committee.**

Staff Liaisons:  
Alford, Berg,  
Hartung

Council Rep:  
Mooney

• **Review of University of Rochester Waiver Request.**

Management Council. The Council upheld the Membership Committee's denial of a waiver regarding Rochester University's late submission of its Institutional Self-Study Guide. As a result, the institution will be placed on a three-year probation effective September 1, 2019.

Presidents Council. No action was necessary.

(7) **Nominating Committee.**

Staff Liaison:  
Roe

Council Rep:  
Mazza

• **Governance Committee Appointments.**

Management Council. The Council approved the following governance committee appointments:

- i. Division III Student-Athlete Advisory Committee (four vacancies):
  - Madiera Alexander, Salisbury University, Capital Athletic Conference.
  - Abigail Newkirk, Bluffton University, Heartland Collegiate Athletic Conference.
  - Paxton Blanchard, Keene State University, Little East Conference.

- Bridgett Finn, Lebanon Valley College, Middle Atlantic Conferences.
- ii. Division III Management Council (three vacancies):
  - Michelle Walsh, director of athletics, Vassar College, Liberty League.
  - Matt Hill, director of athletics, University of Northwestern – St. Paul, Upper Midwest Athletic Conference.
  - Cheryl Aaron, director of athletics, Wentworth Institute of Technology, Commonwealth Coast Conference.
- iii. Division III Championships Committee (two vacancies):
  - Chuck Mitrano, commissioner, Empire 8.
  - John Neese, director of athletics, Hardin-Simmons University, American Southwest Conference.
- iv. Division III Financial Aid Committee (four vacancies):
  - Michele Kosboth, director of student financial planning, Lasell University, Great Northeast Athletic Conference.
  - Melissa Stephens, director of financial aid and student employment, Western Connecticut State University, Little East Athletic Conference.
  - Eric Stacey, director of athletics, St. Catherine University, Minnesota Intercollegiate Athletic Conference.
  - Joyce Farmer, director of financial aid, DeSales University, Middle Atlantic Conferences.
- v. Division III Membership Committee (one vacancy):
  - Monique McLean, director of athletics, Trinity Washington University, Independent.
- vi. Division III Interpretations and Legislation Committee (two vacancies):
  - Joseph Pavlow, director of athletics, Rosemont College, Colonial State Athletic Conference.
  - Patrick Summers, commissioner, New England Women's and Men's Athletic Conference.
- vii. Division III Nominating Committee (two vacancies):
  - Teelah Grimes, associate director, University of Valley Forge, American Collegiate Athletic Association.
  - Ashley Hodges, senior woman administrator/assistant athletics director, Rosemont College, Colonial States Athletic Conference.

viii. Division III Student-Athlete Reinstatement Committee (one vacancy):

- o Russell B. Rogers, director of athletics, Stevens Institute of Technology, Middle Atlantic Conferences.

Staff Liaisons:  
Barnhart, Berg,  
Spungen  
  
Council Reps:  
Kastner,  
Pepper

**(8) Student-Athlete Advisory Committee (SAAC).**

Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

**(9) Student-Athlete Reinstatement Committee.**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
Grace, Romash  
  
Council Rep:  
Benning

**d. Association-Wide Committees.**

Staff Liaisons:  
Parsons,  
Rohlman  
  
Council Rep:  
Baker-Watson

**(1) Competitive Safeguards and Medical Aspects of Sports (CSMAS).**

Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
Brownlee,  
Roxbury,  
Ziegler  
  
Council Rep:  
Morgan

**(2) Committee on Sportsmanship and Ethical Conduct.**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
Gentry,  
Fasbender,  
Wilson  
  
Council Rep:  
Udelhofen

**(3) Committee on Women's Athletics (CWA).**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:  
Roe  
  
Council Rep:  
Brown

**(4) Honors Committee**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
Abdur-Rashid,  
Crawford,  
  
Council Rep:  
Bryant

(5) **Minority Opportunities and Interests Committee (MOIC).**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
Smith,  
Suscha, Walters

Council Rep:  
Walsh

(6) **Olympic Sports Liaison Committee (OSLC).**

- **Paralympic Sport References.**

Management Council. The Council approved the Olympic Sports Liaison Committee's recommendation to specify that legislation applicable to the Olympic Games and Olympic teams and athletes shall apply to the Paralympic Games and Paralympic teams and athletes, and the related recommendation that legislation applicable to the Pan American Games shall apply to the Parapan American Games.

Presidents Council. No action was necessary.

Staff Liaisons:  
Calandro,  
Halpin

(7) **Playing Rules Oversight Panel.**

Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:  
O'Barr, Thomas

Council Rep:  
Brown

(8) **Postgraduate Scholarship Committee.**

Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:  
Bell

Council Rep:  
Millerick

(9) **Research Committee.**

Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:  
Thomas

Council Rep:  
Walsh

(10) **Walter Byers Scholarship Committee.**

Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

**4. PROPOSED LEGISLATION FOR THE 2020 CONVENTION.**

**a. Convention Proposal Groupings and Voting Order.**

Management Council. The Council endorsed the Interpretations and Legislation Committee's recommendation to use electronic voting units, noting the technology permits the recording of all votes in an expeditious manner. Conducting roll-call votes for all proposals (Presidents Council and general grouping) provides transparency for the membership. The Management Council concluded that Proposal No. 6 (Leadership Programming) should remain in the president's grouping but recommended moving Proposal No. 7 (Equestrian) to the general grouping.

Presidents Council. The Presidents Council approved the recommendation of the Management Council regarding the 2020 Convention proposal groupings and voting order. The Council also approved roll-call voting for all proposals.

Presidents Grouping.

- NCAA Membership – Active Membership and Member Conference – Conditions and Obligations of Membership – Athletics Diversity and Inclusion Designee.
- Division Membership – Application Process – Provisional Institution – Reduce Waiting Period from Four Years to Three Years Plus an Exploratory Year.
- Division Membership – Application Process – Reclassifying Institution – Reduce Waiting Period from Four Years to Three Years.
- Awards and Benefits – Housing and Meals – Exceptions – Snacks and Nutritional Supplements Incidental to Participation.
- Awards and Benefits – Expenses Provided by the Institution For Practice and Competition – Permissible Practice Expenses – Exceptions for Golf and Swimming and Diving.
- Athletically Related Activities – Leadership Programming Out-of-Season Involving Athletics Related Information and Content (General in nature).

General Grouping.

- Division Membership – Playing and Practice Seasons – Emerging Sports for Women – Women's Equestrian.
- Division Membership - Playing and Practice Seasons – Emerging Sports for Women – Acrobatics and Tumbling.
- Division Membership – Playing and Practice Seasons – Emerging Sports for Women – Women's Wrestling.
- NCAA Membership – Member Conference – Eligibility – Composition of Conference – Provisional Members as Core Members.
- Division Membership – Sport Classified in Division I – Applying Division I Legislation.
- Resolution – Softball/Baseball National Championship Tournament Timing.



- b. **2020 Division III Convention Proposal Positions.** The Councils reviewed responsibilities associated with Convention proposal speaking assignments and took formal positions on the membership-sponsored proposals as presented below.

(1) **Division Membership – Application Process – Provisional Institution – Reduce Waiting Period from Four Years to Three Years Plus an Exploratory Year.**

Presidents Council, Management Council and Membership Committee support this proposal. Allowing prepared institutions to complete the transition to Division III in three years (plus an exploratory year) will provide student-athlete earlier access to NCAA championships, thereby benefitting their overall experience. Furthermore, the membership educational requirements can be effectively delivered during this period while still providing the Membership Committee the discretion to appropriately manage the process, as needed.

Championship Committee opposes this proposal. The proposed modifications potentially compromise an institution's readiness to fully comply with Division III policies and abide by Division III values, and they potentially increase the pressure on the Membership Committee to make decisions based on a shorter timeline (the Championships Committee believes four years is the appropriate timeline to earn active membership). In addition, the current process includes a waiver provision to expedite the process for exemplary institutions.

(2) **Division Membership – Application Process – Reclassifying Institution – Reduce Waiting Period from Four Years to Three Years.**

Presidents Council, Management Council and Membership Committee support this proposal. The requirements for a reclassifying institution can be effectively delivered and achieved in three years, while still providing the Membership Committee the discretion to appropriately manage the process, as needed. Additionally, a shortened process will allow earlier access to NCAA championships, thereby enhancing the overall student-athlete experience.

Championships Committee opposes this proposal. The proposed modifications potentially compromise an institution's readiness to fully comply with Division III policies and abide by Division III values, and they potentially increase the pressure on the Membership Committee to make decisions based on a shorter timeline (the Championships Committee believes four years is the appropriate timeline to earn active membership). In addition, the current process includes a waiver provision to expedite the process for exemplary institutions.

(3) **Awards and Benefits – Housing and Meals – Exceptions – Snacks and Nutritional Supplements Incidental to Participation.**

Presidents Council, Management Council, Interpretations and Legislative Committee and Committee on Competitive Safeguards and Medical Aspects of Sport, support this proposal. The proposal promotes the health and wellness of student-athletes by allowing an institution the flexibility to provide what it deems

appropriate to meet the nutritional needs of its student-athletes. With this flexibility, each institution will have the discretion to determine the scope of the benefit, if any, it chooses to provide to student-athletes, without an increased regulatory burden.

**(4) Awards and Benefits – Expenses Provided by the Institution for Practice and Competition – Permissible Practice Expenses – Exceptions for Golf and Swimming and Diving.**

Presidents Council and Management Council oppose this proposal. While this proposal addresses the unique challenges associated with the sport of golf, the inclusion of swimming and diving, which does not share those challenges, unnecessarily expands the scope of the proposal. Expansion to other sports, should not be reviewed on a sport-by-sport basis, but rather as part of a broader review to determine the extent and impact of allowing practice trips beyond the current parameters.

The Men's Golf Committee, Women's Golf Committee and Swimming and Diving Committee support this proposal. The committees noted student-athletes should have the ability to prepare under the right conditions without having to worry about fulfilling an artificial competition requirement.

The women's golf committee noted that this may provide too many opportunities to play the championships course multiple times during spring break. If the proposal passes, the committee will consider limiting the number of times a team can play or practice on the championship course after January 1.

Interpretations and Legislation Committee and Playing and Practice Seasons Subcommittee supports this proposal.

**(5) Athletically Related Activities – Leadership Programming Out-of-Season Involving Athletics Related Information and Content (General in Nature).**

Presidents Council, Management Council and the Interpretations and Legislation Committee oppose this proposal. This proposal creates an environment wherein student-athletes may feel compelled to participate, thereby creating additional time demands for student-athletes. Additionally, current legislation provides sufficient opportunities for student-athletes to be involved in leadership activities outside the declared playing season. Finally, student-athletes should be involved in athletics leadership opportunities, but they should also seek participation in non-athletic based leadership opportunities. This proposal may limit or discourage student-athletes from seeking out those non-athletic opportunities.

Playing and Practice Seasons Subcommittee took no position on this proposal. The subcommittee noted there is value in the proposal due to the potential benefits related to student-athlete mental health; however, the subcommittee expressed concern regarding the ambiguity of the language in the proposal regarding the definition of a student-athlete serving in a team leadership position. Further, the subcommittee noted the legislation currently permits sufficient opportunities for out-of-season leadership programming.

**(6) Division Membership – Playing and Practice Seasons – Emerging Sports for Women – Women’s Equestrian.**

Management Council, Committee on Women’s Athletics, and Playing and Practice Subcommittee support this proposal. The proposal provides for more participation opportunities for female student-athletes and more sport-sponsorship options for Division III member institutions.

Championships Committee took no position on this proposal. While the committee is not opposed to supporting equestrian as an emerging sport, it acknowledged that there may be unanswered questions to resolve before membership consideration.

**(7) Resolution – Softball/Baseball National Championship Tournament Timing.**

Management Council. Referred the resolution to the Softball, Baseball and Championships Committees for recommendations to be reviewed by the Management and Presidents Councils at their January Convention meetings.

The intent is that the Division III Softball and Baseball Committees collaborate on a plan with the Division III Championships Committee, with emphasis on examining the timing of the tournament schedules, to address concerns related to the compression of the seasons due to weather issues resulting in increased missed games and class time, and an effective date for future implementation no later than the Spring 2023 season. Additionally, that the Championships Committee incorporate such changes as may be agreed upon into the bid process for the 2023-26 bid cycle.

Presidents Council – no action was necessary.

**c. Review of Noncontroversial Legislation for the 2020 NCAA Convention.**

**(1) Eligibility – Seasons of Participation – 10-Semester/15-Quarter Rule – Ten-Semester/15-Quarter Rule Waiver – Use of Additional Semester(s) or Quarter(s).**

Management Council. The Council approved noncontroversial legislation to specify that if a 10-semester/15-quarter rule waiver is approved, the semesters/quarters associated with the waiver must be used during consecutive regular terms at the certifying institution.

Presidents Council. No action was necessary.

**(2) Amateurism – Employment – Fee-for-Lesson – Restitution Violations.**

Management Council. The Council approved noncontroversial legislation to specify that violations of Bylaw 12.4.4 shall be considered restitution violations

which do not affect a student-athlete's eligibility provided the value of the benefit is \$200 or less and the student-athlete makes restitution to a charity prior to competing.

Presidents Council. No action was necessary.

**5. DIVISION III INITIATIVES AND UPDATES.**

**a. Graduation Rates Report.**

Management Council. The Council noted that it is the tenth year of the voluntary collection of student-athlete graduation rates for Division III, with 264 institutions participating. Some of the findings are: (1) Student-athletes continue to graduate at a higher rate than the student body; (2) After accounting for student-athletes that leave in good academic standing, nearly 90 percent graduate; (3) Male African-American students and student-athletes graduate at a lower rate than any other race/ethnicity group; (4) African-American men are overrepresented in football and basketball; and (5) The larger the football recruiting class, the lower the Federal Graduation Rate.

Presidents Council. No action was necessary.

**b. Faculty Athletics Representative (FAR) Advisory Group.**

Management Council. The Council reviewed the reports noting the following: (1) Addition of Kurt Beron to an at-large position; and (2) Review of the Division III Presidents and Management Councils Quarterly Meeting Summary will be a standing agenda item for the Advisory Group.

Presidents Council. No action was necessary.

**c. LGBTQ Working Group.**

Management Council. The Council reviewed the reports noting the following: (1) Update on the December OneTeam Facilitator Training; (2) Creation of an OneTeam awards program; (3) Division III LGBTQ OneTeam events scheduled during the 2020 NCAA Convention and (4) OneTeam Program analytics.

A OneTeam Program will be held Thursday, January 23 and a OneTeam Reception will be held January 25. During the reception, the 2021 OneTeam Awards Program will be unveiled.

Presidents Council. No action was necessary.

**d. Diversity and Inclusion Working Group**

Management Council. The Council reviewed the reports noting: (1) 60 percent of the membership submitted the voluntary student-athlete graduation rate data; (2) Student Immersion Program received 81 applications, with 40 being selected for the 2020 cohort; and (3) The office of inclusion hired a contractor to analyze the NCAA committee appointment and training processes relative to its ability to produce diverse and representative committees and help committee members feel prepared to understand their responsibilities.

The Council noted that since mandatory student-athlete graduation rate reporting will be due June 1, 2020, staff is preparing to provide resources and education in the spring to assist institutions. The working group continues to emphasize the importance of studying the data and developing best practices.

Presidents Council. No action was necessary.

**e. Division III Identity Initiative.**

Management Council. The Council received an update on the purchasing website, Division III/D3SIDA Recognition Award, social media, Special Olympics, ncaa.org content and Division III Week.

Presidents Council. No action was necessary.

**f. International Ice Hockey Pilot.**

Management Council. Staff provided an update on the second year of the international ice hockey pilot. The pilot parameters include the NCAA Eligibility Center reviewing the participation history of all international first year ice hockey players.

Presidents Council. No action was necessary.

**g. Injury Surveillance Program.**

Management Council. The Council received an update on the program's communication efforts noting that since the campaign began, Division III ISP participation has increased significantly.

Presidents Council. No action was necessary.

**h. Division III University.**

Management Council. The Council reviewed a summary of course use for Division III University.

Presidents Council. No action was necessary.

**i. Feedback from Conference Meetings.**

Management Council. The Council reviewed reports from various conference visits. No action was necessary.

Presidents Council. No action was necessary.

**6. ASSOCIATION-WIDE UPDATES AND ISSUES.**

**a. Board of Governors (BOG) Update.**

Management and Presidents Council. The Councils received an update on BOG initiatives including: (1) Federal and State Legislation Working Group (Name, Image and Likeness) [NIL]; (2) Sports Wagering Working Group; (3) Alcohol advertising restrictions; (4) NCAA strategic plan; (5) Student-Athlete Engagement Committee; (6) Committee to Promote Cultural Diversity & Equity; and (7) Government Relations report. Presidents Council members encouraged greater support for member schools and conferences located in states that are actively considering NIL legislation.

**b. Sport Science Institute (SSI) updates.**

Management and Presidents Council. The Councils received an update on the following:

- The Concussion Safety Advisory Group had its inaugural meeting in July. The group reviews existing and emerging science, best practices and policy. The concussion safety protocol checklist remains the basis of concussion safety legislation. The group made no substantive changes to the checklist.
- The Task Force on Sleep and Wellness provided the first round of deliverables to the membership in September. The resources include an educational handout and narrative review article.
- A Mental Health Waiver Think Tank is slated for mid-November. The think tank includes sport psychologists, disability consultants and NCAA staff who work with waivers to review NCAA guidelines, directives and information standards to help better define a mental health disability.
- SSI created an internal task force to review issues arising from scenarios where the visiting team does not travel with a primary athletics health care provider. SSI anticipates developing recommendations that will be shared with the Councils at their January meetings.

**c. Litigation Update.**

Management and Presidents Council. The Councils received a litigation update. No action was necessary.

**d. USOC-NCAA Olympians Made Here.**

Management Council. Sarah Wilhelmi, Director of Collegiate Partnerships, United States Olympic and Paralympic Committee, provided an update on the Olympians Made Here campaign. The campaign's purpose is to educate audiences on the role colleges play in developing Olympians and garner support for programming to perpetuate Olympic sport opportunities on campus. It also enhances the way institutions, conferences, the NCAA and the USOC work together to celebrate national team student-athletes. All Division III institutions and conferences with current or former Olympians are encouraged to participate in the campaign.

Presidents Council. No action was necessary.

**e. Officiating.**

Management Council. The Council received an update on the current officiating issues in Division III, the NCAA's related role, and current and potential initiatives to address those issues. The Division III Commissioners Association has hired a contractor (Pictor Group) to study the issue and propose solutions to address officiating gaps. The Division III officiating study results are slated for a June 2020 release. Staff anticipates Division III collaborating with the other divisions, as officiating is an Association-wide issue. The Council supported the NCAA's proposed next steps that include an Association-wide discussion at the 2020 Convention and a potential RFP to further study and develop an Association-wide strategic plan in June 2020, with implementation beginning a year later.

Presidents Council. No action was necessary.

**7. DIVISION III PRESIDENTS COUNCIL NOMINATIONS SUBCOMMITTEE.**

Presidents Council. The Council reviewed the subcommittee's October 2 teleconference report and approved the following:

- Waived the application of Bylaw 21.9.1.3 to permit the appointment of Frank Sanchez, Rhode Island College, to the Council.
- Appoint the following to the Council for four-year terms (January 2020-January 2024), pending approval by the division's presidents:
  - Richanne Mankey, Defiance College [Heartland Collegiate Athletic Conference];
  - Frank Sanchez, Rhode Island College [Little East Conference];
  - James Schmidt, University of Wisconsin Eau-Claire [Intercollegiate Athletic Conference].
- Appoint the following to the Council for three-year term (January 2020-January 2023), pending approval by the division's presidents:
  - Davie Jane Gilmour, Pennsylvania College of Technology [North Eastern Athletic Conference].
- Appoint Tori Murden-McClure as chair-elect (January 2020).
- Appoint Fayneese Miller as vice-chair elect (January 2020).

8. ***ADJOURNMENT.***

Management Council. The Council meeting adjourned at 4:05 p.m. Monday, October 21 and 11:50 a.m. Tuesday, October 22.

Presidents Council. The Presidents Council meeting adjourned at 5:58 p.m. Tuesday, October 29 and 11 a.m. Wednesday, October 30.





**REPORT OF THE NCAA DIVISION III ADMINISTRATIVE COMMITTEE  
NOVEMBER 6, 2019, ELECTRONIC MAIL**

**ACTION ITEM.**

- **None.**

**INFORMATIONAL ITEM.**

- **Temporary Substitute for Division III Infractions Case (Summary Disposition).** On behalf of the Management Council, due to the recusal of committee member Sarah Feyerherm of Washington College, the Administrative Committee approved a temporary substitution of former Division III Committee on Infractions member Amy Hackett to participate in the resolution of the subject infractions case. The committee noted that Ms. Hackett is a former chair of the committee and meets the criteria set forth in NCAA Bylaw 19.1.2.3.

*Committee Chair: Sue Henderson, New Jersey City University, New Jersey Athletic Conference*

*Staff Liaisons: Dan Dutcher, Division III Governance*

*Debbie Kresge, Division III Governance*

*Louise McCleary, Division III Governance*

*Jeff Myers, Academic and Membership Affairs*

*Ali Spungen, Division III Governance*

<b>NCAA Division III Administrative Committee November 6, 2019, Electronic Mail</b>
<b>Attendees:</b>
Stevie Baker-Watson, DePauw University.
Heather Benning, Midwest Conference.
Sue Henderson, New Jersey City University.
Tori Murden McClure, Spalding University.
Dennis Shields, University of Wisconsin, Platteville.



REPORT OF THE NCAA DIVISION III ADMINISTRATIVE COMMITTEE  
NOVEMBER 7, 2019, ELECTRONIC MAIL

**ACTION ITEM.**

**1. Legislative Item.**

- None.

**2. Nonlegislative Items.**

- **Proposed Division III Oversight Group to Implement Board of Governors (BOG) Charge Related to Recommendations of Federal and State Working Group.**

- (1) Recommendation. That the Division III Management and Presidents Councils ratify the Administrative Committee's action to appoint a Division III Oversight Group consisting of the 2020 chairs of committees that will be most involved in this process [Presidents Council, Management Council, Interpretations and Legislative Committee (ILC), Student-Athlete Advisory Committee (SAAC), Student-Athlete Reinstatement (SAR) and Subcommittee for Legislative Relief (SLR)], as well as the three Division III representatives currently serving on the BOG Federal and State Working Group – Mary-Beth Cooper, president, Springfield College; Jackson Erdmann, student-athlete, St. John's University; and Darryl Sims, athletics director, University of Wisconsin-Oshkosh.
- (2) Effective Date. Immediately.
- (3) Rationale. The Board of Governors has charged each division with reviewing and responding to the recommendations forwarded by the Federal and State Legislation Working Group. The working group and related recommendations describe the current and potential future ability of student-athletes to promote their name, image and likeness (NIL) for endorsement and/or financial gain.

This Oversight Group will oversee the consideration of the Working Group concepts within the Division III governance structure. It will ensure that all the Working Group recommendations are forwarded to relevant Division III committees and establish the timetable for committee review and response. The Oversight Group will not conduct the initial review of the Working Group recommendations. However, because it will include the three Division III representative serving on the Working Group, the Oversight Group will ensure that the committee review process is appropriately focused and that it benefits from the Working Group's prior discussions as much as possible. The Oversight Group also will coordinate and oversee the specific committee responses and identify any conflicts or "gaps" that require further consideration. Finally, the Oversight Group will help oversee the communication plan to inform the Division III membership regarding this endeavor, as well as solicit membership feedback regarding Division III-specific recommendations. That will include the discussion session planned for the Division III Issues Forum in January, as well as subsequent feedback opportunities like regional rules seminars, conference meetings, and the like.

The “hands on” review of the specific Working Group recommendations will be done by the relevant standing committees within the Division III governance structure: ILC, SAAC, SLR and SAR. These committees (and related staff liaisons) have the greatest expertise regarding the concepts identified by the working group for further review, and how those concepts would affect Division III. The committees, in turn, will forward their recommendations to the Management Council and Presidents Council, following normal reporting lines. However, the Oversight Group will ensure that each committee has fulfilled its charge and identify any additional work that needs to occur to meet the overall charge from the BOG.

- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. Two student-athletes will serve on the Oversight Group, and SAAC will play a key role in the policy process.

**INFORMATIONAL ITEM.**

- **None.**

*Committee Chair: Sue Henderson, New Jersey City University, New Jersey Athletic Conference*

*Staff Liaisons: Dan Dutcher, Division III Governance*  
*Debbie Kresge, Division III Governance*  
*Louise McCleary, Division III Governance*  
*Jeff Myers, Academic and Membership Affairs*  
*Ali Spungen, Division III Governance*

<b>NCAA Division III Administrative Committee</b>
<b>November 7, 2019, Electronic Mail</b>
<b>Attendees:</b>
Stevie Baker-Watson, DePauw University.
Heather Benning, Midwest Conference.
Sue Henderson, New Jersey City University.
Tori Murden McClure, Spalding University.
Dennis Shields, University of Wisconsin, Platteville.

REPORT OF THE NCAA DIVISION III ADMINISTRATIVE COMMITTEE  
NOVEMBER 12, 2019, ELECTRONIC MAIL

**ACTION ITEM.**

**1. Legislative Item.**

- None.

**2. Nonlegislative Items.**

- **Governance Committee Appointments.**

- (1) Recommendation. That the Division III Management Council and Presidents Council ratify the following committee appointments:
  - (a) NCAA Division III Financial Aid Committee – Ashley Bianchi, director of financial aid, Williams College, New England Small College Athletic Conference.
  - (b) NCAA Division III Membership Committee – Janine Hathorn, director of athletics, Washington and Lee University, Old Dominion Athletic Conference.
  - (c) NCAA Division III Nominating Committee – Lori Runksmeier, director of athletics, Eastern Connecticut State University, Little East Conference.
- (2) Effective Date. At the close of the January 2020 NCAA Convention, unless otherwise noted.
- (3) Rationale. The committee reviewed the slate of nominees for each committee and forwarded these individuals for appointment.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**INFORMATIONAL ITEM.**

- None.

*Committee Chair: Sue Henderson, New Jersey City University, New Jersey Athletic Conference*

*Staff Liaisons: Dan Dutcher, Division III Governance  
Debbie Kresge, Division III Governance  
Louise McCleary, Division III Governance  
Jeff Myers, Academic and Membership Affairs  
Ali Spungen, Division III Governance*

<b>NCAA Division III Administrative Committee November 12, 2019, Electronic Mail</b>
<b>Attendees:</b>
Stevie Baker-Watson, DePauw University.
Heather Benning, Midwest Conference.
Sue Henderson, New Jersey City University.
Tori Murden McClure, Spalding University.
Dennis Shields, University of Wisconsin, Platteville.

### DIVISION III PHILOSOPHY STATEMENT

Colleges and universities in Division III place highest priority on the overall quality of the educational experience and on the successful completion of all students' academic programs. They seek to establish and maintain an environment in which a student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience, and in which coaches play a significant role as educators. They also seek to establish and maintain an environment that values cultural diversity and gender equity among their student-athletes and athletics staff.

To achieve this end, Division III institutions:

- (a) Expect that institutional presidents and chancellors have the ultimate responsibility and final authority for the conduct of the intercollegiate athletics program at the institutional, conference and national governance levels; *(Adopted: 1/16/10 effective 8/1/10)*
- (b) Place special importance on the impact of athletics on the participants rather than on the spectators and place greater emphasis on the internal constituency (e.g., students, alumni, institutional personnel) than on the general public and its entertainment needs;
- (c) Shall not award financial aid to any student on the basis of athletics leadership, ability, participation or performance; *(Revised: 7/24/07)*
- (d) Primarily focus on intercollegiate athletics as a four-year, undergraduate experience; *(Adopted: 1/14/12)*
- (e) Encourage the development of sportsmanship and positive societal attitudes in all constituents, including student-athletes, coaches, administrative personnel and spectators;
- (f) Encourage participation by maximizing the number and variety of sport offerings for their students through broad-based athletics programs; *(Revised: 1/14/12)*
- (g) Assure that the actions of coaches and administrators exhibit fairness, openness and honesty in their relationships with student-athletes;
- (h) Assure that athletics participants are not treated differently from other members of the student body;
- (i) Assure that student-athletes are supported in their efforts to meaningfully participate in nonathletic pursuits to enhance their overall educational experience; *(Adopted: 1/14/12)*
- (j) Assure that athletics programs support the institution's educational mission by financing, staffing and controlling the programs through the same general procedures as other departments of the institution. Further, the administration of an institution's athletics program (e.g., hiring, compensation, professional development, certification of coaches) should be integrated into the campus culture and educational mission; *(Revised: 1/9/06 effective 8/1/06)*
- (k) Assure that athletics recruitment complies with established institutional policies and procedures applicable to the admission process; *(Adopted: 1/12/04 effective 8/1/04)*
- (l) Exercise institutional and/or conference autonomy in the establishment of initial and continuing eligibility standards for student-athletes; *(Adopted: 1/14/12)*
- (m) Assure that academic performance of student-athletes is, at a minimum, consistent with that of the general student body; *(Adopted: 1/9/06 effective 8/1/06)*
- (n) Assure that admission policies for student-athletes comply with policies and procedures applicable to the general student body; *(Adopted: 1/9/06 effective 8/1/06)*
- (o) Provide equitable athletics opportunities for student-athletes and give equal emphasis to men's and women's sports;

- (p) Support ethnic and gender diversity for all constituents; (*Adopted: 1/12/99*)
- (q) Give primary emphasis to regional in-season competition and conference championships; and
- (r) Support student-athletes in their efforts to reach high levels of athletics performance, which may include opportunities for participation in national championships, by providing all teams with adequate facilities, competent coaching and appropriate competitive opportunities.

The purpose of the NCAA is to assist its members in developing the basis for consistent, equitable competition while minimizing infringement on the freedom of individual institutions to determine their own special objectives and programs. The above statement articulates principles that represent a commitment to Division III membership and shall serve as a guide for the preparation of legislation by the division and for planning and implementation of programs by institutions and conferences.

**NCAA Mission**

What the brand wants to accomplish To govern competition in a fair, safe, equitable and sportsmanlike manner, and to integrate intercollegiate athletics into higher education so that the educational experience of the student-athlete is paramount.

**DIII Positioning Statement**

Who we are **Follow your passions and discover your potential.** The college experience is a time of learning and growth – a chance to follow passions and develop potential. For student-athletes in Division III, this happens most importantly in the classroom and through earning an academic degree. The Division III experience provides for passionate participation in a competitive athletics environment, where student-athletes push themselves to excellence and build upon their academic success with new challenges and life skills. And student-athletes are encouraged to pursue the full spectrum of opportunities available during their time in college. In this way, Division III provides an integrated environment for student-athletes to take responsibility for their own paths, follow their passions and find their potential through a comprehensive educational experience.

**DIII Attributes**

What we stand for	<b>Proportion:</b> appropriate relation of academics with opportunities to pursue athletics & other passions.	<b>Comprehensive Learning:</b> opportunity for broad-based education and success.	<b>Passion:</b> playing for the love of the game, competition, fun and self-improvement.	<b>Responsibility:</b> development of accountability through personal commitment and choices.	<b>Sportsmanship:</b> fair and respectful conduct toward all participants and supporters.	<b>Citizenship:</b> dedication to developing responsible leaders and citizens in our communities.
<i>NCAA Brand Attributes</i>	<i>Balance</i>	<i>Learning</i>	<i>Spirit</i>	<i>Character</i>	<i>Fair Play</i>	<i>Community</i>

**Audiences**

Who we are addressing **Student-Athletes / Parents** **DIII Internal Constituencies** **General Public / Media**

**Audience Benefits**

Key benefits of the DIII experience	<ul style="list-style-type: none"> <li>- Continue to compete in a highly competitive athletics program and retain the full spectrum of college life.</li> <li>- Focus on academic achievement while graduating with a comprehensive education that builds skills beyond the classroom.</li> <li>- Access financial aid for college without the obligations of an athletics scholarship.</li> <li>- Opportunities to play more than one sport.</li> <li>- Be responsible for your own path, discover potential through opportunities to pursue many interests.</li> </ul>	<ul style="list-style-type: none"> <li>- Academics are the primary focus for student-athletes. Shorter practice and playing seasons, no red-shirting and regional competition minimize time away from their academic studies and keep student-athletes on a path to graduation.</li> <li>- Student-athletes are integrated on campus and treated like all other members of the general student-body, keeping them focused on being a student first.</li> <li>- Participation in athletics provides valuable "life lessons" for student-athletes (teamwork, discipline, perseverance, leadership, etc) which often translate into becoming a better student and more responsible citizen.</li> </ul>	<ul style="list-style-type: none"> <li>- Division III institutions develop student-athlete potential through a comprehensive educational approach.</li> <li>- Division III institutions offer athletics for the educational value and benefit to the student-athlete, not for the purposes of revenue generation or entertainment.</li> <li>- Participation in athletics provides valuable "life lessons" for student-athletes (teamwork, discipline, perseverance, leadership, etc) which often translate into becoming a better student and more responsible citizen.</li> <li>- Student-athletes compete in a highly competitive athletics program and retain the full spectrum of college life.</li> <li>- Student-athletes do not receive monetary incentive to play sports but rather participate for the love of the game.</li> </ul>
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**Reasons to Believe**

Supporting features of DIII	<p><b>1. Comprehensive educational experience.</b> Division III institutions develop student-athlete potential through a holistic educational approach that includes rigorous academics, competitive athletics and opportunity to pursue other interests and passions.</p> <p><b>2. Integrated campus environment.</b> 26% of all students at Division III institutions participate in athletics. Those participating in athletics are integrated into the campus culture and educational missions of their colleges or universities:</p> <ul style="list-style-type: none"> <li>- Student-athletes are subject to admission and academic performance standards consistent with the general student body;</li> <li>- Student-athletes are not provided any special housing, services or support from their institution different from other students or student groups;</li> <li>- Athletics departments are regulated and managed through the same general procedures and practices as other departments of the institution.</li> </ul> <p>This integration of athletics allows the student-athletes to take full advantage of the many opportunities of campus life and their entire collegiate experience.</p> <p><b>3. Academic focus.</b> Student-athletes most often attend a college or university in Division III because of the excellent academic programs, creating a primary focus on learning and achievement of their degree. The division minimizes the conflicts between athletics and academics through shorter playing and practicing seasons, the number of contests, no red-shirting or out-of-season organized activities and a focus on regional in-season and conference play.</p>	<p><b>4. Available financial aid.</b> 75% of all student-athletes in Division III receive some form of grant or non-athletics scholarship. Student-athletes have equal opportunity and access to financial aid as the general student body – but are not awarded aid based on athletics leadership, ability, performance or participation.</p> <ul style="list-style-type: none"> <li>- Division III does not award athletics scholarships. Without the obligation of an athletics scholarship, student-athletes can emphasize academics, athletics and other opportunities of college life appropriate to the necessary commitment and their own passions.</li> </ul> <p><b>5. Competitive athletics programs.</b> Student-athletes do not receive any monetary incentive (athletics scholarship) to play sports in college. They play for the love and passion of the game and to push themselves to be their best, creating an intense, competitive athletics environment for all who participate.</p> <p><b>6. National championship opportunities.</b> Division III has over 190,000 student-athletes competing annually in 37 different national championships. These competitions provide an opportunity for student-athletes to compete at the highest level and fulfill their athletics potential.</p> <p><b>7. Commitment to athletics participation.</b> Division III institutions are committed to a broad-based program of athletics because of the educational value of participation for the student-athlete. The division has a higher number and wider variety of athletics opportunities on average than any other division in the NCAA, emphasizing both competitive men's and women's sports.</p>
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REPORT OF THE  
DIVISION III CONVENTION-PLANNING SUBCOMMITTEE  
NOVEMBER 13, 2019, TELECONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and Review Roster.** The chair, Lori Mazza, welcomed the subcommittee to the teleconference and reviewed the roster.
2. **Report from September 6, 2019, Teleconference Minutes.** The subcommittee reviewed the minutes and had no changes.
3. **2020 Convention Plan.** The subcommittee reviewed the following documents for the NCAA Convention.
  - a. Division III delegates schedule. The subcommittee reviewed the most up to date Division III delegates schedule and had no recommended changes.
  - b. Division III-specific discussion checklist. The subcommittee reviewed the Division III-specific discussion checklist and assigned Convention-Planning Subcommittee members to act as reviewers for the various Division III Convention sessions. The primary function of these members is to review the agenda, roundtable questions, script and PowerPoint, if applicable. [Attachment]
  - c. Athletics Direct Report Institute. The subcommittee reviewed the agenda for the ADR Institute and had no recommended changes. The ADR Institute planning committee selected 31 ADRs, and it is finalizing the speakers.
  - d. Student Immersion Program. For the fifth annual Student Immersion Program, the selection committee chose 40 (20 male and 20 female) ethnic-minority students, interested in a career in Division III athletics, to attend the 2020 NCAA Convention. Each participant will have an administrative mentor as well as an early-career path mentor. In coordination with the office of inclusion, staff has developed the participant's Convention programming schedule. All program sessions will be located at the Division III host hotel; the Anaheim Marriott.
  - e. Special Olympics activity. Special Olympics North America, staff and national Student-Athlete Advisory Committee (SAAC) are collaborating to develop this year's activities, which will include cornhole, unified bocce, a volleyball station (if outside), flag football and a unified fitness challenge station.

- f. Luncheons. All Division III specific luncheons will all take place Thursday, January 23, at the Anaheim Marriott.
    - (1) Presidents and Chancellors. The subcommittee reviewed the chancellors and presidents luncheon agenda and had no recommended changes. There will be an opportunity for round table discussions.
    - (2) Athletics Direct Report. This luncheon will have a similar structure to the Presidents and Chancellors Luncheon. There will be an opportunity for round table discussion.
    - (3) New Athletics Director (AD) Meet and Greet. Staff anticipates approximately 30 athletics directors in the new AD cohort to attend the luncheon.
    - (4) Luncheon with national SAAC. Staff presented a draft agenda and noted that the national SAAC would be reviewing and updating, as necessary, at its November in-person meeting.
  
  - g. Issues Forum. The subcommittee reviewed the agenda and confirmed the following topics:
    - (1) Generational Gaps. A one-hour presentation by Haydn Shaw, a national renowned speaker.
    - (2) Discussion and feedback on the recommendations of the Board of Governors' Federal and State Working Group (Name, Image, and Likeness).
    - (3) Review and Q&A of the 2020 legislative proposals.
  
  - h. Division III Business Session. The subcommittee reviewed the agenda and had no changes.
- 4. 2020 Convention Planning Timeline.** The subcommittee reviewed the Convention timeline.
- 5. Updated Convention Registration Numbers.** The subcommittee reviewed the updated Convention registration numbers as of October 15, 2019. To date, over 2,529 total delegates have registered to attend the Convention, with 1,006 Division III registrants.
- 6. Convention Management Update.** The subcommittee confirmed the following with the NCAA Convention Management staff:
- a. Local transportation. Convention management will once again offer transportation returning to the John Wayne airport on Saturday, Jan. 25. Anything outside of this time will need to be arranged directly by the delegates and at their own cost.
  - b. Convention App. Staff anticipates the Convention App will be accessible by the second week of January.

- c. Honors Celebration and Association Luncheon. Tickets for both events are sold out for general delegates. However, there will be a stand-by line for both events. A \$20 cash payment will be required for anyone entering the Honors Celebration.
  - d. Appointment of delegate form. The form was sent out November 12 to all presidents and director of athletics.
7. **Other Business.** There was no other business.
8. **Future Subcommittee Conference Call.** The next teleconference is noon Eastern time Friday, December 13.
9. **Adjournment.** The teleconference adjourned at noon Eastern time.

*Committee Chair: Lori Mazza, Western Connecticut State University, Little East Conference*  
*Staff Liaisons: Louise McCleary, Division III Governance*  
*Debbie Brown, Division III Governance*  
*Ali Spungen, Division III Governance*

<b>NCAA Division III Convention Planning Subcommittee November 13, 2019, Teleconference</b>
<b>Attendees:</b>
Stevie Baker-Watson, DePauw University.
Joe Hakes, Illinois Institute of Technology.
Mariann Ingraham, Elms College.
Greg Johnson, North Central University.
Gregg Kaye, Commonwealth Coast Conference.
Marcus Manning, Centenary College (Louisiana).
Scott McGuinness, Washington and Jefferson College.
Lori Mazza, Western Connecticut State University.
Lisa Melendy, Williams College.
Colby Pepper, Covenant College.
Lori Runksmeier, Eastern Connecticut State University, NADIII AA.
Patrick Summers, New England Women's and Men's Athletic Conference, D3CA.
Kellen Wells-Mangold, University of Wisconsin, River Falls.
<b>Absentees</b>
Tiffany Franks, Averett University.
Laura Mooney, Massachusetts College of Liberal Arts.
Kandis Schram, Maryville College (Tennessee).
William Tsutsui, Hendrix College.
<b>Guests in Attendance</b>
Jessi Faulk and Crystal Reimer.
<b>NCAA Staff Support in Attendance</b>
Louise McCleary.

**2020 NCAA CONVENTION**  
**THURSDAY/FRIDAY/SATURDAY SESSION CHECKLIST**

Session Titles	ADR Institute Wednesday 1/22 2 to 5:30 p.m. Thursday, 1/24 8 a.m. to 4 p.m.	Division III Student Immersion Program Wednesday 1/22 2 to 6 p.m. Thursday, 1/23 7 to 8:30 a.m. & 1 to 4 p.m. Saturday, 1/25 11 a.m. to Noon	Commissioners' Meeting Thursday, 1/23 8 a.m. to noon	Division III Collaborative Approaches - When Mental Health Intersects with Student- Athlete Identities. Thursday, 1/23 8:30 to 9:30 a.m.	Division III Crisis Management: Being Your Best During Your Insti- tution's Worst Days. Thursday, 1/23 9:45 to 11:15 a.m.	Presidents/Chancellors Luncheon Thursday, 1/23 11:30 a.m. to 1 p.m.	National SAAC Luncheon/Issues Forum Thursday, 1/23 11:30 to 12:45 p.m.
<b>Staff Liaison</b>	Kareti, Leah	Brown, Leland McCleary, Louise Verdugo, Kiana	McCleary, Louise	Verdugo, Kiana	Alford, Tiffany	Dutcher, Dan Hartung, Eric Kresge, Debbie Myers, Jeff	Berg, Corey Malin, Patrick Verdugo, Kiana
<b>Convention- Planning Representatives</b>	McGuinness, Scott <a href="mailto:smcguinness@washjeff.edu">smcguinness@washjeff.edu</a>	Wells-Mangold, Kellen <a href="mailto:Kellen.wellsmangold@uwrf.edu">Kellen.wellsmangold@uwrf.edu</a>	Summers, Patrick <a href="mailto:patrick@newmacsports.com">patrick@newmacsports.com</a>  Kaye, Gregg <a href="mailto:Gregg.kaye@wne.edu">Gregg.kaye@wne.edu</a>	Hakes, Joe <a href="mailto:jhakes@iit.edu">jhakes@iit.edu</a>	Wells-Mangold, Kellen <a href="mailto:Kellen.wellsmangold@uwrf.edu">Kellen.wellsmangold@uwrf.edu</a>	Franks, Tiffany <a href="mailto:tfranks@averett.edu">tfranks@averett.edu</a>  Tsutsui, Bill <a href="mailto:tsutsui@hendrix.edu">tsutsui@hendrix.edu</a>	Pepper, Colby <a href="mailto:Colby.pepper@covenant.edu">Colby.pepper@covenant.edu</a>
<b>Identification of Participants and SAAC speakers DUE: 11/30</b>	See agenda	See agenda		Bryant, Gerard <a href="mailto:gwrbryant@jjay.cuny.edu">gwrbryant@jjay.cuny.edu</a>  Jaynes, Heidi <a href="mailto:hjaynes@carleton.edu">hjhaynes@carleton.edu</a>  McCauley, Kayleigh <a href="mailto:kmccauley@clark.edu">kmccauley@clark.edu</a>  Ridpath, Marci <a href="mailto:mridpath@ncaa.org">mridpath@ncaa.org</a>	McNaney, Bob <a href="mailto:Bob.McNaney@padillaco.com">Bob.McNaney@padillaco.com</a>	Henderson, Sue <a href="mailto:shenderson@njcu.edu">shenderson@njcu.edu</a>  Murden-McClure, Tori <a href="mailto:tmclure@spalding.edu">tmclure@spalding.edu</a>	Burns, Madison <a href="mailto:madisonburns@go.rmc.edu">madisonburns@go.rmc.edu</a>
<b>Second draft multi- media presentation DUE: 12/18</b>							
<b>Outline of sessions &amp; presentations posted on NCAA website DUE: 1/7</b>							

**2020 NCAA CONVENTION  
THURSDAY/FRIDAY/SATURDAY SESSION CHECKLIST**

Session Titles	NADIII Providing Supplement Around Mental Health  Thursday, 1/23  2:30 to 4 p.m.	Issues Forum  Friday, 1/24  Generational Gaps  8:15 to 9:15 a.m.	Issues Forum  Friday, 1/24  Name, Image, and Likeness  9:15 to 10:15 a.m.	Issues Forum  Friday, 1/24  2020 Convention Legislative Proposals  10:15 to 11:15 a.m.	Provisional/Reclassifying Members  Friday, 1/24  4:30 to 5:30 p.m.	Business Session  Saturday, 1/25  SAAC Update & Video  8:05 to 8:20 a.m.	Business Session  Saturday, 1/25  Legislation Voting  8:30 to 11 a.m.
<b>Staff Liaison</b>	McCleary, Louise	McCleary, Louise	Dutcher, Dan McCleary, Louise Myers, Jeff	Myers, Jeff Regan, Bill	Alford, Tiffany Hartung, Eric	Skaggs, Adam	Myers, Jeff Regan, Bill
<b>Convention Planning Representative</b>	Runksmeier, Lori <a href="mailto:runksmeierl@eatnct.edu">runksmeierl@eatnct.edu</a>	Kaye, Gregg <a href="mailto:Gregg.kaye@wne.edu">Gregg.kaye@wne.edu</a>  Melendy, Lisa <a href="mailto:lmelendy@williams.edu">lmelendy@williams.edu</a>	Manning, Marcus <a href="mailto:mmanning@centenary.edu">mmanning@centenary.edu</a>  Melendy, Lisa <a href="mailto:lmelendy@williams.edu">lmelendy@williams.edu</a>	Ingraham, Mariann <a href="mailto:ingraham@elms.edu">ingraham@elms.edu</a>	Mooney, Laura <a href="mailto:laura.mooney@mcla.edu">laura.mooney@mcla.edu</a>	Pepper, Colby <a href="mailto:Colby.pepper@covenant.edu">Colby.pepper@covenant.edu</a>	Ingraham, Mariann <a href="mailto:ingraham@elms.edu">ingraham@elms.edu</a>
<b>Identification of Partici- pants and SAAC speak- ers DUE: 11/24</b>	Anderson Diercks, Kelly <a href="mailto:diercks@augsborg.edu">diercks@augsborg.edu</a>  Lynch, Mike <a href="mailto:mlynch4@babson.edu">mlynch4@babson.edu</a>  Mason, Angel <a href="mailto:amason@berry.edu">amason@berry.edu</a>  Williams, Gary <a href="mailto:wlliamsg1@wittenberg.edu">wlliamsg1@wittenberg.edu</a>	Shaw, Hayden <a href="mailto:haydn.shaw@peopledrivenresults.com">haydn.shaw@peopledrivenresults.com</a>	TBD	Myers, Jeff <a href="mailto:jmyers@ncaa.org">jmyers@ncaa.org</a>  Regan, Bill <a href="mailto:bfregan@ncaa.org">bfregan@ncaa.org</a>	Mooney, Laura <a href="mailto:laura.mooney@mcla.edu">laura.mooney@mcla.edu</a>	Burns, Madison <a href="mailto:madisonburns@go.rmc.edu">madisonburns@go.rmc.edu</a>	Myers, Jeff <a href="mailto:jmyers@ncaa.org">jmyers@ncaa.org</a>  Regan, Bill <a href="mailto:bfregan@ncaa.org">bfregan@ncaa.org</a>
<b>Draft multimedia presentation DUE: 12/18</b>							
<b>Outline of session and presentations posted on NCAA Web site DUE: 1/7</b>							



**REPORT OF THE  
DIVISION III CONVENTION-PLANNING SUBCOMMITTEE  
DECEMBER 13, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Welcome and Review Roster.** The chair, Lori Mazza, welcomed the subcommittee to the teleconference and reviewed the roster.
- 2. Report from November 13, 2019, Teleconference.** The subcommittee reviewed the report and had no changes.
- 3. 2020 Convention Updates.** The subcommittee reviewed the following documents for the Convention.
  - a. Division III delegates schedule.** The subcommittee reviewed the final version, with room locations, and had no questions.
  - b. Division III-specific discussion checklist.** The subcommittee reviewed the Division III-specific checklist. Staff will send agendas, scripts and PowerPoints over the next several weeks for identified subcommittee members to review and provide feedback.
  - c. Division III Issues Forum.** The subcommittee reviewed the final agenda and had no questions.
  - d. Division III Business Session.** The subcommittee reviewed the final agenda and had no recommended changes.
- 4. Convention Registration Packet.** Staff updated the subcommittee on the registration packet materials.
- 5. Updated Registration Numbers.** The subcommittee reviewed the updated registration numbers as of late November. To date, over 2,800 total delegates have registered to attend the Convention, with 1,065 Division III registrants.

6. **2020 Convention Planning Timeline.** The subcommittee reviewed the timeline and noted it was the last teleconference prior to the 2020 NCAA Convention. Staff will send a doodle scheduling request early February to set a March 2020 teleconference. The chair thanked the departing subcommittee members for their service and time.
  
7. **Other Business.** None.
  
8. **Adjournment.** The teleconference adjourned at 12:25 p.m. Eastern time.

Committee Chair: Lori Mazza, Western Connecticut State University, Little East Conference  
 Staff Liaisons: Louise McCleary, Division III Governance  
 Debbie Brown, Division III Governance  
 Ali Spungen, Division III Governance

<b>NCAA Division III Convention Planning Subcommittee December 13, 2019, Teleconference</b>
<b>Attendees:</b>
Stevie Baker-Watson, DePauw University.
Tiffany Franks, Averett University.
Joe Hakes, Illinois Institute of Technology.
Mariann Ingraham, Elms College.
Greg Johnson, North Central University.
Gregg Kaye, Commonwealth Coast Conference.
Marcus Manning, Centenary College (Louisiana).
Scott McGuinness, Washington and Jefferson College.
Lori Mazza, Western Connecticut State University.
Lisa Melendy, Williams College.
Laura Mooney, Massachusetts College of Liberal Arts.
Colby Pepper, Covenant College.
Lori Runksmeier, Eastern Connecticut State University, NADIII.AA.
Kandis Schram, Maryville College (Tennessee).
Kellen Wells-Mangold, University of Wisconsin, River Falls.
<b>Absentees</b>
Patrick Summers, New England Women’s and Men’s Athletic Conference, D3CA.
William Tsutsui, Hendrix College.
<b>Guests in Attendance</b>
Jessi Faulk and Crystal Reimer.
<b>NCAA Staff Support in Attendance</b>
Louise McCleary.



**REPORT OF THE NCAA DIVISION III STRATEGIC  
PLANNING AND FINANCE COMMITTEE  
NOVEMBER 14, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Report from the June 20, 2019, teleconference.** The committee approved the report from its June 20, 2019, teleconference.
2. **Budget.** The committee reviewed the 2019-20 budget-to-actual as of September 2019, the budget overview and the future budget model. The 2018-19 final budget reflected a surplus of \$1.5M in championships and a surplus of \$300K in nonchampionships. The overage will be added to the surplus above and beyond the mandated reserve.

The future budget model projects expenses through 2023-24, including an intentional spend down of the surplus above and beyond the mandated reserve. Currently, the forecast is shows slight overages in 2022-23 and 2023-24, and a minimal surplus above and beyond the mandated reserve in 2023-24. Considering that revenue is flat in 2022-23 and 2023-24, and the intentional spend down of the surplus above and beyond the mandated reserve during the same period, the numbers look favorable.

Staff updated the committee on the recent changes to the annual travel inflationary estimate. It increased from 3.5 to 4.94% for 2019-20 and will be reduced to 3.94% next year (2020-21). Future travel inflation policy will not change more than one percent higher or lower annually. Staff will update the future budget model to reflect the new travel inflation estimates for the committee to review at its March in-person meeting.

3. **Division III Conference Grant Program.**

- a. 2018-19 Conference Grant Impact Forms. The committee noted the submission of the 2018-19 Impact Forms by 43 Division III conferences and the Association of Division III Independents, and the reviews by NCAA staff.
- b. Grant Policies Inconsistencies. During the review of the impact forms, two conferences reported grant use not in alignment with the Strategic Conference Grant Program policies and procedures. The subcommittee confirmed the following policy in inconsistencies and recommended corrective action.

- (1) Empire 8.

Concern One: Tier Three – Athletics Training/Medicine/Nutrition – Athletics



Training Equipment for an Air Purification System for St. John Fisher College locker rooms.

Concern Two: Tier Three – Athletics Training to fund a strength coach to attend a professional development event.

Corrective Action: Because of these findings, the subcommittee asked the staff to issue a warning letter. In its discussion, the subcommittee noted the grant uses listed above were inconsistent and not in alignment with the policies and procedures of the grant. In addition to the warning letter, the Empire 8 has been selected for a level two assessment review for the 2018-19 reporting period.

(2) North Atlantic Conference (NAC).

Concern: Tier Three – Technology – Purchase of an amplifier for the Northern Vermont University – Johnson gymnasium sound system.

Corrective Action: Because of this finding, the subcommittee asked the staff to issue a warning letter. In its discussion, the subcommittee noted the grant use was inconsistent and not in alignment with grant policies. Further, this type of purchase should be considered a facilities and equipment expense.

- c. Review of 2018-19 Grant Rollover Plans. Ten conferences reported a carryover greater than \$300 per tier and \$1,000 overall. The subcommittee reviewed each rollover request and ultimately approved all requests. It also directed staff to remind the conference offices that any approved rollover funds beyond \$1,000 unspent at the conclusion of 2019-20 reporting cycle need to be returned to the NCAA.
- d. NCAA Internal Audit – Identification of Three Conferences for Level Two Review. For the 2018-19 review cycle, the subcommittee determined that the Empire 8 should receive a for-cause audit. For the second and third reviews, the subcommittee selected, at random, the Great Northeast Athletic Conference (GNAC) and the Upper Midwest Athletic Conference (UMAC). The subcommittee noted that the GNAC and the UMAC filed exemplary reports and identified no usage concerns; instead, the GNAC and UMAC were selected as part of the national office's program to monitor grant funding.
- e. Proposed Amendment to Conference Grant Impact Form Due Date. The committee received a request from the Division III Commissioners Association Conference Grant Subcommittee to change the submission deadline for the Impact Forms from July 15 to August 1. The rationale related to new constituent groups added to Tier I in recent years (e.g., SIDs, ATCs) and the increasing number of professional development events taking place in late June, make it hard for conferences to meet the current deadline.

The Strategic Planning and Finance Committee approved the request noting that the disbursement of grant checks will be delayed to the third week of September.

- 4. Division III Initiatives with Budget Impact.** Staff provided an update on the following Division III initiatives.
- a. 2019 NCAA Summer Forum. The committee received a final summary showing the distribution of the \$75,000 to support the 2019 NADIII AA Summer Forum.
  - b. Women Leaders in College Sports. The committee received a final summary showing the distribution of the \$30,000 to support a total of 92 female administrators.
  - c. 2019 CoSIDA Student Program. The committee received a final summary showing the distribution of the \$15,000 to support eight students to attend the annual CoSIDA convention for a professional development opportunity.
  - d. 2019 New Athletics Director Orientation. The committee received a final summary showing the distribution of the \$79,870 to support 31 participants and nine speakers, noting the actual spending for this event was over by \$12,410.
  - e. 2019 Next Steps Program. The committee received a final summary showing the distribution of the \$29,000 to support the Next Steps Program. This two-day program is a continuation of the Student Immersion Program. Approximately 25 students receive professional development and attend the Career in Sports Forum.
  - f. 2019 Faculty Athletics Representative (FAR) Institute. The committee reviewed the agenda and roster of the FAR Institute noting the attendance of 24 faculty athletics representatives.
  - g. 2020 Athletics Direct Report (ADR) Institute. The committee noted that approximately 30 ADRs will attend the institute during the 2020 NCAA Convention in Anaheim.
  - h. 2020 Student Immersion Program. The fifth Student Immersion Program will be held in conjunction with the NCAA Convention. Forty students of color were nominated and selected by a subgroup of the Diversity and Inclusion Working Group.
  - i. International Ice Hockey Pilot. The committee received an update on the ice hockey pilot noting a decrease in the number of student-athletes submitted compared to year one. For year two, student-athletes were responsible for the cost, with the governance structure reimbursing them 50%. Currently, staff doesn't anticipate continuing the pilot for another year.

5. **Championships Update.** The committee received an update from the Championships Committee's September in-person meeting, noting approval of the following items by the Management and Presidents Councils: (1) Alcohol sales at the 2020 Division III men's basketball championship; (2) Revised dates for the 2020 Division III men's basketball championship preliminary rounds; (3) Exception to bracketing policies for the Division III men's and women's ice hockey championships; and (4) Establishment of a men's and women's tennis rules subcommittee.
  
6. **Division III Strategic Plan Review.** The committee received an update on the proposed formation of a working group to comprehensively review the 10-year old Division III Strategic Positioning Platform. It noted that due to the delay of the Association-wide strategic plan until April, the working group won't be formed until the March in-person meeting.
  
7. **Reallocation of Denied/Deferred Budget Funding.** Approximately \$112,000 has been reallocated to the Division III miscellaneous budget due to the denial of two Division III staff requests (a new FTE and a reclassification).
  
8. **Association-Wide Updates.** The committee received an update on the Board of Governors (BOG) Working Group on State and Federal Legislation report. The BOG directed each of the three divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with the following principles and guidelines:
  - Assure student-athletes are treated similarly to non-athlete students unless a compelling reason exists to differentiate.
  - Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
  - Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.
  - Make clear the distinction between collegiate and professional opportunities.
  - Make clear that compensation for athletic performance or participation is impermissible.
  - Reaffirm that student-athletes are students first and not employees of the university.
  - Enhance principles of diversity, inclusion and gender equity.
  - Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.

Each division will hold two webinars, as well as an Association-wide webinar to provide education to the membership. Key opportunities for membership feedback will include the NCAA Convention and Regional Rules Seminars.

9. **Other Business.** Staff acknowledged and thanked Margaret Drugovich, president, Hartwick College; Stevie Baker-Watson, athletics director, DePauw University; and Kate Roy, associate commissioner North Atlantic Conference, for their service on SPFC and noted that next year’s chair will be Fayneese Miller, president at Hamline University.
  
10. **Future Meetings.** The next meeting of the committee will be in-person Tuesday, March 24, 2020, at the NCAA national office in Indianapolis.
  
11. **Adjournment.** The meeting adjourned at 11:29 a.m.

