

A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council

Microsoft Teams

April 29, 2020
10 a.m. to 1 p.m.

1. Welcome and announcements. (Tori Murden McClure)
2. General information. (Murden McClure)
 - a. Roster. [Supplement No. 1]
 - b. Committee/Subcommittee assignments. [Supplement No. 2]
3. Division III Philosophy Statement and Strategic Positioning Platform. [Supplement Nos. 3a and 3b] (Dan Dutcher)
- * 4. Minutes, summaries and agendas. (Murden McClure)
 - a. Summary of winter 2020 Quarterly Meeting. [Supplement No. 4]
 - b. Administrative Committee actions. [Supplement Nos. 5a, 5b, 5c, 5d, 5e and 5f]
- @* 5. Division III Strategic Planning and Finance Committee. (Fayneese Miller/Mark Aiken)
 - a. March 24, 2020, teleconference. [Supplement No. 6]
 - b. 2019-20 budget-to-actual. [Supplement No. 7]
 - c. Future projection. [Supplement No. 8]
6. Management Council report. [Supplement No. 9a] (Heather Benning/Gerard Bryant)
 - Name, Image and Likeness. [Supplement Nos. 9b and 9c]
7. Association-wide updates and issues.
 - a. Board of Governors update. [Supplement No. 10a, 10b, and 10c] (Mark Emmert/Donald Remy)
 - (1) COVID-19.
 - (2) Federal and State Legislation Working Group (NIL).
 - (3) NCAA strategic plan. [Supplement No. 10d]

- (4) Sexual violence prevention.
 - (5) Committee to Promote Cultural Diversity & Equity Report. [Supplement No. 10e]
 - (6) Governmental Relations report. [Supplement No. 10f]
 - b. Sports Science Institute updates and timeline. [Supplement No. 11a] (Brian Hainline)
 - (1) COVID-19.
 - (2) Arrington concussion settlement. [Supplement No. 11b]
 - (3) Guidance: Medical Care and Coverage for Student-Athletes at Away Events [Supplement No. 11c]
 - (4) Football Concussion Data Task Force meeting.
 - (5) Concussion Safety Task Force meeting.
 - c. Litigation update. (Jess Kerr)
8. Presidents Council Nominations Subcommittee Report. [Supplement No. 12] (Teresa Amott)
9. Future meetings. (Murden McClure)
- a. August 4-5 – Schedule to be determined.
 - b. October 27-28 – Schedule to be determined.
 - c. January 13-16, 2021 NCAA Convention, Washington, D.C.
 - January 14 – 9:15 to 11:15 a.m.
 - d. April 27-28, 2021 – Indianapolis, Indiana.
 - April 27 – 6 to 9 p.m. – Presidents Council dinner/meeting.
 - April 28 – 7:30 to 9 a.m. – Joint presidential meeting with Divisions I and II.
 - April 28 – 9 a.m. to 12:30 p.m. – Division III Presidents Council meeting.
 - e. August 3-4, 2021 – Indianapolis, Indiana.
 - August 3 – 6 to 9 p.m. – President/Chancellor Advisory Group meeting.
 - August 4 – 7:30 to 9 a.m. – Joint presidential meeting with Divisions I and II.
 - August 4 – 9 a.m. to 12:30 p.m. – Division III Presidents Council meeting.
10. Other Business. (Murden McClure)
11. Adjournment.

@ *Denotes key action items.*

* *Denotes key discussion topics.*

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Amott, Teresa [January 2022]

- BOG Commission to Combat Campus Sexual Violence
- Nominations Subcommittee

Cevallos, Javier [January 2021]

- Diversity and Inclusion Working Group

Conway-Turner, Katherine [January 2021]

- Nominations Subcommittee

Cooper, Mary Beth [January 2023]

- PC/MC Joint Legislative Steering Committee
- DIII Oversight Group on NIL - **NEW**

Dunsworth, Richard [January 2023]

- Infractions Appeals - **NEW**

Franks, Tiffany [January 2022]

- Strategic Planning and Finance **NEW**

Gilmour, Davie Jane [January 2023]

- Convention Planning Subcommittee **NEW**

Hammond, Troy [January 2023]

- PC/MC Joint Legislative Steering Committee - **NEW**

Lindgren, Robert [January 2023]

- Strategic Planning and Finance Committee

Mankey, Richanne [January 2024]

- Convention-Planning Subcommittee **NEW**

Miller, Fayneese, vice chair [January 2022]

- BOG Committee to Promote Cultural Diversity and Equity
- Administrative Committee **NEW**
- Board of Governors **NEW**
- BOG Executive Committee **NEW**
- Strategic Planning and Finance Committee, chair **NEW**
- BOG Finance and Audit **NEW**

Murden McClure, Tori, chair [January 2021]

- Administrative Committee
- Board of Governors
- Board of Governors Executive Committee **NEW**
- DIII Oversight Group on NIL **NEW**
- BOG Student-Athlete Engagement Committee **NEW**

Murray, Kathleen [January 2019]

- Nominations Subcommittee
- LGBTQ Working Group

Paino, Troy [January 2022]

- Convention Planning Subcommittee **NEW**

Sanchez, Frank [January 2024]

- Nominations Subcommittee **NEW**

Schmidt, James [January 2024]

- Nominations Subcommittee **NEW**

Trachte, Kent [January 2022]

- Strategic Planning and Finance Committee

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

| | | | | | |
|---|---|--|---|---|---|
| Proportion: appropriate relation of academics with opportunities to pursue athletics & other passions. | Comprehensive Learning: opportunity for broad-based education and success. | Passion: playing for the love of the game, competition, fun and self-improvement. | Responsibility: development of accountability through personal commitment and choices. | Sportsmanship: fair and respectful conduct toward all participants and supporters. | Citizenship: dedication to developing responsible leaders and citizens in our communities. |
|---|---|--|---|---|---|

| | | | | | | |
|-----------------------|---------|----------|--------|-----------|-----------|-----------|
| NCAA Brand Attributes | Balance | Learning | Spirit | Character | Fair Play | Community |
|-----------------------|---------|----------|--------|-----------|-----------|-----------|

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">- Continue to compete in a highly competitive athletics program and retain the full spectrum of college life.- Focus on academic achievement while graduating with a comprehensive education that builds skills beyond the classroom.- Access financial aid for college without the obligations of an athletics scholarship.- Opportunities to play more than one sport.- Be responsible for your own path, discover potential through opportunities to pursue many interests. | <ul style="list-style-type: none">- 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.- 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.- 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. | <ul style="list-style-type: none">- Division III institutions develop student-athlete potential through a comprehensive educational approach.- Division III institutions offer athletics for the educational value and benefit to the student-athlete, not for the purposes of revenue generation or entertainment.- 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.- Student-athletes compete in a highly competitive athletics program and retain the full spectrum of college life.- Student-athletes do not receive monetary incentive to play sports but rather participate for the love of the game. |
|--|---|--|

Reasons to Believe

Supporting features of DIII

- 1. Comprehensive educational experience.** 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.
- 2. Integrated campus environment.** 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:
 - Student-athletes are subject to admission and academic performance standards consistent with the general student body;
 - Student-athletes are not provided any special housing, services or support from their institution different from other students or student groups;
 - Athletics departments are regulated and managed through the same general procedures and practices as other departments of the institution.This integration of athletics allows the student-athletes to take full advantage of the many opportunities of campus life and their entire collegiate experience.
- 3. Academic focus.** 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.

- 4. Available financial aid.** 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.
 - 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.
- 5. Competitive athletics programs.** 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.
- 6. National championship opportunities.** 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.
- 7. Commitment to athletics participation.** 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.





NCAA DIVISION III
PRESIDENTS AND MANAGEMENT COUNCILS
SUMMARY OF WINTER 2020
QUARTERLY MEETINGS

KEY ACTION/DISCUSSION ITEMS:

Championships Committee – Proposal No. R-2020-12 - Resolution.....Page Nos. 5 - 6

Proposal No. 2020-5-1 – Permissible Expenses Provided for Practice and Competition – Golf Exception
.....Page No. 12

NC-2021-4 – NCAA Membership – Active Membership – Conditions and Obligations of Membership –
Concussion Reporting.....Page No. 13

Division III Oversight Working Group on Name, Image and Likeness (NIL)Page Nos. 15-16

GOALS Study.....Page No. 17

| Division III Management Council January 22, 2020 Anaheim, California | Division III Presidents Council January 23, 2020 Anaheim, California | Division III Management Council January 25, 2020 Anaheim, California |
|---|--|---|
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1. WELCOME AND ANNOUNCEMENTS.

January 22 Management Council. The meeting was called to order at 8:01 a.m. by the chair, Stevie Baker-Watson. Baker-Watson welcomed the Council and reviewed the agenda.

Presidents Council. The meeting was called to order at 9:17 a.m. by the chair, President Sue Henderson. The chair welcomed existing Council members, incoming 2020 members Davie Jane Gilmour, Frank Sanchez and James Schmidt, and outlined the agenda.

January 25 Management Council. The meeting was called to order at 12:01 p.m. by the chair Heather Benning. The chair welcomed new Council members Cheryl Aaron, Matt Hill, Cat Lanigan, Michelle Walsh and Presidents Council chair Tori Murden-McClure.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meetings – October 21-22, 2019.

January 22 Management Council. The Management Council approved the summary of its October 21-22, 2019, meetings as presented.

Presidents Council. No action necessary.

b. Presidents Council Meeting – October 29-30, 2019.

January 22 Management Council. No action necessary.

Presidents Council. The Presidents Council approved the summary of its October 29-30, 2019, meetings as presented.

c. Administrative Committee Actions.

January 22 Management Council. The Management Council ratified the minutes of the November 6, November 7, and November 12, 2019, Administrative Committee actions.

Presidents Council. The Presidents Council ratified the minutes of the November 6, November 7, and November 12, 2019, Administrative Committee actions.

3. COMMITTEE RECOMMENDATIONS AFFECTING DIVISION III.

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

(1) Convention-Planning Subcommittee.

Staff Liaisons:
Brown, McCleary,
Spungen

Council Reps:
Baker-Watson,
Franks, McGuinness,
Mazza, Pepper,
Mooney, Schram

• 2020 NCAA Convention.

January 22 Management Council. The Council reviewed the following Convention documents:

- Division III delegates schedule.
- Division III-specific discussion checklist.
- Division III Issues Forum agenda.
- Division III Business Session agenda.

The Council noted the format for the Issues Forum would include round table discussion and feedback on the recommendations of the Board of Governors' Federal and State Working Group (Name, Image and Likeness).

Presidents Council. No action was necessary.

(2) Strategic-Planning and Finance Committee (SPFC).

(a) Division III Conference Grant Program.