*Committee Chair: Tori Murden McClure, Spalding University [St. Louis Intercollegiate Athletic Conference]*

*Staff Liaisons: Louise McCleary, Division III Governance  
 Dan Dutcher, Division III Governance  
 Eric Hartung, Research  
 Debbie Kresge, Division III Governance  
 Jeff Myers, Academic and Membership Affairs  
 Mark Aiken, Administrative*

<b>NCAA Division III Strategic Planning and Finance Committee November 14, 2019, teleconference</b>
<b>Attendees:</b>
Stevie Baker-Watson, DePauw University.
Angela Baumann, Massachusetts State Collegiate Athletic Conference.
Heather Benning, Midwest Conference.
Margaret Drugovich, Hartwick College.
David Ellis, Becker College.
Robert Lindgren, Randolph-Macon College
Tori Murden-McClure, Spalding University, chair
Colby Pepper, Covenant College, student-athlete
Kate Roy, North Atlantic Conference.
Kent Trachte, Lycoming College
Joseph Walsh, Great Northeast Athletic Conference.
<b>Absentees:</b>
Kiki Jacobs, Roger Williams University
Dennis Shields, University of Wisconsin, Platteville
Michael Vienna, Emory University
Dan Dutcher, Debbie Kresge, Louise McCleary and Ali Spungen.
<b>Other NCAA Staff Members in Attendance:</b>
Mark Aiken, Brian Burnsed, Eric Hartung, Jeff Myers, Adam Skaggs and Liz Suscha

	FY 2018 - 2019				FY 2019 - 2020			
	Actual	Budget	\$ Variance	% Variance	Actual	Budget	\$ Variance	% Variance
<b>Revenue</b>								
DII/DIII Allocation-Based Revenue	\$32,215,323	\$32,237,370	(\$22,047)	-0.1%	\$8,749,975	\$33,147,323	(\$24,397,348)	-73.6%
Additional Revenue from Membership Dues Increase	\$519,000	\$519,000	\$0	0.0%	\$530,200	\$519,000	\$11,200	2.2%
Other Non-DII/DIII Revenue	\$13,200	\$0	\$13,200	N/A	\$0	\$0	\$0	N/A
<b>Revenue Total</b>	<b>\$32,747,523</b>	<b>\$32,756,370</b>	<b>(\$8,847)</b>	<b>0.0%</b>	<b>\$9,280,175</b>	<b>\$33,666,323</b>	<b>(\$24,386,148)</b>	<b>-72.4%</b>
<b>Expenses</b>								
<b>Championship Expenses</b>								
<b>Men's Championships</b>								
DIII Men's Baseball	\$1,824,012	\$2,332,000	\$507,988	21.8%	\$2,161	\$2,514,092	\$2,511,931	99.9%
DIII Men's Basketball	\$1,314,931	\$1,169,000	(\$145,931)	-12.5%	\$21,474	\$1,466,966	\$1,445,492	98.5%
DIII Men's Cross Country	\$610,617	\$592,350	(\$18,267)	-3.1%	\$395,198	\$614,791	\$219,593	35.7%
DIII Men's Football	\$1,825,191	\$2,036,500	\$211,309	10.4%	\$1,697,453	\$2,363,405	\$665,952	28.2%
DIII Men's Golf	\$609,675	\$621,500	\$11,825	1.9%	\$7,280	\$647,835	\$640,555	98.9%
DIII Men's Ice Hockey	\$377,793	\$376,000	(\$1,793)	-0.5%	\$750	\$426,293	\$425,543	99.8%
DIII Men's Lacrosse	\$633,508	\$634,000	\$492	0.1%	\$612	\$703,701	\$703,089	99.9%
DIII Men's Soccer	\$1,106,540	\$1,244,400	\$137,860	11.1%	\$615,267	\$1,341,235	\$725,968	54.1%
DIII Men's Swimming and Diving	\$587,216	\$629,000	\$41,784	6.6%	\$4,586	\$665,508	\$660,922	99.3%
DIII Men's Tennis	\$666,410	\$698,000	\$31,590	4.5%	\$328	\$726,331	\$726,003	100.0%
DIII Men's Track Indoor	\$707,000	\$836,850	\$129,850	15.5%	\$7,002	\$860,974	\$853,972	99.2%
DIII Men's Track Outdoor	\$937,085	\$921,250	(\$15,835)	-1.7%	\$679	\$946,924	\$946,245	99.9%
DIII Men's Volleyball	\$261,586	\$315,000	\$53,414	17.0%	\$105	\$366,033	\$365,928	100.0%
DIII Men's Wrestling	\$484,780	\$451,500	(\$33,280)	-7.4%	\$526	\$463,975	\$463,449	99.9%
<b>Total</b>	<b>\$11,946,343</b>	<b>\$12,857,350</b>	<b>\$911,007</b>	<b>7.1%</b>	<b>\$2,753,422</b>	<b>\$14,108,063</b>	<b>\$11,354,641</b>	<b>80.5%</b>
<b>Women's Championships</b>								
DIII Women's Basketball	\$1,085,210	\$1,253,000	\$167,790	13.4%	\$6,168	\$1,313,026	\$1,306,858	99.5%
DIII Women's Cross Country	\$623,825	\$614,150	(\$9,675)	-1.6%	\$380,567	\$637,162	\$256,595	40.3%
DIII Women's Field Hockey	\$451,497	\$504,000	\$52,503	10.4%	\$185,270	\$515,007	\$329,737	64.0%
DIII Women's Golf	\$415,327	\$407,550	(\$7,777)	-1.9%	\$3,355	\$468,659	\$465,304	99.3%
DIII Women's Ice Hockey	\$255,906	\$314,000	\$58,094	18.5%	\$196	\$321,471	\$321,275	99.9%
DIII Women's Lacrosse	\$1,002,591	\$851,000	(\$151,591)	-17.8%	\$1,183	\$920,887	\$919,704	99.9%
DIII Women's Rowing	\$354,854	\$427,000	\$72,146	16.9%	\$1,089	\$439,372	\$438,283	99.8%
DIII Women's Soccer	\$1,250,641	\$1,327,000	\$76,359	5.8%	\$729,131	\$1,359,961	\$630,830	46.4%
DIII Women's Softball	\$1,535,739	\$1,597,000	\$61,261	3.8%	(\$1,023)	\$1,661,268	\$1,662,291	100.1%
DIII Women's Swimming and Diving	\$649,837	\$695,000	\$45,163	6.5%	\$150	\$693,537	\$693,387	100.0%
DIII Women's Tennis	\$699,109	\$740,000	\$40,891	5.5%	\$1,302	\$759,270	\$757,968	99.8%
DIII Women's Track Indoor	\$598,514	\$766,150	\$167,636	21.9%	\$875	\$789,890	\$789,015	99.9%
DIII Women's Track Outdoor	\$960,065	\$945,750	(\$14,315)	-1.5%	(\$1,389)	\$972,166	\$973,555	100.1%
DIII Women's Volleyball	\$1,121,305	\$1,153,500	\$32,195	2.8%	\$617,470	\$1,185,413	\$567,943	47.9%
<b>Total</b>	<b>\$11,004,421</b>	<b>\$11,595,100</b>	<b>\$590,679</b>	<b>5.1%</b>	<b>\$1,924,343</b>	<b>\$12,037,089</b>	<b>\$10,112,746</b>	<b>84.0%</b>
<b>Championship Expenses Total</b>	<b>\$22,950,764</b>	<b>\$24,452,450</b>	<b>\$1,501,686</b>	<b>6.1%</b>	<b>\$4,677,765</b>	<b>\$26,145,152</b>	<b>\$21,467,387</b>	<b>82.1%</b>
<b>Overhead Allocation</b>	<b>\$422,000</b>	<b>\$422,000</b>	<b>\$0</b>	<b>0.0%</b>	<b>\$145,000</b>	<b>\$435,000</b>	<b>\$290,000</b>	<b>66.7%</b>
<b>Total Championship Expense</b>	<b>\$23,372,764</b>	<b>\$24,874,450</b>	<b>\$1,501,686</b>	<b>6.0%</b>	<b>\$4,822,765</b>	<b>\$26,580,152</b>	<b>\$21,757,387</b>	<b>81.9%</b>

<b>Non-Championship Expenses</b>								
Conference Grants	\$3,042,605	\$3,042,600	(\$5)	0.0%	\$3,167,582	\$3,194,730	\$27,148	0.8%
Intern Program	\$1,175,236	\$1,209,920	\$34,684	2.9%	\$1,089,842	\$1,300,000	\$1,303,122	100.2%
Strategic Alliance Matching Grant	\$556,556	\$708,600	\$152,044	21.5%	\$617,087	\$708,600	\$708,600	100.0%
Leadership Conference	\$414,356	\$365,000	(\$49,356)	-13.5%	\$9,059	\$365,000	\$365,000	100.0%
Identity Initiative	\$324,104	\$300,000	(\$24,104)	-8.0%	\$97,678	\$300,000	\$285,896	95.3%
Diversity Initiatives	\$250,728	\$250,000	(\$728)	-0.3%	\$57,021	\$250,000	\$236,055	94.4%
Sportsmanship - GameDay the DIII Way	\$210,547	\$250,000	\$39,453	15.8%	\$68,073	\$225,000	\$157,674	70.1%
360 Proof	\$91,749	\$125,000	\$33,251	26.6%	\$46,247	\$115,000	\$112,979	98.2%
Administrative - Misc	\$17,789	\$15,380	(\$2,409)	-15.7%	\$8,720	\$112,404	\$112,404	100.0%
Coaches and Administrators Diversity	\$90,000	\$100,000	\$10,000	10.0%	\$0	\$100,000	\$100,000	100.0%
Leadership Development Initiatives DiSC	\$100,000	\$100,000	\$0	0.0%	\$51,461	\$100,000	\$100,000	100.0%
LGBTQ	\$123,293	\$100,000	(\$23,293)	-23.3%	\$15,055	\$100,000	\$100,000	100.0%
ADR Institute	\$58,430	\$90,000	\$31,570	35.1%	\$20,258	\$90,000	\$81,894	91.0%
SAAC April and Associate Member Meetings	\$77,791	\$90,000	\$12,209	13.6%	\$11,545	\$90,000	\$90,000	100.0%
AD and Commissioner Orientation	\$103,759	\$85,000	(\$18,759)	-22.1%	\$1,778	\$85,000	\$85,000	100.0%
FAR Orientation/Institute	\$84,863	\$85,000	\$137	0.2%	\$38,426	\$85,000	\$83,368	98.1%
Membership Learning Management - DIII University	\$20,107	\$55,000	\$34,893	63.4%	\$0	\$80,670	\$80,670	100.0%
Athletics Administrator Partnership (NADIIIAA)	\$75,000	\$75,000	\$0	0.0%	\$0	\$75,000	\$75,000	100.0%
NCAA Annual Convention	\$70,326	\$70,000	(\$326)	-0.5%	\$621	\$70,000	\$70,000	100.0%
Academic All-America Program (Co-SIDA)	\$39,500	\$44,000	\$4,500	10.2%	\$39,500	\$44,000	\$4,500	10.2%
Insurance	\$40,960	\$41,000	\$40	0.1%	\$40,960	\$41,000	\$41,000	100.0%
Special Olympics	\$35,970	\$35,000	(\$970)	-2.8%	\$1,000	\$35,000	\$35,000	100.0%
Women Leaders in College Sports	\$30,945	\$30,000	(\$945)	-3.2%	\$0	\$30,000	\$30,000	100.0%
Conference Commissioner Meetings	\$17,591	\$20,000	\$2,409	12.0%	\$2,805	\$20,000	\$20,000	100.0%
Working Groups	\$22,831	\$20,000	(\$2,831)	-14.2%	\$4,204	\$20,000	\$20,000	100.0%
CoSIDA DIII Day	\$23,844	\$15,000	(\$8,844)	-59.0%	\$0	\$15,000	\$15,000	100.0%
NADIIIAA and Commissioner Mtg	\$4,128	\$10,000	\$5,872	58.7%	\$768	\$10,000	\$9,232	92.3%
Staff Professional Development	\$6,375	\$7,000	\$625	8.9%	\$6,378	\$7,000	\$5,894	84.2%
Championships Festival	\$5	\$0	(\$5)	N/A	\$15	\$0	\$0	N/A
Exploratory/Provisional Membership	\$2,284	\$0	(\$2,284)	N/A	\$326	\$0	\$0	N/A
Injury Surveillance and Testing	\$0	\$74,500	\$74,500	100.0%	\$0	\$0	\$0	N/A
Academic Reporting Honorarium	\$34,995	\$35,000	\$5	0.0%	\$0	\$0	\$0	N/A
<b>Non-Championship Expenses Total</b>	<b>\$7,146,666</b>	<b>\$7,448,000</b>	<b>\$301,334</b>	<b>4.0%</b>	<b>\$5,396,408</b>	<b>\$7,668,404</b>	<b>\$4,355,435</b>	<b>56.8%</b>
Overhead Allocation	\$1,062,000	\$1,062,000	\$0	0.0%	\$364,667	\$1,094,000	\$729,333	66.7%
<b>Total Non-Championship Expense</b>	<b>\$8,208,666</b>	<b>\$8,510,000</b>	<b>\$301,334</b>	<b>3.5%</b>	<b>\$5,761,074</b>	<b>\$8,762,404</b>	<b>\$5,084,769</b>	<b>58.0%</b>
<b>Expenses Total</b>	<b>\$31,581,430</b>	<b>\$33,384,450</b>	<b>\$1,803,020</b>	<b>5.4%</b>	<b>\$10,583,840</b>	<b>\$35,342,556</b>	<b>\$26,842,155</b>	<b>75.9%</b>
Surplus (Deficit)	\$1,166,093	(\$628,080)			(\$1,303,665)	(\$1,676,233)		
Add: Prior Year Reserve Balance	\$29,181,289	\$29,181,289			\$30,347,383	\$28,553,209		
Estimated Reserve Balance	\$30,347,383	\$28,553,209			\$29,043,718	\$26,876,976		

**DIII Future Projections**

**Assumptions:**

- A) Goal is to have the lowest possible positive Cash Reserve Surplus and Net Change in Fund Balance.
- B) Changes in "Policy" could be implemented for fiscal year 2014-2015, but the earliest changes in "Program funding" could realistically occur is 2015-2016.
  - Game Operations increases by X% each fiscal year based on FY2009-10 thru FY2015-16 average increases. Actual growth rate is 4.6% annually.
  - Committee expenses increase by X% each fiscal year based on FY2011-12 thru FY2015-16 average increases. Actual growth rate is -2.1% annually.
  - Team Transportation increases by X% each fiscal year based on cost per traveler analysis for FY2008-09 thru FY2016-17.
  - Projection does not include any increase in bracket size due to sport sponsorship increases (access ratio) other than 2015-16 bracket expansion for women's lacrosse (2 teams) and 2017-18

1.00% [DIII Champs Assumption Analysis 16-17](#)  
 0.00% [DIII Champs Assumption Analysis 16-17](#)  
 3.94% Presentation to CFO on Travel Models by division

The National Collegiate Athletic Association

Division III Budget Projections

	2018-19 Actual	2019-20 Budget	2020-21 Projection	2021-22 Projection	2022-23 Projection	2023-24 Projection
<b>Revenue:</b>						
Division III 3.18% Revenue Allocation	\$ 32,249,015	\$ 33,147,323	\$ 33,924,323	\$ 34,607,323	\$ 34,752,323	\$ 34,803,323
Draw from DIII Reserve						
Additional Revenue from Membership Dues Increase	\$ 530,200	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000
Division III Other Revenue	57,500	-	-	-	-	-
<b>Total Revenue</b>	<b>\$ 32,836,715</b>	<b>\$ 33,666,323</b>	<b>\$ 34,443,323</b>	<b>\$ 35,126,323</b>	<b>\$ 35,271,323</b>	<b>\$ 35,322,323</b>
Projected Revenue Increase	2.6%	2.8%	2.3%	2.0%	0.4%	0.1%
<b>Expenses:</b>						
Championships Game Operations	4,696,723	4,493,439	4,566,503	4,612,168	4,693,290	4,704,873
Championships Committee	353,305	417,215	492,815	492,815	492,815	492,815
Championships Team Transportation	9,128,803	11,108,553	11,546,230	12,001,151	12,473,997	12,965,472
Championships Per Diem	6,844,931	7,540,945	8,202,045	8,202,045	8,202,045	8,202,045
Championships Overhead Allocation <sup>4</sup>	422,000	435,000	448,000	461,000	475,000	489,000
<i>Total Championship Expenses</i>	<b>21,445,763</b>	<b>23,995,152</b>	<b>25,255,593</b>	<b>25,769,180</b>	<b>26,337,147</b>	<b>26,854,205</b>
Non-Championships Base Budget	6,616,467	7,149,404	7,354,000	7,491,000	7,492,000	7,469,000
Non-Championships Initiatives	-	-	-	-	-	-
Non-Championships Overhead Allocation <sup>4</sup>	1,037,000	1,094,000	1,127,000	1,161,000	1,196,000	1,232,000
<i>Total Non-Championship Expenses</i>	<b>7,653,467</b>	<b>8,243,404</b>	<b>8,481,000</b>	<b>8,652,000</b>	<b>8,688,000</b>	<b>8,701,000</b>
<b>Total Division III Expenses (before supplemental spending)</b>	<b>\$ 29,099,230</b>	<b>\$ 32,238,556</b>	<b>\$ 33,736,593</b>	<b>\$ 34,421,180</b>	<b>\$ 35,025,147</b>	<b>\$ 35,555,205</b>
<b>Net Change in Fund Balance (before supplemental spending)</b>	<b>\$ 3,737,485</b>	<b>\$ 1,427,767</b>	<b>\$ 706,730</b>	<b>\$ 705,143</b>	<b>\$ 246,176</b>	<b>\$ (232,882)</b>
<b>Supplemental items:</b>						
Local ground transportation for individual sports	575,000	603,000	627,000	652,000	678,000	705,000
Men's Joint Championship		250,000				
Women's Joint Championship					250,000	
Guarantee first round no conference match-ups		336,000	349,000			
Local ground transportation for team sports	316,000	332,000	345,000	359,000	373,000	388,000
Increase in travel party size for team sports	1,036,000	1,064,000	1,112,000	1,137,000	1,163,000	1,190,000
Supplemental Championships Spending from reserve <sup>2</sup>	1,927,000	2,585,000	2,433,000	2,148,000	2,464,000	2,283,000
Supplemental Non-Championships Spending from reserve	530,200	519,000	519,000	519,000	519,000	519,000
<i>Total Supplemental Spending</i>	<b>2,457,200</b>	<b>3,104,000</b>	<b>2,952,000</b>	<b>2,667,000</b>	<b>2,983,000</b>	<b>2,802,000</b>
Division III Membership Dues Credit	-	-	-	-	-	-
<b>Total Division III Expenses (after supplemental spending)</b>	<b>\$ 31,556,430</b>	<b>\$ 35,342,556</b>	<b>\$ 36,688,593</b>	<b>\$ 37,088,180</b>	<b>\$ 38,008,147</b>	<b>\$ 38,357,205</b>
<b>Net Change in Fund Balance (after supplemental spending)</b>	<b>\$ 1,280,285</b>	<b>\$ (1,676,233)</b>	<b>\$ (2,245,270)</b>	<b>\$ (1,961,857)</b>	<b>\$ (2,736,824)</b>	<b>\$ (3,034,882)</b>
Projected Expense Increase	-2.4%	12.0%	3.8%	1.1%	2.5%	0.9%
Beginning Fund Balance (Projected Reserve and Unallocated Funds)	\$ 29,181,289	\$ 30,461,574	\$ 28,785,341	\$ 26,540,071	\$ 24,578,214	\$ 21,841,390
Less:						
Net Change in Fund Balance	1,280,285	(1,676,233)	(2,245,270)	(1,961,857)	(2,736,824)	(3,034,882)
Ending Fund Balance (Projected Reserve and Unallocated Funds)	\$ 30,461,574	\$ 28,785,341	\$ 26,540,071	\$ 24,578,214	\$ 21,841,390	\$ 18,806,508
Mandated Reserve <sup>1</sup>	(16,124,508)	(16,573,662)	(16,962,162)	(17,303,662)	(17,376,162)	(17,401,662)
<b>Cash available in excess of reserve policy</b>	<b>\$ 14,337,067</b>	<b>\$ 12,211,680</b>	<b>\$ 9,577,910</b>	<b>\$ 7,274,553</b>	<b>\$ 4,465,229</b>	<b>\$ 1,404,847</b>

**Notes:**

- 1 Mandated reserve is 50% of the annual DIII revenue allocation in cash beginning in fiscal year 2017-18. The division also holds a separate event cancellation insurance policy with a \$5M limit.
- 2 Supplemental championships spending is earmarked for individual/team local ground transportation and returning travel party sizes to 2013-14 levels. This supplemental spending would be evaluated first for elimination in the event of an operating deficit.
- 3 Amount includes inflationary increase from prior year amount (light blue highlight).
- 4 All amounts for 2018-19 are **unaudited** amounts. Overhead estimates were last updated September 2018.
- 5 Actuals have not been finalized for supplemental items. Budget amounts are reflected for FY18-19.

Percentage DIII Spend - Championships	74%	74%	75%	75%	75%	76%
Percentage DIII Spend - Non-Championships	26%	26%	25%	25%	25%	24%



**REPORT OF THE  
NCAA DIVISION III CHAMPIONSHIPS COMMITTEE  
OCTOBER 15, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Recent committee reports.** The committee approved the report from its September 9-10 in-person meeting as submitted.
2. **Wrestling regional site selection.** The committee approved that Rhode Island College host the 2020 Northeast regional at its on-campus Recreation Center.
3. **Update from DIII Commissioners teleconference.** Staff updated the committee on the following items discussed during the recent Division III Commissioners Association teleconference:
  - a. Sport region realignment proposal. The commissioners noted recent action to incorporate sport committee recommendations regarding competitive equity and that the proposal will be adjusted to align with current sport sponsorship (2019-20 numbers). The commissioners will revisit the proposal during their January meeting (including a potential discussion regarding the percentage/number of teams that would be ranked in each region), and the Championships Committee will review and likely finalize the proposal at its February 2020 in-person meeting and forward to the Management Council for review in April. If approved, the proposal would be implemented for the 2021-22 academic year.
  - b. Bench size flexibility. Staff noted the bench size adjustments made based on sport committee recommendations that the Championships Committee approved in September. While various issues need to be clarified, the commissioners were pleased with the adjustments.
  - c. Conference requirements for AQ eligibility. Staff recapped the Championships Committee's September conversation and noted the lack of momentum both within the committee and the membership at large to suggest proposals. The commissioners were asked to reconsider the matter and either submit a proposal to the Championships Committee in February or perhaps generate interest within the membership to identify potential sponsors for a legislative proposal in the 2020 cycle.
  - d. National office staff structure. Per a request from the commissioners, staff provided an organizational chart regarding how Division III championships and sport committees are staffed. Staff noted the challenges particularly during the spring season, when about 40 percent of the NCAA's 90 championships are held.



**4. Other business.** None.

*Committee Chair:* Kiki Jacobs, Roger Williams University  
*Staff Liaisons:* Liz Turner Suscha, Championships and Alliances  
Laura Peterson-Mlynski, Championships and Alliances  
Julie Sargent, Academic and Membership Affairs

<b>Division III Championships Committee October 15, 2019, Teleconference</b>
<b>Attendees:</b>
Robin Baker, University of Wisconsin, Eau Claire.
Stevie Baker-Watson, DePauw University.
Jason Fein, Bates College.
Susan Fumagalli, Roger Williams College.
Kiki Jacobs, Gettysburg College.
Jake Santellano, University of Wisconsin-Whitewater.
Bill Stiles, Alvernia University.
<b>Absentees:</b>
Penny Siqueiros, Wesleyan College (Georgia).
Brad Bankston, Old Dominion Athletic Conference.
<b>Guests in Attendance:</b>
Gary Brown, NCAA Contractor.
<b>NCAA Staff Support in Attendance:</b>
Laura Peterson-Mlynski, Championships and Alliances.
Julie Sargent, Academic and Membership Affairs.
Liz Turner Suscha, Championships and Alliances.
<b>Other NCAA Staff Members in Attendance:</b>
Laura Klee, Louise McCleary, Ian Rewoldt.



**REPORT OF THE  
NCAA DIVISION III CHAMPIONSHIPS COMMITTEE  
NOVEMBER 5, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- **AQ appeal request.** The committee reviewed an appeal from the American Collegiate Athletic Association (ACA) to overturn decisions from the NCAA Division III Women’s Soccer Committee and the NCAA Division III Women’s Volleyball Committee not to include the ACA among the conferences with automatic qualification privileges for 2019-20. At issue is whether the ACA met the requirements prescribed in NCAA Bylaw 31.3.3.1.1 (a)-(3) regarding consistency in conference membership during the two-year waiting period for automatic qualification eligibility in those two sports. The ACA argued it met the standard; however, Championships Committee members believe the consistency stated in the bylaw clearly indicates that the minimum seven members that conferences are required to maintain in year 2 of the waiting period must be the same as those in year 1. Because that was not the case with the ACA in women’s soccer and women’s volleyball, the Championships Committee voted to deny the appeal based on the belief that the continuity of membership as prescribed specifically in the bylaw should be upheld. While the Championships Committee is sympathetic to the conference’s situation, the committee nonetheless maintained that the consistency of membership is among the core components of the two-year waiting period that should not be challenged or altered.

*Committee Chair: Kiki Jacobs, Roger Williams University*  
*Staff Liaisons: Liz Turner Suscha, Championships and Alliances*  
*Laura Peterson-Mlynski, Championships and Alliances*  
*Julie Sargent, Academic and Membership Affairs*

<b>Division III Championships Committee November 5, 2019, Teleconference</b>
<b>Attendees:</b>
Robin Baker, University of Wisconsin, Eau Claire.
Jason Fein, Bates College.
Susan Fumagalli, Gettysburg College.
Kiki Jacobs, Roger Williams College.
Jake Santellano, University of Wisconsin-Whitewater.
Penny Siqueiros, Wesleyan College (Georgia).
Bill Stiles, Alvernia University.

<b>Absentees:</b>
Stevie Baker-Watson, DePauw University.
Brad Bankston, Old Dominion Athletic Conference.
<b>Guests in Attendance:</b>
Gary Brown, NCAA Contractor.
<b>NCAA Staff Support in Attendance:</b>
Laura Peterson-Mlynski, Championships and Alliances.
Julie Sargent, Academic and Membership Affairs.
Liz Turner Suscha, Championships and Alliances.
<b>Other NCAA Staff Members in Attendance:</b>
Laura Klee, Louise McCleary, Ian Rewoldt.



REPORT OF THE  
NCAA DIVISION III CHAMPIONSHIPS COMMITTEE  
NOVEMBER 19, 2019, TELECONFERENCE

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

**1. Sport committee appointments.** The committee approved the following sport committee reappointments:

- Division III Women's Tennis Committee (immediate appointment) – Dot Houston, senior woman administrator/associate athletic director for administration and compliance, Massachusetts College of Liberal Arts, Massachusetts State Collegiate Athletic Conference.
- Division III Men's and Women's Track and Field and Cross Country Committee (immediate appointment) – Amy Maier, assistant director of athletics/senior woman administrator, Buena Vista University, American Rivers Conference.

**2. Men's and Women's Tennis Committees report.** The committee approved that the North Atlantic Conference receive an automatic berth to the 2020 NCAA Division III Women's Tennis Championships. [Note: The North Atlantic Conference meets the requirements of NCAA Bylaw 31.3.4 and has completed the automatic-qualification declaration form. The NAC was inadvertently left out of the 38 AQs the Division III Championships Committee approved at its September meeting. Adding the NAC makes for the following pool allocations: Pool A – 39; Pool B – 1; Pool C – 9.].

**3. Membership process proposals – impact on AQ waiting period.** The committee reviewed two legislative proposals (Nos. 2020-2 and 2020-3) that will be voted on at the 2020 NCAA Convention and would affect the membership process if adopted. Bylaw 31.3.3.1.1 currently states that, “institutions in the final two years of the NCAA Division III provisional or reclassifying membership process” can count toward the seven institutions necessary to satisfy the waiting period for automatic qualification. The current membership process is a four-year process, thus Bylaw 31.3.3.1.1 applies to institutions in their third and fourth years of the provisional and reclassifying processes. The two legislative proposals, however, would eliminate the fourth year of the provisional and reclassifying processes, and neither addresses the AQ waiting period implications.

The committee noted that if the proposals are adopted, institutions in years two and three of the provisional and reclassifying processes could count toward the seven institutions necessary to satisfy the waiting period for an AQ. The committee also noted that should the proposals be adopted they would have a direct impact on the current selection criteria.

Accordingly, after discussion the committee voted to recommend amending Bylaw 31.3.3.1.1 so that only institutions in year three of the provisional or reclassifying process count toward the AQ waiting period.

4. **“State of the Sport” calls.** NCAA staff gave an update from the state of the sport calls that have happened to date. The committee will receive a comprehensive report of the calls at its February in-person meeting.

5. **Other business.** None.

*Committee Chair: Kiki Jacobs, Roger Williams University*  
*Staff Liaisons: Liz Turner Suscha, Championships and Alliances*  
*Laura Peterson-Mlynski, Championships and Alliances*  
*Julie Sargent, Academic and Membership Affairs*

<b>Division III Championships Committee November 19, 2019, Teleconference</b>	
<b>Attendees:</b>	
	Stevie Baker-Watson, DePauw University.
	Brad Bankston, Old Dominion Athletic Conference.
	Jason Fein, Bates College.
	Susan Fumagalli, Gettysburg College.
	Kiki Jacobs, Roger Williams University.
	Jake Santellano, University of Wisconsin-Whitewater.
	Penny Siqueiros, Wesleyan College (Georgia).
	Bill Stiles, Alvernia University.
<b>Absentees:</b>	
	None.
<b>Guests in Attendance:</b>	
	None.
<b>NCAA Staff Support in Attendance:</b>	
	Laura Peterson-Mlynski, Championships and Alliances.
	Julie Sargent, Academic and Membership Affairs.
	Liz Turner Suscha, Championships and Alliances.
<b>Other NCAA Staff Members in Attendance:</b>	
	Laura Klee, Louise McCleary.



**REPORT OF THE  
NCAA DIVISION III CHAMPIONSHIPS COMMITTEE  
DECEMBER 17, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

- 1. Recent reports.** The committee approved reports from its November 5 and 19 teleconferences as presented.
- 2. Sport committee appointment.** The committee approved the following sport committee appointment:
  - Division III Men's Tennis Committee – Erica Hollot, assistant director of athletics/senior woman administrator, Springfield College, New England Women's and Men's Athletic Conference.
- 3. Baseball and softball playing season resolution.** The committee reviewed a resolution to be considered at the 2020 NCAA Convention (R-2020-12) from the Allegheny Mountain Collegiate Conference, the Commonwealth Coast Conference and the Michigan Intercollegiate Athletic Association, and co-sponsored by the Great Northeast Athletic Conference and the North Eastern Athletic Conference regarding a potential collaboration among the Division III Championships Committee and the Division III Baseball and Softball Committees to address scheduling and tournament timing concerns affecting schools in colder climates. The committee voted to take no position on the resolution at this point, preferring instead to let the discussion play out on the Convention floor. The committee also acknowledged that while weather-related challenges on various regions is an issue that has continually been debated over time, the resolution as stated is limited in the scope of a review and does not adequately address the totality of consequences (including budgetary) on conferences and institutions in the event a sport's season is extended.
- 4. Northeast Women's Golf Conference waiver appeal.** The committee acknowledged a request from the Northeast Women's Golf Conference to reconsider the 2018-19 women's golf season as Year 1 of the automatic qualification waiting period, given mitigating circumstances outlined by the conference. However, the committee declined to review the request because nothing factually has changed since the committee first considered the matter earlier this year that would alter the committee's previous decision to deny the waiver request.
- 5. Men's and women's cross-country regionals.** The committee approved the following as host sites for the 2020 and 2021 cross country regionals:

Region	Year	Host
Atlantic	2020	University of Rochester; Genesee Valley Park.
	2021	State University of New York at Geneseo; Letchworth State Park High Banks Rec Area.
Central	2020	St. Olaf College; Tostrud Center.
	2021	St. Olaf College; Tostrud Center.
Great Lakes	2020	Oberlin College; Oberlin College North Fields.
	2021	Franklin College/Blue River Sports Authority; Blue River Cross Country Course.
Midwest	2020	Dickinson College; Big Spring High School.
	2021	Dickinson College; Big Spring High School.
Midwest	2020	Augusta College (Illinois); Saukie Golf Course.
	2021	University of Wisconsin-Eau Claire; Whitetail Golf Course.
New England	2020	Connecticut College; Harkness Memorial State Park.
	2021	Connecticut College; Harkness Memorial State Park.
South/Southeast	2020	Shenandoah University; Kernstown Battlefield.
	2021	Converse College/Spartanburg Convention & Visitors Bureau; Roger Milliken Center.
West	2020	Whitman College; Veterans Memorial Golf Course.
	2021	Occidental College; Pomona-Pitzer Cross Country Course.

**6. Sport region project.** Brad Bankston and staff updated committee members on the status of the sport region project, referencing an October 10 teleconference with the Division III Commissioners Association and subsequent input from conferences regarding regional alignment in various sports. The committee acknowledged the significant progress in this initiative since the initial concepts were developed more than a year ago and the benefits of subsequent vetting through sport committees, coaches' associations and other membership groups. The current version of the project, including the most recent suggestions, will be reviewed during the commissioners' meeting in January and also sent to sport committees a final time for confirmation that the changes suggested to date are acceptable. In that vein, the committee asked staff to develop a document that includes a Q&A/fact sheet, the project's origins and principles, a timeline for next steps and proposed implementation, legislative impacts, and clarifications about the effects on rankings and bracketing decisions in order to help the commissioners and sport committees better understand the desired outcomes.

**7. Baseball Committee report.**

- Automatic qualification. The Championships Committee approved the following 40 conferences for automatic qualification to the 2020 NCAA Division III Baseball Championship: American Rivers Conference; Allegheny Mountain Collegiate Conference; American Southwest Conference; Capital Athletic Conference; Centennial Conference; College Conference of Illinois and Wisconsin; Colonial States Athletic Conference;

Commonwealth Coast Conference; Empire 8; Great Northeast Athletic Conference; Heartland Collegiate Athletic Conference; Landmark Conference; Liberty League; Little East Conference; Massachusetts State Collegiate Athletic Conference; Michigan Intercollegiate Athletic Association; Middle Atlantic Conference Commonwealth; Middle Atlantic Conference Freedom; Midwest Conference; Minnesota Intercollegiate Athletic Conference; New England Collegiate Conference; New England Small College Athletic Conference; New England Women's and Men's Athletic Conference; New Jersey Athletic Conference; North Atlantic Conference; North Coast Athletic Conference; North Eastern Athletic Conference; Northern Athletics Collegiate Conference; Northwest Conference; Ohio Athletic Conference; Old Dominion Athletic Conference; Presidents' Athletic Conference; Skyline Conference; St. Louis Intercollegiate Athletic Conference; Southern California Intercollegiate Athletic Conference; Southern Athletic Association; Southern Collegiate Athletic Conference; State University of New York Athletic Conference; USA South Athletic Conference; and Upper Midwest Athletic Conference.

**8. Other business.**

- Committee acknowledgements. The committee formally acknowledged the outstanding contributions from outgoing members Stevie Baker-Watson, Brad Bankston, Susan Fumagalli and Bill Stiles, whose terms on the committee expire in January.

*Committee Chair: Kiki Jacobs, Roger Williams University*

*Staff Liaisons: Liz Turner Suscha, Championships and Alliances  
Laura Peterson-Mlynski, Championships and Alliances  
Julie Sargent, Academic and Membership Affairs*

<b>Division III Championships Committee December 17, 2019, Teleconference</b>	
<b>Attendees:</b>	
Robin Baker, University of Wisconsin-Eau Claire.	
Stevie Baker-Watson, DePauw University.	
Brad Bankston, Old Dominion Athletic Conference.	
Jason Fein, Bates College.	
Kiki Jacobs, Roger Williams University.	
Penny Siqueiros, Wesleyan College (Georgia).	
Bill Stiles, Alvernia University.	
<b>Absentees:</b>	
Susan Fumagalli, Gettysburg College.	
Jake Santellano, University of Wisconsin-Whitewater.	
<b>Guests in Attendance:</b>	
Gary Brown, NCAA Contractor.	



<b>NCAA Staff Support in Attendance:</b>
Laura Peterson-Mlynski, Championships and Alliances.
Julie Sargent, Academic and Membership Affairs.
Liz Turner Suscha, Championships and Alliances.
<b>Other NCAA Staff Members in Attendance:</b>
Laura Klee, Louise McCleary.

REPORT OF THE  
NCAA DIVISION III FINANCIAL AID COMMITTEE  
NOVEMBER 11-12, 2019 MEETING

**ACTION ITEMS.**

**1. Legislative items.**

- None.

**2. Non-legislative items.**

- None.

**INFORMATIONAL ITEMS.**

- 1. Welcome and Introduction.** Outgoing members Stephanie Alford (Goucher College), Angel Mason (Berry College), Todd Moravec (Plattsburgh State University of New York), Charlie Robert (Nichols College) and James Schmidt (University of Wisconsin - Eau Claire) were recognized for their service.
- 2. Review February 2019 report.** The committee reviewed and approved the report from its February 11-12, 2019 meeting.
- 3. Appointment of committee chair.** Marybeth Lamb, Director of Athletics at Bridgewater State University, was appointed chair.
- 4. Level I reviews.** The committee reviewed 30 cases. During the deliberations, members of the committee recused themselves as necessary in accordance with the committee's conflict of interest policy. On review, the committee took the following actions:
  - a. Voted to take no action on the following 12 cases:**
    - (1) 2007-2-02;
    - (2) 2008-1-04;
    - (3) 2010-2-03;
    - (4) 2011-1-07;
    - (5) 2013-4-01;
    - (6) 2014-2-02;
    - (7) 2018-1-02;
    - (8) 2018-1-04;
    - (9) 2018-4-01;
    - (10) 2019-1-04;
    - (11) 2019-1-05; and
    - (12) 2019-1-06.

- b. **Voted to take no action on case 2007-1-16 with the condition of an automatic Level I Review in the 2020-21 reporting cycle.**
- c. **Voted to refer the following 17 cases to a Level II review:**
  - (1) 2005-1-01;
  - (2) 2005-1-04;
  - (3) 2005-1-13;
  - (4) 2005-3-07;
  - (5) 2005-3-19;
  - (6) 2005-4-03;
  - (7) 2005-4-06;
  - (8) 2006-1-09;
  - (9) 2008-1-06;
  - (10) 2009-1-08;
  - (11) 2009-3-03;
  - (12) 2013-2-02;
  - (13) 2019-1-01;
  - (14) 2019-1-02;
  - (15) 2019-1-03;
  - (16) 2019-4-01; and
  - (17) 2019-4-02.

5. **Graduate/Post-Baccalaureate transfer student-athlete cohort analysis.** The 2019-20 cycle of the Division III Financial Aid Reporting Program marks the first-time data on Graduate/Post-Baccalaureate transfer student-athletes was collected. See Attachment for the full report.

The committee reviewed the report and determined the following next steps:

- Staff will ensure the 2020-21 reporting cycle launch memorandum includes notice and instructions on the requirement to report the Graduate/Post- Baccalaureate transfer student-athlete cohort.
- In the 2020-21 review cycle, an institution that triggers a review based on their undergraduate cohort and has submitted a Graduate/Post-Baccalaureate transfer student-athlete cohort will have that information assessed along with the undergraduate cohort data.
- The committee will receive a report on the 2020-21 Graduate/Post- Baccalaureate transfer student-athlete cohort at its November 2020 meeting and consider implementing a review trigger related directly to the cohort.

- The committee suggested staff communicate directly with the 26 institutions that submitted the data in this reporting cycle with the reminder that compliance with Bylaw 15 (Financial Aid) is imperative as it relates to this group of student-athletes.
  - The committee charged staff to develop additional educational materials to promote compliance practices related to Graduate/Post-Baccalaureate transfer student-athletes and Bylaw 15. The committee suggested revising the Division III Consistent Financial Aid Package Resource and to consider revisions to the Institutional Self-Study Guide. Further, the committee recommended potential educational programming at the Regional Rules Seminars.
- 6. Review of financial aid interpretive requests.** Staff reported on the Bylaw 15 interpretive requests submitted with this calendar year. The two cases appealed to the Division III Interpretations and Legislation Committee were highlighted.
- a. Case 1048741 pertained to Bylaw 15.4.5 (Athletics Staff Involvement) where an athletics staff member was involved in organizing an applicant pool and determining program eligibility for a fellowship program, even though this individual was not involved in determining the recipients of the fellowship. The Division III Interpretations and Legislation Committee upheld the staff interpretation. This case originated with the Division III Financial Aid Committee's review of the institution and subsequent request for the institution to self-report the violation.
  - b. Case 1067630 pertained to Bylaw 15.01.5 (Student-Athlete Financial Aid Endowments or Funds) where the institution uses endowments to fund the institutional grant program. The endowed scholarships, which may contain consideration of athletics participation, ability, performance or leadership, are used to fund institutional grants after those grants have been awarded to the student. The institution maintains this practice is not a violation since the criteria of the endowed scholarship is not matched to the student until after they have already been awarded the institutional grant. The Division III Interpretations and Legislation Committee upheld the staff interpretation.

Additionally, the Financial Aid Committee noted it has frequently reviewed Level II justifications where endowed scholarships are part of an institution's student financial aid program and in some cases, it found violations. The committee reaffirmed its position that regardless of how endowed scholarships are incorporated into the student financial aid program, institutions cannot consider athletics participation, ability, performance or leadership.

7. **Governance Update.** Louise McCleary, Managing Director of Division III, provided an update to the committee on a wide range of Division III and NCAA topics.
  
8. **Review of the National Association for College Admission Counseling (NACAC) Code of Ethics.** The committee discussed the recent changes to the NACAC Code of Ethics and the potential impact on compliance with Bylaw 15 for Division III institutions. NACAC is a member association for college admissions counselors of which many NCAA institutions are members. In September, NACAC voted to remove the following provisions from their Code of Ethics:
  - Colleges must not offer incentives exclusive to students applying or admitted under an early decision application plan. Examples of incentives include the promise of special housing, enhanced financial aid packages, and special scholarships for early decision admits. Colleges may, however, disclose how admission rates for early decision differ from those for other admission plans.
  - College choice should be informed, well-considered, and free from coercion. Students require a reasonable amount of time to identify their college choices; complete applications for admission, financial aid, and scholarships; and decide which offer of admission to accept. Once students have committed themselves to a college, other colleges must respect that choice and cease recruiting them.
  - Colleges will not knowingly recruit or offer enrollment incentives to students who are already enrolled, registered, have declared their intent, or submitted contractual deposits to other institutions. May 1 is the point at which commitments to enroll become final, and colleges must respect that. The recognized exceptions are when students are admitted from a wait list, students initiate inquiries themselves, or cooperation is sought by institutions that provide transfer programs.
  - Colleges must not solicit transfer applications from a previous year's applicant or prospect pool unless the students have themselves initiated a transfer inquiry or the college has verified prior to contacting the students that they are either enrolled at a college that allows transfer recruitment from other colleges or are not currently enrolled in college.

The committee identified three potential areas of concern:

- The committee noted that the early decision application plan is widely used by Division III institutions and is frequently used as a recruiting tool by coaches to leverage enrollment. Prior to the change in the code, institutions did not offer financial aid incentives for early decision applicants. With this provision removed, institutions may begin to introduce incentives such as enhanced financial aid packages or special scholarships to induce enrollment via the early decision plan.

The committee noted the potential of violations to Bylaw 15.4.1-(c), related to a distinguishable pattern of awarding that benefits student-athletes, Bylaw 15.4.1- (d), related to a significant differential between the proportion of student-athletes in the enrolling class and the proportion of institutional gift aid they receive, and Bylaw 15.4.5, related to inappropriate athletics staff influence in the financial aid process. The committee noted the current financial aid reporting program could detect these potential issues and stressed the importance of the obligation Division III institutions have to self-assess compliance with Bylaw 15.

- Prior to the change to the code, once students had committed to an institution, typically in the form of a deposit, other institutions would cease recruiting them. With this provision removed, the committee voiced concern that active recruitment by admissions departments, and potentially coaches, could continue into the summer months. They believe the post-May 1 recruitment could be accompanied by revisions to the original financial aid packaged offered by the institution. Whether this is initiated by the prospective student or by the institution, there is potential of violations to Bylaw 15.4.1-(c), related to a distinguishable pattern of awarding that benefits student-athletes, Bylaw 15.4.1-(d), related to a significant differential between the proportion of student-athletes in the enrolling class and the proportion of institutional gift aid they receive, and Bylaw 15.4.5, related to inappropriate athletics staff influence in the financial aid process. The committee noted that coaches' associations have their own code of ethics that would deter coaches from initiating these contacts, directing their concern more pointedly to admissions staff under pressure to meet enrollment goals. The committee voiced belief in the current financial aid reporting program to detect potential issues but again stressed the importance of self-assessment by the institution.
- Open recruitment of students currently enrolled at another institution was prohibited prior to the change to the code in September. The committee saw two possible ways this could lead to compliance issues with Bylaw 15. First, the institution actively recruiting the student enrolled at another institution could offer enhanced financial aid or special scholarships to induce their transfer. On the other hand, the institution where that student is enrolled could do the same to entice the student to remain. Either way, there is potential for the consideration of athletics participation in the determination of that financial aid or scholarship which is a violation of Bylaw 15. Further, there is the potential for a violation of Bylaw 15.4.5, related to inappropriate athletics staff influence in the financial aid process. The committee recognized the current Division III bylaws regulating transfer between NCAA institutions and, as in the issue identified above, directed their concern to admission staff under pressure to meet enrollment goals. They noted the importance of self-assessment on the part of both institutions involved.

The committee instructed staff to do the following:

- Discuss the potential impact of these changes to the NACAC Code of Ethics with Division I and Division II staff and consider correspondence to NACAC and, in turn, the NACAC membership. The correspondence would serve as a reminder to ensure compliance with NCAA Bylaws regardless of the policy decisions institutions may make in light of the changes to the code.
- Discuss the potential impact of these changes with other Division III Academic and Membership Affairs staff to ensure there is recognition that the change to the Code of Ethics could have impact on compliance to bylaws other than Bylaw 15.
- Develop and send correspondence on behalf of the Division III Financial Aid Committee to Division III member institutions reminding them of their obligation to compliance with Bylaw 15 regardless of the policy decisions they may make in light of the changes to the code.

**9. Adjournment.** The committee adjourned 11:05 a.m. Eastern time, November 12, 2019.

*Committee Chair:* Angel Mason, Berry College; Southern Athletic Association

*Staff Liaisons:* Eric Hartung, Research  
Tiffany Alford, Academic and Membership Affairs

<b>NCAA Division III Financial Aid Committee November 11-12, 2019 Meeting</b>	
<b>Attendees:</b>	
Stephanie Alford, Goucher College; Landmark Conference.	
Marybeth Lamb, Bridgewater State University; Massachusetts State Collegiate Athletic Conference	
Paula Lehrberger, Widener University, Middle Atlantic Conferences	
Angel Mason, Berry College; Southern Athletic Association.	
Todd Moravec, Plattsburgh State University of New York; State University of New York Athletic Conference.	
Ron Noborikawa, Pacific Lutheran University; Northwest Conference.	
Charlyn Robert, Nichols College; Commonwealth Coast Conference.	
Larry Scheiderer, Denison University; North Coast Conference.	
James Schmidt, University of Wisconsin – Eau Claire; Wisconsin Intercollegiate Athletic Conference	
Kandis Schram, Maryville College; USA South.	
Jeffrey Stoudt, Franklin & Marshall College; Centennial Conference.	

Steve Taylor, Concordia University (WI); Northern Athletics Conference.
<b>NCAA Staff Support in Attendance:</b>
Eric Hartung and Tiffany Alford.
<b>Other NCAA Staff Members in Attendance:</b>
Louise McCleary.



**Summary of the Division III Graduate/Post-Baccalaureate Transfer Student-Athlete Cohort from the 2019-20 Division III Financial Aid Reporting Program**

Introduction

Division III rules, effective with the 2018-19 academic year, allow students who enrolled in a different Division III institution from where they completed their undergraduate degree to complete their available years of athletics eligibility at the new school while enrolled full-time in a graduate/post-baccalaureate studies program. Since these student-athletes are full-time, first-time enrollees at a Division III institution, they meet the definition for inclusion in the Division III Financial Aid Reporting Program. For the 2019-20 reporting cycle, a system was implemented to capture this information.

Definition of the Cohort

The final submission file for the Graduate/Post-Baccalaureate Transfer Student-Athlete Cohort will contain final financial aid package data on all full-time, first-time student-athletes entering the institution as graduate/post-baccalaureate students in the academic year requested. For example, the data file submitted for the 2019-20 reporting cycle included all full-time, first-time student-athletes that enrolled in a graduate/post-baccalaureate studies program at the institution in the 2018-2019 academic year.

Findings

<b>Institutions</b>	
Number Institutions Reporting Overall	442
Number Institutions Reporting Graduate/Post-Baccalaureate Transfer Student-Athlete Data	26
Public/Private Designation	5/21
Carnegie Classifications Represented	
Baccalaureate Colleges	6
Masters Colleges and Universities	15
Doctoral Universities	5
Number of Athletic Conferences Represented	20

<b>Student-Athletes</b>	
Number Graduate/Post-Baccalaureate Transfer Student-Athletes in Cohort	36
Range per Institution	1 to 3
Institutions per Frequency	
1 student-athlete	19
2 student-athletes	4
3 student-athletes	3

Number Student-Athletes by Sport	
Baseball	4
Men's Basketball	3
Men's Cross Country/Track	4
Men's Golf	1
Football	5
Men's Lacrosse	1
Men's Soccer	2
Men's Swimming	2
Men's Multi-Sport	1
Women's Basketball	3
Women's Cross Country/Track	3
Field Hockey	1
Women's Golf	1
Women's Lacrosse	1
Softball	1
Women's Soccer	1
Women's Swimming	2
Women's Tennis	1
Women's Volleyball	1

Financial Aid	
Number Graduate/Post-Baccalaureate Transfer Student-Athletes in Cohort	36
Number Received Institutional Gift Aid	12
Average Institutional Gift Aid	\$14,995
Range of Institutional Gift Aid	\$1,000 to \$34,000
Number Received Any Form of Gift Aid	16
Average Total Gift Aid	\$19,036
Range of Total Gift Aid	\$1,000 to \$86,233



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
OCTOBER 17, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Review September report.** The committee reviewed and approved the report from its September 24-25 in-person meeting.
- 2. Appeal of RSRO Case No. 1067630.** The committee reviewed whether an institution may award funds from donor endowments that support the financial aid budget if the endowments reference some aspect of athletics, but the assignment of endowments to specific students does not occur until months after such financial aid awards are made. As part of its examination of the issue, the committee reviewed the Official Interpretation dated 3/24/08 titled, "Institutional Financial Aid with Language Preferential to Student-Athletes (III)" as well as a precedent case from 2010 decided by the committee. The committee confirmed staff's position that institutional endowments that support the financial aid budget and reference athletics as a consideration for the award are contrary to Article 15 (See Bylaws 15.01.2, 15.01.3, 15.01.4, 15.01.5, and 15.4.1) regardless of the process or timing for granting financial aid.
- 3. Convention Proposal Q & A.** The committee was provided with an initial draft of a portion of the 2020 Convention question and answer document. The committee was asked to review the document and provide the staff with feedback via email.
- 4. Future meetings.** The committee reviewed dates and times for upcoming meetings and teleconferences.
- 5. Adjournment.** The committee adjourned at 1 p.m. Eastern time October 17, 2019.

*Committee Chair:*

*Angie Morenz, Blackburn College*

*Staff Liaisons:*

*Jeff Myers, Academic and Membership Affairs*

*Kaitlyn Purcell, Academic and Membership Affairs*

*Bill Regan, Academic and Membership Affairs*

<b>NCAA Division III Interpretations and Legislation Committee October 17, 2019, Meeting</b>	
<b>Attendees:</b>	
Amy J. Backus, Case Western Reserve University.	
Jim Cranmer, St. Mary's College of Maryland.	
Annabelle Feist, Williams College (student-athlete).	
Gregg Kaye, Commonwealth Coast Conference.	
Allie Littlefox, Mills College.	
Angie Morenz, Blackburn College.	
Michelle Morgan, John Carroll University.	
Mila C. Su, Plattsburgh State University of New York.	
<b>Absentees:</b>	
<b>NCAA Staff Liaisons in Attendance:</b>	
Jeff Myers and Bill Regan.	
<b>Other NCAA Staff Members in Attendance:</b>	
Tiffany Alford, Anyssa Barbosa, Corey Berg and Louise McCleary.	



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
NOVEMBER 6, 2019 TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Review October report.** The committee reviewed and approved the report from its October 17 teleconference.
- 2. 2020 NCAA Convention question and answer guide.** The committee reviewed and provided the staff with feedback regarding the 2020 NCAA Convention Division III Legislative Proposals Question and Answer guide.
- 3. Future meetings.** The committee reviewed dates and times for upcoming meetings and teleconferences.
- 4. Adjournment.** The committee adjourned at 11:57 a.m. Eastern time.

*Committee Chair:* Angie Morenz, Blackburn College  
*Staff Liaisons:* Jeff Myers, Academic and Membership Affairs  
 Kaitlyn Purcell, Academic and Membership Affairs  
 Bill Regan, Academic and Membership Affairs

<b>NCAA Division III Interpretations and Legislation Committee November 6, 2019, Meeting</b>
<b>Attendees:</b>
Amy J. Backus, Case Western Reserve University.
Jim Cranmer, St. Mary's College of Maryland.
Annabelle Feist, Williams College (student-athlete).
Gregg Kaye, Commonwealth Coast Conference.
Allie Littlefox, Mills College.
Angie Morenz, Blackburn College.
Michelle Morgan, John Carroll University.
Mila C. Su, Plattsburgh State University of New York.

<b>Absentees:</b>
None.
<b>NCAA Staff Liaisons in Attendance:</b>
Jeff Myers and Bill Regan.
<b>Other NCAA Staff Members in Attendance:</b>
Tiffany Alford, Anyssa Barbosa, and Corey Berg.



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
NOVEMBER 21, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Review November 6 report.** The committee reviewed and approved the report from its November 6 teleconference.
- 2. Appeal of RSRO Case No. 1080661.** The committee reviewed an NCAA staff decision that a conference, per Bylaw 31.3.3.1.1, needs to have the same seven members sponsor the sport for two consecutive years to satisfy the waiting period for an automatic qualification to a Division III championship. The conference asserted that it was only required to have seven institutions sponsor the sport in each of the two years, but those institutions did not have to be the same for both years. The committee confirmed staff's position relying on the plain meaning of Bylaw 31.3.3.1.1 as confirmed by the rationale statement of Proposal No. ADM 2004-4 which established the criteria set forth in the bylaw.
- 3. 2020 NCAA Convention question and answer guide.** The committee reviewed and provided the staff with feedback regarding the 2020 NCAA Convention Division III Legislative Proposals Question and Answer guide.
- 4. Future meetings.** The committee reviewed dates and times for upcoming meetings and teleconferences.
- 5. Adjournment.** The committee adjourned at 1 p.m. Eastern time.

*Committee Chair: Angie Morenz, Blackburn College*

*Staff Liaisons: Jeff Myers, Academic and Membership Affairs  
Kaitlyn Purcell, Academic and Membership Affairs  
Bill Regan, Academic and Membership Affairs*

<b>NCAA Division III Interpretations and Legislation Committee November 21, 2019, Meeting</b>	
<b>Attendees:</b>	
Amy J. Backus, Case Western Reserve University.	
Jim Cranmer, St. Mary's College of Maryland.	
Annabelle Feist, Williams College (student-athlete).	
Gregg Kaye, Commonwealth Coast Conference.	
Allie Littlefox, Mills College.	
Angie Morenz, Blackburn College.	
Michelle Morgan, John Carroll University.	
Mila C. Su, Plattsburgh State University of New York.	
<b>Absentees:</b>	
None.	
<b>Guest in Attendance:</b>	
Kelly Higgins, American Collegiate Athletic Association.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Jeff Myers and Bill Regan.	
<b>Other NCAA Staff Members in Attendance:</b>	
Tiffany Alford, Anyssa Barbosa, and Corey Berg.	





**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
DECEMBER 4, 2019, ELECTRONIC MAIL**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. 2020 NCAA Convention question and answer guide.** The committee reviewed and approved the 2020 NCAA Convention Division III Legislative Proposals Question and Answer guide.

*Committee Chair: Angie Morenz, Blackburn College*  
*Staff Liaisons: Jeff Myers, Academic and Membership Affairs*  
*Kaitlyn Purcell, Academic and Membership Affairs*  
*Bill Regan, Academic and Membership Affairs*

<b>NCAA Division III Interpretations and Legislation Committee December 4, 2019, Electronic Mail</b>
<b>Attendees:</b>
Amy J. Backus, Case Western Reserve University.
Jim Cranmer, St. Mary's College of Maryland.
Annabelle Feist, Williams College (student-athlete).
Gregg Kaye, Commonwealth Coast Conference.
Allie Littlefox, Mills College.
Angie Morenz, Blackburn College.
Michelle Morgan, John Carroll University.
Mila C. Su, Plattsburgh State University of New York.
<b>Absentees:</b>
None.
<b>NCAA Staff Liaisons in Attendance:</b>
Jeff Myers and Bill Regan.
<b>Other NCAA Staff Members in Attendance:</b>
Anyssa Barbosa.



**REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
DECEMBER 20, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Review appeal of RSRO Case No. 1085784.** The committee reviewed whether a prospective student-athlete in the sport of ice hockey who is enrolling mid-year at a Division III institution would need to complete the 5-day acclimatization period required per Bylaw 17.13.3.1 if the PSA participated with a noncollegiate ice hockey team during the same season. The committee confirmed staff's position that an ice hockey PSA enrolling midyear would need to complete the 5-day acclimatization required per Bylaw 17.13.3.1.
- 2. Adjournment.** The committee adjourned at 10:40 a.m. Eastern time.

*Committee Chair:* Angie Morenz, Blackburn College  
*Staff Liaisons:* Jeff Myers, Academic and Membership Affairs  
 Kaitlyn Purcell, Academic and Membership Affairs  
 Bill Regan, Academic and Membership Affairs

<b>NCAA Division III Interpretations and Legislation Committee December 20, 2019, Teleconference</b>
<b>Attendees:</b>
Amy J. Backus, Case Western Reserve University.
Jim Cranmer, St. Mary's College of Maryland.
Gregg Kaye, Commonwealth Coast Conference.
Allie Littlefox, Mills College.
Angie Morenz, Blackburn College.
Mila C. Su, Plattsburgh State University of New York.
<b>Absentees:</b>
Annabelle Feist, Williams College (student-athlete) and Michelle Morgan, John Carroll University.
<b>Guest in Attendance:</b>
B. L. Elfring, University of Southern Maine.
<b>NCAA Staff Liaisons in Attendance:</b>
Jeff Myers and Bill Regan.
<b>Other NCAA Staff Members in Attendance:</b>
Brad Rochman.



## Interpretative Appeal

Institution is appealing the following decision rendered by the NCAA Division III Interpretations and Legislation Committee on October 17, 2019:

**Appeal of RSRO Case No. 1067630.** The committee reviewed whether an institution may award funds from donor endowments that support the financial aid budget if the endowments reference some aspect of athletics, but the assignment of endowments to specific students does not occur until months after such financial aid awards are made. As part of its examination of the issue, the committee reviewed the Official Interpretation dated March 24, 2008 titled "Institutional Financial Aid with Language Preferential to Student-Athletes (III)" as well as a precedent case from 2010 decided by the committee. The committee confirmed staff's position that institutional endowments that support the financial aid budget and reference athletics as a consideration for the award are contrary to Article 15 (See NCAA Bylaws 15.01.2, 15.01.3, 15.01.4, 15.01.5, and 15.4.1) regardless of the process or timing for granting financial aid.

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1. Standard of Review.
2. Institution's Notice of Appeal.
3. Committee's decision and rationale.
4. Case precedent.
5. Proposal No. 2004-55.



## **Appeals Standard of Review**

A Council shall not alter the decision of the committee, subcommittee or Council that initially decided the matter unless it concludes that the committee, subcommittee or Council erred in its decision in a manner that, in the judgment of the Council affected the decision. The finding of such an error shall be based upon a determination of one of the following:

- The committee, subcommittee or Council improperly applied NCAA legislation or official interpretations;
- The committee, subcommittee or Council took an action inconsistent with established precedent; or
- The committee, subcommittee or Council deviated from its approved procedures or that the decision is clearly erroneous.

[Division III Management Council Policies and Procedures]



*President's Office*

December 9, 2019

*[Via NCAA Requests/Self Reports Portal]*

National Collegiate Athletic Association  
Division III – Management Council  
Indianapolis, Indiana 46206

Re: Appeal of Rule Interpretation

To the Members of the Division III Management Council:

Claremont McKenna College (“College”) appeals the NCAA’s interpretation of Division III Bylaw 15, as applied to language that valorizes the student-athlete experience in a limited number of its financial aid endowments. These endowments do not treat student-athletes more favorably in the financial aid process. Assignment of the endowment name to a specific student occurs only after a student is enrolled and started classes, and that assignment is done only for purposes of donor stewardship. Students assigned to any specific endowed name have already received their complete financial aid package months earlier through the College’s Office of Financial Aid. The Office of Financial Aid has strong policies to prohibit the consideration of athletic participation, athletic leadership, athletic performance, or athletic ability to track Bylaw 15. The College’s advancement stewardship team (the “Advancement Team”) that matches students to donors is completely separate from the Office of Financial Aid. Both the College’s strong policies and the internal controls referenced in this paragraph satisfy the intent and spirit of Bylaw 15. Accordingly, the College asks the Division III Management Council to revisit and reverse the prior precedent upon which the NCAA relied in its original rule interpretation.

#### Procedural History

The College submitted its first request for a rule interpretation regarding its donor endowments on Friday, August 16, 2019. Just three business days later, on August 21, 2019, the NCAA mechanically applied Bylaw 15 and cited to a decade-old precedent from August 2010 (of which the College was aware) and found that the College’s donor endowments were not consistent with Bylaw 15. On September 20, 2019, the College appealed the NCAA’s interpretation to the Division III Interpretations and Legislation Committee. This Committee upheld the original decision based on prior precedent. As with the prior interpretation request, the NCAA gave little to no apparent weight to the College’s significant and intentional procedural protections prohibiting the consideration of athletic participation, leadership, performance, or ability in the financial aid assignment process. Similarly, no consideration was

apparently given to the fact that the pairings occur months after aid is awarded to a student, that the Advancement Team is separate from the Office of Financial Aid, and that the Advancement Team provides *no* additional funds to the students.

This issue should be reviewed by the Management Council because both the NCAA's interpretation response and the response from the Interpretations and Legislation Committee erred insofar as both relied upon precedent that applied Bylaw 15 beyond what was originally intended by the legislation. In that regard, the decisions were also clearly erroneous insofar as they ignored the College's procedural protections and the steps taken by the College to effectuate Bylaw 15. Hopefully the Management Council recognizes that the process in question is worthy of review and revision, as the College's approach – like so many of its peers – strives to protect the integrity of Division III competition within the complexities of the modern financial systems operating at many Division III institutions across the country. The NCAA's current interpretation of Bylaw 15 is draconian and overly mechanical, as demonstrated clearly by the history of this case, in which each decision was issued in a matter of only days and with little to identify what exactly is improper with the College's process or what process could survive a challenge under Bylaw 15.

The College is fully committed to the original intent and values that inform Bylaw 15. We ask the NCAA to apply that intent here, reverse its precedent, and allow institutions the autonomy to create practical systems to utilize endowed funds without running afoul of the rules. As alluded to above, the College humbly suggests that its process, which was very thoughtfully designed with Bylaw 15 in mind, could be a model for other institutions if the NCAA would only consider it.

#### Relevant Background of Bylaw 15 Revisions

At the 1999 NCAA Division III Presidents Council meeting, Bylaw 15 was amended to remove references that governed institutional financial aid that were more applicable to Division I and Division II institutions. The rationale was to be more consistent with the Division III philosophy that athletic participants are not to be treated differently from other members of the student body. While these amendments were made to separate Division III from Divisions I or II, the change did not “eliminate the prohibition against the consideration of athletic ability in [the] awarding of institutional aid.”<sup>1</sup> Notably, the NCAA's focus appeared, at least in part, to be on the *actual award* of institutional aid, and the College has gone to great lengths to design a policy and process that supports the NCAA's position.

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<sup>1</sup> NCAA Division III Presidents Council, Proposal Number 1999-29, DIVISION III FINANCIAL AID – ELIGIBILITY FOR INSTITUTIONAL AID, Convention Year 1999, date submitted January 1, 1999, effective date August 1, 1999.

In 2004, at the NCAA Division III Presidents Council meeting, Bylaw 15 was further amended to eliminate the use of endowed funds specifically designated for student-athletes in their financial aid budgets. The rationale behind this amendment was two-fold. First, eliminating endowed funds specifically designated for student-athletes was consistent with the Division III philosophy of prohibiting awards of athletically related financial aid to students. Second, it appeared at the time as though there was not a significant number of institutions that had the ability to utilize such endowment funds.<sup>2</sup> At the 2007 NCAA Division III Presidents Council meeting, the title of Bylaw 15.01.5 was amended to be titled “Student-Athlete Financial Aid Endowment or Funds,” to further clarify that endowments or funds designated to finance the financial aid packages of student-athletes were prohibited.<sup>3</sup>

Compounding the problem, in 2010 the NCAA issued a broad opinion involving Bylaw 15 and endowed scholarships at another institution. The NCAA determined the scholarships violated Bylaw 15 because within the list of criteria for the endowed fund there was a preference given based on athletics. Even in that case, the endowed fund did not increase the already determined financial aid, but it may have been reserved for student-athletes only. While the NCAA could have issued a nuanced and surgical opinion that defined appropriate considerations for endowed funds, instead the opinion proclaimed that, regardless of how the scholarship was awarded, having preferential language towards athletes in an endowment directive violated Bylaw 15. Additionally, the NCAA explained that it was not permissible for an institution to award financial aid to a student-athlete from *any institutional source* (including endowments) if criteria indicated a preference for awarding funds to a student-athlete.

The NCAA’s edits to Bylaw 15, and the application of the revised legislation in the case currently relied upon by the NCAA as controlling precedent, substantially expanded the universe of Bylaw’s 15 reach. Once the Bylaw extended beyond financial aid *awards*, which are typically assigned through some level of objective formula by institutional financial aid offices and with internal rules (*i.e.*, no consideration of athletics), its reach and impact implicated institutional advancement offices that primarily solicit donors in an effort to support the larger institution. Donors do not have any impact on the day-to-day operations of an institution, and some want to have their donation reflect athletic endeavors for any number of legitimate reasons. In some cases, donors may wish to recognize athletics because they were athletes, and it is those funds that should be scrutinized most carefully to ensure that the endowed fund in question is not providing an additional financial benefit to a student-athlete. However, in other instances, the relevant portion of an endowment may merely be that the recipient must have the same passion

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<sup>2</sup> NCAA Division III Presidents Council, Proposal Number 2004-55, FINANCIAL AID – ATHLETICS ENDOWMENTS, Convention Year 2004, date submitted August 14, 2003, effective date August 1, 2008.

<sup>3</sup> NCAA Division III Presidents Council, Proposal Number 2007-19, FINANCIAL AID – GENERAL PRINCIPALS – STUDENT-ATHLETE FINANCIAL AID ENDOWMENT OR FUND, Convention Year 2007, date submitted April 26, 2006, effective date Immediate.

for a sport as the donor, regardless of whether they play the sport or not, *e.g.*, “the recipient of X fund must have a passion for growing the game of women’s soccer.” In this second example, the student-recipient need not be a soccer player, but could be a supporter who is merely invested in the sport in a number of appropriate and non-NCAA covered ways.<sup>4</sup>

It is at this micro-level of individual decision making where the NCAA should allow more flexibility and autonomy in how institutions oversee donors and their interests. The NCAA should focus on whether institutions have appropriate and functioning policies to prevent abuse of such systems that would allow institutions to circumvent the Division III prohibition on athletic scholarships. If the institutions do not have such policies, that institutions could easily violate Bylaw 15 and should be held accountable. However, if institutions have effective policies, as the College does, then those policies and corresponding processes should be considered on a case-by-case basis to ensure that an institution is operating consistent with Bylaw 15. This individualized, case-by-case review is no different than how the NCAA polices infractions that are identified not by a class of individuals, but by the conduct that occurred within the athletic program, *e.g.*, individuals student eligibility infractions.

#### The College’s Process Complies with the Original Intent of Bylaw 15

As described in the prior interpretation request and subsequent appeal, the College has a need-blind admission policy and a stated commitment to meet the demonstrated financial need for all admitted U.S. citizens and permanent residents. Applicants are reviewed on a holistic basis, taking into account academic and personal achievement. Within this holistic evaluation, admission officers recommend students for scholarships who have demonstrated exceptional academic achievement and distinctive personal accomplishments. Importantly, athletic participation, athletic leadership, athletic performance, or athletic ability are *not* part of the criteria for any financial aid or scholarships awarded by admission officers, and the College has explicit policies and practices in place that prohibit communications between Athletics staff and the College’s Office of Financial Aid. That is, if a member of the Athletics staff were to contact the College’s Office of Financial Aid – against the institutional policies of Athletics and the College – financial aid staff, per their training, will not engage with them on the topic of financial aid awards. This is completely consistent with the Division III prohibition regarding athletically-related financial awards.

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<sup>4</sup> The use of women’s soccer as an example is not incidental. Given the success of the women’s national team both on the field and in their advocacy for other social issues, it may well be that future endowments are focused on awarding students who model the social stances adopted by certain athletes in soccer and in many other professional sporting endeavors. Through this lens, the NCAA’s correction to the interpretation of Bylaw 15 may serve as a remedial measure to avoid problems in the future.



It is only well into the fall, months *after* the College's financial aid awarding process is completed and a student has already begun classes, that the Advancement Team enters the picture for the first time. At this point (and no earlier), the Office of Financial Aid sends the Advancement Team a list of enrolled students who already received institutional awards as a part of their financial aid packages. The Advancement Team determines whether a student who *already received institutional financial aid* matches any defined preferences of a specific endowed scholarship fund, which may include interest in an athletic activity in a very small number of cases. Importantly, the College does not provide any new awards to students beyond what was previously awarded by the Office of Financial Aid. Instead, the Advancement Team simply matches students with donors and there are absolutely no financial implications at this stage. In this regard, it is akin to a *post hoc* administrative process to enhance donor goodwill for the benefit of the entire student body, present and future. Moreover, the endowment funds support athletes and non-athletes alike, regardless of awarded amounts, which also supports the NCAA's philosophy that student-athletes are first and foremost students and are treated no differently than any other student.

#### Revisiting Bylaw 15 for the Betterment of All Division III Institutions and Students

It has been two decades since the NCAA first revised Bylaw 15 to tailor it to Division III institutions. It has been almost a decade since the NCAA further expanded that interpretation through legislative revision and precedent to have a much larger impact on institutional funding systems, which have only grown in their complexity. During these two decades, it is not apparent that the NCAA has considered what processes could achieve the goals of Bylaw 15 in such a way that would preserve competitive integrity while also allowing for alternative funding systems that could benefit all students. The College offers its own system up as just such an alternative that, if executed appropriately, could provide a tool for the NCAA to continue to enforce its rules, while also allowing more autonomy and discretion for institutions.

To summarize that system and those protections, the College's process has the following highlights:

- The actual financial aid award is made by the Office of Financial Aid and does not consider athletic participation, athletic leadership, athletic performance, or athletic ability in any way. Such considerations are explicitly prohibited, in strict accord with Bylaw 15.
- The possible pairing of a student with an endowed fund occurs by a different group of individuals (the Advancement Team) only *after* the College already awarded institutional financial aid dollars to the student in accord with Bylaw 15. Because of the College's chosen structure of pairing endowed funds, it actually furthers the

NCAA's philosophy of treating all students equally, without providing prohibited athletically related aid. Under the NCAA's current application of Bylaw 15, student-athletes are being treated unequally for no real purpose. That is, if an aid award is completed (and unchanging) months earlier, student-athletes are denied the opportunity to be matched with a donor who may turn into a mentor or a role model for the student. A goal of the Advancement Team is not only to create goodwill from the donors, but also to establish relationships that may serve both the College, the students, and the donors long after a matched student graduates from the College.

- The College does not increase or change the award made by the Office of Financial Aid as a result of this matching process. If a student is paired with an endowed scholarship that provides more money than the student's demonstrated need, the balance of the scholarship is released back into the general pool so that other students can be paired with that same scholarship. Additionally, the endowed funds are released into the collective aid pool to be distributed to *any* student whether or not the Advancement Team matches a student with the donor's stated preferences. Thus, the College is not holding in reserves or setting aside an amount of money specific to particular sports or student-athletes.

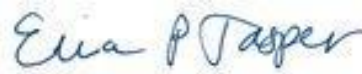
Again, the College understands the reason that athletically-related student aid or awards are prohibited by the NCAA at the Division III level, and the College has clear policies and internal structures to support that position. The strong and clear divide created between athletics and the College's financial aid system is the primary example of those policies and internal structures. The work of the Advancement Team is even further removed from the assignment of financial aid in time, personnel, and mandate, insofar as the Team's primary goal is matching endowed funds to already-established aid awards. Accordingly, the College believes that its financial aid and donor endowed scholarship programs comply with both the letter and spirit of NCAA Bylaw 15 and it is pursuing this appeal with the anticipation that the Management Council will broaden its application of the Bylaw to reflect the complexity of institutional aid processes at the College and beyond. In sum, the College asks the NCAA to put down the hammer and pick up the scalpel for this important issue.

Please let us know if you have any questions or need additional information. Thank you in advance for your consideration.

Very truly yours,



Hiram E. Chodosh  
President and Professor of the College



Erica P. Jasper  
Director of Athletics

HEC: MG



## NCAA Division III Interpretations and Legislation Committee Interpretative Analysis

### Interpretative issue.

Whether an institution may award funds from donor endowments that support the financial aid budget if the endowments reference some aspect of athletics, but the assignments of endowments to specific students do not occur until months after such financial aid awards are made?

### Committee decision.

The NCAA Division III Interpretations and Legislation Committee reviewed the Official Interpretation dated March 24, 2008 titled "Institutional Financial Aid with Language Preferential to Student-Athletes (III)" as well as a precedent case from 2010 decided by the committee. The committee confirmed that institutional endowments that support the financial aid budget and reference athletics as a consideration for the award are contrary to Article 15 (See NCAA Division III Bylaws 15.01.2, 15.01.3, 15.01.4, 15.01.5, and 15.4.1) regardless of the process or timing for granting financial aid. [Committee Report 10.17.19]

### Interpretative analysis.

This specific interpretative issue has been reviewed by the committee in 2007 and 2010. The current committee decision is consistent with those two previous reviews.

The analysis starts with a review of NCAA Division III Proposal No. 2004-55 which eliminated the exception allowing certain endowed funds to be specifically designated for student-athletes. The change is reflected in the following:

15.01.5 Athletics Funds or Endowments. No part of an institution's financial aid budget shall be set aside either for particular sports or for athletics in general, nor may an institution establish athletically related quotas of financial aid recipients. *However, income from endowment funds that were received by the institution prior to January 1, 1979, and specifically designated for student athletes can be awarded to student athletes, provided the institution complies with the requirements set forth in Bylaw 15.4.1.*

This proposal, passed in 2004, had a delayed effective date until 2008 to provide "reasonable notice for all institutions to address issues related to endowed funds and will not negatively impact any student-athletes currently receiving the benefits of such funds." (Rationale statement of Proposal No. 2004-55.)

In 2007, prior to the effective date of the proposal, a member institution inquired whether it was permissible to award financial aid to student-athletes from endowments containing language preferential to student-athletes. The awarding practices of the institution were similar to that of the institution appealing the instant matter. The facts of that case indicated:

*The institution has endowments which are not specifically designated for student-athletes but contain language that it is preferred that the funds be used for student-athletes. In practice, the funds from these endowments may be used for any student. This particular institution meets 100 percent of need for all students; and thus, the institution claims that all students received the same amount of aid regardless of their athletic status. Furthermore, the institution explains that new students are promised a financial aid package prior to enrollment but the specific endowments used to fund that package is not decided until the following March. Thus, the preferential language in the endowments is not considered until the students are enrolled and well after the institution commits to the financial aid package. [Financial Aid Committee 10/17/2007 Supplement No. 3; included in Precedent Case]*

This issue was raised to both the NCAA Division III Financial Aid Committee and the Interpretations and Legislation Committee. The Financial Aid Committee stated the following:

*The committee noted that the part of Bylaw 15.01.5 that permitted institutions to award student-athletes financial aid from the income of endowed funds that were received by the institution prior to January 1, 1979, and specifically designated for student-athletes, will no longer be in effect as of August 1, 2008. The committee noted that by deleting this language from the bylaw it was understood that endowment language that distinguished student-athletes as preferred recipients of endowment funds was prohibited. Based on this discussion, NCAA staff will examine the necessity of further clarification or action regarding this issue and report back to the Committee at the November in-person meeting. [Financial Aid Committee Minutes 10/17/07]*

Based on the Financial Aid Committee's discussion, NCAA staff issued an interpretation which was reviewed by ILC and elevated to the following Official Interpretation:

#### Institutional Financial Aid with Language Preferential to Student-Athletes (III)

Division: III

Date Issued: March 24, 2008

Date Published: March 24, 2008

Item Ref: 6 (Jan 2008 ILC Minutes)

#### Interpretation:

The Division III Interpretations and Legislation Committee confirmed that it is not permissible for an institution to award financial aid to a student-athlete from any institutional source of funds (e.g., endowments) which includes criteria indicating a preference for awarding the funds to a student-athlete. [References: NCAA Bylaws 15.01.3 (institutional financial aid), 15.01.5 (student-athlete financial aid

endowments or funds) and 15.4.1 (consistent financial aid package); and a staff interpretation (11/7/01, Item No. 1) which has been archived]

In 2010, a member institution asked ILC to review the matter again. The awarding process employed by the institution was similar to both the current institution and the institution at issue in the 2007 case. In the 2010 case, the institution stated that:

*Incoming students are awarded a financial aidpackage and then later in a student's first year, the institution matches scholarships with financial aid packages. Therefore, the initial determination of the student-athlete's financial aid package has nothing to do with the Endowed Scholarship. ... The process implemented by the institution negates any consideration of athletics and therefore a violatio does not occur. [See Precedent Case]*

The committee likewise denied that appeal, and agreed that, "*the institution's endowed scholarship was contrary to the legislation and an official interpretation (3/24/08, Item No. 6) which clearly addresses the issue.*" (Excerpt from October 2010 report to Management Council)

Based on the legislative change through Proposal No. 2004-55 and futher clarified by the March 24, 2008 Official Interpretation, as well as the 2010 precedent case, ILC agreed that the institution's endowments were contrary to Bylaw 15.