January 22 Management Council. The Council noted the following: 1) Two conferences reported grant use not in alignment with the Strategic Conference Grant Program policies and procedures; (2) Three conferences were selected for a Level II assessment, per policy; and (3) the Conference Grant Impact Form due date was extended from July 15 to August 1.

Presidents Council. No action was necessary.

(b) Division III Strategic Plan Review.

January 22 Management Council. The Council noted that once the Association releases its updated Strategic Plan, which is slated for early May, a subcommittee of the Division III Strategic Planning and Finance Committee (SPFC) will conduct a review of the Division III Strategic Positioning Platform.

Presidents Council. No action was necessary.

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

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

(c) **Budget.**

January 22 Management Council. The Council reviewed the preliminary budget-to-actual for 2019-20 noting the committee approved a reallocation of \$112K to a miscellaneous account due to prior denial of two Division III staff requests (a new FTE and a reclassification). The Council also reviewed budget projections through 2023-24, noting the spending down of cash reserves beyond the minimum reserve policy, while maintaining the 75%/25% ratio of championships to non-championships spending through 2024.

The Council requested future data that would show the current year's budget compared to the prior year.

Presidents Council. No action was necessary.

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

January 22 Management Council. The subcommittee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

b. **Management Council Subcommittees.**

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

January 22 Management Council. The subcommittee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

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

January 22 Management Council. The subcommittee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

c. **Division III Committees.**

(1) **Championships Committee.**

January 22 Management Council. The Council heard the committee report and took no position on Proposal No. R-2020-12, the resolution regarding softball and baseball national championship timing. The resolution would encourage the Division III Softball and Baseball Committees to collaborate on a plan with the Division III Championships Committee to address concerns related to the compression of the seasons due to weather issues resulting in increased

Staff Liaisons:
Dutcher,
McCleary, Myers

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

Staff Liaisons:
Purcell, Berg

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

Staff Liaisons:
Alford, Suscha,
Romash

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

Staff Liaison:
Peterson-Mylin-
ski, Suscha

Council Reps:
Baker-Watson,
Bankston, Fein

missed games and class time. The resolution targets possible strategic implementation no later than the Spring 2023 season. The Council agreed that a plan also should account for additional factors such as budgetary impact. The Council also agreed to note during the Division III Business Session that relevant governance committees are already in the process of considering changes to championship timing in these sports.

Presidents Council. No action was necessary.

(2) Committee on Infractions.

January 22 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(3) Financial Aid Committee.

January 22 Management Council. The Council received an update on the committee's recent analysis of the graduate/post-graduate transfer student-athlete cohort. It also heard the committee's response to concerns with the recent changes by the National Association for College Admission Counseling (NACAC) to its code of ethics. Staff, at the direction of the committee, will send a letter to all Division III institutions highlighting the recent NACAC changes and the continuing need for compliance with Bylaw 15 (Financial Aid).

The Council received the Financial Aid Committee's report that identified 30 Level I Reviews this fall, 27 fewer than last year. The committee took the following actions: (1) Voted to take no action on 13 cases; and (2) Voted to forward 17 Level I cases to a Level II review, 15 fewer than last year.

Presidents Council. No action was necessary.

(4) Infractions Appeals Committee.

January 22 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

(5) Interpretations and Legislative Committee (ILC).

January 22 Management Council. The Council denied two interpretative appeals. The first was an appeal of an interpretation regarding whether an institution may award funds from donor endowments that support the financial aid budget if the endowments reference some aspect of athletes,

Staff Liaisons:
Cooper,
Elworth, Kleppel

Council Rep:
Feyerherm

Staff Liaisons:
Hartung, Alford

Council Rep:
Schram

Staff Liaison:
Walters

Council Rep:
Fritz, Roy

Staff Liaisons:
Myers, Purcell,
Regan

Council Rep:
Morgan

but the assignment of endowments to specific students does not occur until months after such student-specific financial aid awards are made. The Council directed the Financial Aid Committee to review the continued relevance of the existing legislation and subsequent interpretations. Further, it recommended continued membership education on this topic. The second appeal related to an interpretation regarding the legislative requirements for continuity of conference composition to fulfill the two-year waiting period to earn championships automatic qualification.

Presidents Council. No action was necessary.

Staff Liaisons:
Alford, Berg,
Hartung

Council Rep:
Mooney

(6) Membership Committee

January 22 Management Council. The committee reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:
Roe

Council Rep:
Mazza

(7) Nominating Committee.

January 22 Management Council. The Council approved the following governance committee appointments to the Division III Student-Athlete Advisory Committee (SAAC), effective at the close of the 2020 NCAA Convention: (1) Mercy Ogutu, Trinity Washington University, Independents; and (2) Janne Brown, Aurora University, Northern Athletics Collegiate Conference.

Presidents Council. No action was necessary.

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

January 22 Management Council. The committee highlighted two key initiatives:

- Mental Health. SAAC will announce its spring mental health social media campaign, scheduled for the first week of May, during the Division III Business Session. The campaign centers around #BreakTheStigma. A video will be shown at the Business Session emphasizing the committee's commitment and providing a visual example of breaking the stigma.
- Sustainability. The committee has made a strong commitment to help athletics departments and student-athletes focus on sustainability this year. The Division III Convention gift (i.e., a metal straw and cup) supports this effort. A resource document regarding this important pillar is nearing completion, which will provide data showing the cost-saving measures and important environmental impact made by implementing sustainable practices.

Staff Liaisons:
Barnhart, Berg,
Malin, Spungen

Council Reps:
Kastner, Pepper,
Bryant, Udelhofen

In November, the committee elected its new officers – Braly Keller, Nebraska Wesleyan University, will be chair and Annabelle Feist, Williams College, will be the vice-chair. The new Management Council liaison is Catherine “Cat” Lanigan, Juniata College. Colby Pepper, Covenant College, is a returning Council member.

Presidents Council. No action was necessary.

Staff Liaisons:

**Grace,
Romash**

**Council Rep:
Benning**

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

(a) Application of Withholding Conditions for Season-of-Participation Waivers – Participation While Eligible, Hardship Waivers and Hardship Waiver Appeals.

January 22 Management Council. The Council noted 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.

Presidents Council. No action was necessary.

(b) Documentation Standards for Waivers Involving Financial Hardship or Other Hardship Unrelated to Injury or Illness.

January 22 Management Council. The Council noted 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 impact 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.

Presidents Council. No action was necessary.

(c) **Practice or Competition During Final Semester of Enrollment While Enrolled Less Than Full Time.**

January 22 Management Council. The Council noted 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 on a case-by-case basis.

Presidents Council. No action was necessary.

d. **Association-Wide and Common Committees.**

Staff Liaisons:
Parsons

Council Rep:
Baker-Watson

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

• **Concussion Reporting Obligation.**

January 22 Management Council. [See Page No. 13, Item No. 5e]

Presidents Council. No action was necessary.

Staff Liaisons:
Brownlee,
Roxbury, Ziegler

Council Rep:
Morgan

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

January 23 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:
Fasbender,
Gentry, Wilson

Council Rep:
Udelhofen

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

January 22 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:
Roe

Council Rep:
Brown

(4) **Honors Committee.**

January 22 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:
Abdur-Rashid,
Blair, Crawford,

Council Rep:
Bryant

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

- **Athletics Diversity and Inclusion Designation (ADID) Legislative Proposal Updates and Discussion.**

January 22 Management Council. Staff provided an overview and update on the progress of the ADID proposal. 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 include producing resources similar to the athletics healthcare designation. The committee also discussed the possibility of a training video with FAQs regarding the designation and an online one-page resource document.

Presidents Council. No action was necessary.

Staff Liaisons:
Abdur-Rashid,
Blair, Crawford,
Fasbender,
Gentry, Wilson

Council Rep:
Bryant,
Udelhofen

(6) **Joint Committee on Women's Athletics/Minority Opportunities and Interests Committee.**

January 22 Management Council. The Council reviewed the committee's joint report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:
Smith, Suscha,

Council Rep:
Walsh

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

January 22 Management Council. The Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaisons:
Calandro,
Halpin

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

January 22 Management Council. The Council received an update on the current officiating issues in Division III as well as the NCAA's role and current and potential initiatives to address those issues. The Division III Commissioners Association hired a contractor (Pictor Group) to study the issue and propose solutions to close the officiating gaps. The NCAA has also contracted the Pictor Group to oversee an Association-wide review. Officiating study results are slated for a June 2020 release. The NCAA has established an Officiating Review Steering Committee that includes representatives from all three divisions. The review is comprehensive and ambitiously includes 25 men's and women's NCAA sports. The role of the steering committee will be to help guide the information and data gathering process, assist with outreach to membership as well as the officiating communities, and to advise during the data analysis, report preparation and final recommendations.

Presidents Council. No action was necessary.

Staff Liaison:
Thomas

Council Rep:
Brown

(9) Postgraduate Scholarship Committee.

January 22 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:
Bell

Council Rep:
Millerick

(10) Research Committee.

January 22 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

Staff Liaison:
Thomas

Council Rep:
Walsh

(11) Walter Byers Scholarship Committee.

January 22 Management Council. The committee had no formal report. No action was necessary.

Presidents Council. No action was necessary.

4. 2020 NCAA CONVENTION LEGISLATION.

a. Review of 2020 NCAA Convention Notice and Program.

Staff Liaisons:
Meyers, Regan

Council Rep:
Morgan

January 22 Management Council. The Council reviewed the Convention Notice and Program. No action was necessary.

Presidents Council. No action was necessary.

b. Legislative Proposal Question and Answer Guide.

January 22 Management Council. The Council reviewed the Legislative Q & A document. No action was necessary.

Presidents Council. No action was necessary.

c. Review of Parliamentary and Voting Issues.

January 22 Management Council. The Council approved the 2020 NCAA Convention Mootnicity and related parliamentary issues document.

Presidents Council. The Presidents Council approved the parliamentary and voting issues document.

d. Proposal No. 2020-5-1. Permissible Expenses Provided for Practice and Competition – Golf Exception.

January 22 Management Council. The Council supported Proposal No. 2020-5-1, the amendment to Proposal No. 2020-5, that would limit institutions to only provide practice expenses in the sport of golf during an official vacation period regardless of location.

The cosponsors have reconsidered the original proposal, which also included swimming and diving, since those student-athletes are able to prepare adequately with indoor training in contrast to the opportunities available for golf student-athletes.

Presidents Council. The Presidents Council approved the Management Council's recommendation to support Proposal No. 2020-5-1, the amendment to Proposal No. 2020-5.

e. Review of Position Papers and Speaker Assignments.

January 22 Management Council. The Council reviewed the position papers and speaker assignments.

Presidents Council. The Presidents Council reviewed the position papers and speaker assignments, noting the six proposals in the Presidential Grouping.

f. Proposal No. R-2020-12: Resolution – Softball/Baseball National Championship Tournament Timing.