## Appeal of Staff Interpretation Regarding Endowed Scholarships (2010)

### Issue.

A member institution is appealing an interpretation provided by NCAA staff indicating that it is impermissible for a member institution to have an endowed scholarship that identifies student-athletes as preferred recipients.

### Institution's Position.

The institution states that while this specific endowed scholarship indicates that student-athletes are preferred recipients, athletics is not considered in determining the award package of any student. The school explained that all students are awarded financial aid irrespective of athletics. Incoming students are awarded a financial aid package and then later in a student's first year, the institution matches scholarships with financial aid packages. Therefore, the initial determination of the student-athlete's financial aid package has nothing to do with the Endowed Scholarship. The endowed scholarship provides relief to the financial aid budget by replacing need-based aid that would come from the financial aid budget with dollars that come from the endowed scholarship budget, thereby providing relief to the financial aid budget. The process implemented by the institution negates any consideration of athletics and therefore a violation does not occur. The institution submitted the following two documents in support of its position:

1. August 20, 2009, letter and accompanying supplements from institution to NCAA enforcement staff. [Attachment A]
2. July 13, 2009, letter and accompanying supplements from institution to enforcement staff. [Attachment B]

### Staff's Interpretation.

The staff relied on the following official interpretation when indicating the institution was in violation of NCAA legislation:

**Official Interpretation: Institutional Financial Aid with Language Preferential to Student-Athletes (III)**

**Date Issued:** March 24, 2008

**Date Published:** March 24, 2008, Item Reference No. 6 (January 2008 NCAA Division III Interpretations and Legislation Committee Minutes)

**Interpretation:** The Interpretations and Legislation Committee confirmed that it is not permissible for an institution to award financial aid to a student-athlete from any institutional source of funds (e.g., endowments) which includes criteria indicating a preference for awarding the funds to a student-athlete. [References: NCAA Bylaws 15.01.3 (institutional

financial aid), 15.01.5 (student-athlete financial aid endowments or funds) and 15.4.1 (consistent financial aid package); and a staff interpretation (11/7/01, Item No. 1) which has been archived]

This official interpretation came from a fact pattern that is similar, if not identical to, the situation presented by the appealing institution. That fact pattern involved an institution that met 100 percent of financial need and like the appealing institution, awarded an initial financial aid package but did not match the scholarship to the award, until winter of the student's first year. The NCAA Division III Financial Aid Committee and the Interpretations and Legislation Committee reviewed that situation, which ultimately resulted in the March 24, 2008, Official Interpretation. The August 2nd letter to the institution [Attachment C] sets forth the interpretative history as well as additional details regarding the facts that resulted in the March 24, 2008, interpretation.

This official interpretation and the previous discussion engaged in by both the Financial Aid Committee and this Committee provided clear guidance to the academic and membership affairs staff in providing the initial response that the language in the endowed scholarship constituted a violation of NCAA legislation.

### **Options**

1. Confirm the NCAA staff's interpretation.
2. If this Committee feels the issue was decided wrongly in the past, recommend that the March 24, 2008, Official Interpretation, be reversed or modified. Because it is an official interpretation, that will have to take the form of a recommendation to the NCAA Division III Management Council.



[REDACTED]

August 20, 2009

Dear Mr. Grams and the NCAA Division III Committee on Infractions,

We have received your letter dated July 22<sup>nd</sup> 2009, and [REDACTED] wishes to appeal the assertion that we are in violation of NCAA regulations regarding financial aid awards. We believe there are misunderstandings concerning the [REDACTED] scholarship, and we continue to believe that the name and existence of this scholarship does not violate important principles of the NCAA to which we wholeheartedly subscribe.

The [REDACTED] scholarship stands in *name-only* to recognize a gift made to the general operating budget in recognition of the outstanding service that [REDACTED] has given [REDACTED]. Any student who has been awarded a need-based grant based on standard financial aid award protocol may have his/her grant retroactively re-named for the purposes of participating in an acknowledgment program with [REDACTED]. As such, [REDACTED] is in full compliance with NCAA Bylaws 15.01.3, 4 and 5, as all dollars in the financial aid budget are available to all students equitably and none are set aside for particular sports or for athletics in general.

Put simply, there are no NCAA legislative guidelines that address naming of institutional financial aid awards.

Attached is additional evidence supporting this appeal. Also enclosed are the documents included in [REDACTED] previous response to Mr. Mike Horn. These are provided again, along with the clarifications for this appeal, for review and additional consideration. If any subsequent information is required, please contact us. We are eager for resolution in this matter.

Additionally, for the record, please note that [REDACTED] athletic department address is as follows: [REDACTED]  
[REDACTED]. Both the June 2 and July 22 correspondence from your office regarding this matter contains the postal address for [REDACTED]  
[REDACTED]. As requested previously, please change the record in your database. If not for email, [REDACTED] would have never received this communication.

Sincerely,

[REDACTED]

cc: Mike Horn, Enforcement Staff Member  
Chris Strobel, Director of Enforcement for Secondary Infractions

## POINTS of FACT

for [REDACTED] appeal of July 22 notification of secondary infractions concerning a violation of NCAA rules involving the institution's financial aid department

- [REDACTED] does not award financial aid on the basis of any athletic display, as per NCAA Bylaw 15.01.3 INSTITUTIONAL FINANCIAL AID that states "*a member institution shall not award financial aid to any student on the basis of athletics leadership, ability, participation or performance*".
- [REDACTED] does not set aside part of the institutional financial aid budget for sports or athletics, as per NCAA Bylaw 15.01.5 STUDENT-ATHLETE FINANCIAL AID ENDOWMENTS OR FUNDS that states "*no part of an institution's financial aid budget shall be set aside either for particular sports or for athletics in general ...*".
- [REDACTED] accepts donations toward the operating budget in all areas. Both out of necessity for the college operating budget and in congruence with NCAA guidelines, [REDACTED] does not set aside these funds for special financial aid awards.
- Some donors request that their gifts be made available to students who meet designated criteria; These gifts allow for an award to carry a 'name' to recognize the gift beyond the generic label of 'institutional need-based grant'.
- [REDACTED] financial aid disbursement – federal, state, and institutional funds - is determined on the basis of need only as predicated by the FAFSA and [REDACTED] financial aid PROFILE.
- Any student who has been awarded an institutional need-based grant based on financial need is eligible for any number of 'named' awards.
- *If no student who has been granted a financial award meets the criteria for a 'named' award, those funds remain allocated as defined in the general financial aid process with the common label of 'need-based grant'.*
- Your letter of July 22 includes an inference drawn from [REDACTED] response to the initial inquiry from the NCAA dated May 29. The July 22 letter incorrectly quotes, "Once the decision is made, the endowment is given to the recipient to replace the previous aid, and the previously awarded grant is returned to the overall fund for need-based financial aid". This statement is an erroneous declaration on [REDACTED] application of financial aid by the NCAA and was not included in the material that you were given in response to the initial inquiry dated May 29. In fact, these endowed awards do *not* result in the availability of additional funds. What is awarded on the financial aid letter in spring proceeding the academic year is all that a student receives in that particular academic year. At [REDACTED] 'named', or endowed, awards do not make more monies available in the financial-aid fund.

POINTS of FACT, continued

for [REDACTED] appeal of July 22 notification of secondary infractions concerning a violation of NCAA rules involving the institution's financial aid department

- There is no NCAA legislation that refers to the concept of naming awards well after the allocation of financial aid based only on FAFSA and PROFILE determinations.
- If the NCAA holds that no student athlete can be eligible for need-based grants that have donor names applied well after the financial aid awarding process, this seemingly discriminates uniquely against student athletes, since all other students are eligible to receive such naming opportunities.

[REDACTED] annual financial aid time-line is as follows:

- January - March –  
student need for upcoming academic year is calculated based on FAFSA and [REDACTED] specific financial aid PROFILE
- March – April –  
student award letters for upcoming academic year are presented
- August –  
financial obligations to college are met; outstanding financial aid awards are verified; students enroll in full-time course of study at [REDACTED]
- October – December –  
selected students are notified that their institutional need-based grant has been re-named to recognize a special gift donated to the college's general operating budget and asked to communicate with the donor (or group of donors)

COPY

[REDACTED] [REDACTED]  
July 13, 2009Mr. Mike Horn  
Enforcement Staff Member  
NCAA  
P.O. Box 6222  
Indianapolis IN 46202

Dear Mr. Horn,

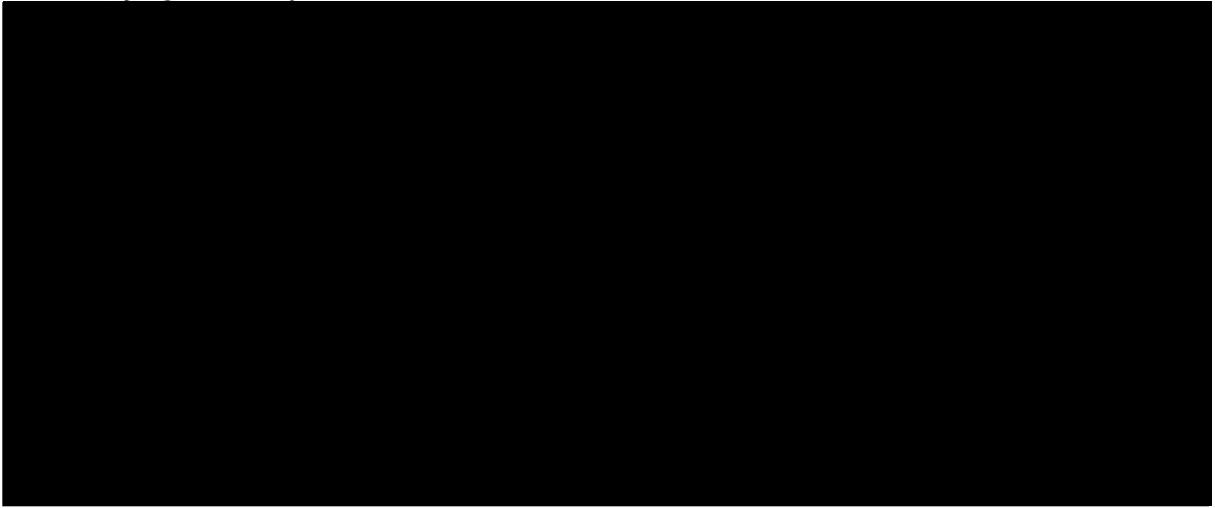
In response to your letter dated May 29<sup>th</sup> 2009 inquiring about the [REDACTED] Endowed Scholarship Fund, the enclosed information supports [REDACTED] [REDACTED] response. The following paragraphs address the three areas of inquiry from your letter.

- There is, as stated in the response from our Director of Financial Aid, no separate application for monies from this endowed fund. The FAFSA and PROFILE that all students fill out for financial aid determines the financial aid package for every student. There is a statement from the Financial Aid office regarding the application of monies from this endowed fund as being embedded in the overall financial aid dollars available to all students at [REDACTED]. The named scholarships are 'budget relieving' for the [REDACTED] and in no way change the original financial aid package that is determined using the same formula for every student. In addition, the named awards are more for thanking the donors of money to the [REDACTED] general Financial Aid fund made available to all students. This process occurs well into the academic year.
- In response from the Athletic Department, we are including a 2007 memo that we produced during internal debate on whether it was permissible to have monies deposited into the general financial aid fund in honor of a coach. The internal findings indicate that we were well within the intent and guidelines set forth by the NCAA for awarding aid that was available as part of the overall Financial Fund to all students. Our NCAA Compliance Coordinator [REDACTED], acted as an ombudsperson during this discussion. [REDACTED] has attended the Regional Rules Seminars for each of the last five years and been instrumental in NCAA compliance education and interpretation in her role at [REDACTED] [REDACTED].
- Taking into account the cautious and internal compliance debate we engaged in 2007 and the resulting memo with our findings, we have determined that we are not in violation of NCAA legislation in this matter.

We feel we have given full and serious review to the request for clarification. Please let me know if you require any further information for your files.

[REDACTED]

Sincerely,



Awarding of [REDACTED] Endowed Scholarship  
June 11, 2009

As discussed in the January 2007 [REDACTED] [REDACTED] Response to NCAA Division III Memorandum, endowed scholarships at [REDACTED] [REDACTED] are budget relieving (not additional dollars) and replace a previously awarded [REDACTED] [REDACTED] need-based grant. First year financial aid award letters are mailed by April 1 and returning students financial aid packages are mailed in mid-June after the conclusion of the spring semester. The process of awarding endowed scholarships begins during the fall semester, usually in November. **Again, these funds replace previously awarded institutional need-based grant dollars and in no way could be used as a recruiting tool. If a student has not demonstrated financial need and has not received a [REDACTED] [REDACTED] need-based grant, he/she is not eligible to be considered for endowed scholarships.**

Many endowed scholarships have unique criteria established by the donor. Some awards require a certain GPA, living in a certain area, having a specific major, or participating in extracurricular activities at [REDACTED] [REDACTED]. The awarding criterion for the [REDACTED] scholarship is as follows:

Established in 2007 by [REDACTED] III, Class of [REDACTED], in honor of [REDACTED] [REDACTED], head coach of the [REDACTED] men's and women's swim teams. Income from the fund provides financial assistance to students who demonstrate financial need, with preference given to members of the swim teams. Per [REDACTED] request, the award should be made to an athlete who demonstrates both academic and athletic excellence. The fund will be administered through the Offices of Admissions and Financial Aid.

[REDACTED] [REDACTED] has requested that as long as he remains employed by [REDACTED] [REDACTED] he does not want this (in name only) award to go to a member of the swim team, but to a student-athlete of any other sport who demonstrates both academic and athletic excellence. As stated in the description of the award, the fund is administered strictly through the Offices of Admissions and Financial Aid; coaches of any sport are not involved in the selection of this award. The inaugural recipient of the [REDACTED] Endowed Scholarship in 2008-2009 was [REDACTED]. A member of [REDACTED] varsity football program, [REDACTED] graduated from [REDACTED] with a 3.13 GPA and was very active in enriching the campus with his involvement in numerous activities.

[REDACTED] [REDACTED] currently has in excess of 300 endowed scholarships using this same awarding criterion that is consistent across all of the endowed accounts.

Prepared by:

[REDACTED]  
[REDACTED]

[REDACTED]

Response to NCAA Division 111 Memorandum  
January 2007

has reviewed the NCAA Division 111 Memorandum dated April 24, 2006, referencing Student-Athlete Endowment funds. In examining the 260 active endowed scholarships at seven scholarships were identified which have athletics mentioned in the criteria for awarding.

This matter was recently discussed by

This discussion began with an overview of the awarding practices for the endowed scholarship accounts. The Director of Financial Aid begins the awarding of endowed scholarships late in the fall semester, usually in November. Fall semester classes at begin in late August, so the awarding of endowed scholarships occurs after the student is enrolled full time in classes and living on campus. In order to be considered for an endowed scholarship, a potential recipient must have demonstrated financial need as determined by the FAFSA and PROFILE application and currently be receiving a Need Based Grant. Endowed scholarships at are budget relieving and receiving an endowed scholarship is in name only and does not result in additional financial assistance for the recipient.

As financial aid is determined for students, all Need Based Grant dollars are charged to the general operating portion of the financial aid budget. As endowed scholarships are assigned, the endowed account is charged for the portion of the award coming from the endowed scholarship, with the remaining amount of the need based grant coming from current operating dollars.

At the conclusion of this process, the Director of Financial Aid sends a listing of the endowed scholarship recipients to the Director of Donor Relations. The Director of Donor Relations corresponds with the recipients asking them to prepare a thank you note for the donor. In the correspondence from the Director of Donor Relations, it is made clear to the recipient these are not new funds and will not result in an increase to the financial aid package they have received. Donors love to hear from their scholarship recipients and are excited to learn more about their campus activities. This process allows donors to become involved in the need based financial aid process at by enabling them to set criteria which are important to them.

These awards are not used in any way to recruit students and the total award does not increase if a student receives an endowed scholarship. These awards are budget relieving and are given in name only and represent no increase in the already determined financial aid package. After reviewing this process, along with the NCAA Division 111 bylaws 15.01.5 and 15.02 this group concluded that is in full compliance with this new regulation



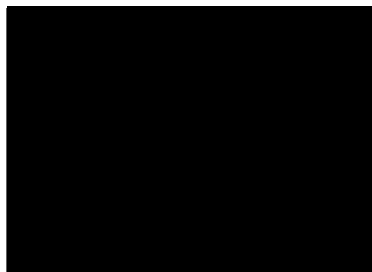
August 2, 2010



P.O. Box 6222  
 Indianapolis, Indiana 46206  
 Telephone: 317/917-6222

Shipping/Overnight Address:  
 1802 Alonzo Watford Sr. Drive  
 Indianapolis, Indiana 46202

www.ncaa.org



[REDACTED]

I have been forwarded your letter dated July 16, 2010, regarding the status of the appeal of the secondary violation concerning the [REDACTED] Endowed Scholarship. It was the understanding of both the enforcement staff and the academic and membership affairs staff that the appeal had been withdrawn. With that misunderstanding identified and your intent to appeal clarified, I would like to: (1) identify the specific issue that the academic and membership affairs staff indicated constitutes a violation; (2) walk through the interpretative history of this issue; and (3) detail the process going forward.

1. Interpretative issue. The issue that resulted in a violation was not the process used to award the endowed scholarship, but rather that the scholarship contained the following language: *“Income from the fund provides financial assistance to students who demonstrate financial need, with preference given to members of the swim teams. Per [REDACTED] request, the award should be made to an athlete who demonstrates both academic and athletic excellence.”* Regardless of how the scholarship is awarded, merely having that language in the scholarship violates Division III financial aid bylaws. This was the interpretation provided by the academic and membership affairs staff, an interpretation which has a history that predates the specific issue with [REDACTED]
2. Interpretative history. This interpretation provided by the academic and membership affairs staff regarding the [REDACTED] scholarship, was previously given to another institution back in 2007. That issue was reviewed by both the NCAA Division III Financial Aid Committee in October 2007 and by the NCAA Division III Interpretations and Legislation Committee in January 2008. I have attached a copy of the supplement that the Financial Aid Committee reviewed. The awarding practices described in that supplement seem very similar to the process [REDACTED] described in its appeal letter dated August 20, 2009. I have copied below an excerpt of the Financial Aid Committee minutes from its October 2007 meeting regarding the review of the endowment language:

National Collegiate Athletic Association

*An association of over 1,200 members serving the student-athlete*  
 Equal Opportunity/Affirmative Action Employer

*Discussion of financial aid endowments legislation.* The committee discussed if it was permissible under current financial aid legislation to have endowments that identified student-athletes as preferred recipients. The committee noted that the part of Bylaw 15.01.5 that permitted institutions to award student-athletes financial aid from the income of endowed funds that were received by the institution prior to January 1, 1979, and specifically designated for student-athletes, will no longer be in effect as of August 1, 2008. The committee noted that by deleting this language from the bylaw it was understood that endowment language that distinguished student-athletes as preferred recipients of endowment funds was prohibited. Based on this discussion, NCAA staff will examine the necessity of further clarification or action regarding this issue and report back to the Committee at the November in-person meeting.

Based on the Financial Aid Committee's discussion, NCAA staff formally issued an interpretation and then the Interpretations and Legislation Committee decided that the interpretation should be elevated to an official interpretation. That interpretation is as follows:

*Official Interpretation - Institutional Financial Aid with Language Preferential to Student-Athletes (III)*

*Date Issued: March 24, 2008*

*Date Published: March 24, 2008*

*Item Ref: 6 (Jan 2008 ILC Minutes)*

*Interpretation:*

*The Division III Interpretations and Legislation Committee confirmed that it is not permissible for an institution to award financial aid to a student-athlete from any institutional source of funds (e.g., endowments) which includes criteria indicating a preference for awarding the funds to a student-athlete. [References: NCAA Bylaws 15.01.3 (institutional financial aid), 15.01.5 (student-athlete financial aid endowments or funds) and 15.4.1 (consistent financial aid package); and a staff interpretation (11/7/01, Item No. 1) which has been archived]*

This official interpretation and the previous discussion engaged in by the Financial Aid Committee guided the academic and membership affairs staff in providing the initial response that the language in the ██████████ Endowed Scholarship constituted a violation of NCAA legislation.

3. Process to appeal. The Interpretations and Legislation Committee has a meeting in Indianapolis September 23-24, 2010. ██████████ appeal of this interpretative issue will be put on their agenda for review unless you notify us otherwise. I have attached a timeline of events that represents our understanding of how the case evolved and ultimately when

████████████████████  
August 2, 2010

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the enforcement staff and the academic and membership affairs staff believed the case was withdrawn. If the Interpretations and Legislation Committee confirm the academic and membership affairs staff's interpretation, the issue will be sent back to enforcement for processing of the violation. Confirmation of the academic and membership affairs staff's interpretation would also require that ██████████ change the language in the scholarship to become NCAA compliant.

Please feel free to call me with any questions regarding this issue and process.

Sincerely,



Jeff Myers  
Associate Director of Academic and  
Membership Affairs for Division III

JM:br

cc: Selected NCAA staff members

## Timeline

- May 29, 2009 – Enforcement staff sends an inquiry letter to [REDACTED] asking them to look into a potential financial aid violation.
- July 6, 2009 – Enforcement staff receives [REDACTED] response and has academic and membership affairs staff review. The academic and membership affairs staff determines a violation occurred.
- July 22, 2009 – Enforcement staff sends a decision letter to [REDACTED] processing a secondary violation and requiring the institution to make necessary changes to current and future endowments to ensure that no preference is given or stated with regard to athletics, and provide the enforcement staff with an outline of the changes made.
- August 21, 2009 – [REDACTED] submits an appeal of the determination of a violation in this matter. Since appeal is on determination that a violation occurred, enforcement staff sends appeal to academic and membership affairs which is the appropriate body to decide the issue.

The information submitted with the appeal did not change the position of the academic and membership affairs staff.

- September 14, 2009 – Dan Dutcher, Vice President of Division III, speaks with the director of athletics, [REDACTED] and informs him a violation did occur. Institution accepts determination and withdraws appeal.
- July 26, 2010 – NCAA receives letter from [REDACTED] indicating that it did not withdraw the appeal.

**ENDOWMENTS CONTAINING PREFERENTIAL LANGUAGE  
FOR STUDENT-ATHLETES**

The NCAA staff is seeking input and direction from the NCAA Division III Financial Aid Committee regarding its position concerning endowment language indicating a preference for student-athletes. This situation has been brought to the staff's attention by an institution seeking clarification of the NCAA financial aid bylaws. After reviewing this matter, the staff determined that it may be necessary for the committee to clarify its position.

**Specific Inquiry.**

The institution has endowments which are not specifically designated for student-athletes but contain language that it is preferred that the funds be used for student-athletes. In practice, the funds from these endowments may be used for any student. This particular institution meets 100 percent of need for all students; and thus, the institution claims that all students receive the same amount of aid regardless of their athletic status. Furthermore, the institution explains that new students are promised a financial aid package prior to enrollment but the specific endowment used to fund that package is not decided until the following March. Thus, the preferential language in the endowments is not considered until the students are enrolled and well after the institution commits to the financial aid package.

The institution states that changing the language in the endowments would be administratively onerous for no-net effect (the financial aid packages for the student-athletes or any student would not change as a result).

**Legislative Analysis.**

NCAA bylaws do not allow endowments designated solely for student-athletes (NCAA Bylaw 15.01.5) or permit an institution to award financial aid based on athletics participation, ability or performance (Bylaw 15.01.3). Furthermore, Bylaw 15.4.1 states that "A member institution shall not consider athletics ability, participation or performance as a criterion in the formulation of the financial aid package."

Bylaw 15.01.5 refers to endowments designated solely for student-athletes and does not directly address endowments which contain preferential language for student-athletes that may be awarded to nonathletic students. Thus, the analysis would have to focus on the basic financial aid tenet found in Bylaw 15.01.3 and the language of Bylaw 15.4.1. While this type of legislative analysis is typically reserved for the NCAA Interpretations Review/Legislation Committee, the specialized nature of the financial aid process warrants review and recommendations by this committee.

The relevant bylaws are included below.

**Questions for your Consideration.**

1. Is it permissible to have endowments that contain preferential language for student-athletes, if the bottom line of the student-athlete's financial aid package or the financial aid package for any student is not affected by such language?
2. When for purposes of Bylaw 15.01.3 does "award" occur (or for purposes of Bylaw 15.4.1 when does "formulation" occur)? Is it when the student is informed of his financial aid package or when the actual sources for his financial aid package are defined and distributed?
3. Regardless of the legislative analysis, should preferential language be permitted under any circumstances?

**Possible Courses of Action.**

The proper course of action will ultimately depend upon the position the committee takes. The staff feels there should be something of record that clarifies this committee's position. The committee may want to send this issue to the NCAA Interpretations Review/Legislation Committee along with the committee's recommendations for issuance of an official interpretation. It may, however, be proper to take a less formal means of recording the committee's position and educating the membership (i.e., minute notes and include in the Division III newsletter). Either way, the first step should be to clarify the committee's position and then determine the course of action.

**Relevant Bylaws.**

**15.01.3 Institutional Financial Aid.**

A member institution shall not award financial aid to student-athletes based on athletics ability, participation or performance. (*Adopted: 1/8/01 effective 8/1/02, Revised: 8/22/06*)

**15.01.5 Student-Athlete Financial Aid Endowments or Funds. Effective Date:  
Aug 01, 2008**

No part of an institution's financial aid budget shall be set aside either for particular sports or for athletics in general, nor may an institution establish athletically related quotas of financial aid recipients. (*Adopted: 1/8/01 effective 8/1/02, Revised: 1/12/04 effective 8/1/08, 4/26/06*)

### **15.01.5 Student-Athlete Financial Aid Endowments or Funds.**

No part of an institution's financial aid budget shall be set aside either for particular sports or for athletics in general, nor may an institution establish athletically related quotas of financial aid recipients. However, income from endowment funds that were received by the institution prior to January 1, 1979, and specifically designated for student-athletes can be awarded to student-athletes, provided the institution complies with the requirements set forth in Bylaw 15.4.1. *(Adopted: 1/8/01 effective 8/1/02, Revised: 4/26/06)*

#### **15.4.1 Consistent Financial Aid Package.**

The composition of the financial aid package offered to a student-athlete shall be consistent with the established policy of the institution's financial aid office, regular college agency, office or committee for all students and shall meet all of the following criteria: *(Revised: 5/7/07)*

- (a) A member institution shall not consider athletics ability, participation or performance as a criterion in the formulation of the financial aid package; *(Revised: 8/22/06)*
- (b) The financial aid procedures used for a student-athlete are the same as the existing official financial aid policies of the institution;
- (c) The financial aid package for a particular student-athlete cannot be clearly distinguishable from the general pattern of all financial aid for all recipients at the institution; and
- (d) The percentage of the total dollar value of institutionally administered grants awarded to student-athletes shall be closely equivalent to the percentage of student-athletes within the student body. A differential is defensible if it can be demonstrated that the average need of the student-athletes at the institution is equivalently greater than the average need of other students.

**Division:** III

**Proposal Number:** 2004-55

**Title:** FINANCIAL AID -- ATHLETICS ENDOWMENTS

**Convention Year:** 2004

**Date Submitted:** August 14, 2003

**Status:** Adopted Final

**Effective Date:** August 1, 2008

**IPOPL Number:**

**SPOPL Number:** 58

**Source:** NCAA Division III Presidents Council [Management Council (Joint Subcommittee on the Future of Division III)].

**Category:** Presidents Council

**Topical Area:** Financial Aid

**Intent:** To prohibit an institution from using in its financial aid budget, income from endowment funds specifically designated for student-athletes and received by the institution prior to January 1, 1979.

**Bylaws:** Amend 15.01.5, as follows:

"15.01.5 Athletics Funds or Endowments. No part of an institution's financial aid budget shall be set aside either for particular sports or for athletics in general, nor may an institution establish athletically related quotas of financial aid recipients. ~~However, income from endowment funds that were received by the institution prior to January 1, 1979, and specifically designated for student-athletes can be awarded to student-athletes, provided the institution complies with the requirements set forth in Bylaw 15.4.1.~~"

**Rationale:** Elimination of endowment funds specifically designated for student-athletes in financial aid budgets is consistent with the Division III philosophy of prohibiting the awarding of athletically related financial aid to any student. This legislated exception to the financial aid requirements was adopted over 20 years ago and is no longer necessary. Further, it does not appear to be used by a significant number of institutions. A limited number of institutions provide the ability of being able to offer financial aid to its student-athletes from a pool of funds not available to institutions that did not have athletics funds or endowments established prior to January 1, 1979. The existing legislation is confusing and often misunderstood to permit athletics aid at affected schools. In addition, the delayed effective date provides reasonable notice for all institutions to address issues related to endowed funds and will not negatively impact any student-athletes currently receiving the benefits of such funds. Further, the funds may still be designated to support other athletics budgetary needs.

**Budget Impact:**

**Co-sponsorship - Conference:**

None

**Co-sponsorship - Institution:**

None

**Additional Information:**

**Legislative References**



Legislative Cite	Title
15.01.5	Student-Athlete Financial Aid Endowments or Funds.

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## **Interpretative Appeal**

The American Collegiate Athletic Conference is appealing the following decision rendered by the NCAA Division III Interpretations and Legislation Committee on November 21, 2019.

**Appeal of RSRO Case No. 1080661.** The committee reviewed an NCAA staff decision that a conference, per Bylaw 31.3.3.1.1, needs to have the same seven members sponsor the sport for two consecutive years to satisfy the waiting period for an automatic qualification to an NCAA Division III championship. The conference asserted that they were only required to have seven institutions sponsor the sport in each of the two years, but those institutions did not have to be the same for both years. The committee confirmed staff's position relying on the plain meaning of Bylaw 31.3.3.1.1 as confirmed by the rationale statement of Proposal No. ADM 2004-4 which established the criteria set forth in the bylaw.

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1. Standard of Review.
2. Institution's Notice of Appeal.
3. Committee decision and rationale.
4. Original interpretation request.
5. Bylaw 31.3.3.1.1 & Proposal No. ADM 2004-4.



## Appeals Standard of Review

A Council shall not alter the decision of the committee, subcommittee or Council that initially decided the matter unless it concludes that the committee, subcommittee or Council erred in its decision in a manner that, in the judgment of the Council affected the decision. The finding of such an error shall be based upon a determination of one of the following:

- The committee, subcommittee or Council improperly applied NCAA legislation or official interpretations;
- The committee, subcommittee or Council took an action inconsistent with established precedent; or
- The committee, subcommittee or Council deviated from its approved procedures or that the decision is clearly erroneous.

[Division III Management Council Policies and Procedures]



December 31, 2019

NCAA DIII Management Council

c/o: Bill Regan, NCAA Associate Director  
 DIII Membership Committee Liaison  
**The National Collegiate Athletic Association**  
 700 W. Washington Street  
 P.O. Box 6222  
 Indianapolis, Indiana 46206-6222

Dear Management Council Members,

On behalf of ACAA please accept the following rationale for our appeal to the NCAA DIII Management Council of the decisions made to reject our earned AQ's for 2019-20.

**7 institutions, 2 years, per sport.** That is the essence of Bylaw 31.3.3.1.1 and has been the rallying cry for our members since we started organizing in 2016 and created the ACAA in 2017. In September 2003, the DIII Management Council formulated changes to the AQ process that transcripts of the rationale clearly indicate were primarily put in place to place limits on single sport conference formation to gain AQ status (citation?). It was approved at the 2004 Convention. In 2016, the founding members of the ACAA asked a number of specific questions of the NCAA about the new conference membership process. One of the most important was a clarification of Bylaw 31.3.3.1.1. How do we earn and retain an AQ? The only answer we ever received is **7 institutions, 2 years, per sport**, and that is still the answer that is listed on the current (2020) DIII Conference Membership Qualifications website (provide the link to the site). The words, “the same 7 institutions,” do not appear in any shape, form, or fashion in the Division III Manual, especially regarding conference membership. We reviewed all the requirements to formulate a multi-sport conference, and every requirement to gain an AQ, because that is one of the important benefits of belonging to a conference. All of this information came from the NCAA Manual, educational columns, staff/official interpretations, the NCAA website or AMA staff. The conference membership information on the NCAA website in 2016-17 is the same as it is today. The ACAA followed the roadmap prescribed for us by AMA staff, bylaw and policy to form our league and gain earned AQ's in two sports. We applied as required by February, and were notified of our rejection only a couple short weeks before the Fall 2019 championship selections. The ACAA was denied AQ's in two sports by the Championships Committee and through an appeal to the ILC. Given those denials I hope you can appreciate how upset our membership in the ACAA has been ever since.

Based on the information provided by NCAA Associate Director Bill Regan, we could appeal the decision of the ILC based on the following reasons. 1) Improperly applied NCAA legislation, 2) Decisions inconsistent with precedent, 3) A clearly erroneous decision. The ACAA is appealing on the basis that all three criteria occurred in whole or in part:

- 1. Improperly applied NCAA legislation:** a) The 2003 notes clearly state this bylaw change was created primarily to prevent single sport conferences, not multi-sport conferences from obtaining AQ's. Therefore, the ILC misapplied the applicable NCAA legislation b) The bylaw is being misapplied because the plain language of the bylaw does not include, infer, or otherwise state or require seven “same” members. Bylaw 31.3.3.1.1 only requires at least seven “consistent” members. See Bylaw 31.3.3.1.1(a)(3). The ILC's interpretation of this language in the bylaw is



unreasonable and inconsistent with the plain meaning of the word “consistent.” The Merriam Webster Online Dictionary and Thesaurus are helpful here. Merriam Webster defines the word consistent as “marked by harmony, regularity, or steady continuity: free from variation or contradiction.” A reasonable reading of the term “consistent” would be that as long as the number of conference members is maintained at seven, regardless of the constitution of the seven members, then the conference would qualify for an AQ. Moreover, if the membership had wanted to be more restrictive and relegate the seven members needed for an AQ to conferences who maintain the “same” seven conference members, the membership could have written that into the bylaw instead of the word choice, “consistent.”

2. That is not what the membership voted on and approved. The membership’s intent was to make sure that all conferences that qualify for an AQ, a bedrock of conference membership privileges, maintain at least seven conference members to earn that AQ. Because conference membership and alignments are fluid within the Association and happen with a good degree of frequency, it is inconceivable that the membership would want a two-year waiting period for each instance of conference realignment of membership changes. Lastly, even if the word “consistent” is ambiguous as used in 31.3.3.1.1, as a conference member in good standing with the Association, any benefit of the doubt should militate in favor of a more permissive and inclusive interpretation that benefits the member, not a more restrictive interpretation that harms members. In fact, wherever conference membership is discussed in the Division III Manual, it never uses the words “same,” “identical,” or otherwise indicates that the exact seven conference members be in tact to enjoy membership privileges. See, e.g., Bylaw 3.02.3.3; Bylaw 3.3.4.3. These bylaws refer to conferences having “at least” seven conference members, not the “same” or “identical” seven members. The Management Council should reverse the ILC’s interpretation Bylaw 31.3.3.1.1 and pronounce that the bylaw, as written, only requires seven consistent members and not the exact same seven members as required by the ILC’s decision. This is an issue that has wide ranging application and effect within Division III and is capable of repetition. A definitive statement on this issue by the Management Council is needed to promote clarity and fairness within the Division III membership.
3. **Decisions inconsistent with precedent:** This “decision” cannot be applied based on any prior precedent as there has been none! We have not been able to find any interpretation, educational column, infractions case, or proposal that is on point. We cannot and should not be held to account of any prior precedent when there hasn’t been any.
4. **A clearly erroneous decision:** The ILC’s decision was clearly erroneous. The rationale applying a bylaw intended for single sport conferences to multi-sports is inappropriate and illogical and would not be defensible in the courts. Our understanding of the bylaw was clear, **7 institutions, 2 years, per sport.** The NCAA supplied no other rationale or requirement. Therefore:
  - “Effect to the Intent” would apply: The actions of parties pursuant to an agreement as interpreted by a reasonable person. Our actions regarding intent were clear – as was the lack of action by NCAA staff.
  - The “Plain Meaning Rule” must be met by the NCAA in this case. It is not. The language of bylaw 31.3.3.1.1 is ambiguous, and when an ambiguity exists the legislation should be construed in favor of the party to whom the ambiguity is being applied. The plain and ordinary meaning of the word “consistent” is not equated with the terms “same” or “identical,” yet this is how the ILC is construing the word. Such an interpretation is inconsistent with the dictionary and thesaurus definitions of the word “consistent.” The ILC’s decision should be overturned and the Management Council should adopt the plain





and ordinary meaning and use of the term “consistent” to provide clarity and fairness to the Division III membership.

In summary, the ACAA seeks the following relief: A reversal of the decisions of the Women’s Volleyball Committee, Women’s Soccer Committee, Championship Committee, NCAA Liaison, and the ILC; Grant the ACAA AQ’s earned in the sports of Women’s Volleyball and Women’s Soccer immediately; and then send a message to the membership that bylaw 31.3.3.1.1 will be decided in the same manner in the future until a committee TBD by the DIII Management Council forwards new legislation for consideration by the membership, if it chooses to do so.

Thank you for your time and consideration. Please feel free to contact me at your convenience if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Higgins", written over a white background.

Kelly J Higgins, Ed.D Commissioner

Cc: Dr. Beth Hillman, President  
Dino Pollock, USCS AAD





**NCAA Division III Interpretations and Legislation Committee  
Interpretative Analysis**

**Interpretative issue.**

For a conference to satisfy the two-year waiting period to qualify for an automatic qualification, does the conference, per NCAA Division III Bylaw 31.3.3.1.1-(a)(3) need to have any seven members sponsoring the sport in each of the two years or the same seven members sponsoring the sport in each of the two years?

**Committee decision.**

The Division III Interpretations and Legislation Committee agreed that per Bylaw 31.3.3.1.1 a conference needs to have the same seven institutions sponsoring the sport for each year of the waiting period. The committee relied on the plain meaning of the language of the bylaw which is further confirm by the rationale statement for the proposal creating this bylaw.

**Interpretative analysis.**

Bylaw 31.3.3.1 and its subsections identify the requirements for a conference to obtain an automatic qualification to an NCAA championship. Bylaw 31.3.3.1.1-(a)(3) (additional requirements -- multisport conference) indicates that for a two year period the conference must have, "maintained seven consistent conference members that sponsored the sport on a varsity intercollegiate basis."

The question raised by the conference is that "consistent" in this context does not mean the "same" but rather can mean "any" seven members. Thus, a conference could have seven members in year one of the waiting period and then satisfy the second year of the waiting period with a different seven institutions.

The committee agreed that in this context, the word "consistent" requires the institutions to be the same seven during each year of the waiting period. First, "maintained" in the Bylaw clarifies the requirement that the conferenc have seven members in each of the two years of the waiting period. Consequently, if that is all that was intended, then using "consistent" in this bylaw is unnecessary. Since "consistent" is used, the only reasonable meaning is that it clarifies that the seven members have to be the same from years 1 to 2. This position is consisent with the original intent of the bylaw.

NCAA Division III Proposal No. ADM-2004-4 established the requirement for an automatic qualification that for a two-year period the conference shall maintain seven consistent conference members. The rationale statement for that proposal specifically states that "continuity" of membership is a primary intent for the proposal. The committee agreed that by reviewing the language of the proposal along with the rationale statement confirms that a conference needs to have the same seven institutions for two years to satisfy the automatic qualification waiting period.



**Appeal of RSRO Case No. 1080661**

**Interpretative issue.**

For a conference to satisfy the two-year waiting period to qualify for an automatic qualification, does the conference, per NCAA Bylaw 31.3.3.1.1-(a)(3) need to have any seven members sponsoring the sport in each of the two years or the same seven members sponsoring the sport in each of the two years?

**Conference's position.**

I am appealing the understanding of intent, application and necessity of the rule put in place by the NCAA Management Council. I've done the background review on Bylaw 31.3.3 with the help of NCAA staff. It's clear to me and I believe others, too, that the interpretation being used to land on this decision surrounding the word "consistent" is mistaken from a definitional, intentional and practicality perspective, along with the fact that none of us in the American Collegiate Athletic Association, now, or the original core members can ever recall or find in writing, a statement saying that the word "consistent" meant that the seven schools required for two years had to be the same seven schools. The word "consistent" to us was always thought to apply to the number of schools itself. My reading of the original transcript of this Management Council proposal, which was attached as a part of the appeal to the NCAA Championships Committee, including the rationale from 9/12/2003 on this topic, leads me to understand why some may read it and think they wanted it to only apply if the same seven schools were in the league in the sport for two years. BUT, it does not say that anywhere in Bylaw 31.3.4.2 9-(a) or (b)(1-4). Others may read it and think it means seven consistent schools for two years; AND that it was only designed to apply specifically to one-sport leagues filled with schools for the sole purpose of getting automatic qualifiers. That rationale does NOT apply to the ACAA. We are a full-fledged multisport league of schools, currently with nine members. We have had five other original members that were part of our start-up league that have moved on to more regional league options, which was and will continue to be one of the core outcomes and rationales we built into our membership model. We met the requirements of the NCAA Membership Committee to come into existence. We still exist today. We believe we met the explicit written requirements as noted in Bylaw 31.3 for automatic qualification in the sports of women's volleyball and women's soccer, which all of the original members of the ACAA felt were confirmed by NCAA staff. The following is the critical question we asked repeatedly, as the opportunity to gain NCAA championship access is one of the focuses of starting up and keeping a new conference "alive." When and how do we qualify for AQ's? We all know why that is important. Part of the allure of any league is the chance to participate in championships. None of the original seven members can recall being informed that it had to be the same seven schools by sport for those two years; and it has been confirmed we had the seven participating institutions as required in both sports in 2017-18 and 2018-19. To ascertain if we had a foundation for our understanding of Bylaw 31.3.3.1.1, I asked a full professor of English at a U.S. university to read the bylaw and tell me what it said. That's all I asked. I was told, "Seven schools sponsoring the same sport for two years." I then asked for clarification. Does that mean any seven schools or the same seven schools, and was told any seven because the word consistent



inferred it was about the number of institutions. We know the majority of our Division III colleagues don't like the concept of the league we formed because it doesn't fit their convenient, regional/locally based institution old school model. The recent movement by many conferences to further restrict our access to championships proves that point. Do they really think the ACAA schools want to do business the way we do? Of course, we don't! But this model is legit, and it fills a significant void/need for schools that have nowhere else to go. It is a format we feel has been forced upon them if they wish to offer their student-athletes some of the same opportunities as the other 430-plus Division III institutions in the NCAA. So, in essence, most of our schools join because no one else wants them. They are exploratory/provisional, they have "bad" geography, maybe they had issues in the past, they have sports that their primary conference doesn't sponsor, etc. We give them a home and for some a way to help transition to more regional affiliations. It has worked well for the schools and the conferences they join! I added this section only as background. My review of the committees involved indicate to me that none of the members really know what it's like to walk in the shoes these institutions are required to wear. If they haven't walked in those shoes, then how can they objectively judge us? I have worn those shoes. Some think this looks like a rule that was written by management, a carrot was dangled by membership, and then it was all taken away by championships when we found a way to make the rules work for us. As though the rules were changed and the finish line moved in the middle of the race. The simile may not be exact, but that's what it feels like now. To summarize, the ACAA members firmly believe we earned the AQ's in the sports of women's volleyball and women's soccer for 2019-20 as defined by the specific language of the original and current NCAA bylaws; and per the written and verbal instructions/requirements we had been provided to start up our league; and continued to receive and work under since the inception of our conference so we could earn those AQ's. We also firmly believe that Bylaw 31.3.3.1.1. does NOT "clearly" state that the seven institutions required have to be the same seven for those two years, and that the intent being applied now of the bylaw change made in 2003 is NOT "clear" nor does the assumed "clear" intent apply to the ACAA now.

### **Staff response.**

Bylaw 31.3.3.1.1-(a)(3) requires the conference to have the same seven institutions sponsor the sport on a varsity level for each of the two years to satisfy the waiting period for the automatic qualification. Bylaw 31.3.3.1.1(a)(3) indicates that to satisfy the waiting period, the conference must have:

- Maintained seven consistent conference members that sponsored the sport on a varsity intercollegiate basis.

NCAA Proposal No. 2004-4 which established this requirement specifically states that "continuity" of membership is a primary intent for the proposal. Continuity is satisfied by having the same seven members.

Additionally, the word "consistent" is important. If "consistent" was removed from the bylaw then the requirement would be for those two years to have "maintained seven conference members"

sponsoring the sport. If the intent was to have any seven members, then the word "consistent" would not have been necessary. Thus, by including "consistent" the meaning of Bylaw 31.3.3.1.1-(a)(3) has to be something more than just maintaining seven members sponsoring the sport, and in referent to this bylaw, it can only mean the same seven members sponsoring the sport.

**Associated legislation and proposal.**

**Bylaw 31.3.3.1.1 Additional Requirements -- Multisport Conference.** A member conference that conducts competition in more than one sport shall also satisfy the following to be eligible for automatic qualification: (Adopted: 4/13/10)

(a) Complete a two-year waiting period, which requires for two consecutive academic years before being eligible for the automatic-qualification privilege, the following: (Adopted: 1/12/04, Revised: 10/20/06)

(1) Been a member conference of the Association. No waivers of this provision shall be granted; (Revised: 12/6/92, 4/15/03)

(2) Conducted competition in the sport in question; and (Revised: 1/12/04)

(3) Maintained seven consistent conference members that sponsored the sport on a varsity intercollegiate basis, provided:

(i) Each of the seven conference members were active Division III institutions or institutions in the final two years of the NCAA Division III provisional or reclassifying membership process;

(ii) At least four of the seven members were core institutions per Bylaw 31.3.3.1.4; and

(iii) All active Division III institutions within the seven members were eligible for the NCAA Division III championship per Bylaw [31.2.1](#). (Revised: 8/15/89, 1/12/99 effective 8/1/99 for championship selection during the 1999-00 academic year and thereafter, 1/12/04, 1/16/16 effective 9/1/16)

(b) After completion of the two-year waiting period, either:

(1) Maintains at least seven active Division III institutions that sponsor the sport on a varsity intercollegiate basis and that are eligible for the NCAA Division III championship per Bylaw [31.2.1](#), four of which shall be core institutions per Bylaw 31.3.3.1.4; or

(2) Is in the grace period per Bylaw 31.3.3.1.3.

**Proposal.**

CHAMPIONSHIPS -- AUTOMATIC QUALIFICATION -- CONFERENCE ELIGIBILITY

**Convention Year:** 2004

**Date Submitted:** September 12, 2003

**Status:** Adopted Final

**Effective Date:** Immediate

**Official Notice Number:** ADM-2004-4

**Source:** NCAA Division III Management Council (Championships Committee).

**Proposal Category:** Administrative Regulation

**Topical Area:** Championships/Postseason Events

**Intent:** To amend automatic qualification principles for championships regarding conference eligibility, as specified.

**Bylaws:** Amend 31.3.4, pages 256-258, as follows:

"31.3.4 Automatic Qualification. The Championships Committee and the governing-sports committees annually shall award automatic qualification to those conferences that meet the requirements specified in Bylaws 31.3.4.1, 31.3.4.2 and 31.3.4.3.

[31.3.4.1 unchanged.]

"31.3.4.2 Additional Requirements. **To be considered eligible for automatic qualification, the** conference must have:

**"(a) Been a multi-sport conference with a minimum of seven institutions sponsoring the specified sport. Those seven institutions must have belonged to the multi-sport conference for a minimum of two years in order for the conference to be immediately eligible for automatic qualification. An institution that has belonged to the multi-sport conference for at least two years may add the specified sport for the conference to reach the minimum of seven institutions and to be immediately eligible for an automatic qualification. If a new institution joins the conference in order for the conference to reach the minimum of seven institutions sponsoring the particular sport, the conference is subject to a two-year waiting period to become eligible for automatic qualification; or**

**"(b) Fulfilled all of the following requirements:**

"(a ~~1~~) Been a member conference of the Association for two consecutive academic years. No waivers of the two-year waiting period shall be granted;

"(b ~~2~~) Conducted competition in the sport in question for ~~two consecutive years~~ **a two-year waiting period** at the time of its application for automatic qualification. ~~The Championships Committee may grant a waiver of the two-year waiting period;~~

**"(a) A multi-sport conference that is in the process of fulfilling the two-year waiting period must maintain seven consistent conference members throughout the two-year waiting period.**

**"(b) The two-year waiting period begins when a minimum of seven consistent conference members are all eligible for the conference championship.**

"(e ~~3~~) At least seven active Division III members that sponsor the sport on a varsity intercollegiate basis ~~in the division in which automatic qualification is sought~~ and that are eligible for the NCAA Division III championship, and have at least seven active members that are eligible for the NCAA Division III championship to participate in the process that determines the automatic qualifier. **Further, multi-sport conferences must have at least four core institutions;**

**"(a) For the purposes of this legislation, core refers to an institution that participates in conference competition in more than one sport in the conference seeking automatic qualification [See Bylaw 31.3.4.2-(e)].**

**"(b) Other Division III institutions, including those who participate in conference competition in only one sport, may fulfill the remaining sponsoring institutions needed by a conference for automatic qualification (i.e., to get a total of seven institutions). Non-NCAA Division III members of a conference may not count toward the minimum of four core institutions or the overall minimum of seven conference members that is needed; and**

"(~~e~~ ~~4~~) At least 50 percent of a conference's members must sponsor a minimum of three men's and three women's team sports. **As of August 1, 2003, a** ~~Single-sport conferences in existence before February 1, 1998, that maintained its membership and automatic qualification, do not have to meet this minimum sport sponsorship requirement~~ **must maintain its membership (e.g., minimum of seven original members); and.**

~~"(e) As of February 1, 2000, existing conferences that fail to meet all the requirements for automatic qualification specified in Bylaw 31.3.4 shall be required to fulfill all requirements for one year before receiving automatic qualification."~~

[31.3.4.3 unchanged.]

**Rationale:** These amendments will clarify requirements for conference automatic qualification. Inclusion of affiliate members will allow flexibility for conferences to take advantage of automatic qualification while adhering to the moratorium on awarding automatic qualifications to single-sport conferences. Implementing a two-year waiting period ensures continuity of membership within conferences prior to being awarded automatic qualification. It should be noted the championships committee has received several requests to combine groups of institutions and/or members of multiple conferences for the purpose of acquiring automatic qualification.



## Change Request

Type Appeal

Reason Disagree with interpretation

Details

Thank you for taking the time to review this transcript of the events leading up to and including the ACAA appeal of AQ decisions in the sports of Women's Volleyball and Women's Soccer and our request for consideration. I will start at the beginning of our application for conference membership when we first came together to move toward creating the ACAA. Leading up to the 2017 NCAA Convention we inquired, and met via conference call in the summer of 2016 to discuss the regulations involved starting a new league, and the process to achieve AQ's. We had the core members of the ACAA on the call with several NCAA reps and Senior VP from Athletic Staffing & Consultants. At that time, we had also received info directly from the NCAA pertaining to AQ's in the NCAA DIII Conference Membership Guidelines. Based on the information received in our original creation meetings and during the application process we moved forward with our application in early 2017 and started our league officially the Fall semester of 2017. In February 2019 we forwarded applications for three sports for the AQ in 2019-20 based on expectations of sport sponsorship, one of which did not happen, Softball. In May, I called the NCAA and asked when/how I would be informed of the status of our requests, and was informed it would be after the sport committees and Championships met in June. That was confirmed when I inquired during a visit to Indianapolis in June. On July 21, after not receiving any notice, I forwarded another request for an answer about our application as I had still heard nothing. On July 23 I was informed that I would receive a response soon. On October 14 I reached out to NCAA staff again asking about our AQ requests as I had still not received the answers. I received an apology, and was informed we couldn't get AQ's in 19-20 because we didn't have the correct number of teams in those sports in 19-20. We then asked for and received a corrected rationale. We then received a series of responses that eventually led to the answers we were looking for on October 16. I appreciated the apology offered and the quick response at that time. The long delay in getting the official response did not make our members happy, and in many ways this process has been a large part of the issue we are having to face now. But, as Gump would say, "it happens, and in this case, it seemed to continue. I then filed my request for the appeal process to the Championships Committee via email on October 30 following further discussions with our members, and was informed how I needed to proceed. Given it is championship season time of year, it took me a few days to find the time to get the appeal to Championships forwarded. That appeal to Championships was forwarded November 3. The day we scheduled our Women's VB, Soccer and Men's Soccer championships in Santa Cruz, CA, Hudson, NH and Valley Forge, PA. A week ahead of most. I had a conversation with Liz Suscha Monday November 4 to present my case so she could discuss with the Championships Committee on November 5 in a quickly arranged conference call meeting. Rest assured, we do appreciate the efforts made by Liz and the Championships Committee to listen to our case on such short notice. Late morning of November 5, a few hours before follow up call from Ms. Suscha, I received an email from Women's Soccer with a link to log into and submit our AQ team! I was both confused and hopeful for a few hours. So, I waited. I was then informed the afternoon of November 5 that the Championships Committee denied our appeal. I was informed they feel the bylaw is clear, the intent is clear and there has been precedence to maintain this stance. Hence, they felt there was no rationale provided to move the needle. Can you imagine the roller coaster that put us through?! I then asked if there is any other appeal possible. I was informed that Championships hears appeals on Championships issues per bylaw. We get it. I've included this detail so it's clear to you that this has not been a last minute Hail Mary play being attempted by the ACAA. We've been asking and waiting for answers on the AQ since our inception in 2016-17, and this year starting in February 2019 so we can know how to plan for championships and recruit new members for 2019-20 and beyond. These last minute decisions of the Women's Soccer, Women's VB and Championships Committee are severe body blows to the very heart of the existence of the ACAA. As to the decision we received recently regarding our AQ qualifications from the sport committees, and Championships, I am not appealing their decision. They did their job. I am appealing the understanding of, intent, application, and necessity of the rule put in place by the Management Council. I've done the background review on bylaw 31.3.3 with the help of NCAA staff. It's clear to me, and I believe others too that the interpretation being used to land on this decision surrounding the word "consistent" is mistaken from a definitional, intentional and practicality perspective, along with the fact that none of us in the ACAA now, or the original core members can ever recall, or find in writing a statement saying that the word "consistent" meant that the seven (7) schools required for two (2) years had to be the same seven (7) schools. The word "consistent" to us was always thought to apply to the number of schools itself. My reading of the original transcript of this management council proposal, which was attached as a part of the appeal to the Championships Committee, including the rationale from 9/12/2003 on this topic leads me to understand why some may read it and think they wanted it to only apply if the same seven (7) schools were in the league in the sport for two (2) years. BUT, it does not say that anywhere in 31.3.4.2 9(a) or (b)1-4. Others may read it and think it means seven (7) consistent schools for two years, AND that it was only designed to apply specifically to one-sport leagues filled with schools for the sole purpose of getting AQ's. That rationale does NOT apply to the ACAA. We are a full-fledged multi-sport league of schools, currently with nine (9) members. We have had five (5) other original members that were part of our start up league that have moved on to more regional league options, which was and will continue to be one of the core outcomes and rationales we built into our membership model. We met the requirements of the NCAA Membership Committee to come into existence. We still exist today. We believe we met the explicit written requirements as noted in Bylaw 31.3 for Automatic Qualification in the sports of Women's Volleyball and Women's Soccer, which all of the original members of the ACAA felt were confirmed by NCAA staff. The following is the critical question we asked repeatedly as the opportunity to gain NCAA Championship access is one of the focuses of starting up and keeping a new conference "alive". When and how do we qualify for AQ's? We all know why that is important. Part of the allure of any league is the chance to participate in championships. None of the original seven (7) members can recall being informed that it had to be the same seven schools by sport for those two (2) years; and it has been confirmed we had the seven (7) participating institutions as required in both sports in 2017-18 & 2018-19. To ascertain if we had a foundation for our understanding of Bylaw 31.3.3.1.1, I asked a full professor of English at a US university to read the bylaw and tell me what it said. That's all I asked. I was told, "Seven (7) schools sponsoring the same sport for two (2) years." I then asked for clarification. Does that mean any seven (7) schools or the same seven (7) schools, and was told any seven because the word consistent inferred it was about the number of institutions. We know the majority of our Division III colleagues don't like the concept of the league we formed because it doesn't fit their convenient, regional/locally based institution old school model. The recent movement by many conferences to further restrict our access to Championships proves that point. Do they really think the ACAA schools want to do business the way we do? Of course we don't! But this model is legit, and it fills a significant void/need for schools that have nowhere else to go. It is a format we feel has been forced upon them if they wish to offer their student-athletes some of the same opportunities as the other 430+ DIII institutions in the NCAA. So, in essence, most of our schools join because no one else wants them. They are exploratory/provisional, they have "bad" geography, maybe they had issues in the past, they have sports that their primary conference doesn't sponsor, etc. We give them a home and for some a way to help transition to more regional affiliations. It has worked well for the schools and the conferences they join! I added this section only as background. My review of the committees involved indicate to me that none of the members really know what it's like to walk in the shoes these institutions are required to wear. If they haven't walked in those shoes, then how can they objectively judge us? I have worn those shoes. Some think this looks like a rule

was written by Management, a carrot was dangled by Membership, and then it was all taken away by Championships when we found a way to make the rules work for us. As though the rules were changed and the finish line moved in the middle of the race. The simile may not be exact, but that's what it feels like now. To summarize, the ACAA members firmly believe we earned the AQ's in the sports of Women's Volleyball and Women's Soccer for 2019-20 as defined by the specific language of the original and current NCAA Bylaws; and per the written and verbal instructions/requirements we had been provided to start up our league, and continued to receive and work under since the inception of our conference so we could earn those AQ's. We also firmly believe that Bylaw 31.3.3.1.1. does NOT clearly state that the seven (7) institutions required have to be the same seven (7) for those two years, and that the intent being applied now of the Bylaw change made in 2003 is NOT clear nor does the assumed intent apply to the ACAA now. Nor do we have any recollection of being informed about the same seven (7) schools requirement. In fact, we only have written documentation that clearly infers it is simply any seven (7) schools sponsoring the sport, not the same seven (7). The ACAA has relied on the information we received starting in 2016. We have dealt with delays and mistakes since we filed for the AQ's in February of this year. Our hopes have been dashed and raised on multiple occasions, most recently on the same day. Therefore, we respectfully request that the original decision by the sport committees, the decision of the Championships Committee to uphold the sport committees decisions to deny our AQ's in Women's Volleyball and Softball; and the refusal of Management to address it before the 2019 Fall sports championship selection dates be vacated. We firmly believe it is a misapplication of the bylaw as written and created by the Management Council. As such we ask for an immediate review of the applicability of bylaw 31.3.3.1.1 and apply the outcome of that review immediately so the ACAA may be awarded the AQ in these two sport sports (Women's Soccer and Women's VB), effective immediately (11/10/19) for 2019-20 as selections for the championships are this Sunday 11/10/19. We also ask that the Management Council right the ship now with an immediate review and rewrite of bylaw 31.3.3.1.1 so the explicit intent of the bylaw is clear to all that read it in the future. If needed, I would be happy to come to Indianapolis, or sit in on a video conference call if necessary to advance our cause in person. I look forward to hearing from you. Thanks again for your time and consideration. Making every day a great one! Kelly J Higgins, Ed.D. Commissioner American Collegiate Athletic Association 603-851-5979(c) 402-939-0097(f)

.....  
Precedent

.....  
Status Active

.....  
Submitted By Kelly Higgins

.....  
Submitted On 11/09/2019



## Associated Legislation and Proposal

**Bylaw 31.3.3.1.1 Additional Requirements -- Multisport Conference.** A member conference that conducts competition in more than one sport shall also satisfy the following to be eligible for automatic qualification: (Adopted: 4/13/10)

(a) Complete a two-year waiting period, which requires for two consecutive academic years before being eligible for the automatic-qualification privilege, the following: (Adopted: 1/12/04, Revised: 10/20/06)

(1) Been a member conference of the Association. No waivers of this provision shall be granted; (Revised: 12/6/92, 4/15/03)

(2) Conducted competition in the sport in question; and (Revised: 1/12/04)

(3) Maintained seven consistent conference members that sponsored the sport on a varsity intercollegiate basis, provided:

(i) Each of the seven conference members were active Division III institutions or institutions in the final two years of the NCAA Division III provisional or reclassifying membership process;

(ii) At least four of the seven members were core institutions per Bylaw 31.3.3.1.4; and

(iii) All active Division III institutions within the seven members were eligible for the NCAA Division III championship per Bylaw [31.2.1](#). *(Revised: 8/15/89, 1/12/99 effective 8/1/99 for championship selection during the 1999-00 academic year and thereafter, 1/12/04, 1/16/16 effective 9/1/16)*

(b) After completion of the two-year waiting period, either:

(1) Maintains at least seven active Division III institutions that sponsor the sport on a varsity intercollegiate basis and that are eligible for the NCAA Division III championship per Bylaw [31.2.1](#), four of which shall be core institutions per Bylaw 31.3.3.1.4; or

(2) Is in the grace period per Bylaw 31.3.3.1.3.

### Proposal.

CHAMPIONSHIPS -- AUTOMATIC QUALIFICATION -- CONFERENCE ELIGIBILITY

**Convention Year:** 2004

**Date Submitted:** September 12, 2003

**Status:** Adopted Final

**Effective Date:** Immediate

**Official Notice Number:** ADM-2004-4

**Source:** NCAA Division III Management Council (Championships Committee).

**Proposal Category:** Administrative Regulation

**Topical Area:** Championships/Postseason Events

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**Intent:** To amend automatic qualification principles for championships regarding conference eligibility, as specified.

**Bylaws:** Amend 31.3.4, pages 256-258, as follows:

"31.3.4 Automatic Qualification. The Championships Committee and the governing-sports committees annually shall award automatic qualification to those conferences that meet the requirements specified in Bylaws 31.3.4.1, 31.3.4.2 and 31.3.4.3.

[31.3.4.1 unchanged.]

"31.3.4.2 Additional Requirements. To be considered eligible for automatic qualification, ~~the~~ conference must have:

**"(a) Been a multi-sport conference with a minimum of seven institutions sponsoring the specified sport. Those seven institutions must have belonged to the multi-sport conference for a minimum of two years in order for the conference to be immediately eligible for automatic qualification. An institution that has belonged to the multi-sport conference for at least two years may add the specified sport for the conference to reach the minimum of seven institutions and to be immediately eligible for an automatic qualification. If a new institution joins the conference in order for the conference to reach the minimum of seven institutions sponsoring the particular sport, the conference is subject to a two-year waiting period to become eligible for automatic qualification; or**

**"(b) Fulfilled all of the following requirements:**

**"(1)** Been a member conference of the Association for two consecutive academic years. No waivers of the two-year waiting period shall be granted;

**"(2)** Conducted competition in the sport in question for ~~two consecutive years~~ **a two-year waiting period** at the time of its application for automatic qualification. ~~The Championships Committee may grant a waiver of the two-year waiting period;~~

**"(a) A multi-sport conference that is in the process of fulfilling the two-year waiting period must maintain seven consistent conference members throughout the two-year waiting period.**

**"(b) The two-year waiting period begins when a minimum of seven consistent conference members are all eligible for the conference championship.**

**"(3)** At least seven active **Division III** members that sponsor the sport on a varsity intercollegiate basis ~~in the division in which automatic qualification is sought~~ and that are eligible for the NCAA **Division III** championship, and have at least seven active members that are eligible for the NCAA **Division III** championship to participate in the process that determines the automatic qualifier. **Further, multi-sport conferences must have at least four core institutions;**



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**"(a) For the purposes of this legislation, core refers to an institution that participates in conference competition in more than one sport in the conference seeking automatic qualification [See Bylaw 31.3.4.2-(e)].**

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**"(b) Other Division III institutions, including those who participate in conference competition in only one sport, may fulfill the remaining sponsoring institutions needed by a conference for automatic qualification (i.e., to get a total of seven institutions). Non-NCAA Division III members of a conference may not count toward the minimum of four core institutions or the overall minimum of seven conference members that is needed; and**

**"(4) At least 50 percent of a conference's members must sponsor a minimum of three men's and three women's team sports. As of August 1, 2003, a single-sport conferences in existence before February 1, 1998, that maintained its membership and automatic qualification, do not have to meet this minimum sport sponsorship requirement must maintain its membership (e.g., minimum of seven original members); and.**

**"(e) As of February 1, 2000, existing conferences that fail to meet all the requirements for automatic qualification specified in Bylaw 31.3.4 shall be required to fulfill all requirements for one year before receiving automatic qualification."**

[31.3.4.3 unchanged.]

**Rationale:** These amendments will clarify requirements for conference automatic qualification. Inclusion of affiliate members will allow flexibility for conferences to take advantage of automatic qualification while adhering to the moratorium on awarding automatic qualifications to single-sport conferences. Implementing a two-year waiting period ensures continuity of membership within conferences prior to being awarded automatic qualification. It should be noted the championships committee has received several requests to combine groups of institutions and/or members of multiple conferences for the purpose of acquiring automatic qualification.



EXCERPT REPORT OF THE  
NCAA DIVISION III NOMINATING COMMITTEE  
DECEMBER 4, 2019, ELECTRONIC ACTION

**ACTION ITEMS.**

**1. Legislative items.**

- None.

**2. Nonlegislative items.**

- **Governance Committee Appointments. [Attachments A and B]**

- (1) Recommendation. That the NCAA Division III Management Council approve the following committee appointments:
  - NCAA Division III Student-Athlete Advisory Committee (one immediate vacancy and one January 2020 vacancy).
    - i. Immediate vacancy, Mercy Ogutu, Trinity Washington University, Independents.
    - ii. January 2020 vacancy, Janne Brown, Aurora University, Northern Athletics Collegiate Conference.
- (2) Effective Date. At the close of the January 2020 NCAA Convention, unless otherwise noted.
- (3) Rationale. The committee reviewed the slate of nominees for each committee and forwarded these individuals for appointment.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

*Committee Chair: Jennifer Myhre, Anderson University (Indiana)*  
*Staff Liaison: Jen Roe, Law, Policy and Governance*

<b>NCAA Division III Nominating Committee December 4, 2019 Electronic Action</b>	
<b>Attendees:</b>	
Andrea Belis, Becker College.	
Rahsaan Carlton, Penn State Harrisburg.	
Michael Harrison, Framingham State University.	
Keri Luchowski, North Coast Athletic Conference.	
Josh Merchant, Buena Vista University.	
Jennifer Myhre, Anderson University (Indiana).	
Lori Runksmeier, Eastern Connecticut State University.	
<b>Absentees:</b>	
None.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Staff Liaison in Attendance:</b>	
Jennifer Roe.	
<b>Other NCAA Staff Members in Attendance:</b>	
None.	