January 22 Management Council. The Council took no position on the resolution. [See Page Nos. 5-6 c (1)]

Presidents Council. No action was necessary.

5. 2021 NCAA CONVENTION LEGISLATION.

a. ADM-2021-1 – Executive Regulations – Administration of NCAA Championships – Restricted Advertising and Sponsorship Activities.

January 22 Management Council. The Council approved, in legislative format, a proposal to move the restrictions on advertising and sponsorship activities in conjunction with NCAA championships from legislation to NCAA policy.

Presidents Council. No action was necessary.

b. NC-2021-1 – Eligibility – Transfer Regulations – Two-Year College Transfers – Exceptions – Satisfying Exception.

January 22 Management Council. The Council approved, in legislative format, a proposal 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.

Presidents Council. No action was necessary.

c. NC-2021-2 – Various Bylaws – United States Olympic and Paralympics Committee Name Change.

January 22 Management Council. The Council approved, in legislative format, a proposal 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.

Presidents Council. No action was necessary.

d. NC-2021-3 – Ethical Conduct – Sports Wagering Activities – Suspension by a Non-NCAA Sports Governing Body.

January 22 Management Council. The Council approved, in concept and legislative format, a proposal 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.

This provision is similar to current legislation that precludes a student-athlete from participation in intercollegiate competition if they are under a drug related suspension for a non-NCAA athletics organization.

Presidents Council. No action was necessary.

e. NC-2021-4 – NCAA Membership – Active Membership – Conditions and Obligations of Membership – Concussion Reporting.

January 22 Management Council. The Council, approved, in legislative format, a proposal to specify that an active member institution shall report all instances of diagnosed sport-related student-athlete concussions and the concussion 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.

This proposal has an immediate effective date for the NCAA's establishment of a reporting process and system, and policies and procedures. Institutions are required to report sport-related concussions, and concussion resolutions diagnosed May 18, 2020, and thereafter. Timing of reporting will be determined by CSMAS.

Presidents Council. No action was necessary.

6. DIVISION III INITIATIVES AND UPDATES.

a. Diversity and Inclusion Working Group.

• **Division III Diversity Fast Facts.**

January 22 Management Council. Staff provided an update on the latest Division III diversity trends. In the last five years, the percent of Division III student-athletes of color has risen from 22% to 26%. However, the student-athlete population is not nearly as racially diverse as the general undergraduate student body. In 2019, women held a slight majority of the associate athletics director positions at 51%, up three percentage points from 2014. People of color continue to hold fewer than one in ten of administrative positions. However, in 2019 people of color made up 16% of the new athletics directors, which was an increase from 10% of new hires five years ago.

The Council discussed the division's various programs to enhance diversity, including the Student Immersion Program, which provides funding for ethnic minority students with a strong interest in a career in Division III coaching and/or athletics administration to attend the NCAA Convention. This is the fifth year of the program, which has involved approximately 200 students.

Presidents Council. No action was necessary.

b. Faculty Athletics Representatives (FAR) Advisory Group.

January 22 Management Council. The advisory group reviewed Convention Proposal No. 2020-6 and took no position. It noted that this proposal is permissive legislation and questioned the necessity of team-specific leadership training in lieu of department-wide training.

The group continues to evaluate the best means of communication between the advisory group and FAR membership. The common communication channel is for the FAR serving as liaison for a conference to communicate directly with the chair of the advisory group concerning issues. The group will discuss ways to better formulate these lines of communication.

Presidents Council. No action was necessary.

c. LGBTQ Working Group.

January 22 Management Council. In February, the LGBTQ working group will launch the inaugural LGBTQ OneTeam recognition award program. The nomination process will be available on NCAA Program Hub from February 1 until June 1. The inaugural recipients will include an LGBTQ student-athlete, an LGBTQ coach or athletics administrator and an institution or conference that excels in promoting LGBTQ inclusion. The recipients will be announced at the 2021 NCAA Convention.

Presidents Council. No action was necessary.

d. Technology Users Group.

January 23 Management Council. The Council received an update from the users group regarding: (1) Genius Sports – free until 2021, then fee will be capped at \$150 per sport/per year, similar to Stat Crew; and (2) A concept to add an email tile to My Apps. This concept was to help create a repository of NCAA emails. The Council noted the addition of an email tile was not good use of time and resources.

Presidents Council. No action was necessary.

e. Division III Identity Initiative.

January 23 Management Council. The Council received a status report on the Division III Identity Initiative, including an update on the purchasing website, Division III/D3SIDA Recognition Award, social media, Special Olympics, website content and Division III Week slated for April 13-19, 2020.

Presidents Council. No action was necessary.

g. FAR Fellows Institute.

January 22 Management Council. The Council noted 25 faculty athletics representatives (FARs) participated in the ninth offering of the FAR Fellows Institute October 18-20 at the national office in Indianapolis. 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 once 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.

Presidents Council. No action was necessary.

h. Division III Oversight Working Group on Name, Image and Likeness (NIL).

January 22 Management Council. In late October, the NCAA Board of Governors voted unanimously to permit student-athletes the opportunity to benefit from the use of their name, image and likeness in a manner consistent within the collegiate model. With the board's directive to each division to consider modifying and modernizing relevant bylaws and policies consistent with the Association's values and principles, the Council discussed the topic and next steps for Division III.

According to the Board of Governors, changes must be based on the following principles:

- Payment to student-athletes for use of their name, image or likeness should not be for athletics 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.

- Student-athletes should be able to use their name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

Current specific exceptions allowing use of Division III student-athletes' name, image and likeness include institutional, charitable, educational and nonprofit; modeling and other nonathletically-related promotional activity; media activities; and a student-athlete's own businesses.

In November, staff held two educational webinars. In December, Division III established an Oversight Group to oversee the consideration of the NIL concepts within the Division III governance structure. It will ensure that all recommendations are forwarded to relevant Division III committees and establish the timetable for committee review and response.

During the Issues Forum, the delegates will receive background information, state and federal legislative updates, current Division III NIL legislative and interpretative standards and proposed models to modify Division III legislation. Crowdfunding, testimonials, brand ambassadors and private lessons will be identified as areas to consider when assessing potential rule changes.

The Council understands that it will receive relevant governance committee feedback at its April meeting and additional membership feedback during the spring and early summer, in time for the Presidents Council to sponsor legislation no later than January 2021.

Presidents Council. No action was necessary.

i. Feedback from Conference Meetings.

January 22 Management Council. The Council reviewed reports from conference meetings. No action was necessary.

Presidents Council. No action was necessary.

7. ASSOCIATION WIDE UPDATES AND ISSUES.

a. Board of Governors Update.

January 22 Management Council and Presidents Council. The Councils received an update on Board of Governors initiatives including: (1) Name, Image and Likeness; (2) Student-Athlete Engagement Committee; and (3) Government Relations Report.

b. Sport Science Institute (SSI) Updates.

January 22 Management Council and Presidents Council. Dr. Hainline provided an update on the SSI's strategic priorities timeline. Key updates included the following:

- The Arrington settlement was finalized in late November. The settlement agreement provides NCAA member institutions with an opportunity for a release from certain legal claims. To benefit from the release, member institutions must: (1) Certify, one-time, in writing to a court identified representative that they have put

in place a concussion management plan; (2) Conduct annual baseline testing of all student-athletes; and (3) Ensure that all return to play is approved by a team physician.

- The Council also approved noncontroversial legislation to specify that an active member institution shall report all instances of diagnosed sport-related concussions in student-athletes on an annual basis. CSMAS and SSI will coordinate the reporting process.
- The Concussion Safety Advisory Group will hold its second meeting in February. The group reviews existing and emerging science, best practices and policy in order to recommend changes to the concussion safety protocol checklist. The checklist is the basis of the concussion safety protocol legislation.
- SSI anticipates an April Council report from the internal task force charged to review issues arising from scenarios where the visiting team does not travel with a primary athletics health care provider and legal liabilities for the home athletics trainer.

c. GOALS Study.

January 22 Management Council. NCAA Research staff provided an update on the most recent GOALS Study. The study included more than 20,000 student-athletes and the data is representative. The study looks at pre-college experiences; athletics and academics experiences; time demands; relaxation and socialization and mental wellness.

Some key Division III-specific findings:

- Student-athletes are specializing in sports at an earlier age (average 12 years old) and a quarter believe they may compete professionally.
- Eighty-five percent of women noted academics was a key factor in their college choice.
- An average of 54% noted that what they were told in the recruiting process regarding their role on the team turned out to be accurate.
- On average, student-athletes spend 28 hours per week on athletics and 40 hours per week on academics.
- Student-athletes reported an average of 15 hours per week spent on socialization.
- Two-thirds note finding a balance between academics and athletics.
- Approximately a quarter feel overwhelmed when they enter college. However, 80% believe that their coach cares about their mental health.
- The data show that student-athletes feel their coaches are creating an inclusive culture.

The GOALS data will be released to the membership.

Presidents Council. No action was necessary.

d. Litigation Update.

January 22 Management Council and Presidents Council. The Councils accepted the Litigation Report. No action was necessary.

e. SWA Resource.

January 22 Management Council. The Council reviewed the newest SWA resource that provide tips to overcome division-specific barriers. All Division III delegates will receive this resource at Saturday's Business Session.

Presidents Council. No action was necessary.

8. 2020 CONVENTION LOGISTICS.

- **Programming and Logistics.**

January 25 Management Council. The Council discussed the 2020 NCAA Convention and provided feedback regarding future Convention programming and logistics.

9. OTHER BUSINESS.

- **Acknowledgement of Departing Council Members.**

January 22 Management Council. Stevie Baker-Watson acknowledged departing Council members, Brad Bankston, Samantha "Sammy" Kastner and Kate Roy, thanking them for their service on behalf of the Association. Vice chair Heather Benning thanked Stevie Baker-Watson for her service as chair of the Management Council.

Presidents Council. President Henderson acknowledged departing Council members, Margaret Drugovich, William Fritz and Elsa Nunez, thanking them for their service on behalf of the Association. Vice chair Tori Murden-McClure thanked Sue Henderson for her service as chair of the Presidents Council.

10. ADJOURNMENT.

January 22 Management Council. The Management Council meeting adjourned at 2:15 p.m.

Presidents Council. The Presidents Council meeting adjourned at 11:22 a.m.

January 25 Management Council. The Management Council meeting adjourned at 1:30 p.m.



REPORT OF THE NCAA DIVISION III ADMINISTRATIVE COMMITTEE
JANUARY 23, 2020, ELECTRONIC MAIL

ACTION ITEM.

1. Legislative Item.

- None.

2. Nonlegislative Items.

a. Request to Extend the Terms of Two Members of Division III Infractions Appeals Committee.