**2019 DIVISION III STUDENT-ATHLETE ADVISORY COMMITTEE**

**Composition:** One student-athlete from each unit of conferences represented in the Division III Student-Athlete Advisory Committee partnership program. Independent institutions shall collectively be represented as one additional unit. If there is an odd number of Division III conferences, the unpaired conference and all independent institutions shall collectively be represented as one additional unit. In addition, 50 percent of the positions shall be allocated to men and 50 percent allocated for women with at least 25 percent of all positions allocated for ethnic minorities. No more than one student-athlete from a playing conference may serve on the committee at any time. Two Management Council members shall serve as ex officio members of the committee. **(Twenty-three members for 2020.)**

**Vacancies:** **One immediate vacancy. (Independents). Three 2020 vacancies Empire 8, NACC, Liberty League. Two must be female. (The independent institution representative can be male or female.)**

**Staff Liaisons:** Alison Spungen, Brynna Barnhart, Patrick Malin

GE N	E/M	SPORT	ELIG COMPL	CAN SERVE TO	NAME AND INSTITUTION	CONFERENCE	1/19-1/20	1/20-1/21	1/21-1/22
M	Y	Baseball	2019-20	1/20	Eugjae (NJ) Kim Emory University	University Athletic (Liberty League)	Kim*		
F	N	Rowing	2019-20	1/21	Annabelle Feist Williams College	New England Small College Athletic	Feist	Feish*	
F	N	Lacrosse/ Field Hockey	2019-20	1/21	Catherine Lanigan Juniata College	Landmark	Lanigan	Lanigan*	
F (M)	N (N)	Softball (Lacrosse)	2019-20 (2020- 21)	1/20 (1/22)	Emily Goodwin Massachusetts Maritime Academy (Paxton Blanchard Keene State University)	Massachusetts State Collegiate Athletic (Little East)	Goodwin*	(Blanchard)	Blanchard*)
M	Y	Soccer	2019-20	1/21	Arcel Kabongo Ngoy Western New England University	Commonwealth Coast	Ngoy	Ngoy*	
M	N	Soccer	2020-21	1/21	Colby Pepper Covenant College	USA South Athletic	Pepper	Pepper*	
M	N	Swim/ Football	2019-20	1/21	Braly Keller Nebraska Wesleyan University	American Rivers	Keller	Keller*	
F	N	Softball	2018-19	1/20	Samantha Kastner Notre Dame of Maryland University	Colonial States Athletic (Empire 8)	Kastner*		
M	Y	Basketball	2019-20	2/21	Cameron Gardner-Nicholson Penn State University, Altoona	Allegheny Mountain Collegiate	Gardner- Nicholson	Gardner- Nicholson*	
F	Y	Soccer	2019-20	1/21	Christine Mayorga Montclair State University	New Jersey Athletic	Mayorga	Mayorga*	
F (F)	N (Y)	CC/Track (Soccer)	2018-19 (2020- 21)	1/20 (1/22)	Julia Higgins The College of Wooster Abigail Newkirk Bluffton University	North Coast Athletic (Heartland Collegiate Athletic)	Higgins*	(Newkirk)	Newkirk)*

F (F)	N (Y)	Softball/ Tennis (Softball)	2018-19 (2020- 21)	1/20 (1/22)	Francesca Capaldi Bethany College (West Virginia) (Madeira Alexander Salisbury University)	Presidents' Athletic (Capital Athletic)	Capaldi*	Alexander	Alexander*
M	N	(Baseball)	2019-20	1/21	Michael McMahon Becker College	New England Collegiate	McMahon	McMahon	McMahon*

GEN	E/M	SPORT	ELIG COMPL	CAN SERVE TO	NAME AND INSTITUTION	CONFERENCE	1/19-1/20	1/20-1/21	1/21-1/22
F	N	Soccer	2018-19	1/20	Madison Brewer Burns Randolph-Macon College	Old Dominion Athletic (Middle Atlantic)	Burns*	Finn	Finn*
<b>M</b>	<b>N</b>	<b>Baseball</b>	<b>2018-19</b>	<b>1/20</b>	<b>Christopher Pakeltis MacMurray College</b>	<b>St. Louis Intercollegiate Athletic (Northern Athletics Collegiate)</b>	<b>Pakeltis*</b>		
F	N	Softball/ Soccer	2020-21	1/22	Charlotte Ellis Crown College (Minnesota)	Upper Midwest Athletic	Ellis	Ellis	Ellis*
M	N	Soccer	2019-20	1/21	Jake Santellano University of Wisconsin- Whitewater	Wisconsin Intercollegiate Athletic	Santellano	Santellano*	
M	N	Tennis	2019-20	1/21	Michael Litz Penn State University, Abington	North Eastern Athletic	Litz	Litz*	
M	Y	Volleyball	2020-21	1/22	Anthony Francois John Jay College of Criminal Justice	City University of New York Athletic	Francois	Francois	Francois*
F	N	Swimming	2019-20	1/21	Mikayla Costello Willamette University	Northwest	Costello	Costello*	
M	Y	Baseball	2019-20	1/21	Isiah Swann University of Texas at Dallas	American Southwest	Swann	Swann	
F	N	Golf	2019-20	1/21	Hannah Durst Baldwin Wallace University	Ohio Athletic	Durst	Durst*	
					<b>(Immediate)</b>	<b>Independents</b>			

\* Not eligible for reappointment.



**Division III Student-Athlete Advisory Committee Nominee Information**

Name:	Mercy Ogutu
Gender:	F
Ethnic Minority:	Y
Institution:	Trinity Washington University
Conference:	Independent
Sports:	Women's Volleyball
Anticipated graduation date:	05/2023
Eligibility exhausted:	2022-23
Major:	Political Science/International Affairs
Minor:	
GPA:	3.7
Institutional SAAC member:	Y
Current Email:	ogutum@students.trinitydc.edu
Current Phone:	(404) 906-3310
Permanent Email:	
Permanent Phone:	
Nominee has contacted listed references:	Y

**References:**

Monique McLean: Director of Athletics (202) 884-9097

Allen Pietrobon: Asst Professor of Global Affairs

**Student Statement:**

It would be an honor to represent my institution. To be a student-athlete is a commitment that allows me to be active in the classroom, in the community and it's an opportunity to be involved with student engagement. Being a student-athlete has given me the opportunity to build leadership and work well with others and allows me to support my peers to be the best they can be. My involvement in sports has helped me to develop a strong mindset to see every challenge as an opportunity to grow.



## Division III Student-Athlete Advisory Committee Nominee Information

Name:	Janne Brown
Gender:	F
Ethnic Minority:	N
Institution:	Aurora University
Conference:	Northern Athletics Collegiate Conference
Sports:	Women's Lacrosse
Anticipated graduation date:	05/2022
Eligibility exhausted:	2021-22
Major:	Biology
Minor:	
GPA:	3.69
Institutional SAAC member:	Y
Current Email:	jbrown37@aurora.edu
Current Phone:	(630) 699-7835
Permanent Email:	
Permanent Phone:	
Nominee has contacted listed references:	N

### References:

Christina Fried, cfried@aurora.edu  
Dr. Jane Adams, jadams@aurora.edu

### Student Statement:

I would like to serve on the Student-Athlete Advisory Committee because I would like to be a voice for all our athletes on our campus. This committee help my members and I have a chance to improve our leadership skills that can be used for our future careers. I like to serve on SAAC for the community service that we participate in to improve our relationship with the community. When we are apart of Cans Across the Conference and Project Linus, it helps improve relations with the community and within the committee itself. This is because all the cans, blankets, and money go to food pantries and to children in hospitals and shelters and it makes us feel that we are apart of something bigger than just a simple club on campus. I like to serve on this committee because our members and I help boost morale of athletic teams by going to games for different sports and having a night each semester for athletes of all different sports have a chance to bond and make new connections. I would like to serve on this committee because I would like it to mean something on our campus other than just another club and I would like to see it successful in volunteering, building of leadership skills for everyone, and the building of sportsmanship between all of the sports teams.





**REPORT OF THE  
NCAA DIVISION III STUDENT-ATHLETE ADVISORY COMMITTEE  
NOVEMBER 10-11, 2019, MEETING**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

**1. Administrative items.**

- a. **Rosters.** The committee reviewed and made corrections to its official roster.
- b. **September 22, 2019, videoconference report.** The committee approved its September 2019 videoconference report with no changes.
- c. **Review policies and procedures.** The committee reviewed its policies and procedures and proceeded with no changes.
- d. **Expectations of a SAAC member.** The committee reviewed its policies regarding expectations for SAAC members. The committee discussed best practices for engagement between primary and associate members.
- e. **Roberts Rules of Order.** The committee reviewed a resource on Roberts Rules of Order for use during the meeting.
- f. **Elections.** The committee held elections for its executive committee for 2020-2021. The following individuals were elected and will assume their duties after the 2020 NCAA Convention:
  - (1) Chair: Braly Keller, football; and swimming and diving student-athlete at Nebraska Wesleyan University.
  - (2) Vice Chair: Anabelle Feist, rowing student-athlete at Williams College.
  - (3) Communications Director: Mika Costello, swimming and diving student-athlete at Willamette University.
  - (4) Management Council (female): Cat Lanigan, field hockey student-athlete at Juniata College.
  - (5) Interpretations and Legislation Committee: Anthony Francois, volleyball student-athlete at John Jay College of Criminal Justice.
  - (6) Board of Governors Student-Athlete Engagement Committee: Samantha Kastner, field hockey and softball student-athlete at Notre Dame of Maryland University.

2. **Division III Updates.** Ali Spungen, associate director of Division III, provided the committee with an update on Division III governance initiatives. Specifically, Ms. Spungen covered the following:
  - a. Name, Image and Likeness;
  - b. Sports Wagering;
  - c. Joint NCAA Basketball Championship (Divisions I, II, III);
  - d. Championships Site Selection and Bid Process;
  - e. Sports Science Institute Collaboration;
  - f. Division III University;
  - g. Gameday the DIII Way;
  - h. Identity Initiative and Division III Week; and
  - i. Division III Social Media.
  
3. **Division III hand signal.** The committee discussed the hand signal that has become closely associated with Division III student-athletes (the “ok” sign that forms a “d3” symbol). This hand signal has frequently been used by student-athletes across the membership and has been used in photographs including Division III National SAAC. Recently, it has been designated as a hate symbol, due to its association with white power, by the Anti-Defamation League.

To avoid any association with hate groups espousing extreme views, Division III members are urged to no longer use this “ok” hand signal to represent the division. The committee was charged with returning to campus to educate student-athletes about the decision and to lead a discussion about the disassociation with the Division III hand signal.
  
4. **NCAA Division III Management Council October 2019 report.** The committee reviewed the October Management Council report and highlighted the action items being sent forward to the Presidents Council. An area of specific emphasis was on officiating, both in incentivizing former student-athletes to pursue officiating as a career and bridging the stigma surrounding the undesirable nature of refereeing as a profession.
  
5. **2020 NCAA Convention.**
  - a. Tentative Convention meeting schedule. The committee reviewed a tentative schedule for the 2020 NCAA Convention. Committee members discussed key programming components, responsibilities on-site for National SAAC members, and began preliminary discussions surrounding SAAC sponsored events.

- b. Special Olympics clinic update. Staff provided the committee with an update on the Special Olympics unified activity planned for the Convention. The activity will feature bocce, cornhole, and a volleyball station at the Convention location. Discussions are being conducted with local Special Olympics branches to ensure the proper equipment and volunteers are secured.
  - c. Discuss agenda and plans for joint PC/MC/SAAC breakfast at Convention. The committee discussed a draft agenda and asked for feedback on proposed topics.
  - d. Conference and partner conference meetings. The committee discussed best practices for attendance at conference and partner conference meetings during Convention and scheduling of the conference meetings.
  - e. Update on Convention attendance numbers. Staff reviewed the anticipated number of Convention attendees comprising associate SAAC members, Division III students, Division III Student Immersion Program attendees and future National SAAC representatives.
  - f. Discuss plans for student luncheon and social mixer. The committee brainstormed various ways to engage the Convention attendees and provide both informative and interactive opportunities to engage fellow Division III attendees. The committee designed a plan for the student luncheon that will feature Division III trivia and prize giveaways, while also providing an opportunity for small group discussion about relevant topics to the Division III membership. Staff discussed with the committee about the components of the social mixer at Convention. The social mixer will feature giant-sized games (LiteBrite, Jenga, Connect Four, etc.), as well as snacks and an ice cream sundae bar. Committee members were encouraged to use both the luncheon and social mixer as opportunities to intentionally connect with attending members from their conference to further dialogue and forge relationships.
  - g. Convention waiver and responsibility statement. Committee members attending Convention signed a Convention Waiver and Responsibility Statement.
6. **Division III SAAC working group breakouts.** The committee broke into its working groups for planning sessions for the months ahead.
  7. **Mental Health Social Media Campaign.** The committee discussed the logistics of the upcoming Division III Mental Health Social Media campaign. The campaign will center around #BreakTheStigma and will occur during the first week of May, in conjunction with Mental Health Awareness Month.
  8. **FARA Annual Meeting.** NJ Kim, former baseball student-athlete from Emory University, provided the committee with an update on the 2019 FARA Annual Meeting. Mr. Kim and Ms. Costello attended the meeting in Bellevue, Washington.

- 9. NCAA Committee and Working Group reports.** The committee representatives that serve on Division III committees and working groups; and Association-Wide committees provided updates on the most recent meetings and reports. Following are specific updates of note:
- a. Division III Championships Committee. Staff provided the update due to the absence of Jake Santellano, former soccer student-athlete at University of Wisconsin, Whitewater. The committee discussed the approval of alcohol sales at the joint basketball championships and changes in rules regarding bench sizes for specific sports.
  - b. Division III Interpretations and Legislation Committee. Ms. Feist provided an update to the committee surrounding the upholding of an appeal related to financial aid. Additionally, Ms. Feist informed the group that discussion surrounding eSports has been tabled.
  - c. Division III Diversity & Inclusion Working Group. Ms. Lanigan updated the committee on the upcoming mandatory requirement for Division III institutions to begin reporting student-athlete graduation rate data in June of 2020. Ms. Lanigan reported that an independent contractor has been assigned to analyze the appointment of committee members across the NCAA to ensure representation of a wide variety of perspectives and demographics.
  - d. Division III LGBTQ Working Group. Ms. Costello reminded the committee of key upcoming dates related to LGBTQ initiatives including the OneTeam facilitator training in December, and the OneTeam engagement (reception and awards) at the NCAA Convention.
  - e. Board of Governors Student-Athlete Engagement Committee. Ms. Feist and Mr. Pepper reported on the strategic priorities resulting from the BOG SAEC meeting, which included the solidification of the partnership between the NCAA and OneLove. The committee members were asked to send OneLove information to their conference offices, or to bring materials about the organization to their conference meetings this fall.
  - f. Minority Opportunities and Interests Committee. Anthony Francois reported on the discussion from Minority Opportunities and Interests Committee surrounding the proposed addition of the Athletics Diversity and Inclusion Designee. The committee discussed some concerns surrounding the selection of individuals on campus to assume this responsibility.
- 10. Legislation.** The committee reviewed the current proposals for the 2020 legislative cycle and discussed the feedback received from the committee members' conferences and partner conferences. [Attachment]
- 11. Name, Image and Likeness.** Scott Bearby, vice president of legal affairs and general counsel, provided the committee with an update regarding the recent Board of Governor's decision to support the ability for NCAA student-athletes to monetize their Name, Image and Likeness. Committee members asked Mr. Bearby questions regarding the specific process and timeline for upcoming NIL legislation, the ramifications of potential rule changes on Division III athletics, and

the specific challenges related to female student-athletes and those competing in Olympic sports. The committee received a renewed understanding of when and how decisions will be made regarding Name, Image and Likeness; and the role they will play in the process going forward.

**12. SAAC working group report outs.**

- a. Special Olympics Working Group. The Special Olympics working group reported about a new social media campaign to highlight Special Olympics engagement across the Division III membership. This initiative will incorporate bi-weekly features with a gallery of pictures from the event and a quote from the highlighted student-athlete to be posted as mini-profiles on the Division III SAAC Twitter. Additionally, the working group presented an idea to develop a “Special Olympics Best Practices” one-page resource for how student-athletes can engage with the impactful organization on campus. Finally, the working group detailed a plan for the Special Olympics event at the 2020 NCAA Convention, which is being developed alongside local partners in Anaheim and will center around bocce, cornhole and volleyball activities.
- b. Inclusion Working Group. Members of the inclusion working group reported to the committee about the development of the Domestic Assault and Sexual Violence resource guide which has been an on-going project for the committee. The group presented details about the Pride Day event on April 19 (which falls during Division III week) that has been discussed in partnership with the Gay, Lesbian, and Straight network to support the Day of Silence with targeted social media efforts from student-athletes and moments of silence at athletic events across Division III on that date. Additionally, the working group described the creation of a Safe Space marker, whether a sticker, lanyard, or other item, that will articulate the designation as a safe space without the need to verbally articulate this status.
- c. Sustainability Working Group. The Sustainability Working Group discussed the creation of a one-page resource to help educate institutions about their environmental impact and how to effectively implement sustainable programs. This document will be released on Earth Day in April and feature best practices and hypothetical scenarios regarding sustainability efforts. With the gift at the 2020 Convention relating to sustainability (metal straws), committee members were encouraged to engage in discussion surrounding the impact of metal straw usage and general sustainability efforts associated with Division III. The working group also presented the idea of utilizing reported analytics regarding environmental efforts across the membership to generate an impact document at the 2021 NCAA Convention.

**13. Practice and refinement of legislative position papers.** Committee members practiced and refined their legislative position papers for Convention.

**14. Future meetings.**

- a. January 21-25, 2020; NCAA Convention, Anaheim, California.

- b. April 18-19, 2020; Indianapolis.
  - c. July 18-19, 2020; Indianapolis.
- 15. Other Business.** Staff initiated a discussion with committee members surrounding membership tenure on Division III National SAAC. Conversation focused on the thoughts of committee members about their ability to serve on the committee for an extended period of time after graduation with work commitments and the disconnection from campus.
- 16. Adjournment.** The committee adjourned at 12:07 p.m. Monday, November 11.

*Committee Chair: Madison Burns, Randolph-Macon College, Old Dominion Athletic Conference.*  
*Staff Liaisons: Ali Spungen, Division III Governance*  
*Brynna Barnhart, Enforcement*  
*Corey Berg, Academic and Membership Affairs*  
*Patrick Malin, Leadership Development*

<b>NCAA Division III Student-Athlete Advisory Committee November 10-11, 2019, Meeting</b>
<b>Attendees:</b>
Madison Burns, Randolph-Macon College, Old Dominion Athletic Conference.
Gerard Bryant, John Jay College of Criminal Justice; ex officio Management Council attendee
Mika Costello, Willamette University; Northwest Conference.
Hannah Durst, Baldwin-Wallace University, Ohio Athletic Conference.
Annabelle Feist, Williams College, New England Small College Athletic Conference.
Anthony Francois, John Jay College of Criminal Justice, City University of New York Athletic Conference.
Cameron Gardner-Nicholson, Penn State University, Altoona, Allegheny Mountain Collegiate Conference.
Emily Goodwin, Massachusetts Maritime Academy, Massachusetts State Collegiate Athletic Conference.
Samantha Kastner, Notre Dame of Maryland University, Colonial States Athletic Conference.
Braly Jay Keller, Nebraska Wesleyan University, American Rivers Conference.
NJ Kim, Emory University, University Athletic Association.
Catherine Lanigan, Juniata College, Landmark Conference.
Alyssa Leventer, St. Mary's College (Maryland), Capital Athletic Conference.
Michael Litz, Penn State University, Abington, North Eastern Athletic Conference.
Christine Mayorga, Montclair State University, New Jersey Athletic Conference.
Michael McMahon, Becker College, New England Collegiate Conference.
Abigail Newkirk, Bluffton University, Heartland Collegiate Athletic Conference.
CJ Pakeltis, MacMurry College, St. Louis Intercollegiate Athletic Conference.
Colby Pepper, Covenant College, USA South Athletic Conference.
Isaiah Swann, University of Texas at Dallas, American Southwest Conference.
Denise Udelhofen (teleconference), Loras College; American Rivers Conference., Management Council representative.

<b>Not in Attendance</b>
Brynna Barnhart, Enforcement.
Fran Capaldi, Bethany College, Presidents' Athletic Conference.
Lottie Ellis, Crown College (Minnesota), Minnesota Intercollegiate Athletic Conference.
Arcel Kabongo-Ngoy, Western New England University, Commonwealth Coast Conference.
Jake Santellano, University of Wisconsin, Whitewater, Wisconsin Intercollegiate Athletic Conference.
<b>NCAA Staff Liaisons in Attendance:</b>
Corey Berg, Academic and Membership Affairs.
Patrick Malin, Leadership Development.
Ali Spungen, Division III Governance.
<b>Other NCAA Staff in Attendance</b>
Scott Bearby, Legal Affairs.
Kiana Verdugo, Division III Governance.

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>	<b>SAAC Position</b>
2020-1	NCAA MEMBERSHIP -- ACTIVE MEMBERSHIP AND MEMBER CONFERENCE -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ATHLETICS DIVERSITY AND INCLUSION DESIGNEE	To specify that an active member institution or conference shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.	Support
2020-2	DIVISION MEMBERSHIP -- APPLICATION PROCESS -- PROVISIONAL INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS PLUS AN EXPLORATORY YEAR	To amend legislation related to the Division III provisional process as follows: (1) For non-NCAA members, reduce the provisional process from four to three years; (2) Expect that process will continue to require an exploratory year; (3) While a waiver of exploratory membership will remain in place, there will no longer be a waiver during the provisional process; (4) Specify that if an institution is unable to gain full active membership within this time frame, there is a one-time opportunity to repeat a year in question, through recommendation of Membership Committee.	Support
2020-3	DIVISION MEMBERSHIP -- APPLICATION PROCESS -- RECLASSIFYING INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS	To amend legislation related to the Division III reclassifying process as follows: (1) For current NCAA members reclassifying to Division III, reduce the number of years in the reclassifying process from four to three years; (2) The process will eliminate the one-year exploratory membership requirement; (3) Specify that if an institution is unable to gain full active membership within this time frame, there is a one-time opportunity to repeat a year in question, through recommendation of Membership Committee.	Support
2020-4	AWARDS AND BENEFITS -- HOUSING AND MEALS -- EXCEPTIONS -- SNACKS AND NUTRITIONAL SUPPLEMENTS INCIDENTAL TO PARTICIPATION	To specify that an institution may provide snacks and permissible nutritional supplements to student-athletes as a benefit incidental to participation in intercollegiate athletics.	Support
2020-5	AWARDS AND BENEFITS -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- PERMISSIBLE PRACTICE EXPENSES -- EXCEPTIONS FOR GOLF AND SWIMMING AND DIVING	To allow an institution to provide practice expenses in the sports of Golf and Swimming and Diving during an official vacation period regardless of location.	Support



**2020 Division III Legislation - National SAAC Positions as of Nov. 12, 2019**

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>	<b>SAAC Position</b>
2020-6	ATHLETICALLY RELATED ACTIVITIES -- LEADERSHIP PROGRAMMING OUT-OF-SEASON INVOLVING ATHLETICS RELATED INFORMATION AND CONTENT (GENERAL IN NATURE)	To allow student-athletes serving in a team leadership capacity to voluntarily participate in leadership programming involving general, athletics-related content/information outside of the declared playing season with any member of an institution's coaching staff, provided the content of the programming does not include any: a) Field, floor, or on-court activity; b) Setting up offensive or defensive alignment; c) Chalk talk; d) Lecture on or discussion of strategy related to the specific-sport of the student-athlete(s); e) Activities using equipment related to the sport; f) Discussion or review of game films, motion pictures or videotapes related to the sport; or g) Any other athletically related activity.	Support
2020-7	DIVISION MEMBERSHIP -- PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S EQUESTRIAN	To add Equestrian as an emerging sport for women and establish legislation related to playing and practice seasons and membership.	Support
2020-8	DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- ACROBATICS AND TUMBLING	To add acrobatics and tumbling as a emerging sport for women and establish legislation related to playing and practice seasons and membership.	Support
2020-9	DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S WRESTLING	To add women's wrestling as an emerging sport for women and establish legislation related to playing and practice seasons and membership.	Support
2020-10	NCAA MEMBERSHIP -- MEMBER CONFERENCE -- ELIGIBILITY -- COMPOSITION OF CONFERENCE--PROVISIONAL AND RECLASSIFYING MEMBERS AS CORE MEMBERS	To specify that institutions in years three and four of the NCAA Division III provisional and reclassifying membership process may count towards the requisite seven institutions necessary to comprise a conference provided there are at least four active member institutions.	Support
2020-11	DIVISION MEMBERSHIP -- SPORT CLASSIFIED IN DIVISION I -- APPLYING DIVISION I LEGISLATION	To permit Division III member institutions with Division I sports to apply all Division I legislation, except Bylaw 15 (financial aid), to the Division I sports.	Support
R-2020-12	RESOLUTION -- SOFTBALL/BASEBALL NATIONAL CHAMPIONSHIP TOURNAMENT TIMING		Support



REPORT OF THE  
NCAA DIVISION III COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT  
NOVEMBER 19-20, 2019, MEETING

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

1. **Review philosophy statements.** The committee reviewed the Division III and the student-athlete reinstatement philosophy statements.
2. **Review June 2019 report.** The committee reviewed and approved the report from its June 2019 in-person meeting.
3. **NCAA Division III Summary of Legislative Actions.** The committee received an update on selected 2020 NCAA Convention proposals.
4. **NCAA amateurism certification process update.** The committee reviewed a summary of amateurism certification case decisions, including appeals heard by the committee, for the 2019-20 academic year.
5. **Involvement with NCAA enforcement staff.** The committee reviewed and amended its policy regarding NCAA student-athlete reinstatement staff involvement with NCAA enforcement staff to specify if the enforcement staff determines that the institution's request for reinstatement contains information that is either contradictory to information obtained by the enforcement staff or appears incomplete; the reinstatement and enforcement staffs may follow up with the institution specific to the concerns.
6. **Application of withholding conditions for season-of-participation waivers – participation while eligible, hardship waivers and hardship waiver appeals.** The committee reviewed waivers in which the reinstatement staff or committee imposed withholding as a condition of reinstatement. The committee determined when a season-of-participation waiver – participation while eligible and hardship waivers are approved with a withholding condition, the institution must apply the withholding condition to the first regularly scheduled contest(s) or date(s) of competition during the student-athlete's next season of participation and pursuant to student-athlete reinstatement policies and procedures specific to competition used to fulfill withholding conditions.
7. **Review of pre-enrollment dollar-value withholding guidelines.** The committee reviewed violations of NCAA Division III Bylaw 12.1.1 (preferential treatment, benefits or services), Bylaw 13.2 (offers and inducements), Bylaw 13.5 (transportation), Bylaw 13.6 (official visit) and Bylaw 13.7 (unofficial visit) and updated the guidelines based on the value of the impermissible benefit, as follows:

Previous Guideline	Amended Guideline
Greater than \$200 to \$500 = repayment	Greater than \$200 to \$500 = repayment
Greater than \$500 to \$700 = repayment and 10% withholding	Greater than \$500 to \$800 = repayment and 10% withholding
Greater than \$700 to \$1,000 = repayment and 20% withholding	Greater than \$800 to \$1,100 = repayment and 20% withholding
Greater than \$1,000 = repayment and 30% withholding	Greater than \$1,100 = repayment and 30% withholding

- 8. Withholding for reinstatement conditions that charge full seasons of participation.** The committee reviewed case precedent wherein the reinstatement decision involved a condition that charged full seasons of competition. In cases where a prospective or enrolled student-athlete is charged with the use of more than one season of participation as a condition of reinstatement, the committee determined reinstatement staff may provide relief from withholding the prospective or enrolled student-athletes from more than one season of participation.
- 9. Review of waiver guidelines specific to legal issues and allegations.** The committee reviewed the current guideline specific to legal issues and allegations and determined the guideline should apply to all waiver types processed by the reinstatement staff and committee. Specifically, for all waiver types, a reinstatement staff waiver decision should not supersede institutional action.
- 10. Documentation standards for waivers involving financial hardship or other hardship unrelated to injury or illness.** The committee amended its guideline to state that situations which gradually develop into extreme financial difficulties may satisfy the specific-event requirement of the legislation if: (1) The financial hardship is supported by objective documentation; (2) The extreme financial difficulties directly impacting the student-athlete's ability to participate during the academic year in question; and (3) The institution demonstrated a subsequent change in the student-athlete's financial circumstances that enabled the student-athlete to return to participation. Additionally, the committee provided guidance on documentation standards for waivers involving hardship unrelated to injury or illness and directed reinstatement staff to continue a case-by-case review.

11. **Document retention.** The committee reviewed the NCAA national office document retention policy as determined by the NCAA Office of Legal Affairs. The committee requested that the reinstatement staff track on any changes in policy that would apply to student-athlete reinstatement case documentation and amend procedure consistent with recommendations from the Office of Legal Affairs.
12. **Practice or competition during final semester of enrollment while enrolled less than full time.** The committee reviewed scenarios where a student-athlete uses a final term exception to practice or compete while enrolled in less than a minimum full-time program of studies and fails to complete degree requirements during that term or is not eligible to receive a baccalaureate or graduate diploma on the institution's next degree-granting date. The committee determined review authority for restoration of the student-athlete's eligibility in these circumstances should be transferred from the NCAA Subcommittee for Legislative Relief to the committee on student-athlete reinstatement. The committee on student-athlete reinstatement directed reinstatement staff to review these requests on a case-by-case basis.
13. **Litigation update.** The committee received a litigation update from the vice president for NCAA law, policy and governance.
14. **Review of policies and procedures.** The committee reviewed and approved revisions to the NCAA Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
15. **Conflict of interest policy.** The committee reviewed the NCAA Conflict of Interest Policy.
16. **Governance update.** The committee received a governance update from the managing director for Division III.
17. **Flexible case review.** The committee reviewed recent reinstatement staff decisions that provided relief from established case precedent or committee guidelines. The committee determined all cases reviewed will remain available as precedent in the Request/Self-Reports Online case management system consistent with Divisions I, II and III Committees on Student-Athlete Reinstatement Policies and Procedures.
18. **Financial aid update.** The committee received an update regarding reinstatement cases involving financial aid violations processed by the reinstatement staff. The committee noted the NCAA Division III membership submitted no student-athlete reinstatement requests involving financial aid violations between April 16 and September 15, 2019.
19. **Calculating the value of an impermissible housing benefit.** The committee reviewed cases involving the receipt of impermissible housing benefits by prospective or enrolled

student-athletes. The committee amended its guideline to state that the value of an impermissible housing benefit shall be calculated as follows: (1) If an individual impermissibly stays on campus, the residence hall daily rate for the same room type at the specific residence hall; (2) If an individual impermissibly stays in short-term lodging (e.g., hotel, vacation rental, etc.), the daily rate for the same room/listing type at the specific property; or (3) If an individual impermissibly stays off campus at a private residence or comparable site, the actual rental value of the property shall serve as the basis for the valuation. If the actual rental value is not readily available, the estimated fair market rental value for the specific property may be used, provided the institution can objectively document it. If neither the actual or estimated rental value is available, the reinstatement staff should ask the institution why the valuation is not available and where the individual would have stayed but for the impermissible housing.

- 20. Previously approved waivers and reinstatement requests.** The committee approved a concept to permit institutions to approve specific waivers and student-athlete reinstatement requests without submitting a case in the RSRO case management system. The committee approved a list of previously approved requests for which this flexibility applies and noted institutions may approve waivers or reinstate student-athletes only if the circumstances of the particular case appear on the list and satisfy all established criteria. If the circumstances of a particular case do not appear on the previously approved request list or if the circumstances do not satisfy all established criteria, the institution must submit a waiver or student-athlete reinstatement request through RSRO. When an institution approves a waiver based on the previously approved request list, it must notify its conference office. When an institution reinstates a student-athlete's eligibility based on the previously approved request list, the institution must report the violation to the enforcement staff through RSRO and indicate that the institution reinstated the student-athlete pursuant to the previously approved request list.
- 21. Hardship waiver education document.** The committee approved a final draft of its educational document that outlines the hardship waiver process for institutional and conference administrators. Distribution of the document to the Division III membership will occur in January 2020.
- 22. NCAA Division III Committee on Student-Athlete Reinstatement Guidelines.** The committee reviewed and approved revisions to the its guidelines, including the elimination of all gender-specific language.

- 23. Future meetings.** The committee established the following future meeting dates and locations:
- a. May 13-14, 2020, Indianapolis; and
  - b. December 1-2, 2020, Indianapolis.

*Committee Chair:* Angela Marin, University of Texas at Dallas.

*Staff Liaisons:* Stephanie Grace, Academic and Membership Affairs.  
Zach Romash, Academic and Membership Affairs.

<b>NCAA Division III Committee on Student-Athlete Reinstatement November 19-20, 2019, Meeting</b>	
<b>Attendees:</b>	
	Heather Benning, Midwest Conference.
	Matthew Burke, Fitchburg State University.
	Barbara MacLeod, Ohio Wesleyan University.
	Angela Marin, University of Texas at Dallas.
	Brian Williams, State University of New York at New Paltz.
<b>Absentees:</b>	
	Jake Santellano, University of Wisconsin-Whitewater.
<b>Guests in Attendance:</b>	
	None.
<b>NCAA Support Staff in Attendance:</b>	
	Stephanie Grace and Zach Romash.
<b>Other NCAA Staff Members in Attendance for a portion of the meeting:</b>	
	Scott Bearby, Jennifer Fraser, Jennifer Henderson, Louise McCleary and Jeff Myers.



**KEY ITEMS:  
NCAA COMMITTEE ON COMPETITIVE SAFEGUARDS  
AND MEDICAL ASPECTS OF SPORTS  
DECEMBER 9-10, 2019, MEETING**

**ACTION ITEMS.**

• **Legislative items.**

**1. Concussion reporting obligation.**

- (1) Recommendation. Recommend the Division I Council, and the Divisions II and III Management Councils take legislative action to require member schools to regularly report all sport-related concussions and their resolution in a manner consistent with the terms of the class settlement in *Arrington v. NCAA* via a reporting process and system recommended by the Committee on Competitive Safeguards and Medical Aspects of Sports and in conjunction with the NCAA Sport Science Institute. The Committee on Competitive Safeguards and Medical Aspects of Sports will establish and maintain policies and procedures for the reporting of concussions and their resolution, including an annual deadline for submission.
- (2) Effective date. Immediate for the NCAA's establishment of a reporting process and system, and policies and procedures; institutions are required to report sport-related concussions diagnosed May 18, 2020 and thereafter, and their resolution. Timing of reporting to be determined by CSMAS.
- (3) Rationale. The *Arrington* class settlement obligations resulted in the NCAA's evaluation of a reporting process through which member institutions can report to the NCAA instances of diagnosed concussions in NCAA student-athletes and their resolution. This reporting mechanism will provide further insight into the incidence and resolution of concussions involving NCAA student-athletes.
- (4) Estimated budget impact. Cost to create reporting system.
- (5) Student-athlete impact. This reporting mechanism will provide further insight into the incidence and resolution of concussions involving NCAA student-athletes.

**2. NCAA Constitution 3.2.4.20.1 --Concussion Safety Protocol**

- (1) Recommendation. Recommend that the Division I Autonomy conferences revise NCAA Constitution 3.2.4.20.1 to specify that the Concussion Safety Protocol shall be consistent with the NCAA Concussion Safety Protocol Checklist rather than the Interassociation Consensus: Diagnosis and Management of Sport-Related Concussion Best Practices.

- (2) Effective date. Immediate.
- (3) Rationale. Sufficient best-practices guidance on the diagnosis and management of sport-related concussion is now available from the international community. As a result, the NCAA will sunset the Interassociation Census document. In its place, processes have been established, with oversight from the Committee on Competitive Safeguards and Medical Aspects of Sports, to monitor and update the NCAA Concussion Safety Protocol Checklist, upon which concussion safety protocols in all three divisions are to be based.
- (4) Estimated budget impact. No budgetary impact.
- (5) Student-athlete impact. This change will ensure that guidance in conferences with autonomy on the diagnosis and management of sport-related concussion is based on emerging scientific and clinical information.

**KEY INFORMATIONAL ITEMS.**

- 1. Seasons of competition expansion.** The committee approved a statement recommended by the CSMAS Seasons of Competition Subcommittee as part of its review of Division I season of competition legislation. The statement clarifies that health and safety should not be used as a primary consideration or justification for the expansion of the football rule (NCAA Division I Bylaw 12.8.3.1.6) to other sports.
- 2. Division I legislative proposals.** The committee reviewed the NCAA Division I Autonomy and NCAA Division I Council-Governance legislative proposals that may have health and safety implications. The committee discussed the proposed legislation and developed recommended positions, comments and feedback for sponsors.

*Committee Chair:* Jessica Mohler, U.S. Naval Academy, Patriot League  
*Staff Liaisons:* John Parsons, NCAA Sport Science Institute  
Anne Rohlman, NCAA Academic and Membership Affairs  
Jessica Wagner, NCAA Sport Science Institute

<b>Committee on Competitive Safeguards and Medical Aspects of Sports December 9-10, 2019, Meeting</b>
<b>Attendees:</b>
Shawn Arent, Rutgers, The State University of New Jersey, New Brunswick.
Stevie Baker-Watson, DePauw University.
Stephanie Chu, University of Colorado, Boulder.
Bob Colgate, National Federation of State High School Associations.



Jeff Dugas, Troy University.
N. Jeremi Duru, American University.
Dave Eavenson, USA South Athletic Association.
Joshua Ellow, Swarthmore College.
Luis Feigenbaum, University of Miami (Florida).
R.T. Floyd, University of West Alabama.
Samantha Kastner, Notre Dame of Maryland University.
Caroline Lee, Southern Louisiana University.
Jessica Mohler, U.S. Naval Academy.
Steve Murray, Pennsylvania State Athletic Conference.
Nicole Pieart, Aurora University.
Mark Stovak, University of Nevada, Reno.
Kim Terrell, University of Oregon.
Auburn Weisensale, University of Pittsburgh.
Jeff Williams, East Central University.
Taylor Stover, Rogers State.
Kurt Zorn, Indiana University.
<b>Absentees:</b>
Buddy Teevens, Dartmouth College.
<b>Guests in Attendance:</b>
Dr. Bradley Anawalt, Chief of Medicine at the University of Washington Medical Center.
Mark Bockelman, Drug Free Sport.
Avinash Chandran, Datalys Center.
Christine Collins, Datalys Center.
Michelle Dorsey, Drug Free Sport.
<b>NCAA Staff Liaisons in Attendance:</b>
John Parsons, Anne Rohlman and Jessica Wagner.
<b>Other NCAA Staff Members in Attendance:</b>
Laura Arnett, Scott Bearby, Brian Burnsed, Dawn Buth, Jackie Campbell, Jenn Fraser, Shep Cooper, Amanda Dickey, LaGwyn Durden, Dr. Brian Hainline, Ty Halpin, Maritza Jones, Jean Merrill, Louise McCleary, Ken Kleppel, Donald Remy, Paul Roetert, Crystal Rogers, Kim Shea, Naima Stevenson, Jared Tidemann, Jerry Vaughn, Amy Wilson and David Worlock.

**REPORT OF THE  
NCAA COMMITTEE ON WOMEN'S ATHLETICS  
SEPTEMBER 11-12, 2019, MEETING**

**KEY ITEMS.**

- **Division III Equestrian proposal.** The committee recommended the Division III Management Council support a proposal to add equestrian as an emerging sport for women and to establish legislation related to playing and practice seasons and membership. In its recommendation, the committee noted that equestrian offers more participation opportunities for female student-athletes and more sport-sponsorship options for member institutions in Division III. The committee also noted that if Division III adds equestrian as an emerging sport, the sport likely will be sponsored by at least 40 NCAA institutions, marking its eligibility to be added as an NCAA championship sport.

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Welcome and announcements.** The chair welcomed the following new committee members to their first in-person meeting: Renee Bostic, Mónica Lebrón, Miriam Merrill, Robert Nelson and Renie Shields. The committee also reviewed its mission statement.
2. **Review and approval of NCAA Committee on Women's Athletics April 24-25, 2019, meeting report.** The committee reviewed and approved its April 24-25, 2019, meeting report.
3. **Review NCAA Minority Opportunities and Interests Committee April 24-25, 2019, meeting report.** The committee reviewed the April 24-25, 2019, MOIC meeting report.
4. **2019 NCAA Woman of the Year selection.** The committee acknowledged the 584 record-number of nominees submitted by NCAA member schools, the 151 nominees selected by NCAA member conferences, the Top 30 (10 honorees from each division) and Top 9 (three from each division) selections made by the Woman of the Year Selection Committee. The committee also thanked the four CWA members who served on the Woman of the Year Selection Committee alongside three MOIC members.
  - a. **Review of preliminary rankings.** Prior to its September 11-12, 2019, meeting, CWA members reviewed, evaluated and scored the Top 9 finalists for Woman of the Year using criteria and guidelines established by the CWA. Using the scores submitted, staff developed a cumulative score out of 100 for each Top 9 honoree and informed the committee of the preliminary rankings.

- b. Selection of 2019 NCAA Woman of the Year.** The committee deliberated on the preliminary rankings and voted to select the 2019 NCAA Woman of the Year.
- c. Woman of the Year award dinner.** The award dinner will be Sunday, October 20, 2019, in Indianapolis. Committee members who served on the Woman of the Year Selection Committee are invited to attend as guests of the NCAA office of inclusion.
- d. NCAA Woman of the Year program and academic performance.** A former member of CWA and of the Woman of the Year Selection Committee presented information noting an academic achievement gap amongst nominees of the 2018 Woman of the Year Award. The greatest academic achievement gaps were between white nominees and black/African American nominees, whose grade-point averages were 3.86 and 3.46, respectively. The achievement gap was found to exist across all three divisions. The committee discussed how academic achievement gaps may impact the racial and ethnic diversity of nominees. The committee suggested potential changes to the award criteria, and the nomination and selection processes to ensure more nominees of color are considered for the award.
- 5. NCAA Emerging Sports for Women updates.** The committee reviewed updates submitted by leaders from each of the current emerging sports for women: equestrian, rugby and triathlon.
- 6. NCAA Emerging Sports for Women application.** The committee discussed the purpose of the Emerging Sports for Women program and the program's application requirements. The committee also began the review process for an application from STUNT. The committee agreed to form a subcommittee to conduct an in-depth review of the STUNT application and report findings to the full committee during its February teleconference.
- 7. NCAA Emerging Sports for Women legislative proposals.** The committee reviewed proposals in the current legislative cycle to add acrobatics and tumbling, and women's wrestling as emerging sports in Divisions I, II and III, and to add equestrian as an emerging sport in Division III. In its review of the women's wrestling proposal in each division, the committee identified some concerns related to student-athlete health and safety to be shared with the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.
- 8. Committee on Women's Athletics member guide.** The committee reviewed the new CWA member guide, which details operations, programs and policies of the committee. The committee discussed including a section pertaining to student-athlete responsibilities as a CWA representative.
- 9. Sexual assault prevention update.** NCAA staff provided an update on efforts to combat sexual violence, including the publication in August 2019 of the second edition of the NCAA Sport Science Institute sexual violence prevention toolkit.

**10. Transgender student-athlete participation policy.** NCAA staff provided background information about the 2011 NCAA Board of Governors policy on transgender student-athlete participation, as well as updates on the evolution of language and ongoing discussions about trans-inclusion. Staff reminded the committee that the 2011 policy remains applicable.

**11. Title IX 50th Anniversary.** The committee discussed initiatives to celebrate and recognize the 50th Anniversary of Title IX, between April 2022 and April 2023.

**12. Future meeting dates.**

- a. February 2020 teleconference.
- b. April 15-16, 2020, in conjunction with the 2020 NCAA Inclusion Forum in Denver.
- c. September 14-15, 2020, Indianapolis.

**13. Recognition of CWA members.** The committee thanked Samantha Kastner and Lauren Yacks for their service on the committee, noting this was their last in-person meeting.

*Committee Chair: Denise Udelhofen, Loras College*  
*Staff Liaison(s): Jan Gentry, Championships and Alliances*  
*Jean Merrill, Office of Inclusion*  
*Karen Metzger, Academic and Membership Affairs*  
*Shay Wallach, Office of Inclusion*

<b>NCAA Committee on Women's Athletics September 11-12, 2019, Meeting</b>
<b>Attendees:</b>
Renee Bostic, Notre Dame of Maryland University.
Jason Doviak, Alfred State College.
David B. Kuhlmeier, Valdosta State University.
Valencia Jordan, Tennessee State University.
Samantha Kastner, Notre Dame of Maryland University.
John Kietzmann, Metropolitan State University of Denver.
Monica M. Lebron, Tulane University.
Grace McGuire, Utah State University.
Suzette McQueen, Central Intercollegiate Athletic Association.
Miriam G. Merrill, Hamilton College.
Robert Nelson, California State University, Sacramento.
Renie Shields, Saint Joseph's University.
Denise Udelhofen, Loras College.
Lauren Yacks, University of Findlay.
<b>Absentees:</b>
Marjorie Hass, Rhodes College.
Marc Johnson, University of Nevada, Reno.
Donna Price Henry, University of Virginia's College at Wise.
<b>NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:</b>
Jan Gentry, Jean Merrill, Karen Metzger and Shay Wallach.
<b>Other NCAA Staff Members in Attendance:</b>
Meghan Durham, Jessi Faulk, Rachel Stark-Mason and Amy Wilson.

REPORT OF THE  
NCAA HONORS COMMITTEE  
SEPTEMBER 16, 2019, MEETING

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome.** The chair welcomed the committee members.
2. **Committee report.** The committee approved the report of its July 24, 2019, teleconference.
3. **Policies and procedures.** The committee reviewed the policies and procedures and the ranking guidelines for Today's Top 10 selections.
4. **Honors Celebration overview.** Ms. Preston updated the committee on the 2020 Honors Celebration, which will be held Wednesday, January 22, at the Anaheim Convention Center in Anaheim, California.
5. **Discuss public member replacement for Doris Burke to begin after the January 2020 Honors Celebration.** The committee discussed possible candidates for the public member replacement and selected a candidate to be invited to join the committee. The committee also discussed the open FBS position, which is currently in process of being refilled through the Division I committee administration process.
6. **Today's Top 10 selections.** The committee selected 10 individuals to receive a 2020 NCAA Today's Top 10 award. The next step is to confirm them as awardees.
7. **Future meeting.** The committee will schedule a June/July 2020 conference call and September 2020 in-person meeting after new members have been identified.
8. **Other business.** None.

*Committee Chair: Christopher Howard, Robert Morris University*  
*Staff Liaison: Stacey Preston, Communications*

<b>NCAA Honors Committee September 16, 2019, Meeting</b>	
<b>Attendees:</b>	
	Chuck Brown, Pennsylvania State University, Erie, The Behrend College.
	Carolyn Campbell-McGovern, The Ivy League.
	Amy Foster, Seattle Pacific University.
	April Holmes, April Holmes Foundation, Inc.
	Christopher Howard, Robert Morris University.
<b>Absentees:</b>	
	Doris Burke, ESPN.
	Neil Norton, Creighton University.
<b>Guests in Attendance:</b>	
	None.
<b>NCAA Staff Liaisons in Attendance:</b>	
	Stacey Preston.
<b>Other NCAA Staff Members in Attendance:</b>	
	Melody Lawrence.



**REPORT OF THE  
NCAA MINORITY OPPORTUNITIES AND INTERESTS COMMITTEE  
SEPTEMBER 11-12, 2019, MEETING**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

- 1. Welcome and announcements.** The meeting was called to order by José Rodriguez, chair of the NCAA Minority Opportunities and Interests Committee. New members were welcomed, and the group introduced themselves.
- 2. Review and approval of the NCAA Minority Opportunities and Interests Committee April 24-25, 2019, meeting report.** The committee reviewed and approved its April 24-25, 2019, meeting report.
- 3. Review of the NCAA Committee on Women's Athletics April 24-25, 2019, meeting report.** The committee reviewed the April 24-25, 2019 meeting report for informational purposes.
- 4. Discussion of current issues and impact on intercollegiate athletics.** The committee discussed current national, campus and conference matters related to the mission and duties of the MOIC.
  - a. Media stories citing racial bias.** The committee discussed several media stories that cited discrimination against people of color due to their choice of hairstyle. The committee noted that a high school student-athlete was included in one of the stories and that it plans to track on these occurrences.
  - b. California Senate Bill 206.** The committee discussed California SB206 that recently was passed by the California Assembly and returns to the chamber prior to moving on to the governor's desk for signature. SB206 would allow student-athletes to profit off their own name, image and likeness, beginning Jan. 1, 2023. Staff noted that the NCAA Federal and State Legislation Working Group was formed by the NCAA Board of Governors to address this issue. The working group will provide its next report to the Board of Governors during the board's October meeting.
  - c. International students.** The committee discussed issues that potentially arise when international students come to the United States [e.g., visa issues, campus climate (safety, mass shootings)] and specifically how some of these issues have affected their campuses. Some on the committee encouraged further internal communication and discussions surrounding U.S. Immigration and Customs Enforcement, Deferred Action for Childhood



Arrivals student-athletes and travel/safety off campus. The committee agreed to continue to track on these issues.

- d. Social justice issues.** The committee noted that student-athletes identify as more than just athletes on campus and want to be more active in social justice issues; however, many institutions may not be equipped or knowledgeable about how to assist them with these endeavors. The committee discussed ways MOIC and the NCAA office of inclusion could be of assistance to institutions.
- 5. Athletics Diversity and Inclusion Designation legislative proposal updates and discussion.** NCAA staff provided an overview and update on the progress of the ADID proposal. It was noted that Divisions II and III will vote on the legislation in January 2020, and Division I will vote in April 2020. The committee discussed next steps should the legislation be adopted, which includes producing a resource similar to the one produced for the SWA designation. The committee also discussed the possibility of a training video with FAQs regarding the designation and an online one-page resource document.
- 6. MOIC member guide.** Staff invited the committee to provide feedback on the 2019-2020 MOIC member guide, an informational document comprised of the committee's mission, duties, operations etc. that serves as a resource for new and existing MOIC members. Staff will provide a revised copy for consideration during the February teleconference.
- 7. Research initiatives.** Staff informed the committee of several research initiatives:

  - a. NCAA Growth, Opportunities, Aspirations and Learning of Students in college (GOALS) Study.** NCAA staff informed the committee that over 20,000 student-athletes participate in GOALS, which studies the experiences and well-being of current student-athletes in all three divisions.
  - b. NCAA National Study on Collegiate Wagering and Social Environments.** Staff informed the committee that a survey centered on sports wagering and social environments will be in the field from December 2019 through May 2020, with results available in late fall of 2020.
  - c. Demographic data.** Staff demonstrated how to access the demographics database on the NCAA web site ([ncaa.org](http://ncaa.org)). The 2018-19 data will be updated and available within the next month.
  - d. Standard report review.** The committee discussed adding a standard review of several demographic reports as part of its responsibilities.
- 8. MOAA/NCAA Award for Diversity and Inclusion update.** Staff provided an update on the MOAA/NCAA Award for Diversity and Inclusion and encouraged committee members to

nominate institutions and/or conferences that have excelled and embraced diversity and inclusion in intercollegiate athletics.

- 9. Champion of Diversity and Inclusion honoree.** The committee received an overview of the Champion of Diversity and Inclusion award, including information about its purpose, the most recent honoree and the selection process.
- 10. 2019 MOIC and SAAC Diversity and Inclusion Social Media Campaign update.** The committee received an overview of the Diversity and Inclusion Social Media Campaign conducted during the 2018-2019 academic year and the plan for the second annual campaign that will be conducted October 22-25, 2019.
- 11. MOIC goals for 2019-20.** The committee reviewed its goals for 2019-20. The committee also reviewed its subcommittee structure and discussed the possibility of adding subcommittees on an ad hoc basis depending on subject-matter needs. Additional goals included: providing diversity topics to the national office staff for use at the NCAA National Convention and NCAA Inclusion Forum, and ensuring prospective emerging sports are viewed through a diversity lens.
- 12. Future meeting schedule.** Rodriguez reminded the group of upcoming committee meetings.
  - a. February 2020, teleconference.
  - b. April 15-16, 2020, in Denver in conjunction with the 2020 NCAA Inclusion Forum.
- 13. Other business.** The committee discussed adding an MOIC award to acknowledge minority groups/demographics that are not represented traditionally. This award would be separate from the Champion of Diversity award to be discussed at a future date.

*Committee Chair: José Rodriguez, Cabrini University.*

*Staff Liaisons: Sahar Abdur-Rashid, Championships and Alliances*

*Michael Bazemore, Academic and Membership Affairs*

*Niya Blair Hackworth, Office of Inclusion*

<b>NCAA Minority Opportunities and Interests Committee September 11-12, 2019, Meeting</b>
<b>Attendees:</b>
Alisse Ali-Joseph, Northern Arizona University.
Gerard Bryant, John Jay College of Criminal Justice.
Mark Brown, Pace University.
Roy Brown, III, University of Illinois at Springfield.
Marquette Dickens, College of Saint Elizabeth
Anthony Francois, John Jay College of Criminal Justice.
Dena Freeman-Patton, University of New Orleans.
Tony Gaskew, University of Pittsburgh, Bradford.
Kenneth Gormley, Duquesne University.
Teara Johnson, Winston-Salem State University.
John Lewis, Bluefield State University.
Ahleasha McNeal, Lincoln Memorial University.
Chaunte O'Neil, University of Miami.
José Rodriguez, Cabrini University.
William Tsutsui, Hendrix College.
Alisa White, Austin Peay State University.
<b>Absentees:</b>
Soraya Coley, California State Polytechnic University, Pomona.
Khadejah Jackson, University of Oregon.
<b>Guests in Attendance:</b>
None.
<b>NCAA Staff Liaisons in Attendance:</b>
Sahar Abdur-Rashid, Michael Bazemore and Niya Blair Hackworth.
<b>Other NCAA Staff Members in Attendance:</b>
Lydia Bell, Leland Brown III, Craig Malveaux and Amy Wilson.



**REPORT OF THE  
NCAA COMMITTEE ON WOMEN'S ATHLETICS AND MINORITY  
OPPORTUNITIES AND INTERESTS COMMITTEE  
SEPTEMBER 12, 2019, JOINT MEETING**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Welcome and announcements.** The meeting was called to order by the chair of the NCAA Committee on Women's Athletics and chair of the NCAA Minority Opportunities and Interests Committee. The chairs welcomed both committees and asked all members and staff to introduce themselves.
- 2. Review and approve the April 25, 2019, joint meeting report.** The committees reviewed and approved the joint meeting report.
- 3. NCAA Committee on Women's Athletics update.** The CWA chair provided a summary of its meeting, including the committee's selection of the 2019 Woman of the Year recipient, academic disparities of nominees based on race and ways to ensure equitable structures and processes for diverse pools of nominees. The committee also discussed the NCAA Emerging Sports for Women Program, including an update on the current emerging sports, 2020 legislative proposals to add new emerging sports, and an application from STUNT. The committee also discussed ways to celebrate the 50th anniversary of Title IX, beginning in 2022.
- 4. NCAA Minority Opportunities and Interests Committee update.** The MOIC chair provided a summary of its meeting, including an update on the 2020 legislative proposal to establish the Athletics Diversity and Inclusion Designee in all three divisions. The committee also discussed the second-annual MOIC and NCAA Student-Athlete Advisory Committees Diversity and Inclusion Social Media Campaign. Lastly, the committee considered ways to reinforce its partnership with the Minority Opportunities Athletics Association, the need for CWA to account for racial and ethnic, and socioeconomic diversity when considering sports to be added to the Emerging Sports for Women Program, and the goal to incorporate demographics data into its committee processes.
- 5. NCAA inclusion and human resources update.** Staff provided an update on the strategic priorities of IHR, action plans to operationalize those priorities and highlights of already-activated initiatives.
- 6. NCAA Board of Governors Committee to Promote Cultural Diversity and Equity update.** The committees received an update on the strategic goals of the CPCDE. Staff also shared that

the committee has partnered with a consulting company to ensure there is a fair, diverse and inclusive representation of committee members throughout the NCAA governance structure.

**7. NCAA office of inclusion core area updates.**

- a. Disability.** Staff provided an overview of the expanded efforts to create new initiatives, increase awareness, and explore partnerships in the area of disability, including a renewed partnership with an external consultant and continued development of a disability guide.
- b. International student-athletes.** Staff provided an overview of the expanded efforts, including the allocation of resources, to support international student-athlete initiatives, to continue efforts to develop a network of subject matter experts across the membership, to develop strategic plans and to establish a partnership with the NCAA Eligibility Center.
- c. LGBTQ.** Staff provided an update on several ongoing initiatives, including Common Ground V, discussions about the NCAA policy on transgender student-athlete participation and Division III LGBTQ OneTeam program and resources.

**8. Discussion on subcommittees.** The committees discussed the role, purpose and scope of the three joint CWA/MOIC subcommittees established to address issues impacting women of color, individuals with disabilities and LGBTQ individuals. The committees agreed to revisit the topic during their respective February teleconferences.

**9. Governance updates.**

- a. Division I.** Staff provided an update on the 2020 legislative proposals that will be voted on by the Division I Council in April 2020.
- b. Division II.** Staff provided an update on the 2019-20 Division II priorities, including the progress made on efforts to support enhanced attendance of Division II institutions at the 2020 NCAA Inclusion Forum. In addition, staff highlighted three inclusion-related legislative proposals that will be voted at the 2020 NCAA Convention.
- c. Division III.** Staff provided an update on the strategic goal to increase the representation of women and racial and ethnic minorities in leadership roles. The various programs and resources developed to increase representation include: the Division III Institute for Administrative Advancement, Senior Woman Administrator program, Student Immersion Program, Next Steps program and College Sports Information Directors of America student program, as well as a diversity hiring guide. The committee also received an update on LGBTQ OneTeam Program, led by the Division III LGBTQ Working Group.

**10. NCAA Division I Board of Directors referral.** The committee received a request from the Division I Board of Directors and the NCAA Division I Strategic Vision and Planning Committee for feedback and potential action steps regarding the Board's fifth foundational goal focused on diversity and inclusion.

**11. NCAA Student-Athlete Advisory Committees updates.**

- a. Division I.** The Division I SAAC representatives reported on recent meetings, which centered on implementing diversity and inclusion initiatives and collaboration with Division II and Division III SAACs on body positivity issues. Other topics discussed included early recruitment, social media presence, and the collegiate model of 21st century student-athlete well-being and life after sport.
- b. Division II.** The Division II SAAC representatives reported on recent meetings, which centered on mental health initiatives, a social media campaign, professional development opportunities, a potential informational session at the 2020 Convention and the partnership with Make-a-Wish.
- c. Division III.** The Division III SAAC representatives reported on recent meetings, which centered on three main working groups addressing sustainability, the Special Olympics partnership, and diversity and inclusion. Other updates included an overview of a best practices document with gender-inclusive language, and a discussion about the NCAA Transfer Portal.

**12. Optimizing the Senior Woman Administrator initiative.** Staff provided an overview of the initiative, including background on the studies done, available resources, and the focus on enhancing the representation of women and racial and ethnic minorities in senior leadership roles. The committees provided feedback, including how to support administrators who are new to the SWA designation, mentorships/shadow initiatives, developing a "feeder" program, and engaging conference-level efforts. Next steps include a panel discussion at Women Leaders in College Sports National Convention and developing a best practices resource to overcome division-specific challenges.

**13. eSports.** Staff reported that the NCAA Board of Governors tabled the topic of eSports during its April meeting.

**14. Discussion on Arizona State University NCAA athletic directors report.** Staff provided an overview of recent research conducted by Arizona State University on the backgrounds, skillsets and experiences of athletics directors. Staff noted that the research will be distributed to the membership when published.

**15. Future meeting schedule.**

- a. April 16, 2020, in conjunction with the 2020 NCAA Inclusion Forum in Denver.
- b. September 14-15, 2020, at the national office.

*Committee Chair:* José Rodriguez, Cabrini University  
 Denise Udelhofen, Loras College

*Staff Liaisons (CWA):* Jan Gentry, Championships and Alliances  
 Jean Merrill, Office of Inclusion  
 Karen Metzger, Academic and Membership Affairs

*Staff Liaisons (MOIC):* Sahar Abdur-Rashid, Championships and Alliances  
 Michael Bazemore, Academic and Membership Affairs  
 Niya Blair Hackworth, Office of Inclusion  
 Amy Wilson, Office of Inclusion

<b>NCAA Committee on Women’s Athletics and            NCAA Minority Opportunities and Interests Committee            September 12, 2019, Joint Meeting</b>	
<b>Attendees:</b>	
Alisse Ali-Joseph,	Northern Arizona University.
Renee Bostic,	Notre Dame of Maryland University.
Gerard Bryant,	John Jay College of Criminal Justice.
Mark Brown,	Pace University.
Roy Brown,	University of Illinois at Springfield.
Gerard Bryant,	John Jay College of Criminal Justice.
Marquetta Dickens,	College of Saint Elizabeth.
Jason Doviak,	Alfred State, the State University of New York College of Technology.
Anthony Francois,	John Jay College of Criminal Justice.
Dena Freeman-Patton,	California State University, Bakersfield.
Tony Gaskew,	University of Pittsburgh, Bradford.
Teara Johnson,	Winston-Salem State University.
Valencia Jordan,	Tennessee State University.
Samantha Kastner,	Notre Dame of Maryland University.
John Kietzmann,	Metropolitan State University of Denver.
David B. Kuhlmeier,	Valdosta State University.
Monica Lebron,	Tulane University.
John Lewis,	Bluefield State University.
Grace McGuire,	Utah State University.

Ahleasha McNeal, Lincoln Memorial University.
Suzette McQueen, Central Intercollegiate Athletic Association.
Chaunte O'Neil, University of Miami.
José Rodriguez, Cabrini University.
Renie Shields, Saint Joseph's University.
William Tsutsui, Hendrix College.
Denise Udelhofen, Loras College.
Lauren Yacks, University of Findlay.
<b>Absentees:</b>
Soraya Coley, California State Polytechnic University, Pomona.
Kenneth Gormley, Duquesne University.
Marjorie Hass, Rhodes College.
Khadejah Jackson, University of Oregon.
Marc A. Johnson, University of Nevada, Reno.
Miriam Merrill, Hamilton College.
Robert S. Nelson, California State University, Sacramento.
Donna Price-Henry, The University of Virginia's College at Wise.
Alisa White, Austin Peay State University.
<b>Guest in Attendance:</b>
N/A
<b>NCAA Staff Liaisons in Attendance:</b>
Sahar Abdur Rashid, Michael Bazemore, Niya Blair Hackworth, Jan Gentry, Jean Merrill, Shay Wallach and Amy Wilson.
<b>Other NCAA Staff Members in Attendance:</b>
Katrice Albert, Leland Brown, Jennifer Fraser, Sarah Heberd, Maritza Jones, Craig Malveaux, Louise McCleary, Hannah Orbach-Mandel and Sarah Otey.



**REPORT OF THE  
NCAA OLYMPIC SPORTS LIAISON COMMITTEE  
DECEMBER 4, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. September 5, 2019, teleconference report.** The NCAA Olympic Sports Liaison Committee approved the report as presented.
- 2. Association-wide committee review.** NCAA staff noted that a review of the committee structure and composition is a likely outcome of the completion and adoption of the NCAA strategic plan by the NCAA Board of Governors.
- 3. 2019-20 legislative proposals.** NCAA staff provided an overview of 2019-20 legislative proposals. The committee specifically discussed and took a position of support on several NCAA Division I proposals, including 2019-48, 2019-50, 2019-66, 2019-107, 2019-121 and 2019-124. While supportive of Proposal No. 2019-107, the committee noted that it was not clear if the intent of the proposal is to limit the ability of governmental entities to designate elite athletes, or if the expansion of individuals that could receive expenses should be extended to other amateurism legislation (e.g., application of actual and necessary expenses).
- 4. Other business.** The committee affirmed its quarterly teleconference schedule; the next call will take place in March 2020. To foster more purposeful dialogue with national governing bodies with a focus on collegiate athletics, the committee agreed to invite representatives from field hockey, swimming and triathlon to participate in the next teleconference opportunity.

*Committee Chair: James Siedliski, American Athletic Conference*  
*Staff Liaisons: Alex Smith, Academic and Membership Affairs*  
*Liz Turner Suscha, Championships and Alliance*

<b>NCAA Olympic Sports Liaison Committee December 4, 2019, Teleconference</b>	
<b>Attendees:</b>	
Mikayla Costello, Willamette University.	
Sarah Fraser, Quinnipiac University.	
Charles Guthrie, University of Wisconsin-Green Bay.	
Jill Hollebeak, DePaul University.	
Elizabeth Jarnigan, Southern Illinois University at Carbondale.	
Craig McPhail, Lees-McRae College.	
Korinth Patterson, Mid-American Conference.	
Rosemary Shea, College of the Holy Cross.	
James Siedliski, American Athletic Conference.	
Joe Walsh, Great Northeast Athletic Conference.	
<b>Absentees:</b>	
Nick Ely, Notre Dame College (Ohio).	
Bruce Gillman, Vassar College.	
Khadejah Jackson, University of Oregon.	
Steven Winter, Sonoma State University.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Alex Smith and Liz Turner Suscha.	
<b>Other NCAA Staff Members in Attendance:</b>	
None.	



REPORT OF THE  
NCAA PLAYING RULES OVERSIGHT PANEL  
SEPTEMBER 11, 2019, TELECONFERENCE

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Welcome and announcements.** The chair welcomed the panel members and thanked them for their time. The chair gave a special welcome to new panel members Steve Card, Keith Gill and David Hicks.
2. **Duties and conflict of interest.** The panel reviewed the panel duties and the Conflict of Interest Policy from the Playing Rules Oversight Panel Policies and Procedures Manual.
3. **Approval of August 14, 2019, teleconference report.** The panel approved the report as written.
4. **NCAA Men's and Women's Basketball Rules Committee email report from August 14, 2019.** The panel reviewed the report.
5. **NCAA Men's Lacrosse Rules Committee annual meeting report, August 26 teleconference report and comment period results.** The panel reviewed and approved three rules change proposals. Although this is a non-rules change year for men's lacrosse, two were changes to rules changes from the previous year that had unintended consequences and the other was for health and safety purposes. Specifically, the panel approved a rules change that would now require a visible half circle within the goal crease area that clearly defines the goalmouth. In addition, the panel approved a change to the penalty associated with the offensive player landing in the newly defined visible goalmouth. The health and safety rules change approved by the panel requires that by 2021, all goalkeepers are to have chest protection that meets the National Operating Committee on Standards for Athletic Equipment protective device standard for commotio cordis; and by 2022, all field players are required to have chest protection that meets the NOCSAE protective device standard for commotio cordis.
6. **PROP sport assignments.** The committee reviewed the proposed sport assignments.
7. **Future meeting dates and times.** The panel was reminded of the annual in-person meeting to be conducted 8 a.m. to 2 p.m. Wednesday, January 22, 2020, at the NCAA Convention in Anaheim, California.
8. **Other business.** There was no additional business.

*Committee Chair: Jeff Hurd, Western Athletic Conference*  
*Staff Liaisons: Ben Brownlee, Championships and Alliances, Playing Rules and Officiating*  
*Dan Calandro, Championships and Alliances, Playing Rules and Officiating*  
*Ashlee Follis, Championships and Alliances, Playing Rules and Officiating*  
*Barb Hallam, Championships and Alliances, Playing Rules and Officiating*  
*Ty Halpin, Championships and Alliances, Playing Rules and Officiating*  
*Rachel Seewald, Championships and Alliances, Playing Rules and Officiating*  
*Andy Supergan, Championships and Alliances, Playing Rules and Officiating*

<b>NCAA Playing Rules Oversight Panel September 11, 2019, Teleconference</b>
<b>Attendees:</b>
Brad Bankston, Old Dominion Athletic Conference.
Steve Card, Western Washington University.
Keith Gill, Sun Belt Conference.
Jennifer Heppel, Patriot League.
David Hicks, King University.
Jeff Hurd, Western Athletic Conference.
Dave Roach, Fordham University.
Chris Schneider, Big East Conference.
Ronda Seagraves, Concordia University Texas.
Matt Wilson, Gulf South Conference.
Gary Williams, Wittenberg University.
<b>Absentees:</b>
Angie Torain, University of Notre Dame.
<b>NCAA Staff Liaisons in Attendance:</b>
Ben Brownlee, Dan Calandro, Barb Hallam, Rachel Seewald and Andy Supergan.
<b>Other NCAA Staff Members in Attendance:</b>
Jay Fitzwater, Greg Johnson and Candace Martin.

Dear Commissioner,

I am pleased to share that the NCAA has engaged The PICTOR Group to lead a comprehensive review of the state of collegiate officiating for 15 NCAA sports across Divisions I, II and III. This is in response to strong interest and concern across all divisions of the NCAA membership.