- (1) Recommendation. That the Division III Management and Presidents Councils ratify the extension of Infraction Appeals Committee terms for Kate Roy (associate commissioner of North Atlantic Conference) and William Fritz (president, College of Staten Island and chair of the Infractions Appeals Committee).
- (2) Effective Date. Immediate.
- (3) Rationale. The Infractions Appeals Committee has one pending case, which will be decided on the written record. The committee has scheduled its initial deliberation of this case for mid-March 2020, and it is anticipated that the final decisions will be issued in late April or May. With two new committee members beginning their terms in January 2020 without prior infractions appeals experience, the committee feels it would likely create confusion for the parties and disrupt the resolution of the case. In order to maintain continuity and ensure timely resolution of the case, the committee requests the Administration Committee approve the extension of both terms until June 1, 2020.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

b. Request to Extend Term on Division III Committee on Infractions.

- (1) Recommendation. That the Division III Management and Presidents Councils ratify the extension of term for Christopher "Chris" Bledsoe, director of athletics and assistant vice president for student affairs at New York University, on the Committee on Infractions from January 15 to January 31, 2020.
- (2) Effective Date. Immediate.
- (3) Rationale. Currently, the Division III Committee on Infractions is scheduled to release an infractions decision on Tuesday, January 28, 2020. The requested extension will allow Mr. Bledsoe to continue his committee service until the scheduled release date of January 28.

(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*

| |
|---|
| NCAA Division III Administrative Committee |
| January 23, 2020, Electronic Mail |
| Attendees: |
| 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
FEBRUARY 19, 2020, ELECTRONIC MAIL

ACTION ITEM.

1. Legislative Item.

- None.

2. Nonlegislative Items.

a. Governance Committee Appointments.

- (1) Recommendation. That the Division III Management and Presidents Councils ratify the following committee appointments.
 - (a) NCAA Division III Committee on Infractions – Richard Lapidus, president, Fitchburg State University, Massachusetts State Collegiate Athletic Conference (replacing Christopher Bledsoe).
 - (b) NCAA Division III Financial Aid Committee – Kathleen Brown, financial aid director, Saint Mary's College (Indiana), Michigan Intercollegiate Athletic Association (replacing Joyce Farmer due to conference duplication).
 - (c) NCAA Honors Committee – Christopher Davis, vice president, chief security officer, NASCAR, public member; and Anita DeFrantz, president, Tubman Truth Project, public member.
 - (d) NCAA Minority Opportunities and Interests Committee – Marylou Yam, president, Notre Dame of Maryland University, Colonial States Athletic Conference (replacing Bill Tsutsui).
 - (e) NCAA Division III Student-Athlete Advisory Committee – Jack Mulvihill, St. John Fisher College, Empire 8; Connor Lambert, St. Lawrence University, Liberty League; and Devonte Amos, University of Wisconsin-La Crosse, Wisconsin Intercollegiate Athletic Conference.
- (2) Effective Date. Immediate.
- (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: Tori Murden-McClure, Spalding University, St. Louis Intercollegiate 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*

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| NCAA Division III Administrative Committee |
| February 19, 2020, Electronic Mail |
| Attendees: |
| Heather Benning, Midwest Conference. |
| Gerard Bryant, John Jay College of Criminal Justice. |
| Fayneese Miller, Hamline University. |
| Tori Murden McClure, Spalding University. |
| Dennis Shields, University of Wisconsin, Platteville. |



REPORT OF THE NCAA DIVISION III ADMINISTRATIVE COMMITTEE
FEBRUARY 25, 2020, IN-PERSON MEETING

ACTION ITEM

- None.

INFORMATIONAL ITEMS.

- 1. General Discussion.** The meeting, held at Spalding University, convened at 8:14 a.m. The Administrative Committee discussed items of importance to the NCAA and those specific to Division III. Staff informed the committee of its three primary functions: (1) To identify the primary issues of interest to the governance structure during the upcoming year; (2) To act on any emergency issues that arise between Council meetings; and (3) To decide routine issues best acted on between the regular quarterly meetings of the Councils.
- 2. Leadership Expectations.** The committee reviewed the leadership expectations, the Policies and Procedures documents for both Management and the Presidents Councils, upcoming meeting schedule for 2020-2021, and committee responsibilities including the Board of Governors and Council meetings. Leadership asked staff to develop a meeting schedule with dates and times pertinent to their committee assignments.
- 3. Key Association-wide Issues.**
 - a. Board of Governors (BOG).**
 - (1) Name, Image and Likeness (NIL).** The committee reviewed the Executive Summary from the NCAA Convention Division III Issues Forum, an excerpt from the Division III SAAC January report and a summary of the Interpretations and Legislative Committee's February meeting.

Issue Forum feedback indicated: (1) Concept A was the closest to the current model and Division III philosophy; (2) Concept B showed that less than half of the tables were concerned about possible negative outcomes with little to no institutional control; and (3) Concept C did not seem feasible for the average Division III staff, as it would increase institutional monitoring of both student-athlete activities and institutional logo usage.

SAAC feedback indicated a desire for more flexibility consistent with the position that the experience of a student-athlete should be similar to that of a general student.

The Interpretations and Legislative Committee (ILC) reviewed this issue through the framework of the three Association-wide guiding principles, while recognizing that Division III is legislatively more permissive in this area than the other divisions. The committee discussed the opportunities to use NIL and the concerns

around those potential opportunities. The three areas discussed were (1) Crowdfunding; (2) Endorsements; and (3) Student-athlete academic and work product.

The committee endorsed sending a membership communication sharing ILC's preliminary recommendations and comments, pending the prior approval of the Association's legal counsel. In addition, the Division III Oversight Group on NIL has a teleconference scheduled for April 9 and will report out to the Management and Presidents Councils at their April meetings.

- (2) Committee to Promote Cultural Diversity and Equity. Staff updated the committee on the current status of this committee with the departure of Executive Vice President Katrice Albert. Terri Gronau, vice president for Division II Governance, is serving as the interim department head.
 - (3) Sexual Violence Prevention. The 2019-20 attestation form for the NCAA Board of Governors Policy on Campus Sexual Violence will open March 1. The form will be available until May 15 in the assigned NCAA Learning Portal module for membership and on the policy's website. All NCAA member schools must complete and upload the form into the NCAA Learning Portal module by May 15. Schools who are unable to attest their compliance with the policy will not be eligible to host NCAA championships during the next applicable academic year.
- b. Officiating. The committee noted that Division III began a comprehensive study with The PICTOR Group regarding officiating. Division I and II also voiced related issues and concerns. The PICTOR Group is now leading a comprehensive review of the state of officiating for 15 NCAA sports across all three divisions. The goal is to articulate problems and recommend solutions, as well as to improve the officiating pipeline. The Councils will receive an update during their April meetings.
- c. Sport Science Institute Updates.
- (1) Arrington Settlement. The committee noted that the Arrington settlement was finalized in late November. The settlement agreement provides NCAA member institutions with an opportunity for a release from certain legal claims. To benefit from the release, member institutions must: (1) Certify, one-time, in writing to a court identified representative that they have put in place a concussion management plan; (2) Conduct annual baseline testing of all student-athletes; and (3) Ensure that all return to play is approved by a team physician. An updated FAQ was being sent to the membership at the end of the month. Further, Management Council approved noncontroversial legislation requiring Division III institutions to report the number of total concussions to the Sport Science Institute consistent with actions in Divisions I and II.
 - (2) Athletics Training Care Gap. SSI is writing a white paper that examines athletics trainer coverage (ATC) and liability issues with coverage for visiting teams. The white paper will remind the membership of its obligation regarding the provision

of care to teams visiting without an ATC. Staff anticipates SSI forwarding the white paper to the Councils in April for feedback and then to the broader membership.

- d. NCAA Strategic Plan. The committee reviewed the Strategic Plan timeline noting it anticipates completion and endorsement by the Board of Governors at its April meeting. The plan focuses on the following: (1) Overall student-athlete experience; (2) Branding; (3) Diversity and inclusion; (4) Optimizing effective governance and sustainability; and (5) focusing on the Association's future.

4. Key Division III Initiatives for 2020-21.

- a. Transfer Portal. The division continues to monitor how many institutions are using the portal on a voluntary basis. Currently approximately 250 student-athletes are in the portal. Staff doesn't anticipate any legislation making use of the portal mandatory. The committee noted that effective January 2020, Division II approved legislation that all student-athletes wishing to transfer must be entered into the transfer portal similar to Division I.
- b. International Ice Hockey Pilot. The committee noted that it is the second year of the ice hockey pilot, with Division III paying half of the cost. A survey will be sent to participating institutions. Management Council will review the feedback during its April meeting.
- c. Health and Safety Survey. Staff informed the committee that 240 institutions completed the health and safety survey. Management Council will review feedback at its April meeting.

5. Working Group Updates.

- a. Gameday the DIII Way. Staff continues to encourage campuses and conferences to invite a trained facilitator, approximately 150, to provide an in-person training. Staff also is working with championships to incorporate Gameday into the Division III national championships. Action steps include producing a Gameday public service announcement to be read at all championships and requesting Regional Advisory Committee members and sport committee members to watch the on-line training as many serve as on-site game facilitators. In 2020-21, staff anticipates including the Gameday principles in all the championship manuals (e.g., participant, host, operations).
- b. LGBTQ. Staff discussed the inaugural Division III LGBTQ OneTeam Awards. These newly created awards will annually recognize an honoree in three categories: (1) LGBTQ Student-Athlete of the Year; (2) LGBTQ Administrator/Coach/Staff of the Year; and (3) the OneTeam Athletics Department/Conference of the year.

The goal is to recognize, honor and celebrate the service and leadership of LGBTQ individuals; and an athletics department/conference that has demonstrated proactive efforts

to create and sustain an LGBTQ-inclusive culture. The application process for all three awards is available on NCAA Program Hub until June. Award recipients will be recognized at the January 2021 NCAA Convention.

6. **Potential 2021 Division III Legislation.** The Administrative Committee received an update on potential legislation for the 2021 Convention: (1) Giving SAAC one vote per proposal during the Convention Business Session; (2) Donations provided to youth groups; (3) Allow student-athletes to participate when enrolled less than fulltime; (4) NIL; (5) Recruiting legislation specific to official and unofficial visits; and (6) Extending soccer playing and practice seasons. Staff also noted that the baseball and softball committees are looking at the resolution adopted in January. Outcomes may include moving the tournaments back or aligning them. The committees will review and provide feedback to the Championships Committee and ultimately the Councils.
7. **Division III Strategic Planning and Finance.**
 - a. Division III Strategic Plan. The current Division III Strategic Plan details a two-year budget cycle to align with the 2019-2021 budget biennium. The plan outlines year one of the biennium budget cycle.
 - b. Division III Budget.
 - (1) Budget-to-Actual. The committee reviewed the budget-to-actual document noting that as of January 2020, the fall championships and all nonchampionships were currently within budget.

AdCom approved a new format to allow for better conversation that will list the current year first; percentage of budget spent to date; and what was spent to date compared to the prior year.
 - (2) Championships expenses. The committee reviewed the Division III fall championships budget by sport through January 31.
 - (3) Budget projections. The committee reviewed an updated future budget projection through 2023-24 that included all new proposed initiatives. There will be a 11 percent revenue increase in 2024-25. At its March meeting, SPFC will review proposed changes to the mandated reserve policy and the impact on the future forecast.
 - c. Strategic Planning and Finance Committee in-person meeting. The committee reviewed the draft agenda for the March in-person meeting.

8. Other Communication Initiatives.

a. Presidents Council Communication Plan.

- (1) President's Advisory Group (PAG). The committee reviewed the rationale for the establishment of PAG.
- (2) Presidential Quarterly update. The committee noted the current quarterly update is informative.

b. Management Council Communication Plan. Each Management Council member is assigned two to three conferences for the year. Staff provides a sample letter to use when contacting assigned conferences, an updated Governance PowerPoint and an introduction regarding the program and guidelines for attending conference meetings. Council members complete an on-line meeting recap summary form following the meeting. These recaps are then discussed at the next scheduled Management Council meeting.

c. Regular Governance Communication. Regular communications include the Monthly Update, a regular email to Division III commissioners, monthly webinars and occasional updates on the NADIII AA listserv. In addition, the governance scorecard is sent each spring to all current committee members to provide feedback on the committee liaison's performance.

9. Other Business. Heather Benning, a member of the Division III Championships Committee, was asked to check on how the Women's Ice Hockey Championship is scheduled and the timing between the semi-final games and final game.

10. Adjournment. The meeting adjourned at 1:01 p.m.

Committee Chair: Tori Murden-McClure, Spalding University, St. Louis Intercollegiate Athletic Conference

*Staff Liaisons: Dan Dutcher, Division III Governance
Louise McCleary, Division III Governance
Ali Spungen, Division III Governance*

| NCAA Division III Administrative Committee February 25, 2020, Meeting | |
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| Attendees: | |
| Heather Benning, Midwest Conference, participated via web conference. | |
| Gerard Bryant, John Jay College of Criminal Justice. | |
| Fayneese Miller, Hamline University. | |
| Tori Murden McClure, Spalding University. | |
| Dennis Shields, University of Wisconsin, Platteville. | |
| Absentee: | |
| Ali Spungen. | |
| NCAA Staff Support in Attendance: | |
| Dan Dutcher, Debbie Kresge, Louise McCleary and Jeff Myers. | |



**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
MARCH 13, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative items.

- **None.**

2. Nonlegislative items.

a. Sport Sponsorship and Membership Requirements--Spring Sports.

- (1) Recommendation. Approve a blanket waiver of any deficiencies in spring sports sponsorship requirements occurring as a result of actions taken in response to COVID-19. This blanket waiver would not apply to sports sponsorship issues related to fall or winter sports.
- (2) Effective date. Immediately.
- (3) Rationale. Institutions should not incur adverse NCAA membership consequences from taking actions in response to COVID-19. In suspending or cancelling spring sport seasons, many institutions have expressed concern regarding their sport sponsorship obligations. This waiver clarifies that there will not be adverse NCAA membership consequences as a result of suspending or canceling the spring sport season.
- (4) Budget impact. None.
- (5) Student-athlete impact. Potentially, keeps institutions from entering probation or restrictive status and thereby maintaining championships eligibility for its student-athletes.

b. Student-Athlete Seasons of Participation and Eligibility—Spring Sports.

- (1) Recommendation. Approve a blanket waiver for all student-athletes participating in spring sports as follows: (1) Waive the use of a season of participation for all student-athletes in spring sports. If an institution continues or re-starts its season, this relief will still exist; and (2) Waive the use of the spring semester towards their limit of 10 semesters/15 quarters, regardless of whether they used a season.
- (2) Effective date. Immediately.

- (3) Rationale. In reaction to concerns regarding COVID-19, many institutions have either suspended or cancelled their spring sport seasons. Some spring sport student-athletes have already been charged with the use of a season of participation, and many more have been charged with the use of a semester. While the actual participation opportunities for these spring sport student-athletes vary across the division, a full and meaningful participation opportunity is not viable in most situations. Consequently, ensuring that these student-athletes are not charged with a season and semester allows those student-athletes the option to engage in four seasons of participation, if feasible for their circumstances.
- (4) Budget impact. None.
- (5) Student-athlete impact. Spring sport student-athletes will not be charged with the use of a season of participation or a semester, thereby providing them the option to extend their participation opportunities.

c. Playing and Practice Seasons Exceptions and Extra Benefits.

- (1) Recommendation. Approve the allowance of institutions exercising flexibility in the best interest of their student-athletes with respect to playing and practice seasons exceptions and extra benefits through the conclusion of the 2019-20 academic year. The committee directed staff to assist with applying flexibility in these areas on a case-by-case basis, when requested by institutions. Examples include allowing flexibility for playing season adjustments occurring during the Spring 2020 semester and flexibility to assist students with travel, lodging, and meals associated with being displaced due to their campus being closed.
- (2) Effective date. Immediately.
- (3) Rationale. This is a unique and unprecedented situation. This directive provides institutions the discretion to act in the best interest of their student-athletes without worrying about adverse NCAA implications. Institutions may seek assistance from NCAA staff, but institutions may act without the necessity to seek a waiver or clarification from the NCAA.
- (4) Budget impact. None.
- (5) Student-athlete impact. Allows institutions to provide flexibility in assisting student-athletes given the impact of COVID-19.

INFORMATIONAL ITEMS.

1. **Welcome.** The call commenced at 12:02 p.m. Eastern Time. Staff welcomed the committee and detailed the latest actions taken by the NCAA.
2. **COVID-19 Impact on Spring Seasons.** Staff outlined key action steps for the committee to consider to immediately assist the Division III membership with the impact of the NCAA's recent actions due to the coronavirus [See nonlegislative action items].
3. **Membership Correspondence.** Staff shared a draft communication it intended to send to the membership providing key updates and outlining the committee's actions.
4. **Other Business.** Staff provided possible initial budget implications. Division III, similar to the other divisions, may lose 70% of its revenue for 2019-20. The impact could result in a revenue loss of approximately 22 million, leaving a budget of approximately ten million for this fiscal year. The Strategic Planning and Finance Committee will discuss the impact on the division's future forecasting during its March teleconference. Additional details and discussions will occur in April with the Councils.
5. **Adjournment.** The committee adjourned at 12:44 p.m. Eastern time.

Committee Chair: Tori Murden McClure, Spalding University, St. Louis Intercollegiate 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*

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| NCAA Division III Administrative Committee |
| March 13, 2020, Teleconference |
| Attendees: |
| Heather Benning, Midwest Conference. |
| Gerard Bryant, John Jay College of Criminal Justice. |
| Fayneese Miller, Hamline University. |
| Tori Murden McClure, Spalding University. |
| Dennis Shields, University of Wisconsin, Platteville. |
| Staff: |
| Dan Dutcher, Louise McCleary, Jeff Myers and Ali Spungen |
| Absent: |
| Debbie Kresge |



**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
MARCH 26, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- a. Spring Nonchampionship Programs. The committee, on behalf of the Management and Presidents Councils, approved the Strategic Planning and Finance Committee's recommendation to cancel specific remaining spring and summer Division III nonchampionship programs and initiatives this year.

Due to the COVID-19 disruption to campuses and the national office, the significant budget impact caused by the cancellation of winter and spring championships, staff recommends canceling the remaining staff-administered nonchampionship programs for the remainder of this budget year. Programs canceled to date include the SWA Program, Institute for Administrative Advancement and Next Steps. In addition, staff recommends the cancellation of Gameday the DIII Way Ambassador training, DISC programming (30% of budget account line remains), CoSIDA Student Program, Division III Day at CoSIDA and the New AD Orientation Program.

If the NADIII Summer Forum is held in June, Division III would honor its financial support of \$75,000; as well as honor the Women Leaders in College Sports grant of \$30,000. The \$100,000 earmarked for year two of the diversity coaching grants will be dispersed in August.

- b. Conference Strategic Grant – Blanket Waiver. The committee, on behalf of the Management and Presidents Councils, approved a blanket waiver for 2019-20 that provides conferences relief for any unspent funds within each Tier of the conference strategic grant per the policies and procedures due to COVID-19. No warning letters will be issued for failure to meet grant requirements for 2019-20. .

Staff will instruct commissioners that if a conference office has unused funds this year, it may choose to either return the funds to the NCAA or rollover the funds for next year. If a conference decides to rollover the funds, it will follow the current rollover policy per the conference grant policies and procedures.

- c. 2019-20 Approved Conference Strategic Grant Rollover Fund – Blanket Waiver. The committee, on behalf of the Management and Presidents Councils, granted a one-year blanket waiver extension for conferences that received rollover funds for 2019-20. Last year the Strategic Planning and Finance Committee approved a new rollover policy. Due

to the impact of COVID-19, staff recommends that the ten conferences that received rollover funds for 2019-20 be granted a one-year extension until August 1, 2021, to use these rollover funds.

INFORMATIONAL ITEMS.

1. **Welcome.** The call commenced at 11:01 p.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
2. **Management of Compliance Issues.** Staff reviewed a chart that summarizes compliance concerns as a result of COVID-19. Some key issues, to date, include the following:
 - a. Spring Sport Student-Athletes in their 10th Semester in the Spring 2020 (Bylaw 14.2.2). Staff noted that the March 13, 2020 blanket waiver issued by the Administrative Committee only provides one additional semester. A student-athlete would have to seek an extension of participation waiver through the Student-Athlete Reinstatement Committee to participate in two semesters. Current SAR guidelines for extension waivers would allow granting the additional semester.
 - b. Winter Sport Student-Athletes, Seasons of Participation (Bylaw 14.2.4.1). The request for winter student-athletes to receive a season of participation would be addressed on a case by case basis through the SAR waiver process. Current SAR guidelines do not support a waiver in these cases.
 - c. Full-Time Enrollment (Bylaw 14.1.8). The Interpretations and Legislation Committee and the Subcommittee for Legislative Relief will address full-time enrollment concerns through existing regulations and waiver processes.
 - d. Automatic Qualification (Bylaw 31.3.3). The Championships Committee will review this issue on its next teleconference.
 - e. Playing and Practice Seasons: The committee reviewed its earlier directive to apply flexibility with respect to interactions with student-athletes and clarified that this flexibility should extend to the summer period. This increased flexibility should be exercised for the purposes of fostering the well-being of the student-athlete and/or the connectivity between and among student-athletes and their respective institutions.