This national review of officiating is underway and will involve a significant amount of data collection. The information will be gathered from industry data and supplemented by information gleaned from focus groups and interviews with various stakeholders. This data gathering will help to inform a series of recommendations related to the recruitment, education, training, evaluation and retention of collegiate officials. It is anticipated that a final report will be submitted to the NCAA in August 2020.

To help guide the process, an Officiating Review Steering Committee has been created consisting of commissioners from all three NCAA divisions (Steering Committee Roster Attached). The members of the steering committee were recommended by their respective divisional commissioner groups. Their role will be to help guide the data gathering process, assist with outreach, and provide guidance during the preparation of a report with recommendations. In the next week or so, you will receive a brief survey from The PICTOR Group requesting officiating contact information for your Conference.

Attached is a one-page overview of the National Review of Collegiate Officiating. We ask that you to share it with your conference membership and officiating personnel and encourage them to participate through surveys, interviews, sharing of information, etc. if requested. Feel free to reach out to [Anthony Holman](#), Managing Director, or [Sandy Hatfield Clubb](#) at The PICTOR Group with questions or suggestions. We look forward to their report and recommendations later this year.

Joni



**Joni Comstock**

Senior Vice President of Championships

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## NATIONAL REVIEW OF COLLEGIATE OFFICIATING

The NCAA has engaged *The PICTOR Group* to lead a national review of the state of collegiate officiating across 15 sports. An Officiating Review Steering Committee comprised of commissioners from all three NCAA divisions will guide the information and data gathering process, assist with outreach, and provide guidance during data analysis, report preparation and final recommendations.

The over-arching goal is to identify general as well as divisional issues that are affecting NCAA sports as a result of the decline in the officiating pool and to present strategic recommendations to meet the officiating needs of the membership.

The officiating review includes the sports listed below across Divisions I, II and III. Information will be gathered from available industry data and supplemented through surveying as well as focus groups and interviews with various stakeholders. Input and perspectives will be sought from officiating and sport-specific stakeholders.

- **Targeted Sports (Men's and Women's):** Basketball, Gymnastics, Ice Hockey, Lacrosse, Soccer, Swimming & Diving, Tennis, Track and Field, Volleyball, and Water Polo.
- **Targeted Single Gender Sports:** Baseball, Field Hockey, Football, Softball, and Wrestling.

The officiating project will include all three divisions. The specific objectives of the National Review of Collegiate Officiating are to:

- Conduct a detailed analytical review of fees, number of officials, demographics of officials, regional challenges, typical path to collegiate officiating, average tenure, and coordinator of official's structure;
- Develop a clearer understanding of the recruiting, education, evaluation, retention and training of collegiate officials;
- Identify sports that are in crisis based upon the number of officials available to work collegiate games; and,
- Determine the effect of sportsmanship on collegiate officiating and how to address fan behavior.

Estimated Timeline: Data collection has been initiated and a final report to the NCAA is anticipated in August 2020.

### **The PICTOR Group Project Leaders**

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**Officiating Review Steering Committee**

<b>DIV</b>	<b>FIRST</b>	<b>LAST</b>	<b>TITLE</b>	<b>CONFERENCE</b>
3	Katie	Boldvich	Commissioner	Landmark Conference
2	Kris	Dunbar	Commissioner	Great Lakes Intercollegiate Athletic Conference
1	Keith	Gill	Commissioner	Sun Belt Conference
1	Ted	Gumbart	Commissioner	Atlantic Sun Conference
2	David	Haglund	Commissioner	Great Northwest Athletic Conference
1	Jennifer	Heppel	Commissioner	Patriot League
3	Keri	Luchowski	Executive Director	North Coast Athletic Conference
3	Dan	McKane	Commissioner	Minnesota Intercollegiate Athletic Conference
2	Jim	Naumovich	Commissioner	Great Lakes Valley Conference
2	Will	Prewitt	Commissioner	Great American Conference
3	Patrick	Summers	Executive Director	New England Women's & Men's Athletic Conference
3	Kim	Wenger	Commissioner	Northwest Conference
1	Tom	Wistrill	Commissioner	Big Sky Conference



REPORT OF THE  
NCAA GENDER EQUITY TASK FORCE  
OCTOBER 28, 2019, TELECONFERENCE

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

- 1. Welcome and roster review.** Staff welcomed participants and took attendance. Co-chair Judy Sweet thanked the task force for their continued service and efforts to carry out the task force recommendations that were approved by the NCAA Board of Governors in 2017.
- 2. Review NCAA equity, diversity and inclusion committee reports.**
  - a. NCAA Board of Governors Committee to Promote Cultural Diversity and Equity August 28, 2019, teleconference report.** The task force reviewed and discussed the August 28, 2019, teleconference report and the committee's 2019-2020 goals document.
  - b. NCAA Committee on Women's Athletics September 11-12, 2019, meeting report.** The task force reviewed and discussed the September 11-12, 2019, meeting report.
  - c. NCAA Minority Opportunities and Interests Committee September 11-12, 2019 meeting report.** The task force reviewed and discussed the September 11-12, 2019, meeting report.
  - d. CWA and MOIC joint September 12, 2019, meeting report.** The task force reviewed the September 12, 2019, joint meeting report.
- 3. Once-in-five-year equity, diversity and inclusion review Division I legislation.**
  - a. Overview of NCAA Division I Strategic Vision and Planning Committee/NCAA Division I Council discussion of legislation.** Co-chair Noreen Morris provided an overview of the Division I Strategic Vision and Planning Committee's discussion about the once-in-five-year equity, diversity and inclusion review. The SVPC discussed logistics, including determining that the five-year time period for the required review will start over when a school has signed-off on completion.
  - b. Content of the equity, diversity and inclusion review resource.** The task force reviewed the current draft outline for the resource and will continue to provide feedback on subsequent drafts.



- c. Progress on proposal for a conference equity, diversity and inclusion review.** Co-chair Morris explained the process she led during the fall and summer to engage Division I conferences about conducting a once-in-five-year equity, diversity and inclusion review. Based on the work of conference representatives, Morris presented a proposal to the SVPC that was forwarded to the Division I Council for consideration. The proposal was supported and introduced into the 2019-2020 Division I legislative cycle.
- 4. Review of NCAA Gender Equity Task Force recommendations.** The task force observed that many of its recommendations align with the goals of the other NCAA committees that focus on equity, diversity and inclusion. In particular, the task force and the CPCDE share the goal of the NCAA sponsoring an annual meeting of equity, diversity and inclusion leaders in athletics. Staff is working on a cost analysis for the meeting. The task force agreed that a recommendation to prioritize is collaborating with faculty who teach in and lead undergraduate and graduate sports management programs to strategize about curricula that emphasizes gender equity, diversity and inclusion.
- 5. Additional suggested topics for GETF consideration.** The task force was invited to share suggested topics through email with the task force co-chairs and staff.
- 6. Other business.** Staff noted that the 2020 NCAA Inclusion Forum will be held April 17-19, 2020, in Denver.
- 7. Future meeting schedule.** The task force agreed to have a teleconference in late January or February.
- 8. Adjournment.** The teleconference adjourned at 5 p.m. Eastern time.

*Task Force Chairs: Noreen Morris, Northeast Conference  
Judy Sweet, Gender Equity Consultant*

*Staff Liaisons: Niya Blair Hackworth, office of inclusion  
Jean Merrill, office of inclusion  
Amy Wilson, office of inclusion*

<b>NCAA Gender Equity Task Force Report October 28, 2019, Teleconference</b>	
<b>Attendees:</b>	
Charles Ambrose, KnowledgeWorks.	
Amy Backus, Case Western Reserve University.	
Joan McDermott, University of San Francisco.	
Jacqueline McWilliams, Central Intercollegiate Athletic Association.	
Noreen Morris, Northeast Conference.	
Julie Muller, 3 Fold Group.	
Bernard Muir, Stanford University.	
Jeff Orleans, Hirschfeld Kraemer LLP.	
Judy Sweet, Gender Equity Consultant.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:</b>	
Niya Blair Hackworth, Jean Merrill and Amy Wilson.	
<b>Other NCAA Staff Members in Attendance:</b>	
None.	

**2020 NCAA Convention Division III Legislative Proposals  
Question and Answer Guide**

**Approved December 5, 2019 by the  
NCAA Division III Interpretations and Legislation Committee**

*Please note this is the first edition of the 2020 NCAA Convention Division III Legislative Proposals Question and Answer Guide. Future editions may be developed as questions are presented to the NCAA staff or the NCAA Division III Interpretations and Legislation Committee. On release of subsequent editions of this guide, newly approved questions and answers will be shaded in gray.*

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### **Understanding How to Read the 2020 NCAA Convention Division III Official Notice.**

1. How to read the NCAA Division III legislative proposals. When reviewing legislative proposals, it is important to note that:

- The letters and words that appear in ~~*italics and strikethrough*~~ are letters and words in the current NCAA Division III rule that would be deleted with the adoption of the proposal;
- The letters and words that appear in **bold face and underlined** are letters and words that would be added with the adoption of the proposal; and
- The letters and words that appear in normal text are letters and words in the current Division III rule that would remain unchanged with the adoption of the proposal.

2. What appears in the white pages of the NCAA Division III Official Notice?

The white pages of the NCAA Division III Official Notice contain the legislative proposals that will be voted on individually at the NCAA Division III business session. Anticipated questions and answers related to each of the proposals appearing in the white pages are contained in this question and answer guide.

3. What is the difference between the Presidents Council grouping and the general grouping of proposals?

The NCAA Division III Presidents Council has determined that it will focus primarily on those national issues in Division III athletics that prompt widespread concern among Division III chancellors or presidents.

The Presidents Council has identified six proposals that it believes are of particular interest to Division III chancellors or presidents and has included them in the Presidents Council grouping. The remaining proposals are included in the general grouping. All proposals have been identified by the Presidents Council for a roll-call vote.

4. What appears in the blue pages of the Official Notice?

The blue pages of the Official Notice contain three types of legislative proposals. The proposals appearing in the blue pages have already been adopted by the authority of the NCAA Division III Management Council. These proposals have an immediate effective date from the time of adoption. These groups of proposals will be ratified by the NCAA Division III membership during the Division III business session. If a delegate objects to the incorporation of any one of these legislative proposals, that objection should be raised prior to the ratification of the package of proposals. (It is preferred that any delegate

intending to raise an objection also inform a member of the NCAA academic and membership affairs staff of that intent before the Division III business session.) The Division III membership would then vote on the proposal in question via a separate action.

The questions and answers document does not address proposals that are included in the blue pages. The blue pages, however, include an "additional information" section with each proposal that provides additional clarification regarding the proposal.

The three types of legislation contained within the blue pages are listed below:

- Interpretations to be incorporated in the 2020-21 NCAA Division III Manual. These interpretations have already been accepted by the membership and the only issue that is before the membership is whether they should be set forth in the Division III Manual.
- Noncontroversial legislation adopted by the Management Council. These proposals constitute all noncontroversial legislative changes the Management Council has adopted during the past year. The Management Council is permitted to adopt such legislation, if it is necessary, to promote the normal and orderly administration of the Association's legislation.
- Modifications of wording. These proposals are modifications to current legislation that have been shown to be consistent with the intent of the membership in adopting the current legislation. To approve such a change, the Management Council has determined that sufficient documentation and testimony exists to establish clearly that the original wording of the legislation requires modification to better reflect the original intent.

**NCAA Division III Proposal No. 2020-1 (2-1)**

**Title:** NCAA MEMBERSHIP – ACTIVE MEMBERSHIP AND MEMBER CONFERENCE – CONDITIONS AND OBLIGATIONS OF MEMBERSHIP – ATHLETICS DIVERSITY AND INCLUSION DESIGNEE

**Effective Date:** August 1, 2020.

**Source:** NCAA Division III Presidents Council [Management Council (Minority Opportunities and Interests Committee)].

**Intent:** To specify that an active member institution or conference shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

**Question No. 1:** What is the definition of an "athletics diversity and inclusion designee (ADID)?"

**Answer:** An ADID is a staff member that the chancellor/president or commissioner or their proxy appoints in areas related to diversity and inclusion within athletics departments and member conferences. The designee will serve as the department's/office's conduit for information related to national, local and campus-level issues of diversity and inclusion, and the department's/office's promoter of diverse and inclusive practices related to athletics.

**Question No. 2:** What is "diversity and inclusion-related information?"

**Answer:** Diversity and inclusion-related information includes resources intended to support a member's ability to establish and maintain an environment that values cultural diversity and gender equity among its student-athletes and intercollegiate athletics department and conference office staff (NCAA Constitution 2.2.2)

**Question No. 3:** Who may be designated as an athletics diversity and inclusion designee?

**Answer:** The ADID can be any staff member of the institution or conference office that is appointed by the chancellor/president or commissioner (or their proxy).

**Question No. 4:** Does this proposal require the athletics diversity and inclusion designee to be a newly hired position?

**Answer:** No, the role can be an added responsibility to an existing staff position; however, the NCAA Minority Opportunities and Interests Committee recommends that it not be an institution's director of athletics.

**Question No. 5:** What functions should the athletics diversity and inclusion designee perform?

**Answer:** This individual would be the primary contact for information related to initiatives, programming and resources from the NCAA, specifically from diversity-related committees and the NCAA office of inclusion. The expectation would be for the ADID to receive and disseminate the information and share it with those who need to have it. For example, if the information is related to postgraduate scholarship opportunities, the ADID would ensure it is shared with student-athletes; whereas, if the information is linked to national trends and upcoming issues, the ADID will ensure that the athletics director and other senior administrators are informed. At the direction of the campus/conference office leadership, the ADID could participate in training and development to increase and enhance competencies associated with leading and facilitating inclusion initiatives.

**Question No. 6:** Is there specific training required of the athletics diversity and inclusion designee?

**Answer:** There is no specific training required for the ADID; however, the Minority Opportunities and Interests Committee recommends that designees participate in diversity and inclusion programming when possible to be a better informed and educated advocate of diversity and inclusion.

**Question No. 7:** Will institutions be required to report to the NCAA the name of the individual appointed as the athletics diversity and inclusion designee?

**Answer:** Yes, annually, the contact information for the ADID will be submitted through the NCAA Sports Sponsorship and Demographic form.

**Question No. 8:** Would this proposal allow an institution to identify multiple individuals to be the athletics diversity and inclusion designee?

**Answer:** No.



**Proposal No. 2020-2 (2-3)**

**Title:** DIVISION MEMBERSHIP -- APPLICATION PROCESS -- PROVISIONAL INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS

**Effective Date:** August 1, 2020.

**Source:** American Collegiate Athletic Association; American Southwest Conference; and USA South Athletic Conference.

**Intent:** To amend legislation related to the Division III provisional process as follows: (1) For non-NCAA members, reduce the provisional process from four to three years; (2) Expect that process will continue to include a one year exploratory membership requirement; (3) While a waiver of exploratory membership will remain in place, there will no longer be a waiver during the provisional process; (4) Specify that if an institution is unable to gain full active membership within this time frame, there is a one-time opportunity to repeat a year in question, through recommendation of the NCAA Division III Membership Committee.

**Question No 1:** What is the current timeline for a non-NCAA member to become a NCAA Division III member?

**Answer:** Under the current rule, it is a five-year process for a non-NCAA member institution to become a NCAA Division III member. Those five years consist of an exploratory year followed by a four-year provisional process. There are two waivers currently available to shorten this time period. An institution could apply to the Division III Membership Committee to have the exploratory year waived (see NCAA Bylaw 20.3.1.1.3 for waiver criteria) and then later to have the third provisional year waived (see Bylaw 20.3.3.1.1 for waiver criteria). The Membership Committee can also extend the provisional process a year for those institutions not progressing as necessary.

**Question No. 2:** If this proposal is adopted, how would the timeline change?

**Answer:** If this proposal is adopted, it would reduce the provisional process from four to three years and eliminate the provisional year three waiver. The exploratory year would remain unchanged as would the waiver for the exploratory year.

**Question No. 3:** How would this proposal impact the requirements unique to year four of the provisional process?

**Answer:** Under the current rule, year four requirements are educational in nature and include attendance at the NCAA Convention and NCAA Regional Rules Seminar and the submission of an annual report. All of these are already included in each year of the provisional process. Consequently, there are no current fourth-year requirements that would have to be completed in the reduced time frame identified in the proposal.

**Question No. 4:** If adopted, would this proposal change the timing of any requirements for student-athletes at a provisional institution?

**Answer:** No. Currently, an institution must administer its athletics program in accordance with the NCAA constitution, bylaws and other legislation as of the first year of the provisional process (Bylaw 20.3.4). Additionally, if a student-athlete is receiving athletics aid, that student-athlete may no longer receive that athletics aid at the completion of the second year of the provisional process and participate in intercollegiate athletics (Bylaw 20.3.4.1).

**Question No. 5:** How is the proposed three-year process different than the current process when a waiver of year three is granted?

**Answer:** The primary difference involves athletics aid.

Under the current four-year process an institution may continue to honor existing athletics aid awards to participating student-athletes for the first two years of the provisional process. However, in year three the institution can only continue to honor those awards if the students no longer participate in athletics.

To satisfy a year three waiver, under the current rule the institution must show (among other things) that they did not award athletics aid during any provisional year.

Under the proposed three-year process, the requirements for athletics aid would be the same for years one through three as they are in the current four-year process without the waiver. Therefore, an institution could honor athletics aid awards to participating student-athletes through year two of the provisional process.

**Question No. 6:** How many institutions are currently in the provisional membership process?

**Answer:** Six, of which five would be impacted by the proposed legislation.

**Question No. 7:** If adopted, how would this proposal impact institutions that are currently in the provisional membership process?

**Answer:** If this proposal is adopted, institutions currently in the provisional membership process would have their membership process reduced by one year. Specifically, two of the five impacted institutions would be moved into the final year of provisional membership.

**Question No. 8:** If adopted, will this proposal change the number of institutions permitted to be in the membership process?

**Answer:** No. Bylaw 20.3.2 permits a maximum of four institutions to be admitted to the provisional or reclassifying membership program in any one year, and a maximum of 12 provisional or reclassifying institutions participating in the program in total. The proposal does not change these limitations.

**Question No. 9:** How would this proposal affect a provisional member that is required to repeat a year of the membership process?

**Answer:** An institution that is required to repeat a year of the membership process remains in the year it is required to repeat. For example, a provisional member that is asked to repeat year two remains in year two of provisional membership, which is not equivalent to being in the third year of the membership period. Additionally, an institution may repeat only once during the provisional membership period. This would remain unchanged.

**Question No. 10:** Would this proposal change the current fee to enter into the provisional process?

**Answer:** The fee is currently based on the Membership Committee's review and determination of services provided during the provisional process. That review will continue, and the evaluation will be based on the services provided per the three-year process identified in the proposal.

**Proposal No. 2020-3 (2-10)**

**Title:** DIVISION MEMBERSHIP -- APPLICATION PROCESS -- RECLASSIFYING INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS

**Effective Date:** August 1, 2020.

**Source:** American Collegiate Athletic Association; American Southwest Conference; and USA South Athletic Conference

**Intent:** To amend legislation related to the Division III reclassifying process as follows: (1) For current NCAA members reclassifying to Division III, reduce the number of years in the reclassifying process from four to three years; (2) The process will also eliminate the one-year exploratory membership requirement; (3) Specify that if an institution is unable to gain full active membership within this time frame, there is a one-time opportunity to repeat a year in question, through recommendation of the Division III Membership Committee.

**Question No. 1:** What is the current timeline for a NCAA Divisions I or II member to become a NCAA Division III member?

**Answer:** Under the current rule, it is a five-year process for an institution to become a NCAA Division III member. Those five years consist of an exploratory year followed by a four-year reclassifying process. There are two waivers currently available to shorten this time period. An institution could apply to the Division III Membership Committee to have the exploratory year waived (see Bylaw 20.6.4.1 for waiver criteria) and then later to have year three of the reclassifying process waived (see Bylaw 20.6.4.2 for waiver criteria). The Division III Membership Committee can also extend the reclassifying process a year for those institutions not progressing as necessary.

**Question No. 2:** If this proposal is adopted how would the timeline change?

**Answer:** If this proposal is adopted, it would reduce the reclassifying process from four to three years and eliminate the reclassifying year three waiver. The exploratory year would also be eliminated.

**Question No. 3:** How would this proposal impact the requirements unique to year four?

**Answer:** Under the current rule, year four requirements are educational in nature and include attendance at the Convention and Regional Rules Seminar and the submission of an annual report. All of these are already included in each year of the reclassifying process. Consequently, there are no current fourth-year requirements that would have to be completed in the reduced time frame identified in the proposal.

**Question No. 4:** If adopted, would this proposal change the timing of any requirements for student-athletes at a reclassifying institution?

**Answer:** No. Currently, an institution must administer its athletics program in accordance with the NCAA constitution, bylaws and other legislation as of the first year of the reclassifying process (Bylaw 20.6.5). Additionally, if a student-athlete is receiving athletics aid, that student-athlete may no longer receive that athletics aid at the completion of the second year of the reclassifying process and participate in intercollegiate athletics (Bylaw 20.6.5.1).

**Question No. 5:** How is the proposed three-year process different than the current process when a waiver of year three is granted?

**Answer:** The primary difference involves athletics aid.

Under the current four-year process an institution may continue to honor existing athletics aid awards to participating student-athletes for the first two years of the reclassifying process. However, in year three the institution can only continue to honor those awards if the students no longer participate in athletics.

To satisfy a year three waiver, under the current rule the institution must show (among other things) that they did not award athletics aid during any reclassifying year.

Under the proposed three-year process, the requirements for financial aid would be the same for years one through three as they are in the current four-year process without the waiver. Therefore, an institution could honor athletics aid awards to participating student-athletes through year two of the reclassifying process.

**Question No. 6:** If adopted, how would this proposal impact institutions that are currently in the reclassifying membership process?

**Answer:** If this proposal is adopted, no institutions will be impacted. Currently, there are two institutions in the reclassifying membership process, and both are in year four, meaning they may be eligible for active membership in 2020.

**Question No. 7:** If adopted, will this proposal change the number of institutions permitted to be in the membership process?

**Answer:** No. Bylaw 20.3.2. permits a maximum of four institutions to be admitted to the provisional or reclassifying membership program in any one year, and a maximum of 12 provisional or reclassifying institutions participating in the program in total. The proposal does not change these limitations.

**Question No. 8:** How would this proposal affect a reclassifying member that is required to repeat a year of the membership process?

**Answer:** An institution that is required to repeat a year of the membership process remains in the year it is required to repeat. For example, a reclassifying member that is asked to repeat year two remains in year two of reclassifying membership, which is not equivalent to being in the third year of the membership process. Additionally, an institution may repeat only once during the reclassifying membership process. This would remain unchanged.

**Question No. 9:** Would this proposal change the current fee to enter the provisional process?

**Answer:** The fee is currently based on the Division III Membership Committee's review and determination of services provided during the provisional/reclassifying process. That review will continue, and the evaluation will be based on a three-year reclassifying process if the proposal is adopted.

**Proposal No. 2020-4 (2-4)**

**Title:** AWARDS AND BENEFITS -- HOUSING AND MEALS -- EXCEPTIONS -- SNACKS AND NUTRITIONAL SUPPLEMENTS INCIDENTAL TO PARTICIPATION

**Effective Date:** August 1, 2020.

**Source:** Alvernia University; Berry College; East Texas Baptist University; Emory University; Farmingdale State College; Howard Payne University; Hardin-Simmons University; Knox College; LeTourneau University; Loras

College; Maine Maritime Academy; McMurry University; Salve Regina University; Swarthmore College; Sweet Briar College; University of Dubuque; University of Lynchburg; University of Mary Hardin-Baylor; University of Texas at Dallas; University of Wisconsin-Whitewater; and Wilmington College (Ohio).

**Intent:** To specify that an institution may provide snacks and permissible nutritional supplements to student-athletes as a benefit incidental to participation in intercollegiate athletics.

**Question No. 1:** What is the current rule regarding the provision of snacks and nutritional supplements to student-athletes?

**Answer:** The legislation primarily regulates when an institution may provide meals (as opposed to snacks) to student-athletes. Specifically, an institution may provide meals to student-athletes in the following circumstances:

- The day of a home contest;
- In conjunction with an away-from-home contest (including practice activities);
- During a vacation period when student-athletes are required to be on campus (e.g., preseason; winter break); and
- When a meal was missed due to practice activities.

Outside the above, there are a few limited exceptions (e.g. educational meetings, celebratory events) where an institution may provide a meal or reasonable refreshments.

An institution may only provide nutritional supplements in conjunction with a permissible meal.

If the institution has a food bank available to all students or otherwise provides for students generally, then student-athletes may also benefit from these resources in the same way as the general student body.

Providing meals, snacks or nutritional supplements beyond these parameters would constitute an extra benefit.

**Question No. 2:** How would this proposal change the current rule?

**Answer:** An institution would still be permitted to provide the meals and nutritional supplements as described in the answer to Question No. 1. The proposal allows for institutions to provide snacks and nutritional supplements as a benefit incidental to participation. The institution determines the manner, timing and scope in which to provide for the additional nutritional needs of its student-athletes.

**Question No 3:** How is a snack differentiated from a meal per the proposal?

**Answer:** The proposal does not define what a snack is or differentiate a snack from a meal. The proposal identifies that the allowance for snacks incidental to participation is for additional calories and electrolytes and it is left to the institution to determine the best way to provide that benefit.

Below is a table addressing the current and proposed rules regarding when an institution may provide a meal or snack.

	Meals		Snacks	
	Current	Proposed	Current	Proposed
Educational/business meetings.	No	Yes	Yes	Yes
Celebratory events.	No	Yes	Yes	Yes
On day of home contest.	Yes	Yes	Yes	Yes
Away-from-home competition and practice.	Yes	Yes	Yes	Yes
In conjunction with practice.	No	No	No	Yes
In conjunction with practice if practice resulted in missing a meal that was previously paid by the student-athlete.	Yes	Yes	Yes	Yes
Preseason practice before academic year.	Yes	Yes	Yes	Yes
Vacation period when required to be on campus.	Yes	Yes	Yes	Yes
In conjunction with voluntary workout outside the playing season.	No	No	No	Yes
In conjunction with a nontraditional practice.	No	No	No	Yes



**Question No. 4:** Does the proposal permit an institution to provide a student-athlete cash to purchase a snack?

**Answer:** No. An institution may only provide the snack and not cash or some other means to purchase a snack.

**Question No. 5:** What nutritional supplements may be provided to a student-athlete if the proposal is adopted?

**Answer:** The NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, along with the NCAA Sports Science Institute, has provided guidance for Divisions I and II institutions regarding permissible nutritional supplements. That guidance is consistent for both divisions and would apply to Division III if this proposal passes. It states that an institution would be able to provide nutritional supplements for the purpose of providing additional calories and electrolytes, identified according to the following classes: (a) carbohydrate/electrolyte drinks; (b) energy bars; (c) carbohydrate boosters; (d) protein supplements; (e) omega-3 fatty acids; and (f) vitamins and minerals.

An institution may not provide a nutritional supplement that contains an NCAA banned substance. Additionally, it is not permissible for an institution to provide a nutritional supplement to student-athletes if:

- a. The nutritional supplement includes any impermissible ingredient;
- b. The nutritional supplement lists any parts of protein separately (e.g., amino acid); or
- c. The nutritional supplement lists a "proprietary protein" or "protein blend," unless the proteins in the proprietary blend are identified on the label and are from whole food sources.

The following is a list of nutritional supplements/ingredients as developed by the CSMAS. The list is not exhaustive but should assist institutions in determining the types of nutritional supplements that may be provided to student-athletes.

Permissible	Not Permissible <sup>1</sup>
<ul style="list-style-type: none"> <li>• Calorie replacement drinks.</li> <li>• Carbohydrate/electrolyte replacement drinks.</li> <li>• Energy bars.</li> <li>• Fish oil (omega-3 fatty acids).</li> <li>• Protein supplements (e.g., protein powder).</li> <li>• Vitamins and minerals.</li> </ul>	<ul style="list-style-type: none"> <li>• Amino acids (including amino acid chelates).</li> <li>• Chondroitin.</li> <li>• Chrysin.</li> <li>• CLA (Conjugated Linoleic Acid).</li> <li>• Creatine/creatine-containing compounds.</li> <li>• Garcinia cambogia (hydroxycitric acid).</li> <li>• Ginkgo biloba.</li> <li>• Ginseng.</li> <li>• Glucosamine.</li> <li>• Glycerol.<sup>2</sup></li> <li>• Green tea.</li> <li>• HMB.</li> <li>• Carnitine.</li> <li>• Melatonin.</li> <li>• MSM (Methylsulfonyl methane).</li> <li>• Tribulus.</li> <li>• Yohimbe.</li> </ul>

<sup>1</sup>*It is permissible for an institution to provide any supplement to a student-athlete for medical purposes, provided such substances are provided by a licensed medical doctor to treat a specific, diagnosed medical condition (as opposed to prescribing them for preventative reasons).*

<sup>2</sup>*Glycerine or glycerol as a binding ingredient in a supplement product is permissible.*

**Proposal No. 2020-5 (2-5)**

**Title:** AWARDS AND BENEFITS -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- PERMISSIBLE PRACTICE EXPENSES -- EXCEPTIONS FOR GOLF AND SWIMMING AND DIVING

**Effective Date:** Immediate.

**Source:** American Rivers Conference and Minnesota Intercollegiate Athletic Conference.

**Intent:** To allow an institution to provide practice expenses in the sports of golf and swimming and diving during an official vacation period regardless of location.

**Question No. 1:** Under the current rule, when may an institution provide expenses for practice?

**Answer:** Under current legislation, an institution may only provide expenses for practice if they are associated with an away-from-home contest, or if the practice is conducted at a site located within the state of the institution or, if outside the state, not more than 100 miles from the institution's campus.

**Question No. 2:** If the proposal is adopted, what would change?

**Answer:** If adopted, this proposal would allow institutions to pay expenses for practice in the sports of golf and swimming and diving beyond the current geographic limits (see answer to Question No. 1) without the team having to engage in a contest, provided the practice occurs during an official vacation period, the student-athletes are eligible and do not miss class.

**Question No. 3:** Would this proposal permit an institution to provide expenses associated with practice that occurs during any official vacation period?

**Answer:** No. The proposal only creates an exception for an official vacation period that occurs during the institution's declared playing and practice season.

**Question No. 4:** Does a student-athlete need to be eligible for practice or competition to receive the practice expenses allowable under the proposal?

**Answer:** If the institution provides expenses associated with practice pursuant to this exception, (i.e., beyond the 100 miles or outside the state), then the student-

athlete will need to be eligible for competition to receive these expenses. This proposal creates an exception to the requirement that outside of these geographic limitations, competition must occur in order to justify the provision of expenses. For eligibility purposes, the practice activities shall be treated as if they were being conducted in conjunction with a competition.

**Question No. 5:** May a student-athlete that is serving a transfer year-in-residence receive the practice expenses allowable under the proposal?

**Answer:** No. A student-athlete serving a transfer year-in-residence is not eligible for competition; therefore, the student-athlete may not receive the expenses for practice under this exception.

**Question No. 6:** Are there any limits on where these practice activities may occur?

**Answer:** Yes. The proposal only permits an institution to provide for expenses for practice that occurs in the continental United States.

**Question No. 7:** Are there similar exceptions for other sports in Division III?

**Answer:** Yes. For the sports of skiing and women's rowing, a member institution may transport a team to a practice site beyond the mileage limits if necessitated by weather conditions.

### **Proposal No. 2020-5-1**

**Title:** AWARDS AND BENEFITS -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- PERMISSIBLE PRACTICE EXPENSES -- EXCEPTIONS FOR GOLF

**Effective Date:** Immediate.

**Source:** American Rivers Conference and Minnesota Intercollegiate Athletic Conference.

**Intent:** To allow an institution to provide practice expenses in the sport of golf during an official vacation period regardless of location.

**Question No. 1:** How does this amendment-to-amendment change the original proposal?

**Answer:** This amendment-to-amendment would eliminate the sport of swimming and diving from the original proposal.

**Question No. 2:** What is the process for voting on an amendment-to-amendment?

**Answer:** There will be two votes, as follows:

- Proposal No. 2020-5 will be introduced to the membership.
- An individual from the membership will stand and move the proposal and it will be seconded.
- Proposal No. 2020-5-1 (the amendment-to-amendment) will then be introduced to the membership; it will be moved and seconded.
- After discussion, the first vote is to determine if the membership wants to amend Proposal No. 2020-5 as set forth in Proposal No. 2020-5-1.
- If the membership votes "yes" on the first vote, then the second vote is to approve or defeat Proposal No. 2020-5 as amended.
- If the membership votes "no" on the first vote, then the second vote is to approve or defeat Proposal No. 2020-5 as originally submitted.

**Proposal No. 2020-6 (2-6)**

**Title:** ATHLETICALLY RELATED ACTIVITIES -- LEADERSHIP PROGRAMMING OUT-OF-SEASON INVOLVING ATHLETICS RELATED INFORMATION AND CONTENT (GENERAL IN NATURE)

**Effective Date:** August 1, 2020.

**Source:** North Coast Athletic Conference and Upper Midwest Athletic Conference.

**Intent:** To allow student-athletes serving in a team leadership capacity to voluntarily participate in leadership programming involving general, athletics-related content/information outside of the declared playing season with any member of an institution's coaching staff, provided the content of the programming does not include any: (a) Field, floor, or on-court activity; (b) Setting up offensive or defensive alignment; (c) Chalk talk; (d) Lecture on or discussion of strategy related to the specific-sport of the student-athlete(s); (e) Activities using equipment related to the sport; (f) Discussion

or review of game films, motion pictures or videotapes related to the sport;  
or (g) Any other athletically related activity.

**Question No. 1:** What does the current legislation permit?

**Answer:** Currently, student-athletes and their coaches may participate in leadership and other programming involving sports-related information outside the playing and practice season if: (1) Similar programming is available to students generally; (2) The programming is not limited to members of a specific team; and (3) Participation is voluntary. Further, there is no restriction on the frequency or length of these activities.

**Question No. 2:** How does the proposal change the current rule?

**Answer:** If the proposal is adopted, it would still be permissible to engage in leadership activities involving sports-related information as set forth in the answer to Question No.1. The proposal would, under certain conditions, also allow coaches to engage in leadership programming involving sports-related information with their student-athlete leaders outside the season, without having to include members from other teams. The specific conditions for this engagement are as follows: (1) The programming does not include the practice activities as defined in Bylaw 17.02.1.1; (2) The programming occurs during the academic year and is completed no later than five days before the start of the institution's official final examination period; (3) The programming is limited to one 90-minute meeting per week, not more than ten times outside the season; and (4) The programming plan is submitted to the athletics director and compliance officer.

**Question No. 3:** What activities would be impermissible if the proposal is adopted?

**Answer:** All athletically related activities listed in Bylaw 17.02.1.1-(a)-(k) will continue to be impermissible outside the playing and practice season. These practice activities include, but are not limited to field, floor or on-court activity; chalk talk; film review; competition; required weight-training, camps, clinics and individual workouts and practice called by members of the team.

**Question No. 4:** What does it mean to be serving in a "team leadership capacity?"

**Answer:** A student-athlete serving in a "team leadership capacity" is any team member identified by the coach as serving in a team leadership capacity.

**Question No. 5:** Could a team have different groups of student-athlete leaders for each leadership program?

**Answer:** Yes. Since the definition of team leadership is broad in nature, a team could include different leaders for each leadership program to allow multiple student-athletes the opportunity to participate in leadership programming. There is no limit to the number of student-athletes from a team that may be involved in leadership programming under this proposal. However, the intent of the proposal is for these programming sessions to occur in small group settings. Institutions will define what constitutes a small group based on the student-athletes involved and the type of programming.

**Question No. 6:** Are there any limits on the number of athletics leadership programming sessions in which a student-athlete may participate?

**Answer:** Yes. A student-athlete would only be permitted to engage in 10 leadership programming sessions outside the playing and practice season and no more than one, 90-minute session per week. These limitations apply per sport.

**Question No. 7:** What is "athletics-related general information?"

**Answer:** "Athletics-related general information" is any information that may involve any number of leadership and/or personal development topics that involve sport or are set within the context of athletics. Athletics-related general information would not permit a coach to discuss skill technique, game tactics, training programs or review film related to the sport.

**Question No. 8** The proposal would require that the activities be voluntary. How is voluntary defined?

**Answer:** Voluntary is defined in Bylaw 17.02.14 and includes the following:

1. If the activity is not being conducted by the coach, the student-athlete must not be required to report back to a coach or other athletics department staff member any information related to the activity nor may any athletics department staff member who observes the activity report back to the student-athlete's coach any information related to the activity;
2. Neither the institution nor any athletics department staff member may require the student-athlete to participate in the activity at any time;

3. The student-athlete's attendance and participation in the activity (or lack thereof) may not be recorded for the purposes of reporting such information to coaching staff members or other student-athletes; and
4. The student-athlete may not be subjected to penalty if he or she elects not to participate in the activity. In addition, neither the institution nor any athletics department staff member may provide recognition or incentives (e.g., awards) to a student-athlete based on his or her attendance or performance in the activity.

**Question No. 9:** What benefits may the institution provide as part of leadership programming permitted under this proposal?

**Answer:** The proposal does not expressly permit an institution to provide any benefits in conjunction with the leadership programming. However, an institution may provide benefits that are permitted under NCAA Division III legislation (e.g., refreshments provided for student-athlete educational meetings).

**Question No. 10:** Can the leadership programming occur off-site or must it occur on-site?

**Answer:** The proposal does not permit an institution to finance the leadership programming, unless similar programming is available to the institution's students. As such, the leadership programming could occur at any site, provided the student-athletes are voluntarily engaging in the activity, the programming does not exceed 90 minutes once per week and the student-athletes pay for any expenses associated with the programming. This would include the cost of any transportation to attend or return from the programming activity.

**Question No. 11:** Is prior approval needed for this leadership programming?

**Answer:** The plan for the leadership programming must be on file with the institution's director of athletics and compliance officer, if these are separate individuals, before any of the programming activities occur.

**Question No. 12:** Would this type of leadership programming be permitted to occur during a vacation period?

**Answer:** No. The leadership programming may occur outside of the declared playing and practice season, but it may not occur during an official vacation period. This would include the summer, between terms and before initial enrollment.



**Question No. 13:** Can the leadership programming involve a ropes course or other physical activity?

**Answer:** No, physical activities remain prohibited.

**Proposal No. 2020-7 (2-8)**

**Title:** DIVISION MEMBERSHIP -- PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S EQUESTRIAN

**Effective Date:** August 1, 2020.

**Source:** Adrian College; Albion College; Alfred State College; Alvernia University; Berry College; Bethany College (West Virginia); Bridgewater State University; East Texas Baptist University; Emory University; Morrisville State College; Nazareth College; Roger Williams University; Randolph-Macon College; Salve Regina University; State University of New York at Geneseo; State University of New York at New Paltz; Sweet Briar College; University of Lynchburg; Wentworth Institute of Technology; and Wilson College.

**Intent:** To add equestrian as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

**Question No. 1:** What is an emerging sport?

**Answer:** An emerging sport is a women's sport recognized by the NCAA that is intended to help schools provide more athletics opportunities for women and see if the sport grows to championship level. The NCAA Committee on Women's Athletics is charged with identifying and managing progress of emerging sports for women. Additional information about the NCAA emerging sport for women program, including the policies and procedures, is located through <http://www.ncaa.org/about/resources/inclusion/emerging-sports-women> .

**Question No. 2:** How long will a sport remain an emerging sport?

**Answer:** NCAA bylaws require that emerging sports must gain championship status within 10 years or show steady progress toward that goal to remain on the list.

**Question No. 3:** How many institutions must sponsor women's equestrian as a sport for it to gain championship status?

**Answer:** Because women's equestrian is an individual sport, at least 40 institutions across all three divisions must sponsor women's equestrian to establish a National Collegiate Championship. For a Division III championship, at least 40 Division III member institutions must sponsor the sport.

**Question No. 4:** May an emerging sport be used to satisfy sport-sponsorship requirements?

**Answer:** Institutions may use emerging sports to help meet the NCAA membership minimum sports-sponsorship requirements provided minimum contest and participant requirements are met.

**Question No 5:** If the institution has a varsity women's equestrian program, will they need to apply Division III legislation?

**Answer:** Yes. If women's equestrian becomes an emerging sport for women and is recognized by the institution as a varsity program, then the institution must apply the constitution, bylaws, interpretations and other legislation of the Association to the institution's varsity women's equestrian program.

**Question No. 6:** Are all three divisions considering proposals to add women's equestrian to the emerging sport list for women?

**Answer:** No. Divisions I and II already recognize equestrian as an emerging sport for women.

**Question No. 7:** Have the playing rules for women's equestrian been developed?

**Answer:** No. The NCAA does not create or administer playing rules for an emerging sport until there is an established National Collegiate Championship or division championship for that sport.

**Question No. 8:** What is the proposed championship segment for women's equestrian?

**Answer:** Spring.

**Question No. 9:** What would be the length of the playing and practice season for women's equestrian?

**Answer:** The length of the playing and practice season (traditional and nontraditional) would be 19 weeks, in accordance with the segment limitations in Bylaw 17.1.1.3.3.1 (sports with spring championships).

**Question No. 10:** What are the maximum dates of competition for the team and the student-athlete?

**Answer:** A member institution must limit its total playing schedule with outside competition in women's equestrian to eight dates of competition. Likewise, each student-athlete is limited to eight dates of competition.

**Question No. 11:** What are the minimum number of participants and contests required for an institution to use equestrian for sport sponsorship?

**Answer:** An institution must complete at least three contests against varsity programs from four-year, degree-granting collegiate institutions. In addition, the institution must have at least a minimum of six participants in each contest that is used to count toward meeting the minimum-contests requirements.

**Question No. 12:** How would mixed equestrian teams be treated for sports-sponsorship purposes?

**Answer:** Mixed equestrian teams would be considered a men's sport and, therefore, could not be used for sports-sponsorship purposes.

**Question No. 13:** If the proposal is adopted, and women's equestrian becomes a Division III sport, could an institution pay riding fees and stable fees?

**Answer:** Yes. These types of expenses would be permissible practice and competition expenses for the sport under Bylaw 16 and are not considered financial aid for purposes of NCAA bylaws.

#### PRIZES AND AWARDS

**Question No. 14:** In the sport of women's equestrian, is it permissible for a student-athlete to accept prize money or expenses based on performance in an event?

**Answer:** Only during the institution's summer vacation period (and outside the declared playing and practice season) may student-athletes, in individual sports, accept prize money not to exceed actual and necessary expenses based on place, finish or performance in an open athletics event (an event that is not invitation only) [Bylaw 12.1.5.1]. Further, such prize money may be provided only by the sponsor of the open event. Actual and necessary

expenses include necessary travel, lodging and meals, entry fees, and apparel and equipment for the specific event. The calculation of actual and necessary expenses shall not include the expenses for anyone other than the student-athlete (e.g., parent).

**Question No. 15:** May a women's equestrian student-athlete receive an award for participating in a competition?

**Answer:** Any award (e.g., saddle) received by a student-athlete for participating in any competition while not representing the institution must conform to the regulations of the recognized amateur organization that governs the competition.

Any award received by the student-athlete for participation in competition while representing their institution must comply with the limitation in Bylaw 16.1.

**Question No. 16:** Would women's equestrian student-athletes be permitted to accept prize money awarded in disciplines in which the performance of the student-athlete's horse is judged?

**Answer:** No. NCAA legislation does not distinguish equestrian disciplines in which the rider is judged from those disciplines in which the horse is judged. Therefore, prize money won in any equestrian discipline is attributable to the student-athlete and subject to the parameters of Bylaws 12.1.5.1 and 12.1.5.2, regardless of whether the performance of the student-athlete, the student-athlete's horse, or both is being judged.

#### NON-VARSITY PROGRAM

**Question No. 17:** If the proposal passes, does an institution that sponsors a non-varsity equestrian program have to apply NCAA regulations?

**Answer:** No. If the institution does not designate its equestrian program as a varsity program, then it does not have to adhere to Division III legislation.

**Question No. 18** May an institution sponsor both a varsity equestrian program and a separate non-varsity equestrian program?

**Answer** Yes.

**Question No. 19:** If an institution sponsors both a varsity equestrian program and a separate non-varsity program that participates in non-NCAA competition, can varsity competitors compete with the non-varsity program?

**Answer:** No. A student-athlete may compete individually in an outside event, but the institution could not provide expenses for that participation, nor could the student-athlete use any apparel or equipment from the institution.

**Question No. 20:** If an institution sponsors both a non-varsity program and a varsity program, can a student-athlete transition from the non-varsity program to the varsity team?

**Answer:** Yes, but the student-athlete would have to be certified (e.g. amateurism, seasons of participation, academic eligibility) in the same manner as any other student-athlete.

**Proposal No. 2020-8 (2-7)**

**Title:** DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- ACROBATICS AND TUMBLING

**Effective Date:** August 1, 2020.

**Source:** NCAA Division III Management Council (Committee on Women's Athletics).

**Intent:** To add acrobatics and tumbling as an emerging sport for women and establish legislation related to playing and practice season and membership.

**Question No. 1:** What is an emerging sport?

**Answer:** An emerging sport is a women's sport recognized by the NCAA that is intended to help schools provide more athletics opportunities for women and see if the sport grows to championship level. The NCAA Committee on Women's Athletics is charged with identifying and managing progress of emerging sports for women. Additional information about the NCAA emerging sport for women program, including the policies and procedures, is located through <http://www.ncaa.org/about/resources/inclusion/emerging-sports-women>.

**Question No. 2:** How long may a sport be identified as an emerging sport?

**Answer:** NCAA bylaws require that emerging sports must gain championship status within 10 years or show steady progress toward that goal to remain on the list.

**Question No. 3:** How many institutions must sponsor an emerging sport for it to gain championship status?

**Answer:** Acrobatics and tumbling is a team sport, and as an emerging team sport a National Collegiate Championship may be established if 40 institutions across all three divisions sponsor the sport; or a Division III championship may be established if at least 28 Division III institutions sponsor the team sport.

**Question No. 4:** May an emerging sport be used to satisfy sport-sponsor requirements?

**Answer:** Institutions may use emerging sports to help meet the NCAA membership minimum sports-sponsorship requirements provided minimum contest and participant requirements are met.

**Question No. 5:** If the proposal is adopted, will Division III institutions be required to sponsor acrobatics and tumbling?

**Answer:** No. Institutions maintain autonomy regarding the sports it sponsors at the varsity level.

**Question No. 6:** If the institution has a varsity acrobatics and tumbling team, will that team need to apply Division III legislation?

**Answer:** Yes. If acrobatics and tumbling becomes an emerging sport and the institution identifies its team as a varsity team, the institution must apply the constitution, bylaws, interpretations and other legislation of the Association to the institution's varsity acrobatics and tumbling team.

**Question No. 7:** If the institution has an acrobatics and tumbling club team, will that team need to apply Division III legislation?

**Answer:** No. The club team is not required to adhere to Division III legislation until the institution recognizes the team as a varsity team. An institution is permitted to sponsor the sport at the varsity or club level.

**Question No. 8:** Are all three divisions considering proposals to add acrobatics and tumbling to the emerging sport list for women?

**Answer:** Yes. Division I will vote on the proposal in April 2020 and Division II will consider the proposal at the 2020 NCAA Convention.

**Question No. 9:** Have the playing rules for women's acrobatics and tumbling been developed?

**Answer:** Since the NCAA does not create playing rules for an emerging sport until there is an established National Collegiate Championship or divisional championship, the playing rules established by the National Collegiate Acrobatics and Tumbling Association will be used for women's acrobatics and tumbling.

**Question No. 10:** What is the proposed championship segment for women's acrobatics and tumbling?

**Answer:** Spring.

**Question No. 11:** What would be the length of the playing and practice season for women's acrobatics and tumbling?

**Answer:** The length of the playing and practice season would be 19 weeks, in accordance with the segment limitations in Bylaw 17.1.1.3.3.1 (sports with spring NCAA championship). Those 19 weeks would include both the traditional and nontraditional segment of the declared playing and practice season.

**Question No. 12:** What is the maximum number of dates of competition for the team and the student-athlete?

**Answer:** A member institution must limit its total playing schedule with outside competition in acrobatics and tumbling to 12 dates of competition. All these contests must occur during the traditional segment of the declared playing season. Further, the 12 dates of competition may include not more than two tri-meets, which are meets that occur on one day and consist of three teams competing in the same contest.

**Question No. 13:** Are there any specific limitations as to how the dates of competition must be allocated between the traditional and nontraditional segment of the playing season?

**Answer:** Yes. For acrobatics and tumbling no contests are permitted during the nontraditional portion of the playing season, including any contests exempted under Bylaw 17.1.4.5 (standard contests or dates of competition

exemption). All dates of competition must occur during the traditional segment of the playing season. However, an institution is permitted to engage in an exempted foreign tour per Bylaw 17.29.

**Question No. 14:** What are the minimum number of participants and contests required for an institution to use acrobatics and tumbling for sport sponsorship?

**Answer:** An institution must complete at least six contests against varsity programs from four-year, degree-granting collegiate institutions. In addition, the institution must have at least 18 participants in each contest that is counted toward meeting the minimum-contests requirements.

**Question No 15:** Are acrobatics and tumbling and gymnastics considered the same sport?

**Answer:** No. For the purposes of amateurism and outside competition legislation, acrobatics and tumbling and gymnastics are considered different sports.

**Question No. 16:** If an institution sponsors both a club team and a varsity team, can a student-athlete transition from the club team to the varsity team?

**Answer:** Yes, but the student-athlete would have to be certified in the same manner as any other student.

**Proposal No. 2020-9 (2-9)**

**Title:** DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S WRESTLING

**Effective Date:** August 1, 2020.

**Source:** NCAA Division III Management Council (Committee on Women's Athletics).

**Intent:** To add women's wrestling as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

**Question No. 1:** What is an emerging sport?

**Answer:** The NCAA Committee on Women's Athletics is charged with identifying and managing progress of emerging sports for women. An emerging sport is a women's sport recognized by the NCAA that is intended to help schools provide more athletics opportunities for women and see if the sport grows



to championship level. Additional information about the NCAA emerging sport for women program, including the policies and procedures, is located through <http://www.ncaa.org/about/resources/inclusion/emerging-sports-women>.

**Question No. 2:** How long will a sport remain an emerging sport?

**Answer:** NCAA bylaws require that emerging sports must gain championship status within 10 years or show steady progress toward that goal to remain on the list.

**Question No. 3:** How many institutions must sponsor an emerging sport for it to gain championship status?

**Answer:** Because women's wrestling is an individual sport, at least 40 institutions across all three divisions must sponsor women's wrestling to establish a National Collegiate Championship. For a Division III championship, at least 40 Division III member institutions must sponsor the sport.

**Question No. 4:** May an emerging sport be used to satisfy sport-sponsor requirements?

**Answer:** Institutions may use emerging sports to help meet the NCAA membership minimum sports-sponsorship requirements provided minimum contest and participant requirements are met.

**Question No. 5:** If the proposal is adopted, will Division III institutions be required to sponsor women's wrestling?

**Answer:** No. Institutions maintain autonomy regarding the sports it sponsors at the varsity level.

**Question No 6:** If the institution has a varsity women's wrestling team, will that team need to apply Division III legislation?

**Answer:** Yes. If women's wrestling becomes an emerging sport and the institution identifies its team as a varsity team, the institution must apply the constitution, bylaws, interpretations and other legislation of the Association to the institution's varsity women's wrestling team.

**Question No. 7:** If an institution has a women's wrestling club team, will that team need to apply Division III legislation?

**Answer:** No. The club team is not required to adhere to Division III legislation until the institution recognizes the team as a varsity team.

**Question No. 8:** Are all three divisions considering proposals to add wrestling to the emerging sport list for women?

**Answer:** Yes. Division I will vote on the proposal in April 2020 and Division II will consider the proposal at the 2020 NCAA Convention.

**Question No. 9:** Have the playing rules for women's wrestling been developed?

**Answer:** Since the NCAA does not create playing rules for an emerging sport until there is an established National Collegiate Championship or divisional championship, the playing rules established by USA Wrestling will be used for women's wrestling.

**Question No. 10:** What is the proposed championship segment for women's wrestling?

**Answer:** Winter.

**Question No. 11:** What would be the length of the playing and practice season for women's wrestling?

**Answer:** As a sport with a winter championship, the playing and practice season for women's wrestling is limited to a maximum of 19 weeks (Bylaw 17.1.1.3.2). Additionally, the playing and practice season may not begin before October 10.

**Question No. 12:** What is the maximum number of dates of competition for the team and individual student-athletes?

**Answer:** A member institution must limit its total playing schedule with outside competition in women's wrestling to 16 dates of competition.

**Question No. 13:** Are there specific limitations as to the maximum numbers of dates of competition?

**Answer:** The dates of competition may include not more than two, two-day meets that shall count as a single date of competition.

**Question No. 14:** What would be the minimum number of participants and contests required for an institution to use women's wrestling for sport sponsorship?

**Answer:** An institution must complete at least seven contests against varsity programs from four-year, degree-granting collegiate institutions. In addition, the institution must have at least a minimum of six participants in each contest that is counted toward meeting the minimum-contests requirements.

**Question No. 15:** Are there any additional restrictions regarding outside competition for a student-athlete in the sport of women's wrestling?

**Answer:** Yes. In addition to the prohibition of outside competition during the institutions declared playing and practice season, a student-athlete in the sport of women's wrestling would be prohibited from competing as a member of an outside team or as individual from the beginning of the institution's academic year to November 1.

**Question No. 16:** If an institution sponsors both a club team and a varsity team, can a student-athlete transition from the club team to the varsity team?

**Answer:** Yes, but the student-athlete would have to be certified in the same manner as any other student-athlete.

**Proposal No. 2020-10 (2-2)**

**Title:** NCAA MEMBERSHIP -- MEMBER CONFERENCE -- ELIGIBILITY -- COMPOSITION OF CONFERENCE -- PROVISIONAL OR RECLASSIFYING MEMBERS AS CORE MEMBERS

**Effective Date:** August 1, 2020.

**Source:** NCAA Division III Presidents Council [Management Council (Membership Committee)].

**Intent:** To specify that institutions in years three and four of the NCAA Division III provisional and reclassifying membership process may count towards the requisite seven institutions necessary to comprise a conference, provided there are at least four active member institutions.

**Question No. 1:** What is the current rule regarding the requirements for the composition of a conference?

**Answer:** Under the current rule, a conference shall be comprised of at least seven core institutions.

**Question No. 2:** What is the definition of a core institution?

**Answer:** A core institution is an active Division III member institution that is a member of an NCAA Division III conference and participates in that conference in more than one conference-sponsored sport.

**Question No. 3:** What is the current rule regarding how provisional members are classified for purposes of conference composition?

**Answer:** Under the current rule, a conference may include provisional members in addition to the required seven core members. However, provisional members do not count as core members and cannot be used to meet the minimum members needed to comprise a conference.

**Question No. 4:** If adopted, how would the proposal differ from the current legislation?

**Answer:** If this proposal is adopted, institutions in years three and four of the provisional and/or reclassifying membership process may be considered as core members for comprising a conference, provided there are at least four active member institutions.

**Question No. 5:** What happens if an institution in year three or four of the provisional or reclassifying membership process does not become an active member?

**Answer:** If the provisional or reclassifying member is one of the seven core conference member institutions required for conference composition, then the conference would trigger the grace period outlined in Bylaw 3.3.1.2.4. At the end of the grace period, if the conference does not meet the composition requirement to continue to qualify as a member conference, it will enter restricted status, which would include the loss of such membership privileges as voting, automatic qualification, and grant and initiative funding.

**Question No 6:** What would happen if a provisional or reclassifying member is required to repeat a year of the membership process?

**Answer:** An institution that is required to repeat a year of the membership process remains in the year it is required to repeat. For example, a provisional member that is asked to repeat year two remains in year two of provisional membership. Therefore, only provisional or reclassifying members that are in years three and four can repeat a year of the membership process and still qualify towards the composition of a conference.

**Question No. 7:** Will this proposal apply to a single-sport conference?

**Answer:** Yes. If this proposal is adopted, it would apply to single-sport conferences.

**Question No. 8:** If this proposal is adopted would it change when a conference would start receiving conference grant-program funds?

**Answer:** If this proposal is adopted, the timing for receipt of conference grants funds would remain unchanged. A new conference would still be required to serve a two-year waiting period before being eligible to receive conference grant funding.

**Question No. 9:** May provisional or reclassifying institutions used to satisfy conference composition requirements receive strategic grant-conference funding?

**Answer:** No. Provisional/reclassifying member institutions will not be included in the calculation used to determine a conference's share of strategic grant funding.

**Question No 10:** How would waivers granted to institutions in the membership process impact this proposal?

**Answer:** If this proposal is adopted, waivers granted to institutions during the membership process would not impact this proposal. Currently, an institution may apply for a waiver of the four-year membership process at the completion of year two of the provisional or reclassifying membership process, provided it meets the criteria outlined in Bylaw 20.3.3.1.1. If the waiver is approved, the institution advances from year two to year four of the membership process.

**Question No 11:** Will this proposal change if one or both of the proposals that reduce the length of time for provision or reclassifying members to become active members is adopted by the membership at the 2020 Convention?

**Answer:** If one or both of the noted proposals are adopted, this proposal will be revised to conform to the legislation as amended. Specifically, this proposal will be rewritten to specify that an institution must be in year three of the membership process to count towards conference composition.

**Proposal No. 2020-11 (2-11)**

**Title:** DIVISION MEMBERSHIP -- SPORT CLASSIFIED IN DIVISION I --  
APPLYING DIVISION I LEGISLATION

**Effective Date:** Immediate.

**Source:** NCAA Division III Management Council (Membership Committee).

**Intent:** To permit Division III member institutions with Division I sports to apply all NCAA Division I legislation, except Bylaw 15 (financial aid), to the Division I sports.

**Question No. 1:** Currently, which division's legislation does a Division III institution apply to Division I sports that it sponsors?

**Answer:** Under the current rule a member institution, that has one or more sports classified in Division I, must apply the rules of both divisions or the more stringent rule if both divisions have a rule concerning the same issue. Further, the institution may apply the Division I playing and practice season regulations of Bylaw 17 in the Division I sport (Bylaw 20.7.1.1). The institution has to follow Division III financial aid regulations unless the institution satisfies the exception set forth in Bylaw 20.7.1.1.1.

**Question No. 2:** How would this proposal change the current rule?

**Answer:** If this proposal is adopted, a member institution that has one or more sports classified in Division I will apply Division I legislation to those sports in all areas, except financial aid. For this area, the institution will apply Division III financial aid legislation unless specifically exempted per Bylaw 20.7.1.1.1.

**Question No. 3:** How many Division III institutions sponsor Division I sports?

**Answer:** Ten.

**Question No. 4:** Will the number of Division III institutions that sponsor a Division I sport increase?

**Answer:** Currently, Division I legislation prohibits any additional Divisions II or III institutions to reclassify an existing sport to Division I. The only sports from Division III institutions that are classified as Division I were classified as such during the 2010-11 academic year. The only exception to this

prohibition permits a Division III institution with a Division I sport to petition to have the sport of the opposite gender classified as Division I.

**Question No. 5:** Will Division III institutions be able to award athletics aid for their Division I sport?

**Answer:** If this proposal is adopted, only institutions that currently offer athletically related financial aid to their Division I student-athletes may continue offering it.

**Proposal No. R-2020-12**

**Title:** RESOLUTION -- SOFTBALL/BASEBALL NATIONAL CHAMPIONSHIP TOURNAMENT TIMING

**Source:** Allegheny Mountain Collegiate Conference, Commonwealth Coast Conference, Great Northeast Athletic Conference, Michigan Intercollegiate Athletic Association and North Eastern Athletic Conference.

**Question No. 1:** What is the resolution asking to happen?

**Answer:** The resolution is asking the Division III Baseball Committee; Division III Softball Committee and the Division III Championships Committee to review the timing of the championship tournament in those sports and consider the feasibility of aligning the two tournaments, and moving the tournament later to allow institutions the flexibility to conduct regular season contests later in the spring. Currently, the specific dates of these tournaments are not proscribed in Division III bylaws, and the baseball, softball and championship committees oversee the timing of tournament dates. Finally, the resolution is asking that any resulting changes be implemented no later than for the 2023 championships to account for current timing of the championship bid process.

**Question No. 2:** Does voting in favor of the resolution mean that this proposed alignment of the baseball/softball tournaments or moving them later will occur?

**Answer:** No, this is not a legislative proposal. Rather, if approved, this resolution is a directive from the membership to the baseball, softball and championships committees to engage in discussion regarding the overall impact (e.g. regular season implications, budget, student-athlete experience) of potential changes to the timing of these tournaments.



NCAA Division III Directors of Athletics,

The purpose of this letter is to educate NCAA Division III Directors of Athletics about the largest governance group for collegiate Hunter Seat Equestrian, which is the Intercollegiate Horse Show Association (IHSA), and our concerns regarding the implications of adding Equestrian to the NCAA emerging sports list. The IHSA was established in 1967 and has operated without interruption for 53 years. Launched with just two colleges competing in hunter seat equitation, the IHSA was praised for its innovative and inclusive competition format. In 1999 IHSA Inc. was established as a nonprofit organization. The IHSA now encompasses 39 Regions in 8 Zones with over 400 member colleges in 45 states and Canada. The IHSA represents 10,000 members in hunter seat equitation, Western horsemanship, and reining.

The main areas of concern are related to the proposed legislation regarding diversity and inclusion, recruiting and decline in program prestige and branding opportunities. We believe that approving this legislation will be detrimental to the overall success of Division III varsity equestrian programs.

The philosophy of the IHSA is, by design, to be inclusive across all demographics. The IHSA experience-based format provides competitive opportunities for top riders with extensive showing experience, and also offers opportunities for student-athletes with other equestrian backgrounds.

Many riders who join collegiate equestrian teams have been training all their lives but have not had the financial means to compete at higher levels. This is a unique problem to Equestrian sports, which require high financial capacity in order to compete in the highest level. The IHSA has made the equestrian sport economically accessible for many young athletes. With this proposed change talented riders who did not have the means to compete at higher levels throughout their childhood would not get the opportunity to participate in the collegiate equestrian sport.

Additionally, the proposed change would make teams and championships only available to female athletes, which does not fit with the history of the equestrian sport in general. In the Olympics for example, riding is one of the few sports that is not split by gender. The IHSA is structured in an inclusive way in which women, men, non-binary and transgender students compete amongst each other. This inclusive approach also better aligns with the philosophy of Division III athletics, which seeks to create “an environment that values cultural diversity and gender equity among their student-athletes and athletics staff” (Division III Philosophy Statement).



Switching to the NCEA format as it is, would also significantly affect recruiting efforts of Division III varsity programs. Because IHSA provides competitive opportunities for ALL levels of riders, it is an obvious recruiting draw for colleges. With the enrollment “cliff year” rapidly approaching in 2025, we believe Division III programs need to focus on boosting their recruiting efforts, not restricting them.

Under the IHSA, 36 national team championships have been won by a DIII school with riders representing a vast array of equestrian backgrounds. The experience-based format of the IHSA allows for an equity between DI, DII, and DIII schools. NCEA/NCAA’s format would not provide this – the Championship would be multidivisional, and DIII student athletes would compete against DI scholarship recipients. A separate divisional championship is not realistically attainable in our sports near future. Out of the 24 schools participating in NCEA presently, 10 of those schools participate in IHSA. Six of the 24 NCEA schools primarily participate in IHSA only and find the format to be a better fit for their schools.

This same conversation also occurred in 2008 and was voted down by Division III athletic directors, as it does not provide DIII schools, who foster the majority of collegiate equestrian teams, with an equal chance at championships. On top of the team national awards, the IHSA offers ten individual national awards per class every year. These individual awards provide more opportunities for national participation from a wide range of equestrian levels. Since 1974 students from DIII schools have claimed 189 individual national championship titles in the hunter seat discipline alone. These individual titles bring immense pride to winning universities and bolster the positive student experience. We are strong proponents of collegiate equestrian programs and will continue to work to create more opportunities for the diverse range of riders that are passionate about our sport. For DIII schools currently, the IHSA provides a better platform for this goal.

During the convention, please join us for a discussion regarding these issues at the meeting of Doing Right by our Student-Athletes and Institutions. This will take place on Thursday, January 23<sup>rd</sup> at 7:30 am in room 304D.

Please review the bullet point sheet for more facts on why we are recommending that the NCAA Committee on Women’s Athletics should not recommend Equestrian for Emerging Sport Status for Division III schools at the NCAA Convention in January 2020.

Join us in voting against D3 Equestrian as an emerging sport,

Concerned IHSA Equestrian Coaches of Division III Schools

# Reasons to vote **against** adding Equestrian as an Emerging Sport for Division III

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For over 50 years, the National organization, the Intercollegiate Horse Show Association (**IHSA**) has worked for Division III institutions.

## **Why change something that has worked so well for Division III schools?**

The IHSA mission statement reflects the philosophy of Division III athletics:

- ⇒ “The IHSA was founded on the principle that any college student should have the opportunity to participate in equestrian competition regardless of financial status, gender or riding level.”

According to the Division III athletics website:

- ⇒ “Division III athletic departments are dedicated to offering broad-based programs with a high number and wide range of athletic participation opportunities, for both men and women”.

## **The statistics speak for themselves:**

**In the 53 years of the IHSA there has been...**

**36** National Collegiate Championships won by Division III Schools

**189** Individual Hunter Seat Championship winners from Division III Schools

## **The IHSA:**

- An organization for women, men, nonbinary, and transgender students.
- A diverse organization for riders of all abilities and levels.
- Allows riders access to a team and allows coaches to develop competitive riders.
- Allows schools to recruit riders through the admissions process.
- Accessible for all students no matter what their financial status may be.

## **An NCAA championship would limit the competition to only the upper level Intermediate and Open division riders:**

- The championship would be exclusive for student-athletes of high financial backgrounds.
- Will decrease the opportunities for participation on a team.
- A limited number of riders available at this level around the country.
- Division III non-scholarship student-athletes would be competing against Division I scholarship recipient student-athletes.

## **For over 20 years, Division I and Division II schools have not been able to meet the required 40 schools for creation of a Collegiate Championship:**

- Division I and Division II schools need Division III schools to move off the emerging sport list to have a Collegiate Champion.

## **Division III schools can count participation in IHSA for Title IX participation numbers.**

### **Scholarship student-athletes versus non-scholarship athletes:**

- Overall a Collegiate National Championship show will not be fair for Division III student-athletes against Division I student-athletes receiving scholarships.
  - It will take many years before it will be a separate Division III National Championship competition.
  - Division III schools who decide to compete in NCEA/NCAA competitions against Division I teams may never have the chance of success available to their programs which they have currently achieved in the IHSA.
- 270 Scholarships are offered in Division I schools to Equestrian student-athletes, over \$40 Million dollars.
  - This could be the demise of many Equestrian programs across the country.

### **The experience-based format of the IHSA allows for equity between Division I, Division II, and Division III schools.**

*The key word is equity and the best thing for Division III student-athletes..*

### **Below are the approximate expenses that top-level riders may incur: Commonly these riders are the ones being heavily recruited by Division I and Division II schools and are the only riders that would have access to participation if we moved under the NCEA/NCAA.**

- \$ 55,000 to \$ 125,000 to lease a top show horse to qualify for an Equitation Finals.
- Purchase price \$ 90,000 to \$ 300,000 (possibly more) for a horse. The norm is
- \$ 300,000 to start.
- \$ 35,000 to \$ 55,000 for expenses for those top shows. This price is added to the price of leasing a horse for the big shows. (*Prices on the low side*)
- \$ 2,000 to \$1,500 for boarding a show horse monthly. (*Quality show facility*)
- \$ 3,500 a week for showing at some weekly show series – does not include the price of stabling, braiding, shipping, etc.
- \$ 10,000 to get a rider qualified for the New England Finals Shows.
- \$25,000 to qualify for one of the big Equitation shows. If you qualify for the big Equitation shows and are a top rider in the country, then the cost will be well over \$75,000 for the top three Equitation Finals.

### **All NCEA and IHSA schools are looking for these top riders, but they will be few and far between**

- Many top riders are interested in the NCEA programs due to the scholarships.

### **Things to consider:**

- IHSA school programs are able to take talented riders that have not had the financial means to show at the big equitation shows and take the time to develop those riders.
- The cost of a National NCAA Championship will be costly and will only add to the financial burden of NCAA Championships without the benefit to Division III student-athletes.