AMA is developing a related Question and Answer document and the Division III webinar scheduled for April 7 will continue to address the membership's compliance issues and concerns.

3. **Adjournment.** The meeting adjourned at 11:29 a.m. EST.

Committee Chair: Tori Murden McClure, Spalding University
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

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| NCAA Division III Administrative Committee |
| March 26, 2020, Teleconference |
| Attendees: |
| Heather Benning, Midwest Conference. |
| Gerard Bryant, John Jay College of Criminal Justice. |
| Fayneese Miller, Hamline University. |
| Tori Murden McClure, Spalding University. |
| Dennis Shields, University of Wisconsin, Platteville. |
| Staff: |
| Dan Dutcher, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha. |

**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
APRIL 2, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- **None.**

2. Nonlegislative Items.

- a. NCAA Conference Grant Program. The Administrative Committee, on behalf of the Management and Presidents Council, approved the following, effective immediately, with regard to the 2019-20 Conference Grant Program due to the effects of COVID-19:
 - (1) Affirm that any conference grant spending must meet current policies and procedures; expenditures beyond any pre-approved items must have prior approval by the conference grant administrator.
 - (2) Provide one-time flexibility within Tier One (i.e., allow conferences to use unspent funds allocated for one constituent group such as SIDs on any other pre-approved constituent group such as SWAs, FARs, ADRs, etc.).
 - (3) Affirm that Tier One funds must remain in Tier One and cannot be used in another tier as these funds are designed to support professional development for individuals across various constituent groups.
 - (4) Provide one-time flexibility between Tier Two and Tier Three funds (e.g., unspent Tier Two funds may be spent on pre-approved items in Tier Three and vice versa). For instance, if a conference has spent all its Tier Three funds, for this year only, conferences may use Tier Two funds for Tier Three, or vice versa, provided the funds are spent in a manner consistent with grant policies and practices.
- b. Governance Committee Appointments. The Administrative Committee, on behalf of the Management and Presidents Council, approved the recommendation of the following immediate committee appointments:
 - (1) NCAA Division III Financial Aid Committee (immediate vacancy replacing James Schmidt) – Michael Brophy, president, Hilbert College, Allegheny Mountain Collegiate Conference.
 - (2) NCAA Minority Opportunities and Interests Committee (immediate vacancy replacing Marylou Ram's nomination due to conference duplication) – Dwight Watson, chancellor, University of Wisconsin – Whitewater, Wisconsin Intercollegiate Athletic Conference.
 - (3) NCAA Walter Byers Scholarship Committee (former recipient vacancy) Natalie Knowles, researcher.

INFORMATIONAL ITEMS.

1. **Welcome.** The call commenced at 11:09 p.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
2. **AMA Question and Answer Resource.** AMA is releasing a Q&A document later today to assist member institutions in navigating NCAA compliance issues. Additionally, this document will be updated as new questions arise or additional compliance-related actions taken by the governance structure.

Currently the Administrative Committee has taken the following actions:

- Issued a blanket waiver providing relief to all Division III member institutions from failing to satisfy sports sponsorship requirements due to actions taken in response to COVID-19.
- Issued a blanket waiver for all spring sport student-athletes that participation would not result in the use of a season for the 2019-20 academic year nor would the 2020 spring semester count towards their overall semester limits.
- Directed that institutions be provided flexibility as may be necessary to support the best interest of their student-athletes with respect to reasonable extra benefits that may be offered under Bylaw 16 to address unforeseen needs of the student-athletes, including those related to equipment, travel, academic and other support services arising or resulting from the impact of COVID-19.
- Directed that institutions be provided flexibility as may be necessary to support the best interest of their student-athletes with respect to the type, frequency and timing of athletically related and other activities that occur under Bylaw 17 through the end of the academic year. On March 26, the Administrative Committee clarified this directive and stated that at this time and in all sports (regardless of season), this flexibility is extended into the summer period.
- The biggest concerns currently are student-athlete well-being, including mental and physical health and the ability to maintain strong connections between and among student-athletes and their respective institutions. As such, reasonable activities under Bylaws 16 and 17 that are designed to improve connectivity and help student-athletes in these areas should be permitted; provided the activities otherwise comply with applicable laws, institutional requirements and other school obligations under NCAA policies and legislation, including those related to health and safety.

The committee also discussed a recent waiver received by the Student-Athlete Reinstatement Committee from an institution's seven wrestling student-athletes seeking to regain their seasons of eligibility. This is the first waiver received for the winter season and unfortunately doesn't meet review criteria for approval.

3. **Division III Governance Operations Budget.** The NCAA national office is undertaking a comprehensive budget review focusing on the next 18 to 24 months to determine a more financially efficient way to conduct business. Recommendations are being made to change the current governance meeting process by reducing the number of in-person meetings per year and conducting more virtual meetings. Staff also is reducing its travel budget.
4. **Name, Image and Likeness.** Staff provided an update on the webinar held Wednesday, April 1. Over 375 from the membership joined as staff highlighted proposed concepts from the Interpretations and Legislative Committee and SAAC meetings. The NCAA Washington D.C. staff also provided updates regarding the state and federal legislative landscapes. A link to the PowerPoint was included in the April Monthly Update.
5. **Management and Presidents Council April Meeting Format.** Staff, with endorsement from Council leadership, informed the Administrative Committee, that both the Management and Presidents Council meetings will be held via Microsoft Teams. An email explaining how Microsoft Teams works will be sent to Management Council next week, along with a meeting maker to join. The Management Council's schedule will be Monday, April 20, 9 a.m. to noon and 1 to 4 p.m.; Tuesday, April 21, 9 a.m. to noon. The Presidents Council schedule will be Wednesday, April 29 from 10 a.m. to 1 p.m. At this time, staff is unsure if there will be a virtual presidential breakfast.
6. **Other Business.** Staff informed the committee that there will be a webinar on COVID-19 impacts on Tuesday, April 7 from 1:30 to 2:30 p.m. Currently there are over 400 participants expected.
7. **Adjournment.** The meeting adjourned at 11:55 a.m.

Committee Chair: Tori Murden McClure, Spalding University
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

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| NCAA Division III Administrative Committee |
| April 2, 2020, Teleconference |
| Attendees: |
| Heather Benning, Midwest Conference. |
| Gerard Bryant, John Jay College of Criminal Justice. |
| Dennis Shields, University of Wisconsin, Platteville. |
| Not on Call: |
| Fayneese Miller, Hamline University |
| Tori Murden McClure, Spalding University |
| Staff: |
| Dan Dutcher, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs and Ali Spungen. |



REPORT OF THE NCAA DIVISION III STRATEGIC
PLANNING AND FINANCE COMMITTEE
MARCH 24, 2020, TELECONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative.

a. Spring Nonchampionship Programs.

- (1) Recommendation. Approve the cancelation of specific spring and summer Division III nonchampionship programs and initiatives remaining during the 2019-20 academic year .
- (2) Effective date. Immediately.
- (3) Rationale. Due to the COVID-19 disruption to campuses and the national office, and the significant budget impact caused by the cancelation of winter and spring championships, staff recommends canceling the staff-administered nonchampionship programs remaining for this budget year. Programs canceled to date include the SWA Program, Institute for Administrative Advancement and Next Steps. In addition, staff recommends the cancelation of Gameday the DIII Way Ambassador training, DISC programming, CoSIDA Student Program, Division III Day at CoSIDA and the New AD Orientation Program.

If the NADIII Summer Forum is held in June, Division III would honor its financial support of \$75,000, as well as honor the Women Leaders in College Sports grant of \$30,000. The \$100,000 earmarked for year two of the diversity coaching grants will be dispersed in August.

- (4) Estimated budget impact. Savings of \$350,000.
- (5) Estimated student-athlete impact. None.

b. Conference Strategic Grant – Blanket Waiver.

- (1) Recommendation. Approve a blanket waiver for 2019-20 that provides conferences relief for any unspent funds within each tier of the conference strategic grant per the policies and procedures due to COVID-19. No warning letters will be issued for failure to meet grant requirements for 2019-20.
- (2) Effective date. Immediately.

- (3) Rationale. Institutional transitions to e-learning and the cancelation of many professional development programs will directly impact the ability of commissioners to comply with the Conference Strategic Grant spending policies within each tier.

Staff will instruct commissioners that if a conference office has unused funds this year, it may choose to either return the funds to the NCAA or rollover the funds for next year. If a conference decides to rollover the funds, it will follow the current rollover policy per the conference grant policies and procedures.

- (4) Estimated budget impact. None.
- (5) Estimated student-athlete impact. None.

c. 2019-20 Approved Conference Strategic Grant Rollover Fund – Blanket Waiver.

- (1) Recommendation. Grant a one-year blanket waiver extension for conferences that received rollover funds for 2019-20.
- (2) Effective date. Immediate.
- (3) Rationale. Last year the committee approved a new rollover policy. The policy allows conferences to request the rollover of funds and, if approved by the committee's Grant Subcommittee, the funds must be used in the following budget year; unspent rollover funds need to be returned to the NCAA. Due to the impact of COVID-19, staff recommends that the ten conferences that received rollover funds for 2019-20 be granted a one-year extension until August 1, 2021, to use these rollover funds.
- (4) Estimated budget impact. None.
- (5) Estimated student-athlete impact. None.

INFORMATIONAL ITEMS

1. **Welcome.** The chair, President Fayneese Miller, Hamline University, called the teleconference to order at 9 a.m. EST.
2. **Report from the November 14, 2019, Teleconference.** The committee reviewed and approved its report from November 2019.
3. **Division III Strategic Plan.** Staff reviewed the 2019-20 Division III strategic plan that outlines the division's strategic priorities and assigns a dollar figure to each priority. During its June teleconference, the committee will review the outcomes of each priority for this year (e.g., accomplished, on-going, etc.)

4. **Division III Budget.** The committee reviewed the 2019-20 budget-to-actual summary as of February 2020. To date, the division has a surplus of approximately \$700,000 from fall championships, while nonchampionship initiatives are within budget.

The NCAA Chief Financial Officer, Kathleen McNeely, detailed the impact of COVID-19 and the cancellation of the Division I Men's Basketball Championship. All three divisions will experience approximately a 70% revenue loss, which equates to \$22 million in revenue for Division III this year.

To determine the impact of the revenue loss, staff made the following initial assumptions to determine this year's expenses:

- Championships. Expect \$11.8 million in championship expenses.
 - Fall championships - \$7.4 million actual expenses.
 - Winter championships – assume 59% of \$7 million budget for a total of \$3.5 million.
 - Spring championships – assume 10% of \$11.1 million budget for a total of \$978,000.
- Nonchampionships. Anticipate expenses of approximately \$7.1 million.