**2020 NCAA Convention Division III Business Session  
Mootnicity and Related Parliamentary Issues**

**NCAA Division III Presidents Council Grouping – Proposal Nos. 1-6.**

**General Notes.** The NCAA Division III Presidents Council has identified six proposals of particular interest to Division III chancellors and presidents. These proposals are included in the Presidents Council grouping and will be considered by roll call vote. All motions and votes related to these proposals also must be considered by roll call. Because the Presidents Council designated the proposals for roll call vote, only the Presidents Council may waive this designation and all other motions to change the voting method would be out of order.

<b>Proposal Number</b>	<b>Procedural Issues</b>	<b>Mootnicity Issues</b>	<b>Miscellaneous Notes</b>
2020-1	Roll call vote.	None	None.
2020-2	Roll call vote.	None	None.
2020-3	Roll call vote.	None	None.
2020-4	Roll call vote.	None	None.
2020-5	Roll call vote.	None	Once this proposal is moved and seconded, then one of the sponsors of Proposal No. 2020-5-1 will move Proposal No. 2020-5-1. The membership will then debate and vote on whether to amend the proposal. If the amendment is defeated, then the membership will vote on Proposal No. 2020-5 as originally submitted. If the amendment is adopted, the membership will vote on Proposal No. 2020-5 as amended by Proposal No. 2020-5-1.
2020-5-1	Roll call vote.	Yes	See notes for Proposal No. 2020-5.
2020-6	Roll call vote.	None	None.

**NCAA Division III General Grouping – Proposal Nos. 7-12.**

**General Notes.** This grouping contains six proposals. Each proposal will be considered by roll call vote. All motions and votes related to these proposals also must be considered by roll call. Because the Presidents Council designated the proposals for roll call vote, only the Presidents Council may waive this designation and all other motions to change the voting method would be out of order.

Proposal Number	Procedural Issues	Mootnicity Issues	Miscellaneous Notes
2020-7	Roll call vote.	None	None.
2020-8	Roll call vote.	None	None.
2020-9	Roll call vote.	None	None.
2020-10	Roll call vote.	None	If Proposal No 2020-2 and/or 2020-3 are adopted, this proposal will be amended to specify that an institution only in year three of the provisional or reclassifying membership process will count towards the seven institutions necessary to comprise a conference.

2020-11	Roll call vote	None	None.
R-2020-12	Roll call vote	None	The resolution is also sponsored by the North Eastern Athletic Conference. They were inadvertently omitted from the Official Notice as a sponsor.

**Additional Notes.**

Effective date: A motion for an alternative effective date on the convention floor would violate the principle of "prior notice" and therefore would be out of order. Alternative effective dates must be noted with the submission of the proposal or offered as an amendment-to-amendment.

Motion to divide: Any delegate intending to make a motion to divide one of the eleven proposals is encouraged to contact a member of the NCAA academic and membership affairs staff for assistance with drafting of the motion before the Division III business session.

**2020 NCAA CONVENTION VOTING GRID – NCAA DIVISION III**  
(Saturday, January 25, Business Session)

PROPOSAL NUMBER	BUSINESS SESSION	RESULT	COUNT
2020-1	III		
2020-2	III		
2020-3	III		
2020-4	III		
*2020-5	III		
*2020-5-1	III		
2020-6	III		
2020-7	III		
2020-8	III		
2020-9	III		
2020-10	III		
*2020-11	III		
R2020-12	III		

\*Effective immediately



NCAA Division III Management Council and Presidents Council  
2020 NCAA Convention Legislation Speaker Assignment Chart

**Proposal No. 2020-1: NCAA MEMBERSHIP -- ACTIVE MEMBERSHIP AND MEMBER CONFERENCE -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ATHLETICS DIVERSITY AND INCLUSION DESIGNEE**

**Intent.** To specify that an active member institution or conference shall identify an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

**Source.** NCAA Division III Presidents Council [Management Council (Minority Opportunities and Interests Committee)].

**Effective Date.** August 1, 2020.

**Rationale.** The designation of an athletics diversity and inclusion designee symbolically and practically represents the Association's recognition of inclusion as a core value. It also supports the Presidential Pledge and Commitment to Promoting Diversity and Gender Equity in Intercollegiate Athletics. It is the responsibility of each member institution to establish and maintain an environment that values cultural diversity and gender equity as acknowledged in Constitution 2.2.2 (cultural diversity and gender equity). While the NCAA national office provides valuable resources and programming to support the membership's efforts toward creating and maintaining inclusive environments, often institutional and conference personnel are not aware of available resources or opportunities. This proposal seeks to create a network of colleagues who will serve as the conduit for consistent and thorough dissemination of diversity and inclusion-related information between conference offices, campuses, the athletics departments and the NCAA. The staff member given the designation may be either internal or external to the athletics department. The contact information for the designated staff member will be entered on the institution or conference's NCAA Sports Sponsorship and Demographics Form.

**Proposed Speakers:**

PC (move and support): Javier Cevallos

MC (support): Gerard Bryant



**Proposal No. 2020-2: DIVISION MEMBERSHIP -- APPLICATION PROCESS -- PROVISIONAL INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS PLUS AN EXPLORATORY YEAR**

**Intent.** To amend legislation related to the Division III provisional process as follows: (1) For non-NCAA members, reduce the provisional process from four to three years; (2) Expect that process will continue to require an exploratory year; (3) While a waiver of exploratory membership will remain in place, there will no longer be a waiver during the provisional process; (4) Specify that if an institution is unable to gain full active membership within this time frame, there is a one-time opportunity to repeat a year in question, through recommendation of Membership Committee.

**Source.** American Collegiate Athletic Association; American Southwest Conference; and USA South Athletic Conference

**Effective Date.** August 1, 2020.

**Rationale.** Division III has in place, strategies to limit membership growth. Those limiters have included a four-institution cap on applications of new members annually, an imposed moratorium to suspend applications, a five-year application process, and a number of reports and actions to move from one year to the next. While these steps have been successful in limiting growth, one inadvertent consequence has been the impression that we in Division III are exclusive. Many current enrollment-driven institutions find it extremely challenging to commit to a division that provides no access to NCAA national championships for an entire generation of students. Prospective members not currently associated with the NCAA need additional time to develop a full understanding of administrative and cultural expectations of our organization. To this end, a three-year waiting period is proposed for provisional members. This adjustment also allows for a flexible process should our organization need to quickly modify our approach to membership. If the institution fails to meet legislated expectations of membership, consistent with current legislation, they would have a one-time opportunity to repeat a year in the process.

**Proposed Speakers:**

PC (support): Tori Murden McClure

MC (support): Heather Benning

**Governance Position:**

Presidents Council, Management Council and Membership Committee support this proposal. Allowing prepared institutions to complete the transition to Division III in three years (plus an exploratory year) will provide student-athletes earlier access to NCAA championships, thereby benefitting their overall experience. Furthermore, the membership educational requirements can be effectively delivered during this period while still providing the Membership Committee the discretion to appropriately manage the process, as needed.

**Proposal No. 2020-3: DIVISION MEMBERSHIP -- APPLICATION PROCESS -- RECLASSIFYING INSTITUTION -- REDUCE WAITING PERIOD FROM FOUR YEARS TO THREE YEARS**

**Intent.** To amend legislation related to the Division III reclassifying process as follows: (1) For current NCAA members reclassifying to Division III, reduce the number of years in the reclassifying process from four to three years; (2) The process will eliminate the one-year exploratory membership requirement; (3) Specify that if an institution is unable to gain full active membership within this time frame, there is a one-time opportunity to repeat a year in question, through recommendation of Membership Committee.

**Source.** American Collegiate Athletic Association; American Southwest Conference and USA South Athletic Conference

**Effective Date.** August 1, 2020.

**Rationale.** Division III has strategies in place to manage membership growth. Those limits have included a four-institution cap on applications of new members annually, an imposed moratorium to suspend applications, a five-year application process, and a number of reports and actions to move from one year to the next. While these steps have been successful in limiting growth, one inadvertent consequence has been the impression that we in Division III are exclusive. Many current enrollment driven institutions find it challenging to commit to a division that provides no access to NCAA national championships and/or grant funding for an entire generation of students. This proposal accepts that current NCAA Divisions I or II members reclassifying understand the philosophy, history and culture of the NCAA and are committed to compliance as outlined in the Division III operating manual. Therefore, this proposal reduces the time to gain full membership by eliminating the exploratory year and one reclassifying year. This adjustment also allows for a flexible process should our organization need to quickly modify our approach to membership. If the institution fails to meet legislated expectations of membership, consistent with current legislation, they would have a one-time opportunity to repeat a year in the process.

**Proposed Speakers:**

PC (support): Elsa Nunez

MC (support): Brad Bankston

**Governance Position:**

Presidents Council, Management Council and Membership Committee support this proposal. The requirements for a reclassifying institution can be effectively delivered and achieved in three years, while still providing the Membership Committee the discretion to appropriately manage the process, as needed. Additionally, a shortened process will allow earlier access to NCAA championships, thereby enhancing the overall student-athlete experience.

**Proposal No. 2020-4: AWARDS AND BENEFITS -- HOUSING AND MEALS -- EXCEPTIONS -- SNACKS AND NUTRITIONAL SUPPLEMENTS INCIDENTAL TO PARTICIPATION**

**Intent.** To specify that an institution may provide snacks and permissible nutritional supplements to student-athletes as a benefit incidental to participation in intercollegiate athletics.

**Source.** Alvernia University; Berry College; East Texas Baptist University; Emory University; Farmingdale State College; Howard Payne University; Hardin-Simmons University; Knox College; LeTourneau University; Loras College; Maine Maritime Academy; McMurry University; Moravian College; Salve Regina University; Swarthmore College; Sweet Briar College; University of Dubuque; University of Lynchburg; University of Mary Hardin-Baylor; University of Texas at Dallas; University of Wisconsin-Whitewater; and Wilmington College (Ohio).

**Effective Date.** August 1, 2020.

**Rationale.** In addition to meals benefits allowed under current legislation, this proposal will permit an institution to provide snacks and permissible nutritional supplements to all-student-athletes at its discretion as a benefit incidental to participation in intercollegiate athletics. Such measures will help ensure that all student-athletes' nutritional needs are met incidental to practice and other activities. This proposal is intended to provide flexibility to meet the student-athletes' nutritional needs and to alleviate administrative burdens related to accounting for such benefits. Nutrition is not an issue of competitive advantage, but rather an issue of student-athlete health and safety. This proposal allows institutions to more fully provide for overall well-being of Division III student-athletes.

**Proposed Speakers:**

PC (support): Fayneese Miller

MC (support): Sarah Feyerherm

MC (support): Jason Fein

**Governance Position:**

Presidents Council, Management Council, Interpretations and Legislation Committee, and Committee on Competitive Safeguards and Medical Aspects of Sport, support this proposal. The proposal promotes the health and wellness of student-athletes by allowing an institution the flexibility to provide what it deems appropriate to meet the nutritional needs of its student-athletes. With this flexibility, each institution will have the discretion to determine the scope of the benefit, if any, it chooses to provide to student-athletes, without an increased regulatory burden.

**Proposal No. 2020-5: AWARDS AND BENEFITS -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION  
-- PERMISSIBLE PRACTICE EXPENSES -- EXCEPTIONS FOR GOLF AND SWIMMING AND DIVING**

**Intent.** To allow an institution to provide practice expenses in the sports of Golf and Swimming and Diving during an official vacation period regardless of location.

**Source.** American Rivers Conference and Minnesota Intercollegiate Athletic Conference.

**Effective Date.** Immediate.

**Rationale.** Student-athletes should have the ability to prepare under the right conditions without having to worry about fulfilling an artificial competition requirement. Our conferences have seen multiple violations of this legislation over the years in the sports of golf and swimming & diving. Golf for institutions in colder climates faces several challenges. Unlike some sports that routinely take trips to warmer climates during official vacation periods, golf and swimming and diving student-athletes' best preparation for competition is enhanced significantly by outdoor participation. Golf and swimming & diving competition throughout the playing season is predominantly in multi-team events. Standalone dual matches are uncommon. Regardless, both formats have been difficult for our conferences' members to organize during vacation-period trips. Finally, many institutions artificially manufacture competitions against outside competition (e.g., an alumni team that might only consist of recreational golfers or swimmers) or a joint practice with outside competition where a head-to-head scoring component isn't even required.

**Proposed Speakers:**

MC (oppose): Kandis Schram

**Governance Position:**

Presidents Council and Management Council oppose this proposal. While this proposal addresses the unique challenges associated with the sport of golf, the inclusion of swimming and diving, which does not share those challenges, unnecessarily expands the scope of the proposal. Expansion to other sports, should not be reviewed on a sport-by-sport basis, but rather as part of a broader review to determine the extent and impact of allowing practice trips beyond the current parameters.

**Proposal No. 2020-5-1: AWARDS AND BENEFITS -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- PERMISSIBLE PRACTICE EXPENSES -- EXCEPTIONS FOR GOLF**

**Intent.** To allow an institution to provide practice expenses in the sport of Golf during an official vacation period regardless of location.

**Source.** American Rivers Conference and Minnesota Intercollegiate Athletic Conference.

**Effective Date.** Immediate.

**Rationale.** The cosponsors have reconsidered the original exception of swimming and diving because those student-athletes are able to prepare adequately with indoor training whereas golf student-athletes are not. Swimming and diving is no longer included in the proposal.

**Proposed Speakers:**

PC (support): Troy Hammond

**Proposal No. 2020-6: ATHLETICALLY RELATED ACTIVITIES -- LEADERSHIP PROGRAMMING OUT-OF-SEASON INVOLVING ATHLETICS RELATED INFORMATION AND CONTENT (GENERAL IN NATURE)**

**Intent.** To allow student-athletes serving in a team leadership capacity to voluntarily participate in leadership programming involving general, athletics-related content/information outside of the declared playing season with any member of an institution's coaching staff, provided the content of the programming does not include any: a) Field, floor, or on-court activity; b) Setting up offensive or defensive alignment; c) Chalk talk; d) Lecture on or discussion of strategy related to the specific-sport of the student-athlete(s); e) Activities using equipment related to the sport; f) Discussion or review of game films, motion pictures or videotapes related to the sport; or g) Any other athletically related activity.

**Source.** North Coast Athletic Conference and Upper Midwest Athletic Conference.

**Proposed Speakers:**

PC (oppose): Katherine Conway-Turner

MC (oppose): Michelle Morgan

MC (oppose): Tim Millerick

**Governance Position:**

Presidents Council, Management Council and the Interpretations, and Legislation Committee oppose this proposal. This proposal creates an environment wherein student-athletes may feel compelled to participate, thereby creating additional time demands for student-athletes.

<p><b>Effective Date.</b> August 1, 2020</p> <p><b>Rationale.</b> Leadership development is inherent to the NCAA Division III philosophy. Large-group leadership opportunities hold value; however, powerful growth happens in small, experience-based settings. Allowing coaches to work with team leaders is the most effective means of mentoring and experiential learning. NCAA-supported and facilitated leadership programs affirm that small group and individualized approaches are more effective than large-group programming for student-athletes. Additionally, with increased attention and awareness of mental health concerns among student-athletes, additional engagement between coaches and student-athletes strengthens the support networks student-athletes build during their season and could assist in identifying mental health concerns to ensure appropriate resources and support are provided out-of-season to student-athletes. Intercollegiate athletics plays an integral role in enrollment management strategies at Division III institutions. The retention of student-athletes is critical in the success of not only intercollegiate athletics programs, but the entire institution for many Division III members. With the transfer rate continuing to increase in Division III, allowing additional time for student-athletes and coaches to discuss leadership development-related content will positively impact the overall experience and growth for student-athletes as well as institutional retention rates. Consistent leadership programming would allow student-athletes opportunities to expand their leadership capacities as part of their holistic experience.</p>	<p>Additionally, current legislation provides sufficient opportunities for student-athletes to be involved in leadership activities outside the declared playing season. Finally, student-athletes should be involved in athletics leadership opportunities, but they should also seek participation in non-athletic based leadership opportunities. This proposal may limit or discourage student-athletes from seeking out those non-athletic opportunities.</p>
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**Proposal No. 2020-7: DIVISION MEMBERSHIP -- PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S EQUESTRIAN**

**Intent.** To add Equestrian as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

**Source.** Adrian College; Albion College; Alfred State College; Alvernia University; Berry College; Bethany College (West Virginia); Bridgewater State University; East Texas Baptist University; Emory University; Morrisville State College; Nazareth College; Roger Williams University; Randolph-Macon College; Salve Regina University; State University of New York at Geneseo; State University of New York at New Paltz; Sweet Briar College; University of Lynchburg; Wentworth Institute of Technology; Wesleyan College; and Wilson College.

**Effective Date.** August 1, 2020.

**Rationale.** Significant support exists for equestrian to be added as an NCAA sport, moving from the emerging sport for women list, including support from institutions and national governing bodies. It is expected that the addition of women's equestrian will produce a significant increase in participation opportunities for women, as well as provide the membership with a new option for sponsorship of a women's sport. Division I and Division II already have this legislation.

**Proposed Speakers:**

MC (support): Scott McGuinness

**Governance Position:**

Management Council, Committee on Women's Athletics and Playing and Practice Subcommittee support this proposal. The proposal provides for more participation opportunities for female student-athletes and more sport-sponsorship options for Division III member institutions.

**Proposal No. 2020-8: DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- ACROBATICS AND TUMBLING**

**Intent.** To add acrobatics and tumbling as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

**Source.** NCAA Division III Management Council (Committee on Women's Athletics).

**Effective Date.** August 1, 2020.

**Rationale.** The sport's potential for growth and support from the sport's national governing body supports this proposal. In addition, acrobatics and tumbling leadership demonstrated and articulated how the experience of an acrobatics and tumbling student-athlete is comparable to the experience of an NCAA sport student-athlete and how acrobatics and tumbling student-athletes are fully integrated into athletics departments. Further, the existing organizational structure and bylaws support efforts to integrate NCAA values and legislation into current operations. Finally, there is a commitment at the collegiate level to providing robust participation opportunities during the regular season and post season, including the national championships.

**Proposed Speakers:**

MC (move and support): Lori Mazza



**Proposal No. 2020-9: DIVISION MEMBERSHIP, PLAYING AND PRACTICE SEASONS -- EMERGING SPORTS FOR WOMEN -- WOMEN'S WRESTLING**

**Intent.** To add women's wrestling as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

**Source.** NCAA Division III Management Council (Committee on Women's Athletics).

**Effective Date.** August 1, 2020.

**Rationale.** The continued growth in high school girls wrestling and the number of collegiate institutions sponsoring the sport support this proposal. In addition, the sport is relatively inexpensive to sponsor. Finally, there is a commitment at the collegiate level to increase participation opportunities for a diverse population of student-athletes (e.g., race and ethnicity, national, socio-economic status and body size and type), as well as to increase coaching opportunities for a diverse population of female coaches in intercollegiate wrestling.

**Proposed Speakers:**

MC (move and support): Denise Udelhofen

**Proposal No. 2020-10: NCAA MEMBERSHIP -- MEMBER CONFERENCE -- ELIGIBILITY -- COMPOSITION OF CONFERENCE-- PROVISIONAL AND RECLASSIFYING MEMBERS AS CORE MEMBERS**

**Intent.** To specify that institutions in years three and four of the NCAA Division III provisional and reclassifying membership process may count towards the requisite seven institutions necessary to comprise a conference provided there are at least four active member institutions.

**Source.** NCAA Division III Presidents Council [Management Council (Membership Committee)].

**Effective Date.** August 1, 2020

**Rationale.** Proposal No. 2016-9 modified how provisional schools can be utilized towards earning a conference's automatic qualification bid. That proposal was narrowly focused and did not modify the language related to institutions in years three and four of the new membership process for determining the composition of a conference. The result is that a provisional and/or reclassifying institution in years three or year four of the new member process can count for the automatic qualification waiting period, but not for the seven core members needed to form a conference. Further, conference instability may be lessened if provisional and/or reclassifying institutions may be used by a conference in meeting its minimum number of member institutions.

**Proposed Speakers:**

MC (move and support): Laura Mooney

MC (support): Joe Walsh

**Proposal No. 2020-11: DIVISION MEMBERSHIP -- SPORT CLASSIFIED IN DIVISION I -- APPLYING DIVISION I LEGISLATION**

**Intent.** To permit Division III member institutions with Division I sports to apply all Division I legislation, except Bylaw 15 (financial aid), to the Division I sports.

**Source.** NCAA Division III Management Council (Membership Committee).

**Effective Date.** Immediate.

**Rationale.** The current legislation requires Division III member institutions with Division I sports to apply the rules of both divisions or the more stringent rule if both divisions have a rule concerning the same issue. It is often difficult for institutions to distinguish which of the rules is more stringent and tracking the bylaws for two divisions can burden an institution's administrative staff. Currently, ten Division III institutions sponsor a Division I sport. The number of affected schools will not increase, as Division I legislation currently prohibits additional institutions from becoming multidivisional. Since this is primarily intended to reduce confusion and ease burden, an immediate effective date is appropriate.

**Proposed Speakers:**

MC (move and support): Chuck Brown

<b>Proposal No. R-2020-12: RESOLUTION -- SOFTBALL/BASEBALL NATIONAL CHAMPIONSHIP TOURNAMENT TIMING</b>	
<p><b>Intent.</b> That the Division III Softball and Baseball Committees collaborate on a plan with the Division III Championships Committee, with a particular point of emphasis on examining the timing of the tournament schedules, to address concerns related to the compression of the seasons due to weather issues resulting in increased missed games and class time, with an effective date for strategic implementation no later than the Spring 2023 season. Additionally, that the Division III Championships Committee incorporate such changes as may be agreed upon into the bid process for the 2023-26 bid cycle.</p> <p><b>Source.</b> Allegheny Mountain Collegiate Conference, Commonwealth Coast Conference, Great Northeast Athletic Conference, Michigan Intercollegiate Athletic Assn. and North Eastern Athletic Conference.</p> <p><b>Effective Date.</b> Immediate.</p> <p><b>Rationale.</b> Changing climate patterns have created increasingly difficult weather events, often delaying the start of the spring season, particularly in the Northeast, Mid-Atlantic and Midwest. These weather events have negatively impacted the ability of a significant majority of Division III member institutions to prepare outdoor facilities for softball and baseball, hindering practice time in their local competition environment and disrupting overall competition schedules. These consistent disruptions to contest schedules cause more games to be compacted into fewer permissible weeks of play, increasing the likelihood and frequency of missed class time, and often necessitating the cancellation of contests altogether, particularly conference contests that can impact fair determination of automatic bids and potentially Pool B and C selections. Fall and winter sport student-athletes are provided funding and other campus resources to properly prepare and fully complete their seasons. Softball student-athletes are handicapped further by the historical start to the NCAA tournament, which is conducted one week earlier than baseball, their most similar sport counterpart, raising concerns about gender equity that is not found in any other sport. Resolution of these concerns will contribute to a more positive competition environment conducted in better weather, and help promote higher retention rates of these student-athletes;</p>	<p><b><u>Proposed Speakers:</u></b></p> <p>MC (support/oppose): Michael Vienna</p> <p><b><u>Committee Positions:</u></b></p> <p><b>Championships:</b> The committee took no position. The committee wants the membership to discuss and ultimately help inform the process. The committee noted that while weather related challenges in various regions is an issue that has continually been debated, the resolution, as stated, is limiting in scope and does not adequately address the totality of consequences (including budgetary) in the event a sport's season is extended</p> <p><b>Softball:</b> This is an issue already being discussed within the committee and among its coaching community. The committee is surveying softball coaches to determine the best course of action. While there isn't a need for the resolution since the issue is already being addressed there is value in bringing the issue to the larger membership.</p> <p><b>Baseball:</b> The committee has been discussing this issue and is not only supportive of engaging in the discussion but also is generally supportive of the concepts set forth in the resolution.</p>



**January 2020 NCAA Division III Management Council Meeting  
 Administrative Legislation for 2021 Convention**

Administrative Regulations. The NCAA Division III Management Council is empowered to adopt or revise administrative regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the NCAA Division III membership, for the implementation of policy established by legislation governing the general activities of each division. These administrative bylaws become part of the NCAA Division III legislation and are considered adopted when approved in legislative format by the management council. They are not required to be ratified at the annual Convention business session.

Note. In the following proposals:

- Those letters and words that appear in *italics and strikethrough* are to be deleted.
- Those letters and words that appear in **bold and underlined** are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division III legislation.

Proposal Number	Title	Status	Source	Effective Date	Intent	Budget Impact
ADM-2021-1	EXECUTIVE REGULATION -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- RESTRICTED ADVERTISING AND SPONSORSHIP ACTIVITIES	Ready for Consideration by Management Council	NCAA Division III Management Council.	Immediate.	To move the restrictions on advertising and sponsorship activities in conjunction with NCAA championships from legislation to NCAA policy.	None.

**Division:** III

**Proposal Number:** ADM-2021-1

**Title:** EXECUTIVE REGULATION -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- RESTRICTED ADVERTISING AND SPONSORSHIP ACTIVITIES

**Convention Year:** 2021

**Date Submitted:** October 23, 2019

**Status:** Ready for Consideration by Management Council

**Effective Date:** Immediate

**IPOPL Number:**

**SPOPL Number:**

**Source:** NCAA Division III Management Council.

**Category:** Administrative Regulation

**Topical Area:** Executive Regulations

**Intent:** To move the restrictions on advertising and sponsorship activities in conjunction with NCAA championships from legislation to NCAA policy.

**Administrative:** Amend 31.1, as follows:

31.1 Administration of NCAA Championships.

[31.1.1 through 31.1.10 unchanged.]

*31.1.11 Restricted Advertising and Sponsorship Activities. The following activities are restricted when they occur in conjunction with NCAA championships. Other restrictions are set forth in the championships handbooks.*

*31.1.11.1 Advertising. Advertising policies of the Association are designed to exclude those advertisements that do not appear to be in the best interests of higher education. The NCAA president shall have the authority to rule in cases in which doubt exists concerning acceptable advertisers and advertising copy of game programs, broadcasts and telecasts of NCAA championships; however, the following expressly are prohibited:*

*(a) Alcoholic beverages (except as specified below);*

*(b) Cigarettes and other tobacco products; and*

*(c) Organizations promoting gambling.*

*31.1.11.1.1 Malt Beverages, Beer and Wine Advertisements. Advertising of malt beverages, beer and wine products that do not exceed six percent alcohol by volume may be used in game programs. Such advertisements, however, shall not compose more than 14 percent of the space in the program devoted to advertising or not more than 60 seconds per hour of any telecast or broadcast (either a single 60-second commercial or two 30-second commercials).*

*31.1.11.1.2 Sponsorships. A championships activity or promotion may not be sponsored by liquor, tobacco, beer or wine companies at any time.*

*31.1.11.1.2.1 Professional Sports Organization. A professional sports organization may serve as a financial sponsor of an NCAA championship competition event, provided the organization is not publicly identified as such. A professional sports organization may serve as a financial sponsor of an activity or promotion that is ancillary to the competition event and may be publicly identified as*

~~such. The NCAA may receive financial contributions from a professional sports organization for sponsorship of a specific NCAA championship competition event, including ancillary activities and promotions.~~

[31.1.12 through 31.1.13 renumbered as 31.1.11 through 31.1.12, unchanged.]

**Rationale:** Moving the restrictions on advertng and sponsorship activities in conjunction with NCAA championships from legislation to policies and procedures would offer an opportunity to keep the Association's polices more current and consistent, and offer the flexibility to align them with those of other athletics organizations. If removed from the legislation, the polices and procedures would be included in championships handbooks. The NCAA Board of Governors discussed NCAA championships advertising and restrictions and supports appropriate modifications.

**Budget Impact:**

**Co-sponsorship - Conference:**

None

**Co-sponsorship - Institution:**

None

**Position Statements:**

**Review History:**

Oct 22,  
2019:

Approved in Concept - Management  
Council

Supplement No. 38, recommendation  
no. 3

**Additional Information:**

**Legislative References**

Legislative Cite	Title
31.1	Administration of NCAA Championships.
31.1.11	Restricted Advertising and Sponsorship Activities.
31.1.11.1	Advertising.
31.1.11.1.1	Malt Beverages, Beer and Wine Advertisements.
31.1.11.1.2	Sponsorships.
31.1.11.1.2.1	Professional Sports Organization.

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**January 2020 NCAA Division III Management Council Meeting  
Noncontroversial Legislation for 2021 NCAA Convention**

Noncontroversial Proposals. These proposals are considered noncontroversial and necessary in the normal and orderly administration of the Association's legislation. They become effective when approved in legislative format by a three-fourths majority of the NCAA Division III Management Council and are ratified at the annual Convention business session.

Note. In the following proposals:

- Those letters and words that appear in *italics and strikethrough* are to be deleted;
- Those letters and words that appear in **bold and underlined** are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division III legislation.

<b>Proposal Number</b>	<b>Title</b>	<b>Status</b>	<b>Source</b>	<b>Effective Date</b>	<b>Intent</b>	<b>Budget Impact</b>
NC-2021-1	ELIGIBILITY -- TRANSFER REGULATIONS -- TWO-YEAR COLLEGE TRANSFERS -- EXCEPTIONS -- SATISFYING EXCEPTION	Ready for Consideration by Management Council.	NCAA Division III Management Council (Subcommittee for Legislative Relief).	Immediate.	To specify that a student-athlete who successfully completes the required two full-time semesters and 24-semester or 36 quarter hours of transferable-degree credit by enrolling at a two-year institution and at the certifying Division III institution shall be eligible for competition.	None.

<b>Proposal Number</b>	<b>Title</b>	<b>Status</b>	<b>Source</b>	<b>Effective Date</b>	<b>Intent</b>	<b>Budget Impact</b>
NC-2021-2	VARIOUS BYLAWS -- UNITED STATES OLYMPIC AND PARALYMPICS COMMITTEE NAME CHANGE	Ready for Consideration by Management Council.	NCAA Division III Management Council (Olympic Sports Liaison Committee).	August 1, 2020.	To specify that legislation applicable to Olympic Games and Olympic teams and athletes shall apply to the Paralympic Games and Paralympic teams and athletics; further, to specify that legislation applicable to the Pan American Games shall apply to the Parapan American Games.	None.
NC-2021-3	ETHICAL CONDUCT -- SPORTS WAGERING ACTIVITIES -- SUSPENSION BY A NON-NCAA SPORTS GOVERNING BODY	Ready for Consideration by Management Council.	NCAA Division III Management Council.	Immediate.	To specify that a student-athlete under a sport wagering related suspension from a non-NCAA national or international sports governing body shall not participate in intercollegiate competition for the duration of the suspension.	None.



<b>Proposal Number</b>	<b>Title</b>	<b>Status</b>	<b>Source</b>	<b>Effective Date</b>	<b>Intent</b>	<b>Budget Impact</b>
NC-2021-4	NCAA MEMBERSHIP -- ACTIVE MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- CONCUSSION REPORTING	Ready for Consideration by Management Council.	NCAA Division III Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).	Immediate for the NCAA's establishment of a reporting process and system, and policies and procedures; institutions are required to report sport-related concussions diagnosed May 18, 2020 and thereafter, and their resolutions. Timing of reporting to be determined by the Committee on Competitive Safeguards and Medical Aspects of Sports.	To specify that an active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports.	None.

**Title:** ELIGIBILITY -- TRANSFER REGULATIONS -- TWO-YEAR COLLEGE TRANSFERS -- EXCEPTIONS -- SATISFYING EXCEPTION

**Convention Year:** 2021

**Effective Date:** Immediate

**Proposal Number:** NC-2021-1

**Source:** NCAA Division III Management Council (Subcommittee for Legislative Relief).

**Category:** Noncontroversial

**Topical Area:** Eligibility

**Status:** Ready for Consideration by Management Council

**Intent:** To specify that a student-athlete who successfully completes the required two full-time semesters and 24-semester or 36 quarter hours of transferable-degree credit by enrolling at a two-year institution and at the certifying Division III institution shall be eligible for competition.

**Bylaws:** Amend 14.5.4.1, as follows:

14.5.4.1 Exceptions. A student who transfers to the certifying institution shall be immediately eligible if:

[14.5.4.1-(a) through 14.5.4.1-(b) unchanged.]

(c) The student transfers from a four-year institution to a two-year college, and then to the certifying institution, ~~provided the student either would have been athletically and academically eligible, at the time of transfer from the previous four-year institution (see Bylaw 14.5.2), had he or she remained at the previous four-year institution or he or she successfully completed at least 24-semester or 36-quarter hours of transferable-degree credit at the two-year college and spent at least two full-time semesters or three full-time quarters of attendance at the two-year college.~~ **and:**

**(1) The student would have been athletically and academically eligible, at the time of transfer from the previous four-year institution (see Bylaw 14.5.2), had he or she remained at the previous four-year institution; or**

**(2) The student-athlete successfully completed at least 24-semester or 36-quarter hours of transferable-degree credit at the two-year college and spent at least two full-time semesters or three full-time quarters of attendance at the two-year college.**

[14.5.4.1.1 unchanged.]

**14.5.4.1.2 Term(s) in Residence. A 4-2-4 transfer student-athlete becomes eligible after a term(s) in residence (see Bylaw 14.02.10) at the certifying institution provided:**

**(a) The student-athlete has been enrolled full-time for at least two-semester or three quarters between the two-year college and the certifying institution; and**

**(b) The student-athlete has earned a total of 24-semester or 36-quarter hours while enrolled at the two-year college and certifying institution. Hours from the two-year college must be transferable-degree credits.**

**Additional Information:**

Current legislation requires a transfer from a two-year college to serve an academic year in residence unless they qualify for an exception. For a transfer who attends a four-year institution prior to attending the two-year college (4-2-4 transfer), one of those exceptions requires the student-athlete to complete 24-semester or 36-quarter hours of transferable-degree credit at the two-year college and spend at least two full-time semesters or three quarters at the two-year college. By allowing one of the required semesters or up to two of the required quarters to take place at the certifying institution, student-athletes will serve the equivalent of

a year-in-residence before competing. Further, this will also permit student-athletes to begin acclimating to the four-year institution sooner and demonstrate their ability to succeed academically at the Division III institution.

**Budget Impact:** None.

**Review History:**

Oct 22, 2019: Approved in Concept - Management Council Supplement No. 8, item no. 1

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**Title:** VARIOUS BYLAWS -- UNITED STATES OLYMPIC AND PARALYMPICS COMMITTEE NAME CHANGE

**Convention Year:** 2021

**Effective Date:** August 1, 2020

**Proposal Number:** NC-2021-2

**Source:** NCAA Division III Management Council (Olympic Sports Liaison Committee).

**Category:** Noncontroversial

**Topical Area:** Amateurism

**Status:** Ready for Consideration by Management Council

**Intent:** To specify that legislation applicable to Olympic Games and Olympic teams and athletes shall apply to the Paralympic Games and Paralympic teams and athletics; further, to specify that legislation applicable to the Pan American Games shall apply to the Parapan American Games

**A. Bylaws:** Amend 12.1.3, as follows:

12.1.3 Amateurism Status -- Before Initial, Full-Time Collegiate Enrollment. Before initial, full-time collegiate enrollment, an individual's amateur status shall be determined using the following:

12.1.3.1 Permissible Activities -- Before Initial, Full-Time Collegiate Enrollment. Before initial, full-time collegiate enrollment, an individual may engage in the following without jeopardizing his or her amateur status:

(a) Prize Money Based on Place Finish. May accept prize money based on the individual's or his or her team's place finish or performance, or payment given on an incentive basis (e.g., bonus) from a team, from the sponsor of an open athletics event, the U.S. Olympic **and Paralympic** Committee or the appropriate national governing body. If payment is based on a team's performance then the combination of such payments and expenses shall not exceed his or her actual and necessary expenses;

[12.1.3.1-(b) through 12.1.3.1-(r) unchanged.]

[12.1.3.2 unchanged.]

**B. Bylaws:** Amend 12.1.6, as follows:

12.1.6 Elite-Level Participation. An individual (prospective student-athlete or enrolled student-athlete) may receive the following benefits at any time without jeopardizing his or her amateur status:

(a) Educational Expenses -- U.S. Olympic **and Paralympic** Committee and National Governing Body. Educational expenses awarded by the U.S. Olympic **and Paralympic** Committee, or a U.S. national governing body or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country, in accordance with the applicable conditions set forth in Bylaw 15.2.3.6;

(b) Expenses from U.S. Olympic **and Paralympic** Committee, National Governing Body or Governmental Entity. Actual and necessary expenses to cover developmental training, coaching, facility use, equipment, apparel, supplies, comprehensive health insurance, travel, room and board without jeopardizing the individual's eligibility for intercollegiate athletics, provided such expenses are approved and provided directly by the U.S. Olympic **and Paralympic** Committee or the appropriate national governing body in the sport (or, for international student-athletes, the equivalent organization of that nation) or a governmental entity;

(c) Operation Gold Grant. Funds that are administered by the U.S. Olympic **and Paralympic** Committee pursuant to its Operation Gold Program;

- (d) Incentive Program for International Athletes. An international prospective student-athlete or international student-athlete may accept funds from his or her country's national Olympic governing body (equivalent to the U.S. Olympic **and Paralympic** Committee) based on place finish in one event per year that is designated as the highest level of international competition for the year by the governing body.
- (e) Commemorative Items for Elite Events. Commemorative items incidental to participation in the Olympic Games, **Paralympic Games**, World University Games, World University Championships, Pan American Games, **Parapan American Games**, World Championships and World Cup events through the applicable national governing body (or, for foreign student-athletes, the equivalent organization of that nation). These benefits may include but are not limited to, apparel, leisure wear, foot wear and other items that are provided to all athletes participating in the applicable event;
- (f) Expenses for U.S. Olympic **and Paralympic** Committee, National Governing Body or Governmental Entity Developmental Training Programs. Actual and necessary expenses for developmental training programs conducted and supervised at any time of the year by the U.S. Olympic **and Paralympic** Committee or the appropriate national governing body (or, for international student-athletes, the equivalent organization of that nation), or governmental entity, even if the programs include no competition, provided the individual misses no class time and the program does not conflict with dates of institutional competition;
- (g) Exception for Family Travel to Olympic **and Paralympic** Games. A commercial company (other than a professional sports organization) or members of the local community may provide actual and necessary expenses for an individual's spouse, parents, legal guardians or other relatives to attend the Olympic **and Paralympic** Games in which the individual will participate;
- (h) Exception for U.S. Olympic **and Paralympic** Committee Elite Athlete Health Insurance Program. Comprehensive benefits of the U.S. Olympic **and Paralympic** Committee Elite Athlete Health Insurance Program; and
- (i) Expenses for Participation in Olympic **and Paralympic** Exhibitions. Actual and necessary expenses from the U.S. Olympic **and Paralympic** Committee, national governing body or the nonprofessional organizations sponsoring the event to participate in Olympic tours or exhibitions involving Olympic team members and/or members of the national team, provided that if the individual is a student-athlete, he or she misses no class time, and the exhibition does not conflict with dates of institutional competition.

**C. Bylaws:** Amend 12.2.3.2, as follows:

12.2.3.2 Competition with Professionals. An individual shall not be eligible for intercollegiate athletics in a sport if following initial full-time collegiate enrollment the individual competed on a professional team (per Bylaw 12.02.5) in that sport. However, an individual may compete on a tennis, golf, two-person beach volleyball or two-person synchronized diving team(s) with persons who are competing for cash or a comparable prize, provided the individual does not receive payment of any kind for such participation.

[12.2.3.2.1 unchanged.]

12.2.3.2.2 Olympic, **Paralympic** or National Teams. It is permissible for an individual (prospective student-athlete or student-athletes) to participate on Olympic, **Paralympic** or national teams that are competing for prize money or are being compensated by the governing body to participate in a specific event, provided the student-athlete does not accept prize money or any other compensation (other than actual and necessary expenses).

[12.2.3.2.3 through 12.2.3.2.4 unchanged.]

**D. Bylaws:** Amend 12.4.2, as follows:

12.4.2 Specific Athletically Related Employment Activities.

12.4.2.1 Broken-Time Payments. An individual may not receive "broken-time" payments except as authorized and administered by the U.S. Olympic **and Paralympic** Committee during the period immediately before and including actual Olympic competition. A permitted broken-time payment may cover financial loss as a result of absence from employment to prepare for or participate in the Olympic Games. Such compensation during any other period and payments administered independently of the

~~USOC~~ **U.S. Olympic and Paralympic Committee** by other sports governing bodies (e.g., the U.S. Ski Association) are prohibited. [R]

12.4.2.1.1 Exception When Individual Not Enrolled in Regular Term. An individual may receive broken-time payments administered by the U.S. Olympic **and Paralympic** Committee or the national governing body in the sport during a period when the individual is not enrolled (full or part time) in a regular term to cover financial loss as a result of absence from employment as a direct result of practicing and competing on a national team (defined in Bylaw 14.02.7), provided the amounts are consistent with the principles set forth in Bylaw 12.4.1 and do not exceed \$300 per week, and the payment period covers not more than the period from the date the individual begins practice with the national team after selection to that team to one week after the conclusion of the competition.

**E. Bylaws:** Amend 12.5.1, as follows:

12.5.1 Permissible. Student-athletes may participate in promotional activities as provided in this bylaw. Any promotional activity not listed is specifically prohibited.

[12.5.1.1 unchanged.]

12.5.1.1.3 Player/Trading Cards. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may distribute but may not sell player/trading cards that bear a student-athlete's name or picture.

12.5.1.1.3.1 Exception -- Olympic, **Paralympic** ~~/or~~ National Team. A national governing body may sell player/trading cards that bear the name or picture of a student-athlete who is a member of the Olympic, **Paralympic** ~~/or~~ national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic, **Paralympic** ~~/or~~ national team.

[12.5.1.1.4 through 12.5.1.1.7 unchanged.]

12.5.1.2 U.S. Olympic **and Paralympic** Committee ~~/ or~~ National Governing Body Advertisement Before Collegiate Enrollment. Before initial, full-time collegiate enrollment, an individual may receive payment for the display of athletics skill in a commercial advertisement, provided:

- (a) The individual receives prior approval to appear in the advertisement from the U.S. Olympic **and Paralympic** Committee or the applicable national governing body;
- (b) The U.S. Olympic **and Paralympic** Committee or national governing body approves of the content and the production of the advertisement;
- (c) The individual forwards the payment to the U.S. Olympic **and Paralympic** Committee or national governing body for the general use of the organization(s); and

[12.5.1.2-(d) unchanged.]

[12.5.1.3 unchanged.]

12.5.1.4 Commercial Advertisement. It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:

[12.5.1.4-(a) through 12.5.1.4-(g) unchanged.]

[12.5.1.4.1 through 12.5.1.4.3 unchanged.]

[12.5.1.5 through 12.5.1.10 unchanged.]

12.5.1.11 Olympic, **Paralympic**, Pan American, **Parapan American**, World Championships, World Cup, World University Games and World University Championships. A student-athlete's name or picture may be used to promote Olympic, **Paralympic**, Pan American, **Parapan American**, World Championships, World Cup, World University Games or World University Championships as specified in this section.

[12.5.1.11.1 unchanged.]

**F. Bylaws:** Amend 14.02.7, as follows:

14.02.7 National Team. A national team is one selected, organized and sponsored by the appropriate national governing bodies of the U.S. Olympic **and Paralympic** Committee (or, for student-athletes representing another nation, the equivalent organization of that nation, or for student-athletes competing in a non-Olympic **or Paralympic** sport, the equivalent organization of that sport). The selection for such a team shall be made on a national qualification basis, either through a defined selective process or by actual tryouts, publicly announced in advance. In addition, the international competition in question shall require that the entrants officially represent their respective nations, although it is not necessary to require team scoring by nation.

**G. Bylaws:** Amend 14.1.8.1.7, as follows:

14.1.8.1.7 Waivers of the Full-Time Enrollment Requirement for Practice or Competition. Waivers may be granted for the following:

[14.1.8.1.7.1 through 14.1.8.1.7.2 unchanged.]

14.1.8.1.7.3 Olympic, **Paralympic**, Pan American, **Parapan American**, World Championships, World Cup, World University Games, World University Championships or World Youth Championships -- Practice or Competition. The Management Council, or a committee designated by the Management Council to act for it, may waive the minimum full-time enrollment requirement for any participant in the junior or elite levels of the Olympic, **Paralympic**, Pan American, **Parapan American**, World Championships, World Cup, World University Games, World University Championships or World Youth Championships who, because of such participation, may lose eligibility for practice and competition in any sport.

14.1.8.1.7.4 U.S. Olympic **and Paralympic** Committee ~~or~~ National Governing Body -- Practice Only. A student with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies, or a former student-athlete, may participate on a regular basis in organized practice sessions, provided the following conditions are met:

[14.1.8.1.7.4-(a) through 14.1.8.1.7.4-(b) unchanged.]

(c) The U.S. Olympic **and Paralympic** Committee or national governing body in the sport has recommended the individual's participation; and

(d) In the case of a student-athlete with NCAA eligibility remaining in the sport, such participation occurs only during the academic year immediately before the Olympic **and Paralympic** Games.

[14.1.8.1.7.4.1 unchanged.]

[14.1.8.1.7.5 unchanged.]

**H. Bylaws:** Amend 14.2.4.4, as follows:

14.2.4.4 Participation in Organized Competition Before Initial Collegiate Enrollment. An individual who does not enroll in a collegiate institution as a full-time student in the regular academic year term that begins immediately after a one-year period (the next opportunity to enroll after the one calendar year period has elapsed) following his her high school graduation date (or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility) shall use a season of intercollegiate participation for each consecutive 12-month period after the one-year time period and before the initial collegiate enrollment in which the individual participates in activities that meet the criteria set forth in Bylaw 14.2.4.4.2.

[14.2.4.4.1 unchanged.]

14.2.4.4.2 Activities Constituting Use of Season. An individual shall use a season of participation per Bylaw 14.2.4.4 if the individual engages in activities that meet any of the following criteria:

[14.2.4.4.2-(a) through 14.2.4.4.2-(d) unchanged.]

14.2.4.4.2.1 Competition Exceptions. A maximum one-time, one-year exception for participation in the following activities:

[14.2.4.4.2.1-(a) through 14.2.4.4.2.1-(b) unchanged.]

- (1) Official Pan American, ~~Parapan American~~, World Championships, World Cup, World University Games (Universiade), World University Championships, ~~and~~ Olympic **and Paralympic** training, tryouts and competition;
- (2) Officially recognized training and competition directly qualifying participants for final Olympic **and Paralympic** tryouts; or
- (3) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic **and Paralympic** Committee (or for student-athletes representing another nation, the equivalent organization of that nation, or for student-athletes competing in a non-Olympic **or Paralympic** sport, the equivalent organization of that sport).

[14.2.4.4.3 through 14.2.4.4.4 unchanged.]

**I. Bylaws:** Amend 14.4.1, as follows:

14.4.1 Satisfactory-Progress Requirements. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall maintain satisfactory progress toward a baccalaureate or equivalent degree at that institution as determined by the regulations of that institution. As a general requirement, "satisfactory progress" is to be interpreted at each member institution by the academic authorities who determine the meaning of such phrases for all students, subject to controlling legislation of the conference(s) or similar association of which the institution is a member. (See Constitution 3.2.4.11 regarding the obligations of members to publish their satisfactory-progress requirements for student-athletes and Bylaw 14.01.2 for the requirements for student-athletes enrolled in two-year degree programs.)

[14.4.1.1 through 14.4.1.4 unchanged.]

14.4.1.5 Waiver -- Olympic **and Paralympic** Games. The Management Council may waive this general satisfactory-progress requirement for any participant in the Olympic **and Paralympic** Games who, because of such participation, may lose eligibility for practice and competition in any sport.

**J. Bylaws:** Amend 14.7.3, as follows:

14.7.3 Exceptions -- All Sports.

[14.7.3-(a) unchanged.]

- (b) Olympic **and Paralympic** Games. A student-athlete may participate in the official Olympic **and Paralympic** Games, in final tryouts that directly qualify competitors for the Olympic **and Paralympic** Games and in officially recognized competition directly qualifying participants for final Olympic **and Paralympic** Games tryouts.
- (c) Official Pan American **and Parapan American** Games Tryouts and Competition. A student-athlete may participate in official Pan American **and Parapan American** Games tryouts and competition, including junior-level tryouts and competition.
- (d) National Teams. A student-athlete may participate in official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic **and Paralympic** Committee (or, for the student-athletes representing another nation, the equivalent organization of that nation or, for student-athletes competing in a non-Olympic **or Paralympic** sport, the equivalent organization of that sport).

[14.7.3-(e) through 14.7.3-(g) unchanged.]

14.7.3.1 National-Team Criteria. A national team shall meet the following criteria:



- (a) It is designated by the U.S. Olympic **and Paralympic** Committee, national governing body or other organizations recognized by the U.S. Olympic **and Paralympic** Committee (or, for student-athletes representing another nation, the equivalent organization of that nation or for student-athletes competing in a non-Olympic **or Paralympic** sport, the equivalent organization in that sport);

[14.7.3.1-(b) through 14.7.3.1-(c) unchanged.]

**K. Bylaws:** Amend 15.02.2, as follows:

15.02.2 Financial Aid. "Financial aid" is funds provided to student-athletes from various sources to pay or assist in paying their cost of education at the institution. As used in NCAA legislation, "financial aid" includes all institutional financial aid and other permissible financial aid as set forth below.

[15.02.2.1 unchanged.]

15.02.2.2 Other Permissible Financial Aid. The following sources of financial aid are also permitted:

[15.02.2.2-(a) through 15.02.2.2-(d) unchanged.]

- (e) Educational expenses awarded by the U.S. Olympic **and Paralympic** Committee or a U.S. national governing body (or for international student-athletes, expenses awarded by the equivalent organization of a foreign country).

**L. Bylaws:** Amend 15.2.3, as follows:

15.2.3.6 Educational Expenses -- U.S. Olympic **and Paralympic** Committee and National Governing Body. A student-athlete may receive educational expenses awarded by the U.S. Olympic **and Paralympic** Committee or a U.S. national governing body (or for international student-athletes, expenses awarded by the equivalent organization of a foreign country). The amount of the financial assistance shall be subject to the following limitations:

[15.2.3.6-(a) unchanged.]

- (b) The recipient's choice of institutions shall not be restricted by the U.S. Olympic **and Paralympic** Committee or national governing body (or, for international student-athletes, expenses awarded by the equivalent organization of a foreign country); and

[15.2.3.6-(c) unchanged.]

**M. Bylaws:** Amend 15.2.4, as follows:

15.2.4 Summer Financial Aid. Summer financial aid may be awarded to student-athletes in accordance with institutional policies applicable to the general student body.

15.2.4.1 Olympic **or Paralympic Games** Waivers. Waivers of the restriction that financial aid may be used only to attend the awarding institution's summer term or summer school may be approved by the Management Council, by a two-thirds majority of its members present and voting, for member institutions that have summer terms or summer schools curtailed because of the use of their facilities for the Olympic **and Paralympic** Games.

**N. Bylaws:** Amend 16.1.1, as follows:

16.1.1.2 Awards Received for Participation While Not Representing the Institution. Awards received by a student-athlete for participation in competition while not representing the institution shall conform to the regulations of the recognized amateur organization that governs the competition and may not include cash (or cash equivalents). Such awards may include gift certificates or gift cards that are not redeemable for cash and items that are not personalized, provided the awards are permitted by the rules of the amateur sports organization. [R]

[16.1.1.2.1 unchanged.]

16.1.1.2.2 Olympic **and Paralympic** Games. It is permissible for a student-athlete to receive a nonmonetary award associated with participation in the Olympic **and Paralympic** Games at any time regardless of when the games are held or whether the student-athlete is enrolled during the academic year.

**O. Bylaws:** Amend 16.1.7, as follows:

16.1.7 Expenses to Receive Noninstitutional Awards. A conference, an institution, the U.S. Olympic **and Paralympic** Committee, a national governing body (or the international equivalents) or the awarding agency may provide actual and necessary expenses for a student-athlete to receive a noninstitutional award or recognition for athletics or academic accomplishments. Actual and necessary expenses may be provided for the student-athlete's parents (or legal guardians), spouse, or other relatives or individuals of a comparable relationship to attend the recognition event or awards presentation. [R]

[16.1.7.1 unchanged.]

**P. Bylaws:** Amend 16.6.1, as follows:

16.6.1.3 Relative or Individual of a Comparable Relationship Travel to Olympic **or Paralympic** Games. A commercial company (other than a professional sports organization) or members of the local community may provide actual and necessary expenses for a student-athlete's relatives to attend the Olympic **or Paralympic** Games in which the student-athlete will participate. In addition, relatives or individuals of a comparable relationship of student-athletes may receive nonmonetary benefits provided to the relatives or individuals of a comparable relationship of all Olympic team members in conjunction with participation in the Olympic **or Paralympic** Games. [R]

**Q. Bylaws:** Amend 16.8.1, as follows:

16.8.1.3 Other Competition. During an academic year in which a student-athlete is eligible to represent an institution in athletics competition (or in the next summer), an institution may provide actual and necessary expenses related to participation in the following activities: [R]

[16.8.1.3-(a) unchanged.]

- (b) Specific competition (e.g., Olympic Trials) from which participants may directly qualify for the Olympic, **Paralympic**, Pan American, **Parapan American**, World Championships, World Cup, World Youth Championships, World University Games (Universiade) and World University Championships; and
- (c) National team tryout competition events, including events from which participants are selected for another tier of tryout competition or events from which final selections are made for the national team that will participate in the Olympic Games, **Paralympic Games**, Pan American Games, **Parapan American Games**, World Cup, World Youth Championships, World University Games (Universiade) and World University Championships.

[16.8.1.3.1 unchanged.]

**R. Bylaws:** Amend 16.11.1, as follows:

16.11.1.15 Coaching and Athletics Administration Career Educational Program. An institution or conference may provide a student-athlete actual and necessary expenses to attend coaching and athletics administration career educational programs (e.g., Women's Basketball Coaches Association -- So You Want to Be A Coach, Black Women in Sports Foundation -- Next Step Program, U.S. Olympic **and Paralympic** Committee -- Minority/Women in Coaching Leadership, Division III Coaching Symposiums). [R]

**S. Bylaws:** Amend 17.1.5, as follows:

17.1.5 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in athletically related activities outside the institution's declared playing season per Bylaw 17.02.1.1, except as otherwise noted in this bylaw.

[17.1.5.1 unchanged.]

17.1.5.2 Noncollegiate, Amateur Competition. (See Bylaw 14.7 for restrictions on outside competition.)

[17.1.5.2.1 unchanged.]

17.1.5.2.2 Olympic, **Paralympic** and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic, **Paralympic** and national team development programs. Such programs may also include a coach and student-athlete from the same institution, provided the program is conducted and administered by the national governing body. The national governing body shall be responsible for selecting the coaches who will be involved in coaching activities for the program. The national governing body or the selected coaches shall select the participants of the program.

[17.1.5.3 through 17.1.5.4 unchanged.]

**T. Bylaws:** Amend 18.2, as follows:

18.2.10 Failure to Meet Minimum Sponsorship Requirements. A championship shall be discontinued automatically at the conclusion of the academic year in which it falls below the applicable minimum sponsorship number set forth in Bylaw 18.2.3 or 18.2.4.

18.2.10.1 Exception -- Olympic **or Paralympic** Sports. A National Collegiate Championship or a division championship in any Olympic **or Paralympic** sport shall be exempt from the minimum-sponsorship-percentage requirements of Bylaws 18.2.3 and 18.2.4. The membership may adopt specific legislation to discontinue the championship in an Olympic **or Paralympic** sport.

**U. Bylaws:** Amend 21.2.5, as follows:

21.2.5 Olympic Sports Liaison Committee.

[21.2.5.1 unchanged.]

21.2.5.2 Duties. The committee shall:

(a) Act as a liaison between the Association, the U.S. Olympic **and Paralympic** Committee and national governing bodies; and

[21.2.5.2-(b) unchanged.]

**V. Administrative:** Amend 31.1, as follows:

31.1.6.2 Non-NCAA Rules, Women's Sports. In those women's sports in which the Association does not publish rules, the NCAA championships shall be conducted according to the following, except when those rules are superseded by modifications recommended by the appropriate governing sports committee and approved by the Playing Rules Oversight Panel (see Bylaw 18.6):

[31.1.6.2-(a) through 31.1.6.2-(c) unchanged.]

(d) Gymnastics -- USA Gymnastics Junior Olympic **and Paralympic** Women's Code of Points (Level 10 Rules);

[31.1.6.2-(e) through 31.1.6.2-(h) unchanged.]

**W. Administrative:** Amend 31.7.2.3, as follows:

31.7.2.3 Prohibition Against Funding Olympics **and Paralympics**. Income from the Association's championships shall not be allocated to the Olympic **and Paralympic** fund.

**Additional Information:**

In June 2019, the United States Olympic Committee announced that it had formally changed its name to the United States Olympic and Paralympic Committee to further support and include Paralympic athletes. The Olympic Sports Liaison Committee recommends legislative changes to support and include Paralympics athletes in a similar manner. Currently, there is no reference to the Paralympics or Paralympic athletes in

NCAA legislation. The changes would make clear that NCAA rules, waivers and opportunities are afforded to both Olympic and Paralympic student-athletes.

**Budget Impact:**

**Review History:**

Oct 22, 2019:	Approved in Concept - Management Council , Olympic Sports Liaison Committee	Supplement No 17, item I
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**Title:** ETHICAL CONDUCT -- SPORTS WAGERING ACTIVITIES -- SUSPENSION BY A NON-NCAA SPORTS GOVERNING BODY

**Convention Year:** 2021

**Effective Date:** Immediate

**Proposal Number:** NC-2021-3

**Source:** NCAA Division III Management Council.

**Category:** Noncontroversial

**Topical Area:** Ethical Conduct/Institutional Control

**Status:** Ready for Consideration by Management Council

**Intent:** To specify that a student-athlete under a sports wagering related suspension from a non-NCAA national or international sports governing body shall not participate in intercollegiate competition for the duration of the suspension.

**Bylaws:** Amend 10.3, as follows:

[Common provision, all divisions, divided vote]

10.3 Sports Wagering Activities. The following individuals shall not knowingly participate in sports wagering activities or provide information to individuals involved in or associated with any type of sports wagering activities concerning intercollegiate, amateur or professional athletics competition:

[10.3-(a) through 10.3-(d) unchanged.]

[10.3.1 unchanged.]

**10.3.2 Suspension by a Non-NCAA National or International Sports Governing Body. A student-athlete under a sports wagering related suspension from a non-NCAA national or international sports governing body shall not participate in intercollegiate competition for the duration of the suspension.**

**Additional Information:**

An individual who is under a sports wagering related suspension from a non-NCAA sports governing body should not be eligible to participate in intercollegiate competition for the duration of the suspension. This provision is similar to current legislation that precludes a student-athlete from participation in intercollegiate competition if he or she is under a drug related suspension from a non-NCAA national or international sports governing body.

**Budget Impact:** None.

**Review History:**

Jun 18, 2019:	Recommended Concept - NCAA Board of Governors Ad Hoc Committee on Sports Wagering
Aug 6, 2019:	Referred - Board of Governors

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**Title:** NCAA MEMBERSHIP -- ACTIVE MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- CONCUSSION REPORTING

**Convention Year:** 2021

**Effective Date:** Immediate for the NCAA's establishment of a reporting process and system, and policies and procedures; institutions are required to report sport-related concussions diagnosed May 18, 2020 and thereafter, and their resolutions. Timing of reporting to be determined by the Committee on Competitive Safeguards and Medical Aspects of Sports.

**Proposal Number:** NC-2021-4

**Source:** NCAA Division III Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

**Category:** Noncontroversial

**Topical Area:** Membership

**Status:** Ready for Consideration by Management Council

**Intent:** To specify that an active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports.

**Constitution:** Amend 3.2.4, as follows:

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.17 unchanged.]

**3.2.4.18 Concussion Reporting. An active member institution shall report all instances of diagnosed sport-related concussions in student-athletes in their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports. [D]**

[3.2.4.18 through 3.2.4.22 renumbered as 3.2.4.19 through 3.2.4.23, unchanged.]

**Additional Information:**

A medical monitoring settlement in *In re: National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (Arrington Matter) was approved August 13, 2019, with an effective date of November 18, 2019. The settlement obligates the NCAA to create a reporting process through which member institutions will report to the NCAA instances of diagnosed concussions in student-athletes and their resolutions. This proposal will establish the legislation to require institutions to regularly report all diagnosed sport-related concussions in student-athletes and their resolutions in a manner consistent with the terms of the settlement in the Arrington Matter via a reporting process and system recommended by the Committee on Competitive Safeguards and Medical Aspects of Sports and in conjunction with the NCAA Sport Science Institute. The Committee on Competitive Safeguards and Medical Aspects of Sports will establish and maintain policies and procedures for the reporting of concussions and their resolution, including an annual deadline for submission. This reporting requirement will ensure that the NCAA and member institutions fulfill an obligation of the medical monitoring settlement and will provide further insight into the incidence and resolution of concussions involving student-athletes. The effective date (May 18, 2020) to begin reporting diagnosed sport-related concussions and their resolutions corresponds to the date by which an institution must certify compliance with applicable settlement provisions if it wishes to receive the benefit of the settlement release. The establishment of a reporting process and policies and procedures will begin immediately after adoption of this proposal. The timing of membership reporting will be determined pursuant to the policies and procedures established and maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports.

**Budget Impact:**

**Review History:**

Dec 10,  
2019:

Recommends Approval - Committee on Competitive Safeguards and Medical Aspects of Sports

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**REPORT OF THE  
NCAA BOARD OF GOVERNORS  
AD HOC COMMITTEE ON SPORTS WAGERING  
JUNE 18, 2019 TELECONFERENCE**

**ACTION ITEMS.**

**1. Legislative items.**

- **Noncontroversial Legislation – NCAA Bylaw 10.3 Sports Wagering Activities – Suspension by a non-NCAA Athletics Organization.**

(1) Recommendation. That all three divisions adopt noncontroversial legislation to amend NCAA Bylaw 10.3 (sports wagering activities) to specify that a student-athlete under a sports wagering related suspension by a non-NCAA sports governing body shall not participate in intercollegiate competition for the duration of the suspension.

(2) Effective date. Immediate.

(3) Rationale. An individual who is under a sports wagering related suspension from a non-NCAA sports governing body should not be eligible to participate in intercollegiate competition for the duration of the suspension. This provision is similar to current legislation that precludes a student-athlete from participation in intercollegiate competition if he or she is under a drug related suspension from a non-NCAA athletics organization.

(4) Estimated budget impact. None.

(5) Estimated impact on student-athlete's time (academic and/or athletics). None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

**1. Welcome and introductions.** Chancellor Kent Syverud welcomed the committee members and thanked them for taking the time to join the call. Chancellor Syverud briefly reviewed the agenda and noted that after evaluating the remaining conference feedback in conjunction with the previously reviewed survey results regarding player availability reporting, he hoped the committee could come to a conclusion regarding player availability reporting.

**2. Report of the NCAA Board of Governors Ad Hoc Committee on Sports Wagering May 24, 2019, meeting.** The ad hoc committee approved the report of its May 24, 2019, meeting, with the addition of President Renu Khator to the attendance.



- 3. Follow-up on discussion of NCAA legislation.** As requested by the committee, staff presented a legislative proposal that would apply a suspension for sports wagering by a non-NCAA sports governing organization in a manner similar to a drug-testing suspension when considering a student-athlete's participation in NCAA competition.

It was VOTED

"That the Ad Hoc Committee on Sports Wagering approve the legislative proposal and recommend that the divisional governance bodies take the appropriate legislative action to adopt the proposal. In addition, that the language in the Student-Athlete Statement (required per NCAA Bylaw 12.7.2) be modified as necessary to include the requirement of student-athlete disclosure of any sports wagering related suspension by a non-NCAA sports governing organization." (Unanimous vote)

- 4. Division I conference feedback on player availability reporting.** Staff summarized the feedback gathered from Division I conferences, noting that there was a lack of support for a player availability reporting system at this time. The committee noted that there appeared to be agreement that there are many questions that need to be answered before considering player availability reporting.

After review of all conference feedback and previous survey results regarding player availability, the committee provided the following statement:

*The Board of Governors Ad Hoc Committee on Sports Wagering gathered extensive information on the possibility of recommending an NCAA policy requiring player availability reporting. The committee consulted widely with conferences and student-athletes, as well as with other school representatives. After deliberations across several meetings, the committee has concluded that there are a number of concerns within the committee and the membership about the purposes, parameters, implementation, enforcement and effectiveness of player availability reporting. The committee does not believe that player availability reporting will advance student-athlete welfare or the integrity of competition at this time.*

*The committee reaffirmed its support to maintain current NCAA rules prohibiting student-athletes, and campus and conference staff, from participating in sports wagering activities or providing information to individuals involved in or associated with sports wagering activities. To further enhance educational efforts in the changing sports wagering environment, the committee encourages the NCAA to provide the membership with additional resources and best practices to help protect student-athlete information and general well-being, and the integrity of competition.*

5. **Other reading materials.** The committee was informed of information about 'prop' bets and integrity risk provided by Sportradar, along with additional sources for more information on these topics.
6. **Adjournment.** The teleconference was adjourned at 3:40 p.m. Eastern time.

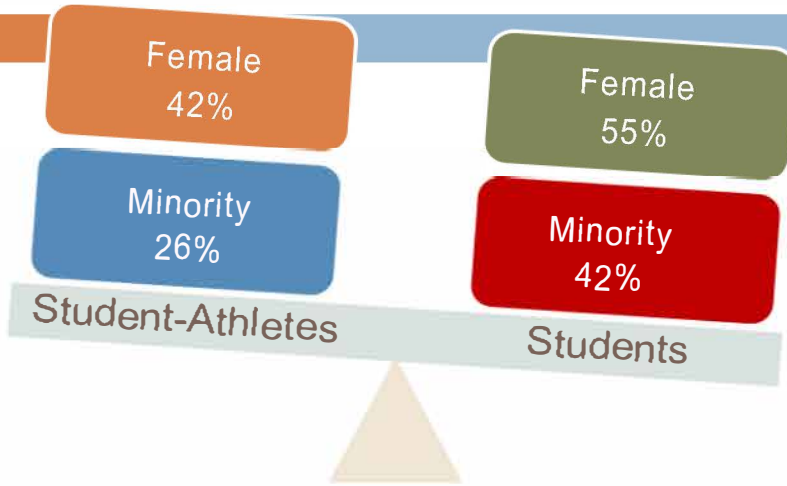
*Committee Chair: Kent Syverud, Syracuse University*  
*Staff Liaisons: Jacqueline Campbell, Law, Policy and Governance*  
*Joni Comstock, Championships and Alliances*  
*Stan Wilcox, Regulatory Affairs*

<b>NCAA Board of Governors          Ad Hoc Committee on Sports Wagering          June 18, 2019, Teleconference</b>
<b>Attendees:</b>
Rachel Newman Baker, University of Kentucky.
Gary Barta, University of Iowa.
Nicholas Clark, Coastal Carolina University, NCAA Division I Student-Athlete Advisory Committee.
Rob Dicks, Lagrange College.
Chris Howard, Robert Morris University.
Amy Huchthausen, America East Conference.
Renu Khator, University of Houston.
William LaForge, Delta State University.
Elsa Núñez, Eastern Connecticut State University.
Pennie Parker, Rollins College.
Desiree Reed-Francois, University of Nevada, Las Vegas.
Terry Small, New Jersey Athletic Conference.
Kent Syverud, Syracuse University.
<b>Absentees:</b>
Harry Stinson, Lincoln University (PA).
<b>NCAA Staff Liaisons in Attendance:</b>
Jacqueline Campbell, Joni Comstock and Stan Wilcox.
<b>Other NCAA Staff Members in Attendance:</b>
Randy Buhr, Emily James, Steve Mallonee, Tom Paskus, Naima Stevenson, Mark Strothkamp and Lorry Weaver.