Overall, expect \$18 million in expenses this year; approximately eight million more than the adjusted revenue. The overage in expenses will be covered by the division's existing surplus above and beyond the mandated reserve.

During its June teleconference, the committee will hear recommendations from the Championships Committee and staff regarding the division's future forecast and proposed budget cuts to meet the division's mandated reserve policy (50% of the annual revenue) through the current CBS/Turner contract (2023-24). Possible championships reductions may come from the division's "supplemental spend" that include the following: (1) Ground transportation – individual and teams – when a team flies to a site and must rent a van or bus for local ground transportation; (2) Guaranteeing no first round conference match-ups (adopted as a two-year pilot, with 2019-20 being year one) and (3) Enhanced travel parties. Staff will explore approximately half a million-dollar reduction in the nonchampionship budget. The proposed reductions would provide a savings of approximately \$2 million annually and allow the division to comply with its mandated reserve policy through the remainder of the current broadcast agreement (2020-24) barring another extraordinary event or a significant increase in travel inflation.

The committee received a verbal update regarding the current mandated reserve policy and its impact on the budget during 2024-25 and beyond. While the division will receive an 11% increase in revenue in 2024-25, the current mandated reserve policy would dictate that the division immediately increase its reserve by approximately two million dollars in 2024 to account for the large revenue increase. Staff has determined that to run automatic qualification-only championships and limited nonchampionship programming for an entire academic year will require approximately \$18-20 million in the reserve. In June, the committee will discuss possible scenarios to adjust the mandated reserve policy.

5. Division III Proposed 2020-21 Initiatives.

- a. Nonchampionships Budget Initiatives. Staff reviewed the approved 2020-21 nonchampionships initiatives that were approved at the start of the 2019-21 two-year budget cycle. The only addition is \$85,000 to support a 360 Membership Engagement Program.

Staff provided an update on the reclassification request of the assistant director of governance communications from three-quarter to full-time. The committee remains supportive of the reclassification; however, it needs to be approved through the national office budget process.

- b. Championships Committee February 2020 Report. The committee tabled a recommendation from the Championships Committee to expand the field hockey bracket by two teams (from 24 to 26) and the men's lacrosse bracket by two teams (from 36 to 38). The approximate cost would be \$110,000. Staff noted that bracket sizes need to be set prior to the new academic year; however due to COVID-19 and the uncertainty of the budget, SPFC would like the Championships Committee to revisit these requests during its next teleconference.
- c. Championships Budget Initiatives. The committee reviewed previously approved 2020-21 championships expenses, noting increases in the following: (1) Committee composition increases due to sport regionalization; (2) Per diem increase to \$100 and increase for hosts of non-predetermined preliminary rounds (3) Reinstate host honorarium for non-predetermined preliminary rounds hosts; (4) Bracket expansion for several championships; and (5) National champion award watch for individual event championships.

- 6. Officiating Update.** The committee received an update on the Association's efforts to review and address issues related to officiating. Staff will send an officiating survey to the membership in the coming weeks. Division III commissioners are committed to continuing their study with the Pictor Group. A draft report will be available in May, with the final report being submitted to commissioners in June.

7. Review Current Division III Programs with a Budget Impact.

- a. 2019 FAR Institute. The committee received an update on the 2019 FAR Institute budget noting the next institute won't occur until 2022-23. The next two years, staff will host the FAR Orientation, which will occur during the FAR fall meeting.
- b. 2020 ADR Institute. Staff shared feedback from the 2020 ADR Institute held in conjunction with the NCAA Convention.
- c. 2020 Student Immersion Program. The fifth Student Immersion Program was held in conjunction with the NCAA Convention. Staff noted the guest speaker session on personal branding was well received and very engaging.

- d. International Ice Hockey Pilot. A survey was sent to institutions and conferences involved with this year's international ice hockey pilot. Currently there is no financial commitment to this pilot moving forward. The Management Council at its upcoming meeting will review the survey results and determine next steps.
 - e. Gameday the DIII Way. The committee reviewed an implementation timeline noting a request for sport committees and regional advisory committees to watch the Gameday training module.
 - f. LGBTQ Recognition Awards. At the direction of the LGBTQ Working Group, staff launched the inaugural Division III LGBTQ OneTeam Awards. These newly created awards will annually recognize an honoree in three categories: (1) LGBTQ Student-Athlete of the Year; (2) LGBTQ Administrator/Coach/Staff of the Year; and (3) the OneTeam Athletics Department/Conference of the Year. The application process for all three awards is available on NCAA Program Hub until June 1 at 5 p.m. (EST).
 - g. 360 Proof – Implementation Workshop. An inaugural 360 Proof Implementation Workshop is scheduled for January 2021 in conjunction with the NASPA Strategies conference. The workshop will prepare implementation teams (a student affairs and athletics administrator) to engage in comprehensive, best practice prevention efforts while strengthening relationships between athletics and student affairs.
 - h. 2020 New Commissioner Orientation. The committee received the feedback from the New Commissioners Orientation held for nine new commissioners.
 - i. 2020 New Athletics Director Orientation. Staff noted the remainder of program is canceled this year due to COVID-19 and related budget issues.
- 8. Association-wide Strategic Plan Update.** The committee noted the Board of Governors is scheduled to review the final draft of the Association-wide strategic plan during its April meeting.
- 9. Strategic Positioning Platform Review.** Staff noted that once the Association-wide strategic plan is finalized, it will create a subcommittee to review and provide updates, as needed, to the Division III Strategic Positioning Platform. Any committee member that would like to be part of this subcommittee should email Dan Dutcher or Louise McCleary.
- 10. Division III Strategic Initiatives Conference Grant Program.**
- a. Update on NCAA Audit Process. Staff updated the committee on annual required audit process. Per the policies, the NCAA internal audit department successfully audited three conferences and noted no issues.
 - b. Conference Grant Review Subcommittee Members. Staff confirmed that Angela Baumann, Mike Vienna and David Ellis will serve on the subcommittee for another year.

- c. Tier One – Policy Regarding Minimum Funds if Returned to NCAA. During its discussion, the committee agreed that for conference offices to avoid a warning letter for unspent Tier I required annual or biannual spend (e.g. SWA, FAR, Ethnic Minority), the conference office would need to return a minimum of \$1,000 to the NCAA. This new policy will be applicable with the submission of the 2020-21 impact form.

11. Hot Topics.

- a. 2020 Legislation Voting Results. Staff reviewed the Division III legislative voting results from the 2020 NCAA Convention.
- b. Name, Image and Likeness (NIL). The committee received an update on NIL, noting a webinar will be held Wednesday, April 1 and a teleconference of the Division III Oversight Working Group will occur Thursday, April 9. The Oversight Working Group plans to review recommendations being sent to the Management and Presidents Councils for their April meetings. The Management and Presidents Councils will review a legislative model for the 2021 NCAA Convention during their summer meetings.
- c. Arrington Concussion Settlement. Staff updated the committee with the latest information from the Arrington concussion settlement: (1) Certify, in writing, to third-party legal representative by May 18 that the institution has a concussion management plan. It is a one-time certification. (2) Beginning with the 2020-21 year, conduct annual baseline testing on all student-athletes. (3) Ensure that all return to play is granted by a team physician and not a designee. (4) In January, the Division III Management Council passed noncontroversial legislation noting that all institutions must report concussions on an annual basis to SSI. Currently SSI is developing the reporting process.
- d. NCAA Board of Governors.
 - Sexual violence prevention. Institutions still must certify on an annual basis that they educate their staff regarding sexual violence prevention.
 - Winter/Spring championships cancellation. The committee reviewed the actions that the Administrative Committee took as a result of COVID-19. Staff noted that the Division III Commissioners Association has established google documents to help manage the questions.

12. Other Business. None.

13. Future Meetings – June 2020 Teleconference. An invitation will be sent to schedule the mid-June teleconference.

14. Adjournment. The teleconference adjourned at 11:44 a.m. EST.

Committee Chair: Fayneese Miller, Hamline University
Staff Liaisons: Mark Aiken, Administrative
Dan Dutcher, Division III Governance
Eric Hartung, Research
Louise McCleary, Division III Governance
Jeff Myers, Academic and Membership Affairs
Ali Spungen, Division III Governance

| |
|---|
| NCAA Division III Strategic Planning and Finance Committee |
| March 24, 2020, teleconference |
| Attendees: |
| Angela Baumann, Massachusetts State Collegiate Athletic Conference. |
| Heather Benning, Midwest Conference. |
| Chuck Brown, Pennsylvania State University Erie, the Behrend College. |
| David Ellis, Becker College. |
| Tiffany Franks, Averett University. |
| Kiki Jacobs, Roger Williams University. |
| Robert Lindgren, Randolph-Macon College. |
| Lori Mazza, Western Connecticut State University. |
| Fayneese Miller, Hamline University, chair. |
| Colby Pepper, Covenant College, SAAC. |
| Dennis Shields, University of Wisconsin, Platteville. |
| Kent Trachte, Lycoming College. |
| Michael Vienna, Emory University. |
| Joseph Walsh, Great Northeast Athletic Conference. |
| Absentees: |
| None. |
| NCAA Staff Support in Attendance: |
| Dan Dutcher, Debbie Kresge, Louise McCleary and Ali Spungen. |
| Other NCAA Staff Members in Attendance: |
| Mark Aiken, Eric Hartung, Anthony Holman, Jeff Myers, Rachel Stern, Liz Suscha and Kiana Verdugo. |