# NCAA Division III Diversity and Inclusion Fast Facts

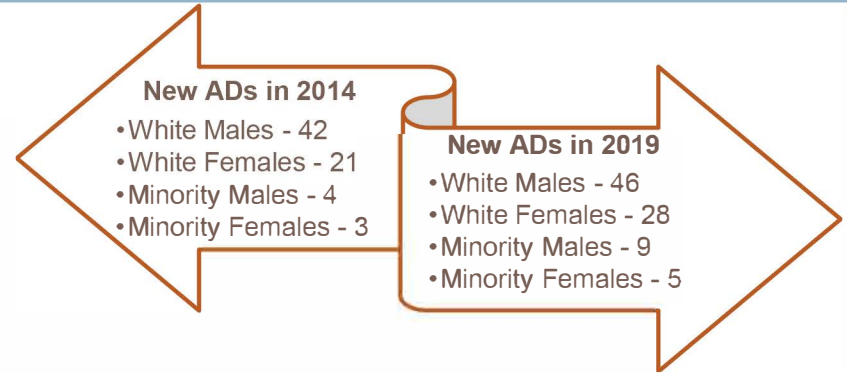
SUPPLEMENT NO. 26  
DIII Mgmt Council 01/20

## Differences Among Student and Student-Athlete Populations



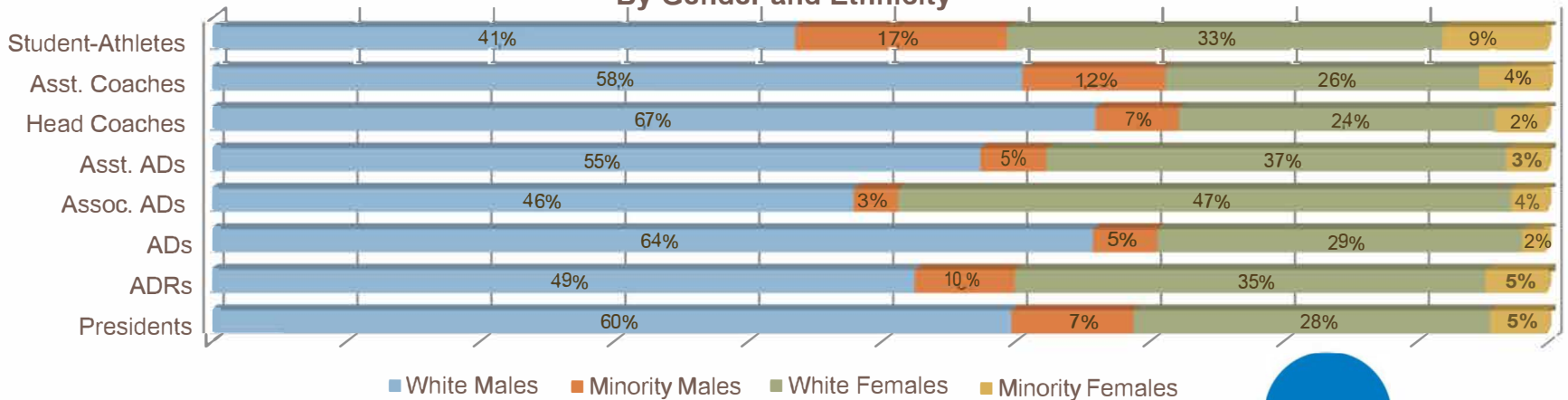
Note: Data reflect comparisons of the 2018-19 NCAA Sports Sponsorship and Demographic Form and 2019 IPEDS.

## Change in Director of Athletics Positions By Gender and Ethnicity



Note: These figures are derived from membership requested changes to the membership database during the 12-month period between Sept. 2013 to Sept. 2014 (70 positions) and Sept. 2018 to Sept. 2019 (88 positions).

## Current Population Figures for Select Division III Positions By Gender and Ethnicity



Note: These figures represent the 2018-19 populations and were derived from the data reported in the NCAA annual sport sponsorship and demographic forms.

**REPORT OF THE  
NCAA DIVISION III FACULTY ATHLETICS REPRESENTATIVE  
ADVISORY GROUP  
DECEMBER 12, 2019, TELECONFERENCE**

**KEY ITEMS**

- **Review of Division III Convention Proposal 2020-6.** Proposal 2020-6 is a membership sponsored proposal related to out-of-season, voluntary leadership programming for student-athletes within a team setting as opposed to a department-wide setting. Student-athletes serving in a team leadership capacity would be able to participate. The Division III FAR Advisory Group was asked to comment on the proposal. The NCAA staff liaison, Eric Hartung, provided a summary of the proposal noting the background, rationale, what the proposal, if adopted, would allow and the position statements of the Presidents Council, Management Council, and Interpretations and Legislation Committee. The group noted the fact that this is permissive legislation and did question the necessity of team-specific leadership training in lieu of department-wide training. The group listed potential benefits of the proposal while denoting potential challenges as well.

Potential benefits of team-specific leadership programming:

- It can be a highly impactful growth opportunity for student-athlete team leaders.
- The opportunity to receive this selective training can serve as an effective retention tool.
- It can provide a unique and meaningful way for coaches and student-athlete team leaders to connect beyond athletics and is an effective means of mentoring the next generation of leaders.
- The training could result in a better experience for all student-athletes on the team.
- This approach to leadership training allows for the application of team-specific knowledge and examples, which could have a greater impact on student-athletes.
- Typically, leadership training in small group and individualized settings are more effective and impactful than general, large-group programming.

Potential challenges of team-specific leadership programming:

- The legislation specifies the programming is for team leaders but does not define those leadership positions. Each institution identifies those individuals, which could include a full team roster. As such, this may put inherent pressure on student-athletes to attend even though the programming is voluntary.
- The potential for coaches to use the opportunity to conduct sport training.
- The potential for coaches to make the training mandatory or presenting the opportunity in such a way that makes it difficult for the student-athlete to decline.
- The risk of this becoming more of a coaching opportunity rather than a teaching opportunity.

- The potential for more commitments on a coach's schedule that is already overburdened.
- A significant number of opportunities (up to 10 in total, and no more than once per week), above and beyond the number of general leadership programming sessions that are already being offered on campus.

### **ACTION ITEMS.**

- None.

### **INFORMATIONAL ITEMS.**

1. **Approval of Report from September 19, 2019 Teleconference.** The report was approved.
2. **Review of the FARA Fall Meeting Division III Governance Update Breakout Session.** Chuck Brown, with the assistance of the other FARs on the teleconference, provided an overview of a roundtable breakout session that discussed suggested lines of communication to and from the Division III FAR Advisory Group. Utilizing the Faculty Athletics Representative Association (FARA) athletics conference liaison program was the most commonly cited channel for the Advisory Group to receive communication from the FAR membership. The liaison program establishes a FAR within each of the 44 athletics conferences. In this model, the FAR serving as liaison would communicate directly with the Chair of the Advisory Group concerning issues they would like to see considered. As for communication from the Advisory Group to the FAR community, the attendees cited the FARA Voice newsletter, the FARA website, and direct email to FARs as the most effective means. This topic will be revisited at future Advisory Group meetings to better formulate these lines of communication.
3. **Review of NCAA Division III Presidents and Management Councils Summary of Fall 2019 Quarterly Meetings.** Chuck Brown highlighted four items from the report for the Advisory Group: 1) He noted the relevance of the 2020 NCAA Convention Educational Session titled "Crisis Management: Being Your Best During Your Institution's Worst Days" for FARs and encouraged attendance, 2) The Office of the Committees on Infractions announced the release of a report detailing a trend analysis of major infractions cases in Division III, 3) The Councils received a report on the 10<sup>th</sup> year of the voluntary graduation rates data collection program; and 4) He noted the Division III Faculty Athletics Representatives Advisory Group's first reports that were shared with the Management Council.

**4. Other Business.**

- a. The Advisory Group will convene on a quarterly basis in 2020 with teleconferences scheduled for the second Tuesday of March, June, September and December at 2 p.m. Eastern.
- b. A teleconference will be scheduled for January 2020 to review a legislative concept at the request of the Division III Interpretation and Legislation Committee.
- c. Chuck Brown extended an invitation to all Advisory Group members to the FARA reception at the NCAA convention on Friday January 24 at 6 p.m. at the Anaheim Marriott Grand Ballroom E.

**5. Adjournment.** The meeting adjourned at 3:00 p.m.

*Staff Liaison: Eric Hartung, Research*

<b>NCAA DIVISION III FACULTY ATHLETICS REPRESENTATIVE ADVISORY GROUP December 12, 2019</b>	
<b>Attendees</b>	<b>Absentees</b>
Kurt Beron, University of Texas, Dallas	Wanda Rutledge, New Jersey City University
Hope Bussenius, Emory University	
Charles Brown, Penn State, Behrend	
Judy Hopp, University of Wisconsin, Stout	
Mike Litz, Penn State, Abington	
Mike Snyder, Illinois College	
Kim Wenger, Northwest Conference	
<b>NCAA Staff Support in Attendance:</b>	
Eric Hartung	



REPORT OF THE  
NCAA DIVISION III LGBTQ WORKING GROUP  
DECEMBER 9, 2019, TELECONFERENCE

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Welcome and review of roster.** The NCAA Division III LGBTQ Working Group chair welcomed the group, conducted the roll call and noted one member recently left the working group due to other commitments.
2. **Review and approval of September 27, 2019 teleconference report.** The working group reviewed and approved its September 27, 2019, teleconference report.
3. **Review mission statement.** The working group reviewed the mission statement and acknowledged that as a living document, it may be modified at any time.
4. **NCAA Division III LGBTQ OneTeam Program updates.** The working group received updates on the Division III LGBTQ OneTeam Program, including the number of sessions conducted by trained facilitators during the 2019 fall term. Staff shared that the total number of participants crossed the 1,000 mark in less than four months.
5. **Division III LGBTQ December Facilitator Training update.** The working group received updates on preparations for the second OneTeam Facilitator Training that will take place at the national office in December. The group reviewed the roster and discussed the attendance of several senior administrators. Members that have participated in the first training shared their experiences.
6. **Division III LGBTQ OneTeam awards program.** The working group reviewed and discussed the latest draft that outlines the structure of the three awards comprising the Division III LGBTQ OneTeam Awards Program. Staff shared current stages of the application development as well as intentions to announce the program during the 2020 NCAA Convention and launch the applications in February 2020.
7. **2020 NCAA Convention events.** Staff updated the working group on Division III LGBTQ OneTeam events that are scheduled to take place during NCAA Convention. Specifically, a OneTeam Program will be held on January 23, and an LGBTQ and Allies reception will be held on January 25 during which the Division III LGBTQ OneTeam Awards program will be unveiled.

8. **Future teleconference.** Staff will send a doodle poll to solicit availability for future teleconferences in late February/early March and May.
9. **Other Business.** Working group members that have recently participated in the NCAA Common Ground V program shared their reflections on the experience and provided input on the facilitated dialogue between LGBTQ and faith-based institutions.
10. **Adjournment.** The chair adjourned the teleconference at 2 p.m. Eastern time.

*Staff support:*            *Louise McCleary, Division III Governance*  
                                  *Jean Merrill, office of inclusion*  
                                  *Shay Wallach, office of inclusion*

<b>NCAA Division III LGBTQ Working Group December 9, 2019, Teleconference</b>	
<b>Attendees:</b>	
Mika Costello, Willamette University.	
R. Brit Katz, Millsaps College.	
Crystal Lanning, University of Wisconsin – River Falls.	
Emet Marwell, Smith College.	
Scott McGuinness, Washington and Jefferson College.	
Kathleen Murray, Whitman College.	
Donna Ledwin, Allegheny Mountain Collegiate Conference.	
Neil Virtue, Mills College.	
<b>Absentees:</b>	
Chris Kimball, California Lutheran University.	
Kyrstin Krist, Methodist University.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Louise McCleary, Jean Merrill and Shay Wallach.	





REPORT OF THE  
NCAA DIVISION III TECHNOLOGY USERS GROUP  
OCTOBER 17, 2019, TELECONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome.** The group commenced business at 2:03 p.m. Eastern time Thursday, October 17, 2019. The chair, Angel Mason, welcomed the user's group and completed the roll call. She noted that Lance Franey, associate athletics director at Whittier College, was participating in his first teleconference as a new users group member.
2. **Report of June 13, 2019, teleconference.** The users group reviewed the report and noted no changes.
3. **Updates and actions since June.** At the request of the chair, staff provided updates on the following areas:
  - a. Program Hub Functionality. Staff has successfully added a blank PDF of all Division III applications on Program Hub (e.g., ADR Institute, Student Immersion Program, Division III Diversity Grants) to the individual program webpages, typically in the page's resource box. The PDF will allow applicants to review the application before logging into the Program Hub system. Staff is working with the Program Hub administrator to have a similar PDF sample for Association-wide programs.
  - b. Website Database. Staff is working with the NCAA IT department to put contact information (number and/or email) on NCAA webpages that contain databases (e.g., compliance assistance).
  - c. Compliance Database. The NCAA IT staff recently changed the Compliance Forms application to display the student-athlete's name in the delete dialog box. In the past, when a user needed to delete a student from the database, a box asked, "Do you want to delete?" However, the only item that it highlighted was the delete button.
  - d. Webpage Maintenance. The NCAA IT staff agrees that if a webpage is down or data is being transferred, the webpage should have a notification to alert users that the page is under construction.
  - e. Championships Bid and Profile Portal. Staff noted that the NCAA recently announced the start of its 2022-26 championship site selection campaign. The NCAA is seeking hosts and sites for 86 of the 90 NCAA championships each year over four academic years, spanning 2022-23 through 2025-26. NCAA championships staff hosted a seminar September 18 in Indianapolis for institutions, conferences, sports commissions, local organizing committees and others to provide more information about bidding. The timeline for the bid process is:

Aug. 26: Bid portal opened and specifications available on [ncaa.org/bids](http://ncaa.org/bids).

Feb. 3: Bid responses due.

March-Sept.: Committee deliberations, recommendations and approvals.

Oct. 23: Hosts/sites announced.

- f. Genius Sports Update. The users group asked if the initial budget report noting the system would be free for the first three years and \$125 (original annual Statcrew fee) or less thereafter was still accurate. Staff noted that the cap is \$150 per sport, per year, for the duration of the 10-year contract, out to 2028. The NCAA and Genius Sports are still looking at ways to extend the free licenses but as it currently stands, 2021-22 will be the first year of fees.

By 2021-22, Genius Sports software for basketball, soccer, volleyball, football (2020 release), baseball (2021), softball (2021), field hockey (2022) and ice hockey (2022 or beyond) will exist and the membership will be responsible for purchasing the software. Since there have been documented concerns with the release of soccer and volleyball this fall, the users group recommended that there be no fee in the first-year software is available to the membership to account for technology glitches and issues. The users group also recommended that new software be release two to three months prior to a season instead of the current three to four weeks. Institutions need more time to become familiar with the software and train game workers. The final recommendation was for Genius Sports to consider the number of statisticians needed to run the software as finding multiple game workers can be difficult. Staff noted that use of Genius Sports is not a requirement for regular season competition.

**4. Other business.** The users group discussed the following items:

- a. Compliance Database. When a student-athlete uses the compliance database and sends a question to the compliance officer, it creates a blue question mark in the system. If an answer is provided, there is no way to clear the question mark, and it remains in the system. Staff will discuss possible solutions with the NCAA IT department. In the compliance database, a user can indicate the receipt of a student-athlete's minor form. However, when the compliance forms are sent, the system will automatically resend the minor form. Staff will discuss possible solutions with the NCAA IT department.
- b. Transfer Portal. On its next teleconference, the user's group will discuss if there is a connection to the recent changes to the National Association for College Admission Counseling's (NACAC) code of ethics and professional practices and the NCAA Transfer Portal. How will these recent changes impact the use of the Transfer Portal? Will institutions start to use the portal as a recruiting tool and contact students that have already matriculated to an institution now that there is no longer a code of ethics prohibition?

- c. MyApps. Staff noted that a Division III commissioner suggested that there be an NCAA email tile added to MyApps. Since the NCAA sends a high number of emails, the concept was that many of these emails get lost in the receiver’s inbox. Therefore, would it make sense to also have these emails also sent to MyApps. This approach would allow emails to be found and saved more easily. An icon within the MyApps tile could note unread emails, and it would only disappear if the user read the email.
  - d. NCAA Learning Portal. With the attestation of compliance, single source sign-on administrators must assign the courses. The users group noted that there should be a way to unassign the courses.
- 5. Next call.** Staff will send out a doodle poll for a February teleconference. Agenda items will include:
- a. Compliance database updates.
  - b. Discussion on Transfer Portal and (NACAC) code of ethics and professional practices.
  - c. MyApps email tile.
- 6. Adjournment.** The call adjourned at 2:53 p.m. Eastern time.

*Staff Liaison: Louise McCleary, Division III Governance*

<b>NCAA Division III Technology Users Group October 17, 2019, Teleconference</b>	
<b>Attendees:</b>	
Amy Carlton, American Southwest Conference	
Emily Diekelmann-Loux, MASCAC	
Lance Franey, Whittier College	
Angel Mason, Pomona-Pitzer Colleges	
Rosy Resch, University of Chicago	
Jeff Schaly, Marietta College	
<b>Absentees:</b>	
None	
<b>NCAA Staff Support in Attendance:</b>	
Louise McCleary	

## **DIVISION III IDENTITY INITIATIVE**

### **Division III Purchasing Website**

After signing a new two-year contract extension (2019-2021), the Division III Purchasing Website is in its ninth year of operation, and its eighth year of management by Source One Digital. In September, a new \$500 credit was offered to institutions and conferences for purchases from the site during the 2019-20 year. Thus far, approximately 20 percent (88) of institutions and 31 percent (12) of conference offices have used their credit, which ends on August 31, 2020. As of September 10, the Source One Digital website contains new retractable banners, tumblers, bags, and more.

### **Division III/D3SIDA Recognition Award**

The Division III College Sports Information Directors of America (D3SIDA) selection committee recently selected University Athletic Association Sports Information Director Brad Naduae as the Fall recipient of the D3SIDA Recognition Award for his story titled [Calling The Shots](#). The next submission deadline is February 15, 2020. The Division III and D3SIDA Recognition Award is a partnership between the Division III governance staff and D3SIDA to honor the best work - including news releases, feature articles, videos, blogs and other materials - produced by Division III campus and conference athletics communication offices. Each top honoree, named three times annually, will receive a \$1,500 credit to attend Division III Day at the 2020 CoSIDA Convention in Las Vegas, Nevada.

### **Social Media**

During 2018-19 academic year, in coordination with the assistant commissioner subcommittee, NCAA staff decided to launch an Instagram page. In the span of 12 months, the page now has nearly 11.1K followers. Check out the page [here](#). From October 19 to Division III Week (April 13-19, 2020), Division III conferences will be taking over the @NCAADIII Instagram account. In addition to the takeovers, we will highlight your conference on the Division III timeline with the founding-year, total number of member institutions, as well as a fun fact. NCAA staff has continued to employ a social media strategic plan to leverage social media as a primary channel for sharing the Division III story with current student-athletes, administrators, potential student-athletes, parents, and supporters. We have reached nearly 68K Twitter Followers and 30K Facebook Followers.

### **Special Olympics**

Division III championships will continue to serve as a platform for highlighting and recognizing the division's partnership with Special Olympics. Division III conferences, institutions and student-athletes across the country are encouraged to participate in existing Special Olympics events, create their own events, or otherwise serve to support Special Olympics organization. To date, 11 institutions and one conference office have **reported** Division III Special Olympics activities during the 2019-20 year. Activities thus far have involved approximately 1,000 Division III student-athletes and 2,000 Special Olympic athletes. The division, to date, has dedicated just over 3,300 volunteer hours and raised over \$8,000 as a result of these activities. During the 2018-19 academic year, Division III reached an all-time high 107 institutions reported Special Olympic events. Staff continues to encourage schools and conferences to report their events.

### **Website Content**

NCAA.org continues to provide Division III with additional opportunities to use its home page to share more stories portraying its unique student-athlete experience. The page regularly highlights Division III feature stories from sources such as member websites and Champion magazine, and videos produced by the NCAA and by member schools and conferences. As a reminder, the new FTP site is now titled Videos and Resources. Here you will be able to find logos, videos, EPSs, and other helpful resources. Sports information directors are encouraged to send human interest stories and record-breaking performances to [d3identity@ncaa.org](mailto:d3identity@ncaa.org). Ncaa.org will have a new look around the 2020 NCAA Convention. In the meantime, Division III staff recently held a webinar on how to navigate the Division III website and is now located on our homepage under Division III links. For more information, please click [here](#).

### **Division III Week**

The ninth annual Division III Week will occur April 13-19, 2020. A communications kit for DIII Week will be available at the 2020 NCAA Convention. For more information on the annual event, click [here](#). NCAA staff encourages the membership to observe and celebrate the impact of DIII athletics and of student-athletes on the campus and surrounding community.

### **2019 FAR Fellows Leadership Institute Summary**

Twenty-five Division III faculty athletics representatives (FAR) participated in the ninth offering of the NCAA Division III FAR Fellows Institute on Oct. 18-20 at the national office in Indianapolis.

The components of the program provide a thorough examination of best practices and issues surrounding the role and responsibility of the FAR, help FAR Fellows develop the leadership skills necessary to carry out their responsibilities on campus and in their conference and strengthen the network of FARs needed to serve on conference, divisional and Association-wide committees.

Highlights of the Institute included the participants generating a list of ideas to be more effective FARs at the campus, conference and national levels:

#### **Campus**

- Start or continue the Faculty Mentor Program.
- Host FAR coffee hours with student-athletes and coaches.
- Have structured meetings with the president and/or athletics director.
- Present to the Faculty Senate, full faculty or department chairs.

#### **Conference**

- Communicate/share knowledge with other FARs.
- Investigate funding available to FARs.
- Participate in conference meetings.
- Pursue a conference-wide inclusion/equity/diversity policy.

#### **National**

- Increase nominations of student-athletes for scholarships, internships, grants, etc.
- Attend FARA Annual Meeting and NCAA Convention (alternate years).
- Contact Institute participants with questions.

The attendees of the 2019 Institute had relatively low tenure for a leadership institute (most had two or three years). Thus, the planning team recommended a format change to run the Institute one out of every three years (replacing the previous format of one every two years), and to offer the New FAR Orientation two out of three years. Also, it was recommended that the Institute be held in conjunction with the FARA Annual Meeting to promote attendance at that event and allow for additional programming for Institute attendees.

**SUGGESTING MESSAGE THEMES FOR  
GOVERNANCE LEADERS REGARDING NIL**

With this year's NCAA Convention being held in California and the current media attention with Name, Image and Likeness (NIL), we wanted to provide some key NIL overarching suggested message points/themes for our governance leaders:

- We are the NCAA, and we know we need to modernize our rules. We understand the importance and are actively working on it.
- Each division has developed processes for member institutions and conference involvement and feedback.
- The NCAA Convention is a really important next step for us in this process to work together, gather important feedback and keep moving forward.
- A critical element is for us to engage with and hear from our student-athletes. Their voice is critical.
- Overall, college sports must remain as student-athletes competing against other student-athletes, not employees competing against employees.
- Rule changes related to student-athlete benefits, including name, image, and likeness, should not create imbalances in the NCAA's unique and highly competitive recruitment process.
- Because of the engagement of state legislatures and the multiple lawsuits around NIL and other benefits, congressional action is needed if the NCAA is to continue to have a national system of competition and championships. NCAA institutions, conferences, and the national office want to work with Congress to help the American tradition of college athletics thrive in the 21st century.



**REPORT OF THE NCAA DIVISION III OVERSIGHT  
GROUP TO IMPLEMENT RECOMMENDATIONS OF FEDERAL AND STATE  
LEGISLATIVE WORKING GROUP (NAME, IMAGE AND LIKENESS)  
DECEMBER 10, 2019, TELECONFERENCE**

**ACTION ITEM.**

- **None.**

**INFORMATIONAL ITEM.**

1. **Welcome.** The staff welcomed the working group to the teleconference and reviewed the roster.
2. **Charge and Background Information.** The Oversight Group reviewed its charge and composition, as established by the Division III Administrative Committee.
3. **Federal and State Legislative Working Group Report to the NCAA Board of Governors.** Cari Van Senus summarized the work to date, and future agenda of the Board of Governors' Federal and State Legislative Working Group. This included the current federal and state legislative landscape. President Cooper and Darryl Sims, who serve on the working group, added their perspectives.
4. **Current Division III Name, Image and Likeness (NIL) Legislation.** Jeff Myers reviewed the current application of NIL-related legislation in Division III, noting that most issues have been addressed through the interpretative process, rather than waivers.
5. **Potential Models of Name, Image and Likeness.** Staff reviewed a template that summarized key issues and potential topics for NIL legislative revision. They noted that the template could assist relevant committees in their review of NIL. A similar, more "user friendly" version of the document will be available to facilitate membership discussions during the Division III Issues Forum at the 2020 NCAA Convention.
6. **Future Meeting Schedule.** The group reviewed a timetable for committee review and membership feedback. The Student-Athlete Advisory Committee (January 21) and the Interpretations and Legislation Committee (February 20-21) will focus on substantive changes to the NIL bylaws and related interpretations. In March, the Management Council's Subcommittee on Legislative Relief (SLR) and in May Committee on Student-Athlete Reinstatement (SAR) will consider related waiver and eligibility-reinstatement



standards. All committees will report recommendations to the Management Council, which subsequently will forward recommendations to the Presidents Council. Preliminary Council review will occur in April, with final review in July/August.

Notable membership feedback opportunities include the January Issues Forum, regional and conference rules seminars (May and June), and NADIII AA SUMMER FORUM (June) and DIIICA (June).

**7. Adjournment.** The call was adjourned at 3:52 p.m.

*Committee Chair: Tori Murden McClure, Spalding University*

*Staff Liaisons: Dan Dutcher, Division III Governance*

*Louise McCleary, Division III Governance*

*Jeff Myers, Academic and Membership Affairs*


<b>NCAA Division III Oversight Working Group on NIL December 10, 2019, Teleconference</b>	
<b>Attendees:</b>	
Heather Benning, Midwest Conference	
Mary Beth Cooper, Springfield College	
Jason Fein, Bates College	
Braly Keller, Nebraska Wesleyan University, SAAC	
Angela Marin, University of Texas at Dallas	
Angie Morenz, Blackburn College	
Tori Murden McClure, Spalding University	
Daryl Sims, University of Wisconsin-Oshkosh	
<b>Absentees:</b>	
Jackson Erdmann, Saint John’s University, student-athlete	
<b>NCAA Staff Support in Attendance:</b>	
Dan Dutcher, Louise McCleary and Jeff Myers	



1

## **Improve benefits for student-athletes**

- ▶ Share how we support students.
- ▶ Continue to modernize rules.
- ▶ Make changes in rules or policies governing name, image and likeness as the potential next step.
- ▶ Maintain uniformity and fair national competition.
- ▶ Created federal and state legislation working group to address.

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2

## Legislative landscape

- ▶ Federal.
  - ▶ 1 federal bill introduced.
  - ▶ 16 presidential candidates or members of Congress actively engaged on topic.
- ▶ State.
  - ▶ CA SB 206 passed into law; Effective 2023.
  - ▶ 22 additional states engaged.
    - 9 pre-filed legislation.
    - 13 expected to introduce legislation this cycle.



3

## Charge

- ▶ Consider modifications to NCAA rules, policies and practices.
- ▶ Be mindful that NIL payments must not be compensation for athletics participation.
- ▶ Examine whether any modifications to allow for NIL payments would be achievable and enforceable without undermining the distinction between professional sports and collegiate sports.
- ▶ Keep in mind how student-athlete benefits could be tethered to educational expenses or incidental to participation.

The Board of Governors also requested the working group produce a set of Association-wide principles to provide each division guidance to a consistent approach on legislation.



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## Members

- ▶ Val Ackerman, Big East Conference (co-chair).
- ▶ Jill Bodensteiner, Saint Joseph's University.
- ▶ Bob Bowsby, Big 12 Conference.
- ▶ Don Bruce, University of Tennessee, Knoxville.
- ▶ Rita Cheng, Northern Arizona University.
- ▶ Mary Beth Cooper, Springfield College.
- ▶ Lauren Cox\*, Baylor University.
- ▶ John DeGioia, Georgetown University.
- ▶ Jackson Erdmann\*, Saint John's University (Minnesota).
- ▶ Rick George, University of Colorado, Boulder.
- ▶ Carolayne Henry, Mountain West Conference.
- ▶ Glen Jones, Henderson State University.
- ▶ Scott Larson, Lubbock Christian University.
- ▶ Brandon Lee\*, University of Missouri, Columbia.
- ▶ Jacquie McWilliams, Central Intercollegiate Athletic Association.
- ▶ Jere Morehead, University of Georgia.
- ▶ Darryl Sims, University of Wisconsin-Oshkosh.
- ▶ Gene Smith, The Ohio State University (co-chair).
- ▶ Tim White, California State University System.
- ▶ Carla Williams, University of Virginia.

\*Student-athlete



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## Process

- ▶ Established May 14, 2019.
- ▶ 3 in-person meetings and 4 teleconferences.
- ▶ Input from variety of stakeholders.
  - ▶ In-person testimony.
  - ▶ Invitation to submit input via online portal.
  - ▶ Conversations on campus.
- ▶ Outcome.
  - ▶ 6 recommendations.
  - ▶ 3 principles.
  - ▶ A regulatory framework.



6

## Recommendations

- ▶ Authorize change in policy and by-laws to permit name, image and likeness benefits consistent with NCAA values and principles as well as with legal precedent.
- ▶ Reject any approach that would make student-athletes employees or use likeness as a substitute for compensation related to athletic participation and performance.
- ▶ Reaffirm the integrity of the student-athlete recruitment process, which is unique to college sports. Changes to NCAA name, image and likeness rules should support this principle and not result in undue influence on a student's choice of college.



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## Recommendations (cont.)

- ▶ Extend the timeframe of this working group through April 2020 to continue to gather feedback and work with the membership on the development and adoption of new NCAA legislation.
- ▶ Endorse the regulatory framework described in this report as appropriate guardrails for future conversations and possible NCAA legislation.
- ▶ Instruct NCAA leadership on engagement with state and federal lawmakers.



8

## Association-wide principles

- ▶ Payment to a student-athlete for use of his or her name, image or likeness should not be pay for athletic performance or participation; nor should the payment serve as an inducement to select a particular school.
- ▶ Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and it should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process.
- ▶ A student-athlete should be able to use his or her name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.



9

## Regulatory framework

**Benefits related to NIL are on a continuum.**

***At one end of the spectrum of activity:***

- ▶ Student-athletes should be permitted to use their name, image or likeness to promote their own work product or business, particularly when the work product or business is not related to athletics.

Examples include:

- ▶ Student-athlete uses NIL to promote his or her legitimate commercial activity (e.g. writing and publishing a book or charging a fee for a lesson).



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## Regulatory framework (cont.)

### *At the other end of the spectrum of activity:*

- ▶ The working group believes that the commercial value of a student-athlete's name, image or likeness may be derived largely through that student-athlete's association with his or her school and/or participation in NCAA athletics.
  - ▶ In many cases, allowing student-athletes to be paid for the right to use their name, image or likeness in these circumstances could be tantamount to allowing compensation for athletic participation.
  - ▶ Without mitigation, these activities would be inconsistent with the collegiate model.



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## Board of Governors actions

The Board of Governors directs each of the three divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with the following principles and guidelines:

- ▶ Assure student-athletes are treated similarly to non-athlete students unless a compelling reason exists to differentiate.
- ▶ Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
- ▶ Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.



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## Board of Governors actions (cont.)

- ▶ Make clear the distinction between collegiate and professional opportunities.
- ▶ Make clear that compensation for athletics performance or participation is impermissible.
- ▶ Reaffirm that student-athletes are students first and not employees of the university.
- ▶ Enhance principles of diversity, inclusion and gender equity.
- ▶ Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.



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## Next steps

- ▶ Informational and feedback sessions on Association-wide principles and regulatory framework.
  - ▶ NCAA Convention.
  - ▶ Other opportunities.
- ▶ Divisional updates to the Board of Governors.
  - ▶ January 2020.
  - ▶ April 2020.
  - ▶ August 2020.
- ▶ Federated approach to legislation.



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## Divisional process

- ▶ Establish oversight group.
  - ▶ Include Federal and State Legislation Working Group members.
  - ▶ Includes key committee chairs (SAAC, ILC, SAR, SLR, MC, PC).
  - ▶ Establish timeline.
  - ▶ Coordinate Division III feedback.
  - ▶ Oversee communication plan.
- ▶ Engage members.
  - ▶ NCAA Convention (Division III Issues Forum).
  - ▶ Regional Rules seminars (May & June).
- ▶ Final recommendations by management and presidents' councils.



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## Communications

- ▶ National office actively engaged proactively and reactively.
  - ▶ Regularly educating and correcting the record with media.
  - ▶ National media opportunities.
  - ▶ Speaking engagements.
  - ▶ Working group periodic updates.
  - ▶ Upcoming opportunities at Convention and beyond.
- ▶ Member opportunities.
  - ▶ Actively engage with media that cover you to educate and correct the record.
  - ▶ Campus audience engagement (faculty/alumni/employees/trustees).
  - ▶ Share/push how your campus is supporting student-athletes.



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## Key takeaways

- ▶ The NCAA continues to modernize its rules consistent with the collegiate model.
- ▶ The NCAA Board of Governors has authorized policy to allow the divisions to examine how to allow student-athletes to benefit from their name, image and likeness.
- ▶ The Board also indicated it will not support unrestricted NIL or pay for play.
- ▶ There is more work to be done and membership plays a key role.
  - ▶ Working group.
  - ▶ Divisional bodies.
  - ▶ Federal level.
- ▶ The NCAA is best positioned to provide a uniform and fair approach to name, image and likeness for all student-athletes across the nation.



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## What can I do?

- ▶ Familiarize yourself with principles and regulatory framework.
- ▶ Be prepared to provide timely feedback.
- ▶ Regularly go to NCAA landing page for information at [ncaa.org/NIL](http://ncaa.org/NIL)
- ▶ Help inform and educate colleagues and public.
- ▶ Participate in future webinars.
- ▶ Ask questions.



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19



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# Name, Image and Likeness (NIL)

NIL is a concept based on laws defining “rights of publicity” or when permission is required to use someone’s name, image or likeness.



## NIL and NCAA Bylaws

- It is impermissible to receive preferential treatment, benefits or services because of the individual’s athletics reputation or skill or pay-back potential as a professional athlete, unless specifically allowed by NCAA legislation. Bylaw 12.1.1

## NIL and NCAA Bylaws

- Student-athletes may not participate in promotional activities unless specifically allowed by NCAA legislation. Bylaw 12.5.1

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Convention

3

## NIL and NCAA Bylaws

Specific exceptions allowing use of the student-athlete's NIL:

- Institutional, charitable, educational and non-profit use.
- Modeling and other non-athletically related promotional activity.
- Media activities.
- Student-athlete's own business.

2



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Convention

4

## Modeling and Other Non-athletically Related Promotional Activity

Can accept pay for use of NIL to promote the sale or use of a commercial product provided:

- Student-athlete became involved in activity for reasons independent of athletics ability;
- No reference is made in these activities to the student-athlete's involvement in intercollegiate athletics; and

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Convention

5

## Modeling and Other Non-athletically Related Promotional Activity

- Pay is commensurate with the student-athlete's skill and experience as a model and is not based on athletics ability or reputation.

*Bylaw 12.5.1.3*

2



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Convention

6

## Media Activities

- Student-athlete may participate in media activities (e.g. appearance on radio, television, in films or stage productions, or participate in writing projects) even when appearance/participation is related to athletics and may receive the following:
- Legitimate and normal expenses; and

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Convention

7

## Media Activities

- Compensation commensurate with the going rate.
- Also,
- Student-athlete's name may be used to advertise participation, but status as a student-athlete may not be used for promotional purposes.

*Bylaw 12.5.2*

2



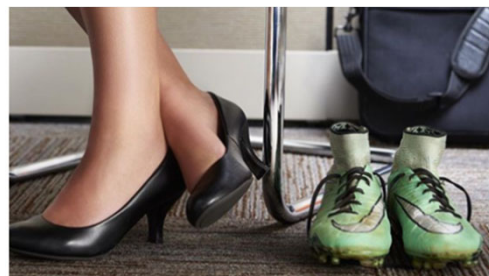
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Convention

8

## Student-Athlete's Business

Student-athlete may establish and promote their own business but may not use their status as a student-athlete to promote the business.



*Official Interpretation  
February 1, 2007*

2



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Convention

9

## Prominent Division III NIL Issues

1. Crowdfunding.
2. Testimonials.
3. Brand ambassadors.
4. Private lessons.



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Convention

10



# Crowdfunding

Concerns student-athletes seeking donations for a great variety of personal expenses. Can they use their NIL to seek these donations?

Division III analysis:

- Student-athletes can crowdfund generally.

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Convention

11

# Crowdfunding

- Student-athletes can't use status as student-athlete to crowdfund for own expenses or individual athletic expenses.
- Student-athletes can't crowdfund for tuition.
- Coaches and boosters can't contribute to a student-athlete's crowdfunding campaign.

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Convention

12

## Testimonials

Can a third party use a student-athlete that has used the product or service to provide a testimonial?

Division III analysis:

- A student-athlete cannot take part in such promotions if they became involved due to their status as a student-athlete.
- A student-athlete may not use status as an athlete to promote commercial ventures.

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Convention

13

## Brand Ambassadors

Student-athletes are approached by clothing/gear/other companies to use/wear/promote different products. Social media is a popular avenue to use for the product promotion.

Division III analysis:

- Student-athletes must have become involved in the ambassadorship for reasons other than their status as a student-athlete.

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Convention

14

## Brand Ambassadors

Division III analysis (cont.):

- The student-athlete's social media account used for the ambassadorship may not have any reference to their status as a student-athlete.

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Convention

15

## Private Lessons

Student-athletes may earn money by teaching lessons in their sport.

Division III analysis:

- Student-athlete may only be paid for work performed and only at the going rate;

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Convention

16

# Private Lessons

Division III analysis (cont.):

- Student-athlete may give lessons and be paid but may not market themselves as a student-athlete.
- Student-athletes may not conduct their own camp or clinic.

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Convention

17

# Final Thoughts

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Convention

18

## Potential Models of Name, Image and Likeness – DIII

### WHAT IS NIL?

NIL is a concept based on laws defining “right of publicity,” or when permission is required to use someone’s name, image or likeness.

### FOUNDATIONAL PRINCIPLES

According to the NCAA Board of Governors, membership discussions around NIL must be centered on the following principles:

- Benefits for name, image and likeness should not be a substitute form of currency to pay for athletics performance for the student-athlete’s institution.
- Regulation of a student-athlete’s name, image or likeness use should be transparent, focused, enforceable and should promote integrity of the recruiting process.
- A student-athlete should be able to benefit from his or her name, image or likeness similar to college students who are not student-athletes, while recognizing the importance of interstate, uniform competition and recruiting rules that are unique to NCAA athletics.

### MODELS FOR CONSIDERATION

The NCAA Board of Governors determined the status quo is not an acceptable option, nor is the idea of unregulated compensation given its inconsistency with the principles of collegiate athletics and the ramifications of a conversion to a professional model. **The membership must determine the types of activities or regulations that should be evaluated within the above guidelines provided by Board of Governors.** Any new legislation supporting name, image and likeness should recognize the importance of interstate, uniform competition and recruiting rules that are unique to NCAA athletics.

Below are three possibilities that could be evaluated as potential changes to current NIL legislation. While they are grouped as concepts to better facilitate discussion, they should not be considered separate blocks of activities that need to be approved or rejected entirely within a concept. Elements within a concept may stand alone and may be considered in conjunction with elements from any of the concepts based on feedback from and discussion within the divisional memberships.

### **CONCEPT A: INCOME UNRELATED TO NCAA PARTICIPATION**

- Introduce rule to allow use of NIL consistent with current commonly approved waiver conditions or interpretive outcomes.
- Permit use of NIL for activities involving a student-athlete's own work, product or business. No need for waivers.
- Selling NIL rights to third parties for product and service endorsement purposes remains impermissible in Division I and impermissible in Divisions II and III if related to athletics participation.
- Permit use of NIL for sports-related instruction (e.g., quarterback camp, private lessons) if it meets employment legislation (paid going rate and for work performed).
- Use of institutional, conference or NCAA marks not permitted, unless purchased through normal processes consistent with other licensees.
- Use of institutional facilities consistent with policies applicable to all students or outside groups.
- Payments or benefits made to student-athletes in this model are like those made to students who are not athletes. Payments or benefits clearly are not compensation tied to education or considered incidental to athletics participation.
- Regulation and oversight of these activities could be like how institutions comply with bylaws related to student-athlete employment.

### **CONCEPT B: ACTIVITIES WITH NO INSTITUTIONAL INVOLVEMENT**

*(Note: Without appropriate regulation, a model permitting compensation for use of a student-athlete's name, image or likeness may constitute pay-for-play and be inconsistent with the principles endorsed by the Board of Governors.)*

- Allow expanded rights to permit agreements between third parties and a student-athlete or group of student-athletes.
- Could include endorsement of third-party commercial products.
- Use of institutional, conference or NCAA marks would not be permitted.
- Representative of athletics interest (e.g., booster) may not be involved in securing agreements or being a party to agreements.
- Third party NIL licensors could monitor booster involvement and use of institutional, conference or NCAA marks.

### **CONCEPT C: INSTITUTIONALLY MANAGED ACTIVITIES**

*(Note: Institutionally managed activities will require additional legal review and analysis to ensure that an employer/employee relationship is not created, that a student-athlete has reasonable opt-out opportunities from an activity, and that any proceeds received are applied to educational benefits or incidental to athletics participation consistent with the Association's and members' legal positions.)*

- Permit a student-athlete or group of student-athletes to enter into agreements with institution, conference or NCAA, provided benefits are tied to education.
- Use of institutional, conference or NCAA marks would be permissible if activity is institutionally managed.
- Agreements must include institutional, conference or NCAA marks.
- Institutions may not pay student-athletes for use of their NIL for university promotions.
- May not include on-field/court activities while representing institution or pay for specific athletic achievement or award.
- Payouts could be managed by third party and distributed on an equal basis to all group participants.
- A student-athlete would not be required to participate in institutionally managed activities and could opt out, but permissibility is conditioned on institutional management.
- Booster may not be involved in securing agreements or being a party to agreements.
- Institutions may establish policies prohibiting NIL agreements from conflicting with existing institutional vendor agreements and or institutional philosophies.

#### **The DIII Philosophy Statement includes the following tenets:**

- A student-athlete's athletics activities should be conducted as an integral part of the their educational experience,
- Athletics participants should not be treated differently from other members of the student body,
- Student-athletes should be supported in their efforts to meaningfully participate in nonathletic pursuits to enhance their overall educational experience.
- Providing equitable athletics opportunities for males and females and giving equal emphasis to men's and women's sports

#### **DISCUSSION QUESTIONS.**

- How would each proposed concept advance or distract from those goals?
- DIII does not permit the awarding of institutional financial aid to any student on the basis of athletics leadership, ability, participation or performance. How would the proposed concepts advance or conflict with that goal?
- What would be the most important practical challenges related to the implementation of each concept? How would those challenges best be addressed at the institutional, conference or national levels?

2020 NCAA Convention Sessions on NIL and  
 Federal and State Legislative Divisional Working Group (FSLDWG) Master Calendar  
 (As of December 10, 2019)

**Week of December 16, 2019**

<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	Student-Athlete Work Product	Jenn Fraser 12-19-19	December 17	Educational	Jenn Fraser, Kevin Lennon, Dave Schnase, Geoff Silver, Stan Wilcox, Leeland Zeller
DI	Group Licensing	Jenn Fraser 12-19-19	December 19	Educational	Jenn Fraser, Kevin Lennon, Dave Schnase, Geoff Silver, Stan Wilcox, Leeland Zeller
DI	Individual Licensing	Jenn Fraser 12-19-19	December 20	Educational	Jenn Fraser, Kevin Lennon, Dave Schnase, Geoff Silver, Stan Wilcox, Leeland Zeller

**Tuesday, January 7, 2020**

<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
A-wide	FSLWG teleconference	Lorry Weaver 12-13-19	2 to 2:30 p.m.	Update	Stan Wilcox and Cari Van Senus
DI	Legislative Solutions Group Teleconference	Jenn Fraser 12-17-19	2:30 to 3:30 p.m.	Educational	Jenn Fraser

**Tuesday, January 21**

<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	Division I Council Standing Committees (six total)	Jenn Fraser 12-17-19	Varies	Educational	Jenn Fraser
DIII	SAAC	Dan Dutcher 12-10-19	Tuesday-Saturday January 21-25	Discussion, educational, & feedback	



<b>Wednesday, January 22</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
A-wide	FSLWG meeting	Lorry Weaver 12-13-19	8:30 to 10:30 a.m.		Stan Wilcox and Cari Van Senus
DII	Conference Commissioners Association and DII Athletics Directors Association joint boards	Terri Steeb Gronau 10-16-19	3:30 p.m.	Feedback	Maritza Jones, Stephanie Quigg and Karen Wolf
DIII	Management Council	Dan Dutcher 12-10-19	Wednesday January 22	Discussion & educational.	
<b>Thursday, January 23</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	DI Joint Breakfast (SAAC, Council, PF and Board)	Jenn Fraser 10-16-19	7 to 8:30 a.m.	Educational & feedback	Quintin Wright and Jenn Fraser
DI	FSLWG Feedback Session	Jenn Fraser 10-16-19	1 to 2:30 p.m.	Educational & feedback	Jenn Fraser, Kevin Lennon, Dave Schnase, Geoff Silver, Leeland Zeller
DII	Joint MC/PC meeting	Terri Steeb Gronau 10-16-19	10 to 11:30 a.m.	Feedback	Terri Steeb Gronau, Maritza Jones, Karen Wolf
DIII	MC/PC/SAAC joint breakfast	Dan Dutcher 10-16-19	8 to 9 a.m.	Discussion & educational	
DIII	DIII CA	Dan Dutcher 10-16-19	9 to 9:30 a.m.	Discussion & educational	
A-wide	President's Session/ NIL and Inclusion	Stacey Preston 11-7-19	2:30 to 4 p.m.		
A-wide	General/TBD			Still working thru details	

**Friday, January 24**

<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DII	Conference meetings	Terri Steeb Gronau 10-16-19		Feedback	MC reps and conference commissioners
DIII	Issues Forum	Dan Dutcher 10-16-19	9 to 10:15 a.m.	Discussion, educational, & feedback	

**February**

<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	DI Legislative Solutions Group meeting.	Jenn Fraser 12-09-19	February 2020	Concept development	Jenn Fraser, Kevin Lennon, Dave Schnase, Geoff Silver, Stan Wilcox, Leeland Zeller
DI	Legislative Committee meeting.	Jenn Fraser 12-09-19	Monday February 17, 2020	Educational & feedback.	Anne Rohlman, Leeland Zeller
DII	Coaches Connection Teleconferences	Terri Steeb Gronau 12-09-19	Various days in February	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	ARC Meeting	Terri Steeb Gronau 12-09-19	Monday February 10	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	Membership Committee meeting	Terri Steeb Gronau 12-09-19	Wednesday February 12	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	Championships Committee meeting	Terri Steeb Gronau 12-09-19	Wednesday and Thursday February 19-20	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DIII	Interpretations and Legislation Committee (ILC)	Dan Dutcher 12-10-19	Thursday and Friday February 20-21	Discussion, educational, feedback, & action.	
DIII	Administrative Committee	Dan Dutcher 12-10-19	Monday and Tuesday February 24-25	Discussion	

**March**

<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	DI Legislative Solutions Group meeting.	Jenn Fraser 12-09-19	March 2020	Concept development.	Jenn Fraser, Kevin Lennon, Dave Schnase, Geoff Silver, Stan Wilcox, Leeland Zeller
DII	DII Legislation Committee  NOTE: Additional individuals will be added to the meeting for additional voices/input	Terri Steeb Gronau 12-09-19	Monday and Tuesday March 9-10	Action – Development of initial concepts	Karen Wolf, Chelsea Hooks, Michael Woo
DII	East Regional Compliance Seminar	Terri Steeb Gronau 12-09-19	Monday and Tuesday March 23-24	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	NIL Webinar	Terri Steeb Gronau 12-09-19	Noon to 1 p.m. Monday March 30	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DIII	Subcommittee for Legislative Relief Teleconference	Dan Dutcher 12-10-19	Mid-March	Discussion, educational, feedback, & action.	

April					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	Division I Council Standing Committees (seven total)	Jenn Fraser 12-09-19	Wednesday and Thursday April 22-23, 2020	Feedback	Jenn Fraser
DI	Council meeting	Jenn Fraser 12-09-19	Thursday and Friday April 23-24, 2020	Feedback & possible action	Amanda Conklin, Diane Dickman, Jenn Fraser, Kevin Lennon, Leeland Zeller
DI	Board of Directors and Presidential Forum meetings	Jenn Fraser 12-09-19	Tuesday and Wednesday April 28-29, 2020	Feedback & possible action	Amanda Conklin, Diane Dickman, Jenn Fraser, Kevin Lennon, Leeland Zeller
DII	Coaches Connection Teleconferences	Terri Steeb Gronau 12-09-19	Throughout April and May	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII SAAC Meeting	Terri Steeb Gronau 12-09-19	Thursday April 16	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII Management Council meeting	Terri Steeb Gronau 12-09-19	Monday and Tuesday April 20-21	Feedback	Maritza Jones, Karen Wolf, Chelsea Hooks, Michael Woo
DII	Board of Governors Meeting	Terri Steeb Gronau 12-09-19	Tuesday April 28	Educational	Terri Steeb Gronau
DII	DII Presidents Council meeting	Terri Steeb Gronau 12-09-19	Tuesday and Wednesday April 28-29	Feedback	Terri Steeb Gronau, Karen Wolf, Chelsea Hooks, Michael Woo
DII	NIL Webinar	Terri Steeb Gronau 12-09-19	11 a.m. Thursday April 30	Educational	Karen Wolf, Chelsea Hooks, Michael Woo

DIII	SAAC	Dan Dutcher 12-10-19	Saturday and Sunday April 18-19	Educational, feedback, & action.	
DIII	Management Council	Dan Dutcher 12-10-19	Monday and Tuesday April 20-21	Educational, feedback, & action.	
DIII	Presidents Council	Dan Dutcher 12-10-19	Tuesday and Wednesday April 28-29	Educational, feedback, & action.	
<b>May</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DII	Coaches Connection Teleconferences	Terri Steeb Gronau 12-09-19	Throughout April and May	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	NIL Webinar	Terri Steeb Gronau 12-09-19	11 a.m. Friday May 8	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DII	Division II Committee on Student-Athlete Reinstatement Meeting	Terri Steeb Gronau 12-09-19	Wednesday and Thursday May 13-14	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	Regional Rules Seminar	Terri Steeb Gronau 12-09-19	Monday and Tuesday May 18-19	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	NIL Webinar	Terri Steeb Gronau 12-09-19	10 a.m. Thursday May 28	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DIII	Student-Athlete Reinstatement Committee	Dan Dutcher 12-10-19	Wednesday and Thursday May 13-14	Initial discussion, educational, feedback, & action.	
DIII	Regional Rules Seminar	Dan Dutcher 12-10-19	Monday-Wednesday May 18-20	Educational & feedback	

June					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	Division I Council Standing Committees (seven total)	Jenn Fraser 12-09-19	Monday and Tuesday June 15-16, 2020	Feedback	Jenn Fraser
DI	Council meeting.	Jenn Fraser 12-09-19	Tuesday and Wednesday June 16-17, 2020	Feedback	Amanda Conklin, Diane Dickman, Jenn Fraser, Kevin Lennon, Leeland Zeller
DII	Regional Rules Seminar	Terri Steeb Gronau 12-09-19	Monday - Wednesday June 1-3	Feedback	Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII CCA Meeting	Terri Steeb Gronau 12-09-19	Sunday June 7	Feedback	Terri Steeb Gronau, Maritza Jones, Stephanie Quiqq, Karen Wolf
DII	DII ADA Meeting	Terri Steeb Gronau 12-09-19	Sunday June 7	Feedback	Terri Steeb Gronau, Maritza Jones, Stephanie Quiqq, Karen Wolf
DII	DII Legislation Committee	Terri Steeb Gronau 12-09-19	Monday and Tuesday June 22-23	Action – Recommend Sponsorship of Legislation	Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII Championships Committee	Terri Steeb Gronau 12-09-19	Wednesday and Thursday June 24-25	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DIII	Regional Rules Seminar	Dan Dutcher 12-10-19	Monday-Wednesday June 1-3	Educational & feedback	
DIII	DIISIDA/NADIIIAA/NACDA	Dan Dutcher 12-10-19	Sunday-Wednesday June 7-10	Educational & feedback	
DIII	Conference Rules Seminar	Dan Dutcher 12-10-19	Tuesday June 16	Educational & feedback	
DIII	Division III Commissioners Meeting	Dan Dutcher 12-10-19	Wednesday and Thursday June 17-18	Educational & feedback	

July					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DII	DII Membership Committee	Terri Steeb Gronau 12-09-19	Wednesday and Thursday July 8-9	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DII	Membership-sponsored legislation deadline for 2021 Convention	Terri Steeb Gronau 12-09-19	Wednesday July 15	Other – Legislative Deadline	Terri Steeb Gronau, Maritza Jones, Stephanie Quigg, Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII SAAC	Terri Steeb Gronau 12-09-19	Friday July 17	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII MC/SAAC Summit	Terri Steeb Gronau 12-09-19	Saturday and Sunday July 18-19	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DII	DII Management Council meeting	Terri Steeb Gronau 12-09-19	Monday and Tuesday July 20-21	Action – Recommend Sponsorship of Legislation	Maritza Jones, Karen Wolf, Chelsea Hooks, Michael Woo
DIII	SAAC	Dan Dutcher 12-10-19	Saturday and Sunday July 18-19	Educational, feedback, & action	
DIII	Management Council	Dan Dutcher 12-10-19	Monday and Tuesday July 20-21	Educational, feedback, & action	

<b>August</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	Board of Directors meeting.	Jenn Fraser 12-09-19	Wednesday August 5, 2020	Potential action	Amanda Conklin, Diane Dickman, Jenn Fraser, Kevin Lennon, Leeland Zeller
DII	Board of Governors meeting	Terri Steeb Gronau 12-09-19	Tuesday August 4	Educational	Terri Steeb Gronau
DII	DII Presidents Council Meeting	Terri Steeb Gronau 12-09-19	Tuesday and Wednesday August 4-5	Action – Sponsorship of legislative changes for 2021 Convention	Terri Steeb Gronau, Karen Wolf, Chelsea Hooks, Michael Woo
DIII	Presidents Council	Dan Dutcher 12-10-19	Wednesday August 5	Educational, feedback, & action	
<b>September</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DII	Committees, Coaches Connection Groups, Affiliate Organizations	Terri Steeb Gronau 12-09-19	Fall	Educational	Karen Wolf, Chelsea Hooks, Michael Woo
DII	Presidents Council- sponsored legislation deadline for 2021 Convention	Terri Steeb Gronau 12-09-19	Tuesday September 1	Other – Legislative Deadline	Terri Steeb Gronau, Maritza Jones, Stephanie Quigg, Karen Wolf, Chelsea Hooks, Michael Woo
DIII	ILC	Dan Dutcher 12-10-19	Tuesday and Wednesday September 22-23	Feedback	



<b>October</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DI	Division I Council Standing Committees (seven total)	Jenn Fraser 12-09-19	Monday and Tuesday October 5-6, 2020	Feedback	Sharon Cessna, Jennifer Henderson, Carol Reep
DI	Council meeting.	Jenn Fraser 12-09-19	Tuesday and Wednesday October 6-7, 2020	Possible introduction of legislative solutions	Amanda Conklin, Diane Dickman, Jenn Fraser, Kevin Lennon, Leeland Zeller
DI	Board of Directors and Presidential Forum meetings.	Jenn Fraser 12-09-19	Monday-Wednesday October 26-28, 2020	Update and feedback	Amanda Conklin, Diane Dickman, Jenn Fraser, Kevin Lennon, Leeland Zeller
DIII	Management Council	Dan Dutcher 12-10-19	Monday and Tuesday October 19-20	Feedback & action	
DIII	Presidents Council	Dan Dutcher 12-10-19	Tuesday and Wednesday October 27-28	Feedback & action	
<b>November</b>					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DII	Legislation Deadline for amendment-to- amendments (instances where an amendment is necessitated by action taken by Division I or Division III.)	Terri Steeb Gronau 12-09-19	Sunday November 1	Other – Legislative Deadline	Terri Steeb Gronau, Maritza Jones, Stephanie Quigg, Karen Wolf, Chelsea Hooks, Michael Woo
DIII	SAAC	Dan Dutcher 12-10-19	Sunday and Monday November 15-16	Feedback & action	

December					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
January 2021					
<i>Division or Session</i>	<i>Name of Meeting or Session</i>	<i>Confirmed by/ Date</i>	<i>Timeframe</i>	<i>Notes</i>	<i>Assigned To</i>
DIII	Issues Forum	Dan Dutcher 12-16-19	TBD	Feedback	
DIII	Business Session	Dan Dutcher 12-16-19	TBD	Discussion & action – membership vote	
DII	DII Business Session	Terri Steeb Gronau 12-09-19	Saturday January 16, 2021	Action – DII membership vote on proposals	Terri Steeb Gronau, Maritza Jones, Stephanie Quigg, Karen Wolf, Chelsea Hooks, Michael Woo
DI	Division I Council	Jenn Fraser 12-17-19	Wednesday January 13, 2021	Action	Jenn Fraser

From:  
Michelle Morgan

Email Address:  
[michelle.radzik.morgan@gmail.com](mailto:michelle.radzik.morgan@gmail.com)

Conference Visited:  
Michigan Intercollegiate Athletic Association

Date:  
12/3/19

Attendees:  
AD, SWA, FAR, Presidents

Division III Campus Issues to Report:

Hot Topics/Initiatives

Name, Image and Likeness

Sport Science Institute Initiatives

Transfer Portal  
The ones that have used the transfer portal appreciate the efficiency.

Working Groups

Division III University  
Not many have used DIII University yet, but the ones that have, encouraged developing additional content across various subjects.

Other General Comments:  
Ice Hockey Pilot - Feedback that year 2 is much smoother then year 1. Only two institutions field ice hockey, and they see the value to this. The concern lies in the cost. Questions arose if one day institutions would be able to cover the cost for student athletes as they can with passports? They want to be sure not to provide an extra benefit, however, want to be sensitive to limited budgets.

Inquiry ID# 312731 submitted on: Wednesday, December 4, 2019 - 10:01

From:  
Kandis Schram

Email Address:  
[kandis.schram@maryvillecollege.edu](mailto:kandis.schram@maryvillecollege.edu)

Conference Visited:  
USA South Athletic Conference

Date:  
11/18/19

Attendees:  
ADs, SWA's of the USA South

Division III Campus Issues to Report:  
There were not real issues to report. We discussed legislation, NIL, D3 University, other hot topics as listed below

Hot Topics/Initiatives

Name, Image and Likeness  
There was not a great deal of conversation around this subject. I informed them of the upcoming webinar

Sport Science Institute Initiatives  
I used this opportunity to promote the use and need for schools to use the injury surveillance program.

Transfer Portal  
Only two schools reported using the portal for their athletes and all but three reported using it for incoming transfers.

Working Groups  
the conference is very interested in participating or creating some opportunities surrounding these working groups.

Division III University  
They reported using D3 University.

Other General Comments:  
a large discussion around how to get other schools and people involved in NCAA committees. I am hopeful we will have coaches, SWA's and other administrators look for committee / service opportunities.

Inquiry ID# 311071 submitted on: Tuesday, November 19, 2019 - 10:41

From:  
Sarah Feyerherm

Email Address:  
[sfeyerherm2@washcoll.edu](mailto:sfeyerherm2@washcoll.edu)

Conference Visited:  
Centennial Conference

Date:  
12/12/19

Attendees:  
Administrative Delegates (ADs/SWAs/AADs) and Executive Director of Centennial Conference

#### Division III Campus Issues to Report:

Many institutions are grappling with response to student protests that involve athletic contests or teams. There is an awareness that we can do some work and take lead on being prepared for these and responding to these in a proactive way.

#### Hot Topics/Initiatives

##### Name, Image and Likeness

Conversation around Pennsylvania considering state legislation to allow student-athletes to monetize NIL. Concerns that that legislation (June 2020?) may pre-date final decisions by NCAA and create legislative conflicts. Eight of the 11 Centennial Conference schools are in Pennsylvania.

Belief that Division III student-athletes may be entering College by already monetizing their NIL through social media and making money through followers. Concerns about how that could be monitored.

##### Sport Science Institute Initiatives

Urged institutions to participate in health and safety survey but no one seemed to have received it yet.

Encouraged participation in the ISP as well.

##### Transfer Portal

ADs indicated that some coaches were already going on the portal to look. No strong opinion was raised about its usefulness for Division III but people are aware of the issue around NACAC relaxing recruiting guidelines for admissions counselors and wondering how this may influence use of the transfer portal if it is more widely used by Division III. By show of hands no one indicated that they had any student-athletes who entered information into the portal.

##### Working Groups

Several coaches/administrators in conference have been trained in the ONETEAM program and were beginning to schedule visits to other conference schools to present workshops

Division III University

Only two institutions indicated they or any of their coaches had logged into Division III University (beyond the attestation of compliance). They were encouraged to do so and to encourage coaches to explore it.

Other General Comments:

Pending Legislation:

- Two institutions are interested in women's wrestling as possible added sport if it becomes an Emerging Sport and the entire conference seemed supportive of the legislation.
- Much support for the snacks legislation

A straw poll of how people are leaning on legislative items indicated that most delegates are planning to review the legislation more carefully between now and January to solidify their position before Convention (with the exception of the snacks proposal and the diversity and inclusion designee which are fully supported).

A suggestion was made to have an accessible record-keeping system for institutions to go back and see their compliance with the sexual violence legislation.

Inquiry ID# 314026 submitted on: Tuesday, December 17, 2019 - 12:23



**REPORT OF THE  
NCAA BOARD OF GOVERNORS  
October 29, 2019, MEETING**

**ACTION ITEMS:**

- None.

**INFORMATONAL ITEMS:**

- 1. Welcome and announcements.** NCAA Board of Governors chair Michael Drake convened the meeting at approximately 7:30 a.m. and welcomed everyone. President Drake welcomed new members Ken Chenault, David Wilson and Randy Woodson to their first in-person meeting.
- 2. Consent agenda.** By way of a consent agenda, the Board of Governors approved the reports of its August 6, 2019, meeting, its September 3, 2019, teleconference and its September 3-4, 2019, voting opportunity.
- 3. NCAA president's report.** NCAA President Mark Emmert noted that while most of the day's discussion would center on the NCAA Board of Governors Federal and State Legislation Working Group recommendations, he wanted to note another important matter for future dialogue. President Emmert informed the Board that the Association has been working for some time on how to ensure a fair competitive environment for transgender student-athletes. Recently, the landscape on how to manage fair standards for competition for transgender athletes has changed in other sports arenas (e.g., Olympics, international competition) and the NCAA has been monitoring those changes. With the upcoming Olympics, the discussion of the issue will become more frequent and as the NCAA continues to review its policy, there may be a request to revise it.
- 4. NCAA championships sponsorship restrictions.** The Board was reminded of its previous actions to revise the Association-wide policy to allow each of the divisions to pursue division-specific legislation regarding alcohol sales and advertising at championship events. Division I voted to allow the sale of beer and wine at championships events. All three divisions currently are considering legislation to modify or eliminate limitations related to alcohol advertising (i.e., advertising of malt beverages, beer and wine is limited to those products that do not exceed six percent alcohol by volume, advertisements are limited to not more than 60 seconds per hour of any telecast or broadcast) in conjunction with NCAA championships. The Board was asked to consider modifying the championships sponsorship restrictions to permit sponsorships by liquor, beer or wine companies. After due consideration, the Board declined to support modification of those sponsorship categories.

It was VOTED

“That the Board of Governors support modifications of the Association-wide championships sponsorship policy as well as endorse any efforts by divisional bodies to modify legislation to permit championship sponsorships by liquor, beer or wine companies.”

**Motion failed.** [For 7 (Drake, Hargis, Hill, Jordan, Khator, Machtley, Olson), Against 11 (Capilouti, Chenault, Coleman, DeGioia, Henderson, Maher, McDonough, Murden-McClure, Murthy, Wilson, Woodson), Abstain 0.]

5. **NCAA strategic plan update.** Strategic Planning Working Group Chair Glen Jones and Reshma Patel-Jackson, Attain consultants project lead, updated the Board on the strategic planning process, including an additional feedback session with divisional governance groups.
6. **NCAA Board of Governors Finance and Audit Committee report.** In the absence of the committee chair, the NCAA chief financial officer presented the committee's report.
  - a. **NCAA internal audit year-end review for 2018-19.** The Finance and Audit Committee received a review of the prior fiscal year audits that were performed under staff's purview. In summary, 13 audits were completed with 69 percent of the reports showing adequate internal controls. Thirty-one percent showed controls that should be enhanced, and zero instances where controls were inadequate. All findings that reflected a need for improvement have mitigation plans in place that have been completed or are on target to complete.
  - b. **Update to FY 2019-20 NCAA internal audit plan.** An additional audit by a third party audit firm was introduced to the 2019-20 audit plan. The additional audit relates to non-scholastic basketball financial transparency efforts. In 2019-20, the NCAA started requesting and collecting financial information from non-scholastic basketball teams and event coordinators.

It was VOTED

"That the Board of Governors approve the change to the 2019-20 internal audit plan."  
(Unanimous voice vote.)

- c. **Approval of new committee member, Melody Bianchetto, to the NCAA Board of Governors Finance and Audit Committee.** The committee recommended Melody Bianchetto, vice president for finance at the University of Virginia, be appointed to the Finance and Audit Committee.

It was VOTED

"To approve the appointment of Melody Bianchetto to the Board of Governors Finance and Audit Committee." Motion passed. (Unanimous voice vote)

7. **Law, Policy and Governance Strategic Discussion.**

- a. **NCAA Sports Science Institute/NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.** The NCAA chief medical officer reviewed the differences in the divisional legislation regarding concussion management plan protocols. Division I legislation requires an annual submission of concussion safety protocol to the NCAA Concussion Safety Protocol Committee for review. In Divisions II and III, schools are



required to have a concussion management plan for its student-athletes, and that the plan adheres to the process and format (e.g., concussion protocol checklist) prescribed by the Board of Governors or its designee. With the creation of the new NCAA Concussion Advisory Group, whose work is overseen by the Committee on Competitive Safeguards and Medical Aspects of Sports, it was recommended that the CSMAS be designated to prescribe the process and format of Divisions II and III concussion management plans as specified in the NCAA Constitution.

It was VOTED.

“That the Board of Governors approve the recommendation.” Motion passed. (Unanimous voice vote.)

- b. Government relations.** The Board was informed of state and federal legislative activity related to sports wagering and student-athletes’ ability to benefit from use of their name, image and likeness included in the quarterly government relations report.
- c. Legal and litigation update.** NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.

**8. NCAA Federal and State Legislation Working Group report.** Val Ackerman and Gene Smith, working group co-chairs presented the working group report and recommendations related to student-athletes benefitting from the use of their name, image and likeness. Nicholas Clark, chair of the NCAA Board of Governors Student-Athlete Engagement Committee, shared the student-athlete perspective on the issue. The Board accepted the report (see Attachment) and the included recommendations.

It was VOTED

“It is the policy of the Association that NCAA member schools may permit students participating in athletics the opportunity to benefit from the use of their name, image and/or likeness in a manner consistent with the values and beliefs of intercollegiate athletics. To effectuate this change, the Board of Governors directs each of the three divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with the following principles and guidelines:

- Assure student-athletes are treated similarly to non-athlete students unless a compelling reason exists to differentiate.
- Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
- Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.
- Make clear the distinction between collegiate and professional opportunities.
- Make clear that compensation for athletics performance or participation is impermissible.
- Reaffirm that student-athletes are students first and not employees of the university.

- Enhance principles of diversity, inclusion and gender equity.
- Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.

The federal and state working group will continue to gather feedback from the membership and its student-athletes through April 2020 on how best to respond to the state and federal legislative environment and refine its recommendations on the Association-wide principles and regulatory framework. The working group will periodically report its progress to the Board of Governors including at its January and April 2020 meetings and provide regular public briefings about its progress. Further, gathering as much feedback and information as necessary through a process that is inclusive and transparent, divisions shall work to create new NCAA bylaws reflecting divisional priorities on a timeline most appropriate for those authorized to legislate, commencing immediately and concluding not later than January 2021.

These guidelines, principles and potential changes will form the basis for those continued conversations and engagement with state and federal lawmakers around enacted, introduced and proposed legislation on name, image and likeness. Further, the Board directs the NCAA leadership to develop and advance a comprehensive plan to prepare the membership to collaborate with legislators on important issues in college sports.

Lastly, the Board reaffirms its commitment to the college model of athletics in America. We – our schools, conferences, and the NCAA national governance boards – exist for the purpose of providing for the well-being of the over 500,000 student-athletes and will continue to advocate for them. This has been exhibited through benefits such as \$3.5 billion in scholarships annually; degree-completion programs; enhanced nutrition and wellness; academic assistance; and much more. Let us continue to work together to advocate and provide for the best interests of the student-athlete, working with them, on our campuses and nationally.” Motion passed. (Unanimous voice vote.)

**9. Adjournment.** The meeting adjourned at approximately 12:08 p.m.

*Board of Governors chair: Michael Drake, The Ohio State University*

*Staff liaisons: Jacqueline Campbell, Law, Policy and Governance  
Donald M. Remy, Law, Policy and Governance.*

<b>NCAA Board of Governors October 29, 2019, Meeting</b>	
<b>Attendees</b>	
Stevie Baker-Watson, DePauw University.	
Grace Calhoun, University of Pennsylvania.	
Eli Capilouto, University of Kentucky.	
Ken Chenault, General Catalyst.	
Mary Sue Coleman, Association of American Universities.	
John DeGioia, Georgetown University.	
Michael Drake, The Ohio State University.	
Mark Emmert, NCAA.	
Burns Hargis, Oklahoma State University.	
Sue Henderson, New Jersey City University.	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Sandra Jordan, University of South Carolina Aiken.	
Renu Khator, University of Houston.	
Laura Liesman, Georgian Court University.	
Ronald Machtley, Bryant University.	
Fr. James Maher, Niagara University.	
Denis McDonough, Former White House Chief of Staff.	
Tori Murden McClure, Spalding University.	
Vivek Murthy, 19 <sup>th</sup> United States Surgeon General	
Gary Olson, Daemen College.	
David Wilson, Morgan State University.	
Randy Woodson, North Carolina State University.	
<b>Absentees</b>	
Philip DiStefano, University of Colorado.	
Denise Trauth, Texas State University.	
Satish Tripathi, University at Buffalo, The State University of New York.	
<b>Guests</b>	
Val Ackerman, Board of Governors Federal and State Legislation Working Group co-chair.	
Greg Baroni, Attain, LLC.	
Nicholas Clark, Board of Governors Student-Athlete Engagement Committee chair.	
Briana Guerrero, Attain, LLC.	
Glen Jones, Board of Governors Strategic Planning Working Group chair.	
Reshma Patel-Jackson, Attain, LLC.	
Gene Smith, Board of Governors Federal and State Legislation Working Group co-chair.	
<b>NCAA staff liaisons in attendance</b>	
Jacqueline Campbell and Donald Remy.	
<b>Other NCAA staff in attendance</b>	
Katrice Albert, Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Dave Schnase, Naima Stevenson, Cari Van Senus, Stan Wilcox and Bob Williams.	

*Report is not final until approval of the Board of Governors.*

**Federal and State Legislative Working Group  
Report to the NCAA Board of Governors  
October 23, 2019**

**Introduction.**

For the reasons identified in the Board of Governors [charge](#), and after our own further examination of the issues around name, image and likeness, we agree change is appropriate, necessary and in the best interest of student-athletes and the Association. The NCAA membership and its divisions have a long history of [expanding opportunities for college athletes](#), and enhanced opportunities related to name, image or likeness would be an appropriate extension of efforts to modernize NCAA rules in a way that is consistent with our values and principles. We believe additional flexibility in this space can and must continue to support the collegiate model in clear contrast to the professional sports model.

The working group spent many hours studying, considering extensive feedback, discussing and deliberating challenges and opportunities related to student-athlete engagement in activities that use a student-athlete's name, image or likeness in return for some form of compensation. As part of this process, the working group engaged a diverse group of stakeholders through in-person interviews, written feedback and formal presentations. These stakeholders included current and former student-athletes, faculty, presidents, conference commissioners, athletics administrators and coaches from Divisions I, II and III, as well as thought leaders and experts in the higher education and college sports communities. Members of the working group agree that issues related to such use are complex and any potential modifications should be carefully considered by the NCAA membership. Further, members of the working group agree that any changes must both enhance the student-athlete experience and support the collegiate model.

At this stage, the working group is prepared to make the following recommendations to the Board of Governors with the request that each division have the benefit of providing input to identify appropriate regulations and address divisional needs. Membership input and decision-making are the foundation of our voluntary association and, while our working group was a representative body, the issues here are so important, complex and challenging that we believe further dialogue is appropriate before we submit additional recommendations. These recommendations will form the basis for continued conversations and engagement with state and federal lawmakers around enacted, introduced and proposed legislation.

## **Recommendations.**

To best serve student-athletes, the Federal and State Legislation Working Group recommends that the Board of Governors:

- Authorize change in policy and bylaws to permit name, image and likeness benefits consistent with NCAA values and principles as well as with legal precedent.
- Reject any approach that would make student-athletes employees or use likeness as a substitute for compensation related to athletic participation and performance.
- Reaffirm the integrity of the student-athlete recruitment process, which is unique to college sports. Changes to NCAA name, image and likeness rules should support this principle and not result in undue influence on a student's choice of college.
- Extend the timeframe of this working group through April 2020 to continue to gather feedback and work with the membership on the development and adoption of new NCAA legislation.
- Endorse the regulatory framework described in this report as appropriate guardrails for future conversations and possible NCAA legislation.
- Instruct NCAA leadership on engagement with state and federal lawmakers.

The NCAA, over many years, has progressively adapted to changing student-athlete environments by adopting regulations that meet their needs in a manner consistent with NCAA values and principles, including the opportunity to receive cost of attendance. Our recommendations reject the idea of student-athletes as employees and the use of their name, image, or likeness as a substitute currency in a “pay-for-play” model.

The current state and federal legislative efforts are in conflict with NCAA values and principles and fail to differentiate the NCAA intercollegiate athletic experience from those of professional athletes. These efforts also undermine the legal precedent that the U.S. Supreme Court and other courts have afforded the NCAA to regulate intercollegiate athletics at a national level. What we are proposing within this document is a framework by which all student-athletes in all sports across all three divisions have the opportunity to engage in name, image and likeness activities without eroding the priorities of education and the collegiate experience.

NCAA member schools also continue to seek opportunities to allow prospective and current student-athletes to go directly into the professional leagues. Students should have choice and opportunity to select the professional model whenever they believe they are ready to pursue a professional sports career.

The law does not recognize name, image and likeness compensation to individuals in the broadcast of athletic events. Student-athletes cannot be afforded special publicity rights regarding name, image or likeness that are not available to the general population.

The working group recommends a uniform set of principles and a framework that will allow for equitable national collegiate competition and championships. State mandates such as the law enacted by California or those contemplated by other jurisdictions fail to address this necessary uniformity. NCAA legislation that allows for variability based on identified circumstances must first be vetted and adopted by the membership representing college athletics in all 50 states – not by a single state or even multiple states. The framework proposed by the working group will facilitate national consistency while allowing for divisional differences and greater student-athlete choice within our structure. This approach works for colleges and universities throughout our membership, public and private, urban and rural, in all three divisions and addresses the needs of 500,000 student-athletes nationwide. Institutions will need to consider how gender equity, including Title IX regulations, may be applied for all student-athletes.

Our recommendations are made with the explicit reliance on the principles, guidance, and framework identified below, based on the NCAA constitution and operating bylaws.

### **PRINCIPLES AND ADDITIONAL GUIDANCE FOR THE DECISION-MAKING PROCESS RELATED TO POTENTIAL NAME, IMAGE AND LIKENESS MODIFICATIONS**

Student-athletes may pursue and receive benefits for the use of their name, image and likeness in a manner consistent with the principles stated below.

1. In order to maintain the differentiation of collegiate and professional sports, payment to a student-athlete for use of his or her name, image or likeness should not be a substitute form of currency to pay for athletic performance or participation; nor should the payment serve as an inducement for a prospective or current student-athlete to select a particular NCAA member school.
2. Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and it should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process. While the concept of fair competition is important to all three divisions, all divisions recognize variability will exist among member schools based on institutional mission, priorities, resources and membership in a particular division or subdivision.
3. A student-athlete should be able to use his or her name, image or likeness similar to college students who are not student-athletes, while recognizing the importance of interstate, uniform competition and recruiting rules that are unique to NCAA athletics. To fairly balance these interests, there must be some factors that result in treating student-athletes differently.

When identifying a compelling reason to differentiate, through regulation, a student-athlete's name, image and likeness activities from those of a college student who is not a student-athlete, the following considerations may allow for additional flexibility in some form:

- a. Name, image and likeness benefits should be tethered to education.
- b. The determination and receipt of name, image and likeness benefits should be transparent, objective and reasonable.
- c. The activity is regulated to allow first amendment expression that is without the expectation of compensation.
- d. Regulation of a student-athlete's name, image and likeness use should promote student-athlete well-being and educational achievement.

#### **Regulatory framework developed by the working group.**

The working group spent considerable time discussing a regulatory framework that will serve as guidance for additional discussions by the working group and the divisions' governance structures, as well as the enactment of future NCAA legislation. The working group believes the framework is consistent with NCAA values and principles, enhances the collegiate model, affirms an appropriate nexus between higher education and intercollegiate athletics and supports the guiding principles developed by the working group.

It is important that the framework addresses both current and future opportunities related to the use of a student-athlete's name, image or likeness. The working group will continue to develop resource materials, including targeted issues for discussion, that will inform the group and the membership about licensing and monetization opportunities so that proper assessment can occur before additional recommendations are provided to the Board of Governors in April 2020.

The working group conceptualized name, image and likeness benefits and opportunities on a continuum. At one end of the spectrum, the working group generally believes student-athletes should be permitted to use their name, image or likeness to promote their own work product or business, particularly when the work product or business is not related to athletics. Even when the work product or business is related to athletics, the working group believes sufficient controls can be developed to mitigate potential abuse, including current rules related to recruitment offers and inducements and extra benefits, and permit student-athletes to pursue opportunities in a manner consistent with the collegiate model. Any regulation should focus on restricting behavior that is inconsistent with the collegiate model. Further, the working group acknowledges some amount of regulation may be necessary to ensure the relevant activities remain consistent with the principles developed by the working group.

It is important to note that NCAA bylaws already allow for student-athletes to have outside employment and business activity. This framework of review and regulation is specific to when student-athletes wish to lend their name, image or likeness to promote a student's own enterprise or an employer's business activity, such that name, image and likeness become intertwined.

Examples include but are not limited to:

- Student-athlete uses name, image or likeness to promote his or her legitimate commercial activity (for example, writing and publishing a book or charging a fee for a lesson).
- Student-athlete creates a social media channel to serve as the platform for his or her business.
- Student-athlete uses name, image or likeness to promote his or her own nonprofit organization.
- Student-athlete creates and produces a video series containing nutritional tips for athletes and distributes the content via social media.

Potential issues to consider:

- Whether a student-athlete is truly being compensated for the work product, as opposed to being compensated (directly or indirectly) for participation in NCAA athletics.
- Challenges of determining where "work product" ends and the name, image and likeness begins as the value-driver.
- Possible inappropriate involvement of institutional boosters that could impact enrollment decisions of prospective student-athletes.

Examples of regulation to consider:

- Prior approval from athletics director, faculty athletics representative or their designee (for example, the compliance administrator) to address potential pay-for-play and related concerns.
- Student-athletes may not miss class or required team activities to participate in promotional activities.
- No involvement of schools, employees or boosters in the development or promotion of these opportunities.
- No use of institutional, conference or NCAA brand marks.



- Include a “failsafe” or “backstop” provision to address obvious malfeasance not clearly prohibited by the legislation.

Next steps for working group and divisional governance structures:

- Develop regulation to mitigate potential abuse and ensure appropriate institutional oversight.
- Propose legislation to codify or develop waiver guidelines to facilitate or support the concepts noted above.
- Determine the extent to which current rules would apply to possible modifications.
- Examine and make recommendations about application of these rules to pre-enrollment activities.

On the other end of the spectrum of activities, the working group believes that the commercial value of a student-athlete’s name, image or likeness may be derived largely through that student-athletes association with his or her school and/or participation in NCAA athletics. As such, the working group believes that, in many cases, allowing student-athletes to be paid for the right to use their name, image or likeness in these circumstances could be tantamount to allowing compensation for athletic participation. Such compensation could be a substitute form of currency to pay for athletic performance, which is inconsistent with the principles developed by the working group. Without mitigation, these activities would be inconsistent with the collegiate model.

Potential issues to consider:

- Unregulated use of student-athlete name, image and likeness could inappropriately impact the recruitment process. (For example, a student-athlete’s endorsement agreement explicitly or implicitly requires the student-athlete to attend a particular college or university.)
- Representatives of a student-athlete’s interests or an institution’s athletics interests could inappropriately insert themselves into business agreements to provide enrollment inducements for prospective student-athletes or extra benefits for enrolled student-athletes.

Examples of regulation to consider:

- Agreements may not require or encourage enrollment in a particular school or set of schools.
- Institutions and boosters may not be involved in arranging endorsement activities.
- Institutional, conference and NCAA brand marks may not be used in any aspect of the activity.

- Student-athletes may not miss class or required team activities to participate in promotional activities.

Next steps for working group and divisional governance structures:

- Determine whether enforceable regulation could address the concerns around recruiting and improper inducement in order to make the activities permissible.
- Review and develop current agent and advisor regulations with respect to allowing student-athletes representation to further permissible name, image and likeness activities.
- Examine and make recommendations about application of these rules to pre-enrollment activities.
- Examine whether shared revenue activities generated by the commercial use of a student-athlete's name, image or likeness would be lawful.



**REPORT OF THE NCAA BOARD OF GOVERNORS  
STUDENT-ATHLETE ENGAGEMENT COMMITTEE  
NOVEMBER 14, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Welcome and announcements.** Nicholas Clark, chair of the NCAA Board of Governors Student-Athlete Engagement Committee, welcomed the committee members and thanked them for taking the time to participate on the call.
2. **Report of August teleconference.** The committee approved the report of its August 7, 2019, teleconference.
3. **NCAA Board of Governors Federal and State Legislation Working Group discussion.** The committee discussed the October 23, 2019, Federal and State Legislation working group report specific to name, image and likeness. Staff noted discussions continue to center on narrow, focused and enforceable rules that maintain fair, national competition without compensating student-athletes for their competition. Each division has been charged with reviewing name, image and likeness and providing legislative recommendations by April 2020, with an effective date of January 2021; however, nothing prevents any of the divisions from acting sooner.
4. **Sports wagering update.** The committee received an update on the work of the NCAA Board of Governors Ad Hoc Committee on Sports Wagering. Nicholas Clark, who served as a representative on the Ad Hoc Committee on Sports Wagering, noted that after gathering broad membership feedback, reviewing a number of research and expert opinion papers and seeking advice from professionals, the Ad Hoc committee concluded that player availability reporting is not a viable option at this time. The Ad Hoc committee noted that such reporting would not advance student-athlete well-being nor protect the integrity of competition. The Ad Hoc committee recommended that the NCAA national office, through the internal working group, emphasize educational efforts for the membership and continue to work collaboratively with conferences and institutions to support this effort. The Board of Governors accepted the Ad Hoc committee's final report.
5. **Strategic priorities.** The committee received an update on the One Love Foundation initiative and the communication developed by the committee to facilitate NCAA Student-Athlete Advisory Committee involvement. Additionally, NCAA staff provided information specific to the NCAA Life After the Game initiative. The committee continues to support Life After the Game and recommended members of the NCAA communications social media team speak with the committee about the initiative during its February 2020 teleconference. The committee's goal is to implement the campaign in May 2020.

6. **Future scheduled meetings.** The committee established the following future meeting schedule:
  - a. February 2020, teleconference; and
  - b. May 2020, teleconference.
7. **Other business.** The committee recognized the work of the departing members and thanked them for their participation.
8. **Adjournment.** The teleconference was adjourned at 1 p.m. Eastern time.

*Committee Chair:* Nicholas Clark, Coastal Carolina University, Former Division I Student-Athlete Advisory Committee

*Staff Liaisons:* Mark Bedics, Championships and Alliances  
 Todd Shumaker, Enforcement  
 Danielle Teetzel, Academic and Membership Affairs

<b>NCAA Board of Governors Student-Athlete Engagement Committee November 14, 2019, Teleconference</b>
<b>Participants:</b>
Nicholas Clark, Coastal Carolina University, Former Division I SAAC.
Annabelle Feist, Williams College, Division III SAAC.
Grant Foley, Delta State University, Division II SAAC.
Maisha Kelly, Bucknell University, Division I Council.
Jessica Koch, California State University, San Bernardino, Division II SAAC.
Justice Littrell, University of Northern Colorado, Division I SAAC.
Colby Pepper, Covenant College, Division III SAAC.
Michael Rubayo, Swarthmore College, Former Division III SAAC.
<b>Absentees:</b>
Amanda Carroll, Florida Gulf Coast University, Division I SAAC.
Sue Henderson, New Jersey City University, Board of Governors.
Joshua Shapiro, Colorado Mesa University, Division II SAAC.
<b>NCAA Staff Liaisons in Attendance:</b>
Mark Bedics, Todd Shumaker and Danielle Teetzel
<b>Other NCAA Staff in Attendance:</b>
Scott Bearby, Ryan Bermudez and Chantee Eldridge.

**NCAA Government Relations Report**  
(December 2019)

**Congressional Overview**

As the first session of the 116<sup>th</sup> Congress nears an end, the impeachment inquiry into President Trump continues to dominate the agenda and headlines in Washington. Reports suggest that House Democrats are pushing for a vote on the articles of impeachment before the end of the year, which could lead to a Senate trial in early January. While the impeachment hearings continue, Congress has several remaining legislative priorities including funding the government beyond December 20<sup>th</sup> to avoid another shutdown, passing the National Defense Authorization Act and reauthorizing the Violence Against Women Act.

**Federal Issues**

**Name, Image and Likeness**

H.R. 1804, the Student Athlete Equity Act, was introduced by Rep. Mark Walker on March 14, 2019. The proposal would amend the Internal Revenue Code of 1986 by removing the tax-exempt status of any qualified amateur sports organization that limits a student-athlete's ability to be compensated for the use of their name, image or likeness. H.R. 1804 has been referred to the House Ways and Means committee and currently has six cosponsors.

While legislative activity related to student-athlete name, image and likeness has been limited, the issue is of increasing interest to policymakers. NCAA government relations staff continue to meet with Members of Congress and staff to share updates on efforts to modernize NCAA rules related to name, image and likeness. Through these outreach efforts, we have learned that federal lawmakers have diverse opinions on how Congress might help to maintain competitive equity and fairness within intercollegiate athletics. On December 5, 2019, Senators Mitt Romney (R-UT) and Chris Murphy (D-CT) announced the formation of a bi-partisan working group to facilitate ongoing discussions about student athlete compensation and related issues.

**Sports Wagering**

NCAA government relations staff continue to work with the professional sports leagues and other stakeholders to seek introduction of a bipartisan sports betting bill that would require states with legalized sports betting to adhere to important core competencies. These competencies include: a minimum age requirement of 21 for individuals placing bets; the prohibition of bets placed by athletes, coaches, officials and others associated or credentialed by a sports organization; the restriction of certain types of risky bets from being offered to bettors; and the requirement that official sports organization data be used.

Congressional legislative priorities along with ongoing negotiations regarding specific provisions have slowed efforts this fall. However, introduction of a bipartisan proposal remains a priority and government relations staff will continue to educate Members in the House and Senate on the need for federal legislation to protect the integrity of athletic competitions and the well-being of student-athletes.

## **State Issues**

### **Name, Image and Likeness**

California's Fair Pay to Play Act was signed into law by Governor Gavin Newsom on September 30, 2019. The law, which takes effect January 1, 2023, prohibits California postsecondary education institutions, athletic conferences and the NCAA from preventing a student-athlete from being compensated for use of their name, image or likeness. Governor Newsom's signing statement stated that his administration plans on reviewing the recommendations from the NCAA Federal and State Legislation Working Group and addressing any unintended consequences from the law that negatively impacts California colleges, universities and student-athletes.

Since enactment of California's Fair Pay to Play Act, 30 additional states have introduced, pre-filed, carried-over or are expected to introduce legislation related to the compensation of student-athletes for use of their name, image or likeness. To date, eleven states have introduced, pre-filed or carried over legislation (FL, GA, IL, MA, MI, MO, NH, NJ, NY, PA, WA). The majority of these proposals mirror the California law, however, there are a few that go beyond name, image and likeness and establish additional requirements such as the creation of wage and injury funds for student-athletes. Further, many bills contain a more immediate effective date than the California law. Legislators in an additional 19 states have signaled their intention to introduce name, image or likeness legislation during the next legislative cycle (CO, CT, DC, IA, KY, MN, MO, MS, NE, ND, NM, NV, OH, OR, SC, TN, TX, WI, WV). Legislatures in most states have adjourned for the year, however, bills remain active in Michigan, New Jersey and Pennsylvania. NCAA government relations staff continues to work with member schools to educate state legislators about the ongoing efforts to modernize NCAA rules and encourage their home legislature to allow member schools the time to update relevant rules by not passing or delaying the effective date of legislation.

### **Sports Betting**

Efforts to legalize sports betting continue in states throughout the country. Currently, 13 states are accepting wagers on athletic competitions (AR, DE, MS, NV, NJ, NM, NY, PA, RI, WV, OR, IN, IA) and six additional states (CO, IL, MT, NH, NC, TN) and the District of Columbia have legalized sports betting and are in the process of developing regulations. Legislation has been passed in Maine to legalize sports betting, however, the Governor has not yet acted. Legislation to legalize sports betting remains active in Michigan, Ohio and Massachusetts.

**Higher Education Associations**

NCAA government relations staff continues to build strong relationships with various higher education associations. The American Council on Education (ACE), the Association of Public and Land-grant Universities (APLU) and the National Association of Colleges and University Business Officers (NACUBO), among others, continue to provide guidance and support on issues of common interest. The NCAA government relations office looks forward to continuing these mutually beneficial relationships to better formulate and further the NCAA's legislative goals.



NCAA Sport Science Institute and Committee for Competitive Safeguards and Medical Aspects of Sport

Strategic Priorities Timeline

Last Update: December 2019

NOTE: Dates are estimates and may change in response to external factors

Strategic Priority	Initiative	Summary	Anticipated Deliverable	Estimated Timeline
	Independent Medical Care – Access to Care for a Visiting Athletic Team			<p><b>Initial BoG Review:</b> May 2019</p> <p><b>Document drafting:</b> Thru February 2020</p> <p><b>Membership review:</b> April – June 2020</p> <p><b>CSMAS review:</b> March 2020</p> <p><b>BoG final review and/or endorsement:</b> August 2020</p> <p><b>Final deliverable:</b> Fall 2020</p>
<b>Concussion</b>	Annual Meeting of the Concussion Safety Advisory Group	A group of independent experts selected by their respective professional medical or scientific	Possible recommendations for Concussion Safety	<p><b>Event date:</b> February 24-25, 2020.</p> <p><b>Document drafting:</b> Informs NCAA Concussion Safety Protocol Checklist</p>
		organization, or NCAA division. Under the oversight of CSMAS, their charge is to advise the Association on changes to the Concussion Safety Protocol Checklist and Template as necessary given emerging clinical and scientific information on sport-related concussion.	Protocol Checklist and Template	<p><b>Membership review:</b> Not necessary.</p> <p><b>CSMAS review and endorsement:</b> Ongoing, as recommendations are received from Advisory group.</p> <p><b>BOG review and endorsement:</b> NA</p> <p><b>Final deliverable:</b> Spring 2020</p>





	3 <sup>rd</sup> Annual Concussion Data Task Force	Closed meeting of leaders from the football communities in each division as well as researchers. Purpose is to evaluate emerging information about concussion and head impact from the CARE Consortium and the NCAA Injury Surveillance Program.	Possible recommendations for rules or policy changes	<p><b>Event date:</b> February 24, 2020</p> <p><b>Document drafting:</b> NA</p> <p><b>Membership review:</b> NA</p> <p><b>CSMAS Review:</b> NA</p> <p><b>BOG Review:</b> NA</p>
	NCAA-DoD Mind Matters Summit	This will be the final presentations from the NCAA-DoD Mind Matters Research Challenge. In addition, relevant material from CARE Consortium and Mind Matters Education Challenge will be presented. Membership will be invited	Executive statements were developed that became the basis of an Executive Summary and other educational material (November 2019).	<p><b>Event date:</b> June 10-11, 2019</p> <p><b>Document drafting:</b> October 2019</p> <p><b>Membership review:</b> Not necessary</p> <p><b>CSMAS review and support:</b> December 2019</p> <p><b>Final deliverable:</b> Available <a href="#">online</a></p>
	NCAA-DoD Concussion Education Video	A Concussion Education video will be developed based on the concussion findings from the NCAA/DoD Grand Alliance partnership	A completed video product with related ancillary materials	<p><b>Planning meeting with DoD:</b> February 2020.</p> <p><b>Project draft:</b> Spring 2020.</p> <p><b>Production:</b> Summer/Fall 2020.</p> <p><b>Final Deliverable:</b> December 2020.</p>
	Arrington Class Settlement Implementation and Communication	SSI is leading a cross-functional staff initiative to 1) implement various programs required for NCAA-compliance with the Arrington class settlement, and 2) educate and inform the NCAA membership of its obligations under the terms of the class settlement	Deliverables and messaging ongoing through May 18, 2020	<p><b>Settlement Effective Date:</b> November 18, 2019.</p> <p><b>Deadline for Membership Certification with Settlement Terms:</b> May 18, 2020.</p>



	Third Safety in College Football Summit	SSI will host the third such meeting, which will comprehensively review health and safety issues in college football.	Football-specific rules and policy review.	<p><b>Event date:</b> February 2021</p> <p><b>Document drafting:</b> Thru May 2021</p> <p><b>Membership review:</b> May-June 2021</p> <p><b>CSMAS review and endorsement:</b> June 2021</p> <p><b>External review and endorsement:</b> June – August 2021</p> <p><b>Final deliverable:</b> Fall 2021</p>
<b>Doping &amp; Substance Abuse</b>	Pain Management in the Collegiate Athlete Task Force	SSI hosted a discussion focused on pain management for the collegiate athlete.	Membership guidance*	<p><b>Event date:</b> July 10-11, 2018</p> <p><b>Document drafting:</b> Thru December 2019</p> <p><b>Membership review:</b> January – April 2020</p> <p><b>CSMAS review and endorsement:</b> June 2020</p> <p><b>External review and endorsement:</b> NA</p> <p><b>BOG review and/or endorsement:</b> NA</p> <p><b>Final deliverable:</b> Fall 2020</p>
<b>Mental Health</b>	Task Force to Advance Mental Health Best Practice Strategies	SSI hosted a task force that will serve as a follow-up to the 2013 Mental Health Task Force. The 2017 task force will identify strategies and resources that support the implementation of the Mental Health Best Practices and identify models of mental health care and measures of effectiveness for the previously-published best practices.	Educational tools†	<p><b>Event date:</b> November 9-10, 2017</p> <p><b>Document drafting:</b> November – March 2018</p> <p><b>Membership review:</b> April 2018</p> <p><b>CSMAS review and endorsement:</b> June 2018</p> <p><b>BOG review and endorsement:</b> August 2018</p> <p><b>Final deliverable:</b> First deliverable of MH Workshop Planning Kit and MHBP implementation resources were released June 2018.</p> <p>Final deliverables expected in April 2020.</p>



			Peer-reviewed Journal Article	<b>Article submission:</b> TBD
	Sports Wagering Task Force	SSI and Research Department hosted a summit for the purpose of identifying education and intervention strategies to prevent and/or manage problem gambling behaviors among student-athletes. Specific deliverables will be determined at the summit.	Educational Tools	<b>Event Date:</b> March 12-13, 2019 <b>Tool Development:</b> TBD <b>Membership review:</b> <b>CSMAS review and endorsement:</b> NA <b>BOG review and endorsement:</b> NA <b>Final deliverable:</b> TBD
	Mental Health Waiver Think Tank	SSI and AMA will host a think tank to discuss waivers relating to student-athlete mental health. Attendees will include a group of sport psychologists with experience working in the college/university athletic environment.	Waiver-related decision-making tree for use by AMA staff.  Recommendations for a mental health review as part of the waiver consideration process.	<b>Event date:</b> November 14-15, 2019 <b>Document drafting:</b> November 2019 - January 2020 <b>Membership review:</b> TBD <b>CSMAS review:</b> TBD <b>BOG review and endorsement:</b> TBD <b>Final deliverable:</b> TBD
<b>Overuse, Sleep, and Performance</b>	Task Force on Sleep & Wellness	SSI hosted a task force on sleep and wellness May 1-2, 2017, with representatives from scientific, higher education and sports medicine organizations to review current data and discuss existing best practices related to the sleep and wellness of student- athletes.	Educational tools <sup>†</sup>  Peer-review journal article	<b>Event date:</b> May 1-2, 2017 <b>Tool Development:</b> Spring 2019. <b>Membership review:</b> <b>CSMAS review and endorsement:</b> NA <b>BOG review and endorsement:</b> NA <b>Final deliverable:</b> Complete - October 2019  <b>Article submission:</b> Complete – Accepted for publication with the British Journal of Sports Medicine



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<b>Athletics Health Care Administration</b>	NATA-NCAA Summit on the Organizational and Administrative Aspects of Athletic Health Care in College / University Settings	This project has been transitioned into several separate projects focusing on various aspects of independent medical care.		<b>Event date:</b> Jan. 2017
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\*Will result in uniform standards of care for the Association; †Outcomes will be educational in nature, and will serve as a resource for member schools



## Important implications for institutions: concussion-related policies and procedures

The purpose of this memo is to announce the final approval and effective date of the class settlement agreement for the medical monitoring portion of *Arrington v. NCAA*, which has implications for member institutions and their concussion-related policies and procedures. This content is provided for informational purposes only and should not be construed as legal advice or a substitute for legal advice. We encourage you to review the content with applicable legal and other advisors and school staff who might assist you in appropriately evaluating this information as it applies to your individual institutional risk and practices.

Earlier this week, a memo was sent from the NCAA Office of Legal Affairs to the general counsel of each member institution or, at institutions where counsel has not been identified, the president/chancellor. That memo is available for [review here](#). The purpose of that memo was to notify campus risk management staff of the established effective date of the settlement agreement for *Arrington v. NCAA*, and to urge timely institutional review of the terms of this settlement.

### **Certifications must be submitted by May 18,2020**

The settlement agreement provides NCAA member institutions with an opportunity to benefit from a release from certain legal claims that might otherwise be brought by members of the settlement class. To benefit from the release, member institutions must certify in writing that they have put in place a concussion management plan that meets the requirements of Section IX.A. of the settlement agreement (described in the attached FAQ document). Certifications must be delivered to certain court-identified settlement representatives within six months of the settlement agreement effective date of November 18, 2019, which means schools will have to deliver their written certifications no later than May 18, 2020. Guidance on the certification process will be made available to the membership in early 2020.

## **Go to FAQ document for details**

As a companion to this memo, a [Frequently Asked Questions document](#) has been provided to facilitate member institutions' review of the settlement terms. Additional information and instructions will be provided by the NCAA national office in the coming months.

## **What should I do now?**

In the meantime, institutions should begin a careful review of the settlement terms in conjunction with their general counsel and/or primary risk management staff. Additional questions may be submitted to the NCAA National Office via the Sport Science Institute at [ssi@ncaa.org](mailto:ssi@ncaa.org).

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*This email was sent to NCAA Athletics Health Care Administrators, Directors of Athletics, Directors of Compliance, Conference Commissioners, General Counsel, Head Athletic Trainers, Head Team Physicians, Presidents and Chancellors, and Senior Woman Administrators based on contact information in the [NCAA Directory](#) on Friday, November 22, 2019.*



## Arrington Matter Concussion Reporting Requirement

### **Background.**

The Arrington Matter was initiated in 2011 as a class action concussion lawsuit and involved a proposed class of plaintiffs that have historically participated in men's and women's NCAA college sports at NCAA member institutions. The parties to the lawsuit agreed to settle their claims and final approval of the settlement terms occurred on August 13, 2019. Pursuant to Court order, the effective date of the settlement agreement is November 18, 2019. A copy of the Settlement Agreement can be found [here](#). A Frequently Asked Questions document (attached) has been provided to members to facilitate their review of those settlement terms that impact membership. In addition to several institution-specific concussion management obligations, the settlement states that the "NCAA will create a reporting process through which member institutions will report to the NCAA instances of diagnosed concussions in NCAA student-athletes and their resolution."

### **Review by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.**

The NCAA Committee on Competitive Safeguards and Medical Aspects of Sports reviewed information related to the settlement in the Arrington Matter the other potential scientific benefits of the proposed concussion reporting requirement and recommends that the divisions adopt legislation to require an institution to regularly report all sport-related concussions in student-athletes and their resolutions in a manner consistent with the terms of the settlement in the Arrington Matter via a reporting process and system recommended by the Committee on Competitive Safeguards and Medical Aspects of Sports and in conjunction with the NCAA Sport Science Institute. The Committee on Competitive Safeguards and Medical Aspects of Sports will establish and maintain policies and procedures for the reporting of concussions and their resolution, including an annual deadline for submission.

### **Draft legislation.**

NCAA MEMBERSHIP -- ACTIVE MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- CONCUSSION REPORTING

**Convention Year:** 2021

**Date Submitted:** December 17, 2019

**Status:** Ready for Consideration by Management Council

**Effective Date:** Immediate for the NCAA's establishment of a reporting process and system, and policies and procedures; institutions are required to report sport-related concussions diagnosed May 18, 2020 and thereafter, and their resolutions. Timing of reporting to be determined by NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.

**Official Notice Number:** NC-2021-4

**Source:** NCAA Division III Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

**Proposal Category:** Noncontroversial

**Topical Area:** Membership.

**Intent:** To specify that an active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports.

**Constitution:** Amend 3.2.4, as follows:

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.17 unchanged.]

**3.2.4.18 Concussion Reporting. An active member institution shall report all instances of diagnosed sport-related concussions in student-athletes in their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports. [D]**

[3.2.4.18 through 3.2.4.22 renumbered as 3.2.4.19 through 3.2.4.23, unchanged.]

**Budget Impact:** None.

**Additional Information:** A medical monitoring settlement in *In re: National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (Arrington Matter) was approved August 13, 2019, with an effective date of November 18, 2019. The settlement obligates the NCAA to create a reporting process through which member institutions will report to the NCAA instances of diagnosed concussions in student-athletes and their resolutions. This proposal will establish the legislation to require institutions to regularly report all diagnosed sport-related concussions in student-athletes and their resolutions in a manner consistent with the terms of the settlement in the Arrington Matter via a reporting process and system recommended by the Committee on Competitive Safeguards and Medical Aspects of Sports and in conjunction with the NCAA Sport Science Institute. The Committee on Competitive Safeguards and Medical Aspects of Sports will establish and maintain policies and procedures for the reporting of concussions and their resolution, including an annual deadline for submission. This reporting requirement will ensure that the NCAA and member institutions fulfill an obligation of the medical monitoring settlement and will provide further insight into the incidence and resolution of concussions involving student-athletes. The effective date (May 18, 2020) to begin reporting diagnosed sport-related concussions and their resolutions corresponds to the date by which an institution must certify compliance with applicable settlement provisions if it wishes to receive the benefit of the settlement release.





**FREQUENTLY ASKED QUESTIONS  
NOVEMBER 2019**

**MEDICAL MONITORING CLASS SETTLEMENT AGREEMENT:  
ARRINGTON V. NCAA**

This document is a companion piece to the recent membership notice of final approval of the class action settlement agreement in *In re: National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (Arrington Matter). This document addresses some of the frequently asked questions regarding the settlement agreement in the Arrington Matter and related member obligations. The content of this document is being provided for informational purposes only and should not be construed as legal advice or a substitute for legal advice. We encourage you to review the content, including the materials accessible by hyperlink below, with applicable legal advisors and other school staff who might assist you in appropriately evaluating this information as it applies to your individual institutional risk and practices.

**1. What is the Arrington Matter?**

The Arrington Matter was initiated in 2011 as a putative class action concussion lawsuit against the NCAA by plaintiffs that participated in men's and women's NCAA college sports at NCAA member schools. In 2013, the parties began negotiating toward a settlement agreement that would, among other things, relieve NCAA member schools from certain potential liability in the future.

In 2016, the Court granted preliminary approval of the settlement terms and, since that time, the parties have provided the required notifications to settlement class members and taken other steps as required by the Court and/or settlement while awaiting formal and final judicial approval. Final approval of the settlement terms occurred on August 13, 2019 and, pursuant to Court order, the effective date of the Settlement Agreement is November 18, 2019. A copy of the final Settlement Agreement can be found [here](#).

**2. What are the primary outcomes of the Settlement Agreement?**

The primary outcomes are twofold.

- a. Medical Monitoring. The NCAA will provide \$70 million in funding to make free medical screening and testing, known as "medical monitoring," available to student-athletes who played an NCAA sport at an NCAA member school prior to July 15, 2016. The details related to the medical monitoring services are described in the Settlement Agreement. Information about the process through which student-athletes can access the monitoring services will be made available on the NCAA Student-Athlete Concussion Injury Litigation Website at: <http://collegeathleteconcussionsettlement.com/>
- b. Member Obligations. The description of member obligations can be found in Section IX of the Settlement Agreement. While the settlement agreement was

negotiated directly with the NCAA and not its member schools, the language in Section IX.B. of the Settlement Agreement provides that an institution must certify in writing that it has complied with all the member obligations described in Section IX.A. in order to receive the benefit of the settlement release. The details of the settlement release can be found in Sections II.QQ. and II.RR. of the Settlement Agreement. Subsequent questions in this document will address member obligations in more detail.

**3. What does the effective date mean, and why is it important for member schools to know?**

The effective date of November 18, 2019 is the date on which the Settlement Agreement became effective. It triggers certain timelines under the Settlement Agreement including the window in which member schools can certify compliance with the member obligations set forth in Section IX.A. If a member school wishes to receive the benefit of the settlement release, it must certify in writing within six months from the effective date (on or before May 18, 2020) that it has put in place a concussion management plan that meets the requirements of Section IX.A. of the settlement agreement.

**4. What is the risk to member schools who do not certify compliance with Section IX.A. of the agreement within six months of the effective date?**

The incentive for a member school to comply with the member obligations is that compliance is tied to the settlement release such that the release will not apply to any member school that fails to submit a written certification of compliance by May 18, 2020. Once submitted, all certifications will be publicly posted on the NCAA Student-Athlete Concussion Injury Litigation Website.

Each member school should consult with institutional legal counsel and/or applicable risk management staff to carefully evaluate the institution-specific value of the release and any corresponding risks that may result from failing to certify compliance.

**5. What if a member school has in place a concussion safety protocol that meets all existing NCAA legislative requirements?**

While many of the member obligations in Section IX.A. of the Settlement Agreement are similar to or overlap with certain existing NCAA health and safety legislation and related NCAA health and safety guidance materials, the member obligations are distinct from and, in some instances, differ from the requirements and recommendations in the legislation and guidance materials. Therefore, it is important to consult with school legal counsel and other risk management staff as necessary to fully understand these differences and to evaluate your institutional practices and compliance with respect to the member obligations and NCAA legislation and guidance

**6. How do existing NCAA legislative requirements compare to the member obligations described in Section IX.A. of the Settlement Agreement?**

NCAA legislative requirements vary by division and the legislation pertaining to concussion management for each institution is available in its respective divisional manual. However, in recent years all three divisions have referenced and relied on the NCAA Concussion Safety Protocol Checklist as part of their concussion management guidelines and review practices. A copy of the current NCAA Checklist can be found [here](#).

Most of the member obligations described in Section IX.A. of the Settlement Agreement mirror the requirements described in the NCAA Checklist. However, there are several areas where the language varies between the NCAA Checklist and the Settlement Agreement. The member obligations are described in more detail below.

a. Settlement Agreement Section IX.A.1: Preseason Baseline Testing.

The NCAA Checklist requires that a school's concussion management plan specifies documentation that each varsity student-athlete has received *at least one* pre-participation baseline concussion assessment and prescribes a variety of areas that the assessment should address.

In contrast, the member obligations in Section IX.A.1 of the Settlement Agreement require preseason baseline testing and do not specify that it is a one-time obligation. Unlike the NCAA Checklist, the Settlement Agreement is silent on and does not prescribe any specific testing areas, which means that, because there are not currently evidence-based and prescribed best practices related to annual testing, primary athletics health care providers and athletics health care administrators will need to consider which annual tests are consistent with emerging clinical information such as, among others, the Balance Error Scoring Scale (BESS/modified BESS), the Visual Oculomotor Screen (VOMS) and other annual baseline tests that assess cognition and symptom evaluation.

b. Settlement Agreement Section IX.A.2: Same Day Concussion Management.

The NCAA Checklist provides that a school's concussion management plan specifies that a student-athlete with a confirmed concussion must be removed from practice/play for that calendar day. The language in Section IX.A.2 of the Settlement Agreement can be reasonably interpreted as being consistent with the NCAA Checklist requirement.

c. Settlement Agreement Section IX.A.3: Return-to-Play Clearance.

The NCAA Checklist provides that a school's concussion management plan specifies that a final determination of post-concussion return-to-play should be made by the team physician *or medically qualified physician designee*.

In contrast, the member obligations in Section IX.A.3 of the Settlement Agreement require that any NCAA student-athlete diagnosed with a concussion by medical personnel must be cleared by a physician before being permitted to return to play in practice or competition. The Settlement Agreement does not include a reference to a physician designee (e.g., nurse practitioner; athletic trainer) as an individual who may be eligible to clear a student-athlete post-concussion. Accordingly, each member school that wishes to benefit from the settlement release should review its existing concussion management protocol to evaluate the return-to-play clearance process and which staff will be available and required to participate in post-concussion clearance activities going forward.

d. Settlement Agreement Section IX.A.4: Presence of Medical Personnel During Competitions.

The NCAA Checklist provides that a school's concussion management plan specifies that medical personnel with training in the diagnosis, treatment and initial management of acute concussion must be "present" at all NCAA varsity competitions in certain sports\*. It goes on to state that to "be present" means to be *on site at the campus or arena of the competition*.

In contrast, Section IX.A.4 of the Settlement Agreement provides that NCAA member institutions shall ensure that medical personnel with training in the diagnosis, treatment and management of concussion are present at all Contact Sports\* games for Divisions I, II and III. It does not include any additional language that expands or clarifies what it means to "be present" at a competition. Accordingly, under a conservative interpretation of this language it could be argued that to "be present" means to be physically present at the competition field or arena and each member school that wishes to benefit from the settlement release should review its existing concussion management protocol and consider how it will address this specific requirement going forward.

\*Note: The NCAA Checklist also varies from the member obligations in the Settlement Agreement with respect to which sports must be covered by applicable present medical personnel. For purposes of Section IX.A.4, the Settlement Agreement defines Contact Sports as: football, lacrosse, wrestling, ice hockey, field hockey, soccer, and basketball, whether a men's or women's team.

The corresponding NCAA Checklist requirement applies to all those sports as well as NCAA varsity competitions in equestrian, pole vault, rugby and skiing. Because the list of Contact Sports covered by Section IX.A.4 of the Settlement Agreement is a subset of the sports identified in the NCAA Checklist, it is reasonable to conclude that the Settlement Agreement does not expand member obligations with respect to how many sports must be covered by applicable medical personnel for competition purposes.

e. Settlement Agreement Section IX.A.5: Availability of Medical Personnel During Practices.

The NCAA Checklist provides that a school’s concussion management plan specifies that medical personnel with training in the diagnosis, treatment and initial management of acute concussion must be “available” at all NCAA varsity competitions in certain sports\*. It goes on to state that to “be available” means that, at a minimum, medical personnel can be contacted at any time during the practice via telephone, messaging, email, beeper or other immediate communication means and that the case can be discussed through such communication, and immediate arrangements can be made for the athlete to be evaluated.

Section IX.A.5 of the Settlement Agreement states that NCAA member institutions shall ensure that medical personnel with training in the diagnosis, treatment and management of concussion are available at all Contact Sports\* for all practices for Divisions I, II and III. While it does not include a definition of what it means to “be available,” it would be reasonable to interpret that reference in a manner that is consistent with the language in the NCAA Checklist.

\*Note: As with Section IX.A.4 of the Settlement Agreement, the NCAA Checklist varies from the member obligations in Section IX.A.5 with respect to which sports must be covered by applicable present medical personnel but it is reasonable to conclude that the Settlement Agreement does not expand member obligations with respect to how many sports must be covered by applicable medical personnel for practice purposes. See FAQ 6.d above for additional information.

**7. What is the mechanism for a member institution to deliver the compliance certification required under the Settlement Agreement?**

Certifications must be delivered to certain identified settlement representatives within six months of the settlement by May 18, 2020. The Settlement Agreement provides that each institution shall provide its certification to the Special Master, Class Counsel and Notice Administrator and that such certification will be posted on the Settlement Website.

The national office is in the process of identifying a platform through which we might simplify and streamline the certification process for member schools. We anticipate that we will be able to share more information about the suggested certification platform and process after the NCAA Convention in early 2020.

**8. Section IX.C. of the Settlement Agreement provides that member institutions will report to the NCAA instances of diagnosed concussions in NCAA student-athletes and their resolution. Is this part of the compliance certification requirement and how are member schools supposed to report?**

Member schools are required to participate in concussion reporting under Section IX.C of the Settlement Agreement but doing so is not tied to the compliance certification or the release. It is likely that the concussion reporting requirement will be distinct from the catastrophic injury reporting process. While the logistical details around the process are still uncertain, the national office anticipates that it will finalize and share more information about the anticipated reporting system and related reporting process after the NCAA Convention in early 2020.

The timing for reporting isn't prescribed in the Settlement Agreement. However, the national office would expect that institutional reporting activities will begin once the concussion reporting system has been established. It is anticipated that each division will consider legislation at the 2020 NCAA Convention to require institutions to report instances of concussions and their resolution.

**9. What about the concussion education requirements under the Settlement Agreement?**

Section IX.F of the Settlement Agreement states that the NCAA will require member schools to provide NCAA-approved concussion education and training to student-athletes, coaches and athletic trainers before every season and will periodically remind institutions of such obligations. These obligations are consistent with expectations under the NCAA Checklist (although the NCAA Checklist also requires that each school's concussion management plan accounts for annual education of team physicians and directors of athletics). The Committee on Competitive Safeguards and Medical Aspects of Sports, in conjunction with the NCAA Sport Science Institute, is in the process of reviewing currently available educational materials and will continue to supplement and distribute relevant concussion-related education materials to member schools as necessary to facilitate and support continuing compliance in this area.

**10. What should I do if I have additional questions about the Settlement Agreement or the steps that should be taken related to the compliance certification?**

The Settlement Agreement is a legal document. Its terms require legal analysis and interpretation. Accordingly, we strongly encourage you to consult with institutional legal counsel and/or risk management staff about any additional questions you may have. In addition, you can forward non-legal questions to members of the Sport Science Institute at [ssi@ncaa.org](mailto:ssi@ncaa.org).



## SENIOR WOMAN ADMINISTRATOR 201

# Overcoming Barriers to SWA Impact

While educating stakeholders (presidents, athletics and other institutional staff and student-athletes) about the SWA designation is a great first step to enhance the impact of the SWA, this resource lists common barriers faced by SWAs and provides tips to overcome them. See SWA 101 on [naaa.org](http://naaa.org) for help with clarifying the purpose of the designation and engaging in open communication to optimize the SWA's role.

“ The SWA designation is important to provide a visible presence for more women to see athletics as a viable career opportunity. The SWA also serves as a vessel to add perspective and value to the student-athlete experience beyond the classroom. ”

**Angel Mason**

Director of Athletics, Berry College

“ Great leaders understand that innovation and strong cultures are born from diverse voices. When the SWA is engaged in meaningful ways and brought to the table, departments get better. ”

**Michelle Filander**Head Women's Basketball Coach/Assistant Athletics  
Director/SWA, Austin College

## What is the SWA?

The senior woman administrator (SWA) is the highest-ranking female involved in the management of an institution's intercollegiate athletics program. The intent of the SWA designation is to promote meaningful representation of women in the leadership and management of college sports.

\* A school with a female director of athletics may designate a different woman as SWA.



### **1 The SWA may have too many responsibilities to be intentional with the designation (she may be a coach or have too many expectations outside of the designation).**

#### **TIPS FOR SWAs**

Educate yourself about the role of SWA and be honest about whether you can be effective. Identify work that could be managed by others and collaborate with your AD regarding distribution of responsibilities.

#### **TIPS FOR ADs**

Educate yourself about the role of the SWA and hold yourself and other ADs accountable for taking action to maximize the role. Acknowledge that naming a coach as SWA creates multiple challenges (e.g., time, confidentiality, supervision of colleagues, meetings). Develop a plan to overcome these challenges and communicate it to other coaches and staff in the department. Strive to expand your administrative staff such that it includes women. And create the time and space for the SWA to engage in senior leadership activities.

### **2 The SWA may not have adequate access to information or appropriate authority to make decisions.**

#### **TIPS FOR SWAs**

Invite the AD to review the SWA 101 documents on [ncaa.org](http://ncaa.org) with you. Ask or offer suggestions about how you can help the program, and provide substantive feedback about department issues, dynamics and culture. Be clear about what you need to be successful in this role, which may include asking for a more senior title.

#### **TIPS FOR ADs**

Be intentional about engaging the SWA in significant decisions (e.g., hiring and supervision, budget development and oversight, donor meetings). Be clear about the SWA's value with staff and student-athletes. Publicly engage and recognize her leadership.

### **3 The misperception that the SWA designation is solely focused on gender equity or women's sports can limit additional leadership opportunities.**

#### **TIPS FOR SWAs**

Be visible with your leadership activities in the department and with your presence at men's and women's events. Share your diverse responsibilities with department and campus colleagues and ask to be involved in senior-level discussions (budget, development, etc.).

#### **TIPS FOR ADs**

Ensure that the SWA's responsibilities are broader than women's sports and gender equity oversight. Clarify that the SWA provides leadership for men's and women's sports, and that gender equity oversight is a priority for all staff.

### **4 The SWAs do not have a formal role in conference governance and may not be invited to conference meetings.**

#### **TIPS FOR SWAs**

Be intentional about reviewing conference agendas, minutes and other important documents. Network with conference colleagues and form working relationships with peer SWAs. Advocate for SWAs to participate in conference leadership, and volunteer to serve on conference committees.

#### **TIPS FOR ADs**

Hold other conference ADs accountable for SWA engagement. Collaborate with your commissioner and SWAs to establish expectations for SWA attendance and participation at meetings. Review conference agendas and other materials with the SWA before and after all conference meetings. Nominate the SWA for liaison and committee roles within the conference.

### **5 It is difficult to find time or funding to attend professional development events or external committee meetings (especially for coaches!).**

#### **TIPS FOR SWAs**

Review opportunities of interest and present a plan to the AD addressing time away from campus and budget impact. Recognize how understanding the national landscape can enhance your impact on campus. Pursue grants (there are many!) and consider virtual participation in trainings or meetings.

#### **TIPS FOR ADs**

Invest in the professional development of your SWA. Consider partial funding or periodic opportunities (every other year, etc.) if regular support is not feasible. Learn about grants and external sources of funding and advocate for your SWA's access to them.



**2020 NCAA CONVENTION  
DIVISION III DELEGATES SCHEDULE  
ANAHEIM, CALIFORNIA  
JANUARY 21-25, 2020**

**DIVISION III OFFICE  
Orange County 3  
SUPPLEMENT NO. 38  
DIII Mgmt Council 01/20**

TIME	DIVISION III	ASSOCIATION-WIDE	ROOM LOCATION
<b>Tuesday, January 21</b>			
7:30 a.m. to 10 p.m.	SAAC Meeting [Must be a member of this committee to attend]		Grand Ballroom J-K
<b>Wednesday, January 22</b>			
7:30 a.m. to 5 p.m.	SAAC Meeting [Must be a member or an Associate Member of this committee to attend]		Grand Ballroom J-K
8 a.m. to 3 p.m.	Management Council [Must be a member of this committee to attend]		Platinum Ballroom 3-4
1 to 5 p.m.		Workshop Sessions (5 Sessions)	
2 to 5 p.m.	ADR Institute [Invitation Only]		Platinum Ballroom 2
3 to 5:30 p.m.	Division III Student Immersion Program Welcome [Invitation Only]		Marquis Ballroom Northeast
3:30 to 5:30 p.m.	LGBTQ OneTeam Program [Invitation Only]		Marquis Ballroom Northwest
5 to 6 p.m.	ADR Institute Reception [Invitation Only]		Gold Key I-II
6 to 9 p.m.		Honors Celebration [Ticket Required]	Convention Center Anaheim Ballroom
<b>Thursday, January 23</b>			
7 to 8:15 a.m.	Division III Student Immersion Program Breakfast [Invitation Only]		Marquis Ballroom Northeast
7:30 to 9 a.m.	PC/MC/SAAC Breakfast [Must be a member or an Associate Member of these committees to attend]		Marquis Ballroom Northwest
8 a.m. to 4 p.m.	ADR Institute [Invitation Only]		Platinum Ballroom 2
8 a.m. to noon	Commissioners Association Meeting		Convention Center Room 211
8:30 to 9:30 a.m.		Chancellors and Presidents Engagement	Grand Ballroom E
8:30 to 9:30 a.m.	Division III Education Session: Collaborative Approaches – When Mental Health Intersects with Student-Athlete Identities.	Association-wide Programming (5 sessions)	Convention Center Room 201
9:15 to 11:15 a.m.	Division III Presidents Council Meeting [Must be a member of this committee to attend]		Platinum Ballroom 3-4
9:45 to 11:15 a.m.	Division III Education Session: Crisis Management: Being Your Best During Your Institution's Worst Days.	Association-wide Programming (5 sessions)	Convention Center Room 204
11:30 a.m. to 12:45 p.m.	SAAC Sponsored Luncheon with Division III Student Attendees		Marquis Ballroom South
11:30 a.m. to 1 p.m.	Division III Chancellors/Presidents Luncheon		Marquis Ballroom Northwest
11:30 a.m. to 1 p.m.	ADR Luncheon [open to all ADRs, including ADR Institute]		Grand Ballroom A-C
11:30 a.m. to 1 p.m.	Division III New AD Meet & Greet Luncheon [Invitation Only]		Grand Ballroom D
1 to 3 p.m.	Special Olympics Unified Sports Activity		Anaheim Convention Center Room 213 A-C
1:15 to 4:30 p.m.	Division III Student Immersion Program [Invitation Only]		Marquis Ballroom Northeast
1:15 to 2:15 p.m.		Association-wide Programming (5 sessions)	

TIME	DIVISION III	ASSOCIATION-WIDE	ROOM LOCATION
<b>Thursday, January 23 continued...</b>			
2:30 to 4 p.m.	Division III Education Session: NADIII A: Growing Our Next Generation of Leaders through Mentorship and Opportunity	Association-wide Programming (5 sessions)	Convention Center Room 207
4:30 to 6 p.m.		NCAA Plenary Session: State of College Sports [Doors open at 4:15 p.m.]	Convention Center Anaheim Ballroom
6 to 7:30 p.m.		Delegates Reception	Convention Center ACC North 200 Level
8 to 11 p.m.	Division III Student Social Mixer hosted by Division III National SAAC		Grand Ballroom F
<b>Friday, January 24</b>			
7 to 8 a.m.	Division III Delegate Breakfast		Platinum Ballroom 5-10
8 to 11 a.m.	Division III Issues Forum		Marquis Ballroom
8 a.m. to 1 p.m.		Trade Show	Platinum Ballroom 5-10
11:30 a.m. to 1 p.m.		Association Luncheon [Ticket Required]	Convention Center Anaheim Ballroom
1 to 5:30 p.m.	Conference Meetings		
4 to 5:30 p.m.	Division III New Member Educational Session		Platinum Ballroom 4
5:30 to 7:30 p.m.	LGBTQ and Allies Reception		Platinum Patio
6 to 7 p.m.	Division III SWA Reception		Platinum Ballroom 10
6 to 7 p.m.		FARA Reception	Grand Ballroom E
<b>Saturday, January 25</b>			
6:45 to 7:45 a.m.	SAAC Meeting [Must be a member or an Associate Member of this committee to attend]		Grand Ballroom J-K
7 to 8 a.m.	Division III Delegates Breakfast		Marquis Ballroom Foyer
8 a.m. to 11 a.m.	Division III Business Session		Marquis Ballroom
11 a.m. to Noon	Division III Student Immersion Program Debrief and Luncheon		Platinum Ballroom 3-4
11 a.m. to 1 p.m.	NADIII A Reception		Grand Ballroom E
Noon to 2 p.m.	Division III Post-Convention Management Council Meeting [Must be a member of this committee to attend]		Grand Ballroom C-D

National Collegiate Athletic Association  
Joint Meeting of the Division III Presidents Council,  
Management Council and Student-Athlete Advisory Committee

Marquis Ballroom Northwest  
Anaheim Marriott

January 23, 2020  
7:30 to 9 a.m.

- 7:45 a.m.      1.      Opening remarks. [Sue Henderson]
- 7:50 a.m.      2.      Recognition of SAAC leadership. [Madison Burns]
3.      SAAC report on key issues. [Braly Keller]
- a.      Mental health initiative.
- b.      Sustainability.
- c.      Name, Image and Likeness.
- 8:10 a.m.      4.      2020 legislative proposals. [Annabelle Feist]
- a.      Committee positions.
- b.      Questions and answers.
- 8:25 a.m.      5.      Round table discussions. [All attendees, led by NJ Kim]
- a.      Discuss vaping and marijuana use on campus by student-athletes.
- b.      Discuss best practices for sexual assault and domestic abuse prevention.
- 8:55 a.m.      6.      Adjournment. [Mika Costello]



**Management Council/Presidents Council/  
Student-Athlete Advisory Committee  
Seating Chart  
Thursday, January 23, 2020  
86 Attendees**

**SUPPLEMENT NO. 39b  
DIII Mgmt Council 01/20**

**Table 1**

Sue Henderson  
Stevie Baker-Watson  
Madison Burns  
Dan Dutcher

Michelle Morgan  
Mike Litz  
Liv Coletta

**Table 2**

Tori Murden McClure  
Heather Benning  
NJ Kim  
Louise McCleary

Richard Dunsworth  
Mika Costella  
Elle Pickrell

**Table 3**

Fayneese Miller  
Gerard Bryant  
Annabelle Feist  
Eric Hartung

Stephen Briggs  
Cat Lanigan  
Sydney Rainey

**Table 4**

Tiffany Franks  
Brad Bankston  
Hannah Durst  
Debbie Kresge

Braly Keller  
JT Klopccic  
Scott McGuinness

**Table 5**

Margaret Drugovich  
Chuck Brown  
Fran Capaldi  
Adam Skaggs

Bill Fritz  
Mikayla Arimura  
Justice Mercadel

**Table 6**

Mary Beth Cooper  
Dennis Shields  
Lottie Ellis  
Corey Berg

Javier Cevallos  
Emily Goodwin  
Cassandra Contigiani

**Table 7**

Teresa Amott  
Troy Hammond  
Sammy Kastner  
Mike McMahon

Kevin Lammers  
Sarah Feyerherm  
Casey Hipp

**Table 8**

Kathleen Murray  
Elsa Nunez  
Anthony Francois  
Kiana Verdugo

Mike Vienna  
Ireland Clare Kennedy  
Mckenzie Maneggia

**Table 9**

Kate Conway-Turner  
Jason Fein  
Colby Pepper  
Luisa Valles

Laura Mooney  
Christine Mayorga  
Alyssa Leventer

**Table 10**

Rob Lindgren  
Tim Millerick  
Lori Mazza  
Patrick Malin

Abigail Newkirk  
Kristin Lasker  
Diamond Onomake  
Bridget Finn

**Table 11**

Troy Paino  
Denise Udelhofen  
Kandis Schram  
Jake Santellano

Annie MacMillan  
Mikayla McCartney  
Owen Harkins

**Table 12**

Kent Trachte  
Joe Walsh  
Kate Roy  
Arcel Kabongo Ngoy

Isaiah Swann  
MC Trueting  
Lillian Chamberlin

**Not Attending:** Jeff Myers, Bill Regan, Brynna Barnhart, Cameron Gardner Nicolson, CJ Pakeltis, Emily Carr, and Sarah Schmidt.



AGENDA

The National Collegiate Athletic Association

2020 Division III Issues Forum

Anaheim Marriott  
Marquis Ballroom

January 24, 2020  
8 to 11 a.m.

- |                     |  |
|---------------------|--|
| 8 to 8:15 a.m.      | 1. Welcome and Overview. [Sue Henderson, President, New Jersey City University]  |
| 8:15 to 9:15 a.m.   | 2. Generational Gaps. [Haydn Shaw, People Driven Results]  |
| 9:15 to 10:15 a.m.  | 3. Name, Image and Likeness. [Tori Murden-McClure, Spalding University; Mary-Beth Cooper, Springfield College; Darryl Sims, University of Wisconsin-Oshkosh; and Braly Keller, Nebraska Wesleyan University] |
| 10:15 to 10:55 a.m. | 4. 2020 Legislative Proposals and Q&A. [Jeff Myers, director of academic and membership affairs for Division III and Bill Regan, associate director of academic and membership affairs for Division III]     |
| 10:55 to 11 a.m.    | 5. Final Remarks. [Henderson]  |
| 11 a.m.             | 6. Adjournment.  |

A G E N D A

The National Collegiate Athletic Association

2020 Division III Business Session

Anaheim Marriott  
Marquis Ballroom

January 25, 2020  
8 to 11 a.m.

- |                     |    |  |
|---------------------|----|--|
| 8 to 8:10 a.m.      | 1. | Welcome and Announcements. [Sue Henderson, President, New Jersey City University]  |
| 8:10 to 8:20 a.m.   | 2. | Division III SAAC Update and Video. [Madison Burns, National SAAC]   |
| 8:20 to 8:30 a.m.   | 3. | Election of New Management Council Members. [Keri Luchowski, Executive Director, North Coast Athletic Conference]  |
| 8:30 to 8:40 a.m.   | 4. | Acceptance of Convention Notice and Program. [Henderson]   |
| 8:40 to 10:30 a.m.  | 5. | Voting on Presidential and General Groupings. [Henderson and Stevie Baker Watson, Associate Vice President for Campus Wellness and Director of Athletics, DePauw University] |
| 10:30 to 10:45 a.m. | 6. | Open Forum.  |
| 10:45 a.m.          | 7. | Closing Remarks. [Henderson]   |
| 11 a.m.             | 8. | Adjournment.   |







# FUTURE MEETING SCHEDULE

## **Future Dates for 2022**

**SAAC** January 18-22 – Indianapolis, IN  
April 9-10 – Indianapolis, IN  
July 16-17 – Indianapolis, IN  
November 13-14 – Indianapolis, IN

**CSMAS** February 22-23  
June 13-14  
September 19-20



**REPORT OF THE  
NCAA DIVISION III MEMBERSHIP COMMITTEE  
OCTOBER 18, 2019, TELECONFERENCE**

**ACTION ITEMS.**

- **None.**

**INFORMATIONAL ITEMS.**

- 1. Welcome, Announcements and Roster.** The committee commenced business at 1 p.m. Eastern time.
- 2. Review September 19, 2019, Teleconference Report.** The committee reviewed and approved its report.
- 3. Revisit Positions on 2020 Convention Proposals.** The committee reviewed the two proposals they had taken an official position on at the September 19, 2019 teleconference: Division Membership – Application Process – Provisional Institution – Reduce Waiting Period from Four Years to Three Years Plus an Exploratory Year and Division Membership – Application Process – Reclassifying Institution – Reduce Waiting Period from Four Years to Three Years. Attention was given to the potential impact of both proposals especially as it pertains to athletically related aid provided to returning student-athletes in the first and second year of the proposed provisional and reclassifying process. The committee reaffirmed a position of support for both proposals.
- 4. Other Business.** None.
- 5. Adjournment.** The committee concluded its business and adjourned at 1:20 p.m. Eastern time.

*Committee Chair: Laura Mooney, Massachusetts College of Liberal Arts, Massachusetts State Collegiate Athletic Conference*

*Staff Liaisons: Eric Hartung, Research  
Tiffany Alford, Academic and Membership Affairs  
Corey Berg, Academic and Membership Affairs*

<b>October 18, 2019, Teleconference</b>	
<b>Attendees:</b>	
William Fell, United States Merchant Marine Academy.	
Michael Frandsen, Wittenberg University.	
Charles Harris, Averett University.	
Jessica Huntley, Atlantic East Conference.	
Charles Jacobs, St. Norbert College.	
Laura Mooney, Massachusetts College of Liberal Arts.	
Elliott Strickland, Pennsylvania College of Technology.	
Megan Valentine, Hilbert College.	
<b>Absentees:</b>	
Erica Lemm, Mount Holyoke College.	
<b>NCAA Staff Support in Attendance:</b>	
Tiffany Alford, Corey Berg and Eric Hartung.	



REPORT OF THE  
NCAA DIVISION III MEMBERSHIP COMMITTEE  
NOVEMBER 21, 2019, TELECONFERENCE

**ACTION ITEMS.**

- None.

**INFORMATIONAL ITEMS.**

1. **Welcome and Announcements.** The call commenced at 1:01 p.m. Eastern time Thursday, November 21, 2019. The committee chair, Laura Mooney, welcomed committee member Michael Frandsen, Wittenberg University, to his second call, and welcomed new committee member Monique McLean, Trinity Washington University.
2. **Roster and Conflict of Interest.** Committee members were reminded of the NCAA Conflict of Interest Policy and proper procedures for recusal if a conflict of interest might arise. Committee members followed the recusal procedures during all deliberations.
3. **Review October 18, 2019, Teleconference Report.** The committee reviewed and approved its October 18, 2019, teleconference report.

**Review MacMurray College sports-sponsorship case.** The committee denied a request from MacMurray College for a waiver of NCAA Bylaw 20.11.3.8 (minimum contests and participants). Specifically, the institution failed to meet minimum sports-sponsorship requirements in women's cross country. In its denial, the committee noted that the institution is accountable to maintain viable rosters throughout a team's playing season. The committee further noted that within the waiver materials, the institution provided no explanation for the situation in women's golf and no evidence to demonstrate that it acted during the season to mitigate the loss of the injured cross-country student-athlete that occurred at the beginning of the season. Additionally, the committee noted that the institution was not aware of its failure to meet sports sponsorship requirements in women's cross country until notified by NCAA staff. The committee encourages the institution to improve its monitoring of women's sports.

4. **Report on outcomes of the 2018-19 sports-sponsorship audit.** Staff informed the committee that eight institutions were randomly selected to be audited to ensure satisfaction of sports-sponsorship requirements for the 2018-19 academic year, and one was found to have fallen short of sports-sponsorship minimums.

Following submission of the annual sports-sponsorship data, the NCAA research staff identified two institutions that appeared to not meet sports-sponsorship minimums. These two institutions were reviewed 'for cause' by staff. One institution had previously submitted or received a waiver by the Membership Committee. The other institution appeared to have not met the sports-sponsorship minimum requirements nor sought relief through a waiver. The staff followed-up with that institution, and the institution indicated it erred in coding its outdoor track and field teams mixed instead of coding a separate men's outdoor track and field team and a separate women's outdoor track and field team. The institution contacted the NCAA research department to correct the error.

5. **Discuss plans for 2020 NCAA Convention social reception.** The committee discussed the format for the new member social reception to be held at the 2020 NCAA Convention. It was agreed that the format would remain unchanged after two consecutive years of positive feedback.

Staff encouraged committee members to attend is schedule permits.

6. **Adjournment.** The committee concluded its business and adjourned at 1:21 p.m. Eastern time.

*Committee Chair: Laura Mooney, Massachusetts College of Liberal Arts*

*Staff Liaisons: Eric Hartung, Division III Research, primary liaison*

*Tiffany Alford, Academic and Membership Affairs*

*Corey Berg, Academic and Membership Affairs*

<b>NCAA Division III Membership Committee November 21, 2019, Teleconference</b>	
<b>Attendees:</b>	
William Fell, United States Merchant Marine Academy.	
Michael Frandsen, Wittenberg University.	
Charles Harris, Averett University.	
Jessica Huntley, Atlantic East Conference.	
Charles Jacobs, St. Norbert College.	
Erica Lemm, Mount Holyoke College.	
Monique McLean, Trinity Washington University.	
Laura Mooney, Massachusetts College of Liberal Arts.	
Elliott Strickland, Pennsylvania College of Technology.	
<b>Absentees:</b>	
Megan Valentine, Hilbert College.	
<b>Guests in Attendance:</b>	
None.	
<b>NCAA Staff Support in Attendance:</b>	
Tiffany Alford, Corey Berg, and Eric Hartung.	
<b>Other NCAA Staff Members in Attendance:</b>	
None.	