| | FY 2019 - 2020 | | | | FY 2018 - 2019 | | | Actuals as of 3/31 | | Annualized FY20 Actuals | Variance from 3/31/20 |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------|---------------------|----------------------------|-------------------------|-----------------------|
| | Actual | Budget | \$ Variance | % of Budget to Date | Actual | Budget | \$ Variance | FY 2018-19 | \$ Variance 19-20 to 18-19 | | |
| Revenue | | | | | | | | | | | |
| DII/DIII Allocation-Based Revenue | \$9,323,272 | \$10,138,880 | (\$815,608) | 92.0% | \$32,215,323 | \$32,237,370 | (\$22,047) | \$9,830,669 | (\$507,397) | \$10,138,880 | \$815,608 |
| Additional Revenue from Membership Dues Increase | \$530,200 | \$519,000 | \$11,200 | 102.2% | \$519,000 | \$519,000 | \$0 | \$530,200 | \$0 | \$530,200 | \$0 |
| Other Non-DII/DIII Revenue | \$0 | \$0 | \$0 | N/A | \$13,200 | \$0 | \$13,200 | \$0 | \$0 | \$0 | \$0 |
| Revenue Total | \$9,853,472 | \$10,657,880 | (\$804,408) | 92.5% | \$32,747,523 | \$32,756,370 | (\$8,847) | \$10,360,869 | (\$507,397) | \$10,669,080 | \$815,608 |
| Expenses | | | | | | | | | | | |
| Championship Expenses | | | | | | | | | | | |
| Men's Championships | | | | | | | | | | | |
| DIII Men's Baseball | \$14,979 | \$2,514,092 | \$2,499,113 | 0.6% | \$1,824,012 | \$2,332,000 | \$507,988 | \$10,703 | \$4,276 | \$168,006 | \$153,027 |
| DIII Men's Basketball | \$432,578 | \$1,466,966 | \$1,034,388 | 29.5% | \$1,314,931 | \$1,169,000 | (\$145,931) | \$639,369 | (\$206,790) | \$929,469 | \$496,890 |
| DIII Men's Cross Country | \$585,240 | \$614,791 | \$29,551 | 95.2% | \$610,617 | \$592,350 | (\$18,267) | \$606,625 | (\$21,385) | \$585,240 | \$0 |
| DIII Men's Football | \$2,198,787 | \$2,363,405 | \$164,618 | 93.0% | \$1,825,191 | \$2,036,500 | \$211,309 | \$1,812,369 | \$386,418 | \$2,198,787 | \$0 |
| DIII Men's Golf | \$21,152 | \$647,835 | \$626,683 | 3.3% | \$609,675 | \$621,500 | \$11,825 | \$15,969 | \$5,183 | \$80,002 | \$58,850 |
| DIII Men's Ice Hockey | \$13,162 | \$426,293 | \$413,131 | 3.1% | \$377,793 | \$376,000 | (\$1,793) | \$223,484 | (\$210,322) | \$151,000 | \$137,838 |
| DIII Men's Lacrosse | \$2,479 | \$703,701 | \$701,222 | 0.4% | \$633,508 | \$634,000 | \$492 | (\$14,510) | \$16,989 | \$54,655 | \$52,175 |
| DIII Men's Soccer | \$1,223,621 | \$1,341,235 | \$117,614 | 91.2% | \$1,106,540 | \$1,244,400 | \$137,860 | \$1,103,896 | \$119,725 | \$1,223,621 | \$0 |
| DIII Men's Swimming and Diving | \$168,963 | \$665,508 | \$496,545 | 25.4% | \$587,216 | \$629,000 | \$41,784 | \$271,235 | (\$102,272) | \$218,987 | \$50,024 |
| DIII Men's Tennis | \$1,663 | \$726,331 | \$724,668 | 0.2% | \$666,410 | \$698,000 | \$31,590 | (\$143) | \$1,806 | \$69,004 | \$67,340 |
| DIII Men's Track Indoor | \$567,380 | \$860,974 | \$293,594 | 65.9% | \$707,000 | \$836,850 | \$129,850 | \$433,326 | \$134,054 | \$567,380 | \$0 |
| DIII Men's Track Outdoor | \$1,471 | \$946,924 | \$945,453 | 0.2% | \$937,085 | \$921,250 | (\$15,835) | \$2,896 | (\$1,425) | \$83,012 | \$81,541 |
| DIII Men's Volleyball | \$3,039 | \$366,033 | \$362,994 | 0.8% | \$261,586 | \$315,000 | \$53,414 | \$1,909 | \$1,131 | \$31,000 | \$27,961 |
| DIII Men's Wrestling | \$309,844 | \$463,975 | \$154,131 | 66.8% | \$484,780 | \$451,500 | (\$33,280) | \$322,349 | (\$12,504) | \$309,844 | \$0 |
| Total | \$5,544,360 | \$14,108,063 | \$8,563,703 | 39.3% | \$11,946,343 | \$12,857,350 | \$911,007 | \$5,429,475 | \$114,884 | \$6,670,007 | \$1,125,647 |
| Women's Championships | | | | | | | | | | | |
| DIII Women's Basketball | \$516,315 | \$1,313,026 | \$796,711 | 39.3% | \$1,085,210 | \$1,253,000 | \$167,790 | \$398,732 | \$117,583 | \$758,000 | \$241,685 |
| DIII Women's Cross Country | \$559,565 | \$637,162 | \$77,597 | 87.8% | \$623,825 | \$614,150 | (\$9,675) | \$621,561 | (\$61,996) | \$559,565 | \$0 |
| DIII Women's Field Hockey | \$414,886 | \$515,007 | \$100,121 | 80.6% | \$451,497 | \$504,000 | \$52,503 | \$450,746 | (\$35,860) | \$414,886 | \$0 |
| DIII Women's Golf | \$13,202 | \$468,659 | \$455,457 | 2.8% | \$415,327 | \$407,550 | (\$7,777) | \$20,607 | (\$7,405) | \$61,020 | \$47,818 |
| DIII Women's Ice Hockey | \$26,554 | \$321,471 | \$294,917 | 8.3% | \$255,906 | \$314,000 | \$58,094 | \$130,260 | (\$103,706) | \$120,000 | \$93,446 |
| DIII Women's Lacrosse | \$6,196 | \$920,887 | \$914,691 | 0.7% | \$1,002,591 | \$851,000 | (\$151,591) | \$1,590 | \$4,606 | \$88,355 | \$82,159 |
| DIII Women's Rowing | \$1,782 | \$439,372 | \$437,590 | 0.4% | \$354,854 | \$427,000 | \$72,146 | \$598 | \$1,184 | \$47,000 | \$45,218 |
| DIII Women's Soccer | \$1,312,869 | \$1,359,961 | \$47,092 | 96.5% | \$1,250,641 | \$1,327,000 | \$76,359 | \$1,248,065 | \$64,804 | \$1,312,869 | \$0 |
| DIII Women's Softball | \$1,889 | \$1,661,268 | \$1,659,379 | 0.1% | \$1,535,739 | \$1,597,000 | \$61,261 | \$677 | \$1,212 | \$143,019 | \$141,131 |
| DIII Women's Swimming and Diving | \$211,224 | \$693,537 | \$482,313 | 30.5% | \$649,837 | \$695,000 | \$45,163 | \$314,704 | (\$103,480) | \$222,028 | \$10,804 |
| DIII Women's Tennis | \$2,015 | \$759,270 | \$757,255 | 0.3% | \$699,109 | \$740,000 | \$40,891 | \$1,233 | \$782 | \$70,010 | \$67,996 |
| DIII Women's Track Indoor | \$525,678 | \$789,890 | \$264,212 | 66.6% | \$598,514 | \$766,150 | \$167,636 | \$362,026 | \$163,651 | \$525,678 | \$0 |
| DIII Women's Track Outdoor | \$894 | \$972,166 | \$971,272 | 0.1% | \$960,065 | \$945,750 | (\$14,315) | \$2,437 | (\$1,542) | \$85,012 | \$84,118 |
| DIII Women's Volleyball | \$1,072,134 | \$1,185,413 | \$113,279 | 90.4% | \$1,121,305 | \$1,153,500 | \$32,195 | \$1,118,894 | (\$46,760) | \$1,072,134 | \$0 |
| Total | \$4,665,203 | \$12,037,089 | \$7,371,886 | 38.8% | \$11,004,421 | \$11,595,100 | \$590,679 | \$4,672,130 | (\$6,927) | \$5,479,577 | \$814,374 |
| Championship Expenses Total | \$10,209,562 | \$26,145,152 | \$15,935,590 | 39.0% | \$22,950,764 | \$24,452,450 | \$1,501,686 | \$10,101,605 | \$107,957 | \$12,149,584 | \$1,940,022 |
| Overhead Allocation | \$253,750 | \$435,000 | \$181,250 | 58.3% | \$422,000 | \$422,000 | \$0 | \$246,167 | \$7,583 | \$435,000 | \$181,250 |
| Total Championship Expense | \$10,463,312 | \$26,580,152 | \$16,116,840 | 39.4% | \$23,372,764 | \$24,874,450 | \$1,501,686 | \$10,347,772 | \$115,540 | \$12,584,584 | \$2,121,272 |

| | FY 2019 - 2020 | | | | | FY 2018 - 2019 | | | Actuals as of 2/28 | | | |
|--|---------------------|---------------------|---------------------|---------------------|--|---------------------|---------------------|--------------------|---------------------|----------------------------|---------------------|--------------------|
| | Actual | Budget | \$ Variance | % of Budget to Date | | Actual | Budget | \$ Variance | FY 2018-19 | \$ Variance 19-20 to 18-19 | | |
| Non-Championship Expenses | | | | | | | | | | | | |
| Conference Grants | \$3,167,582 | \$3,194,730 | \$27,148 | 99.2% | | \$3,042,605 | \$3,042,600 | (\$5) | \$3,042,605 | \$124,977 | \$3,167,582 | \$0 |
| Intern Program | \$1,089,842 | \$1,300,000 | \$210,158 | 83.8% | | \$1,175,236 | \$1,209,920 | \$34,684 | \$1,141,549 | (\$51,707) | \$1,089,842 | \$0 |
| Strategic Alliance Matching Grant | \$617,088 | \$708,600 | \$91,512 | 87.1% | | \$556,556 | \$708,600 | \$152,044 | \$624,082 | (\$6,995) | \$617,088 | \$0 |
| Leadership Conference | \$50,651 | \$365,000 | \$314,349 | 13.9% | | \$414,356 | \$365,000 | (\$49,356) | \$134,897 | (\$84,246) | \$50,651 | \$0 |
| Identity Initiative | \$137,015 | \$300,000 | \$162,985 | 45.7% | | \$324,104 | \$300,000 | (\$24,104) | \$131,818 | \$5,197 | \$137,015 | \$0 |
| Diversity Initiatives | \$106,513 | \$250,000 | \$143,487 | 42.6% | | \$250,728 | \$250,000 | (\$728) | \$92,768 | \$13,745 | \$106,513 | \$0 |
| Sportsmanship - GameDay the DIII Way | \$147,296 | \$225,000 | \$77,704 | 65.5% | | \$210,547 | \$250,000 | \$39,453 | \$111,766 | \$35,531 | \$225,000 | \$77,704 |
| 360 Proof | \$66,072 | \$115,000 | \$48,928 | 57.5% | | \$91,749 | \$125,000 | \$33,251 | \$58,699 | \$7,373 | \$115,000 | \$48,928 |
| Administrative - Misc | \$9,275 | \$112,404 | \$103,129 | 8.3% | | \$17,789 | \$15,380 | (\$2,409) | \$17,789 | (\$8,514) | \$9,275 | \$0 |
| Coaches and Administrators Diversity | \$0 | \$100,000 | \$100,000 | 0.0% | | \$90,000 | \$100,000 | \$10,000 | \$0 | \$0 | \$100,000 | \$100,000 |
| Leadership Development Initiatives DiSC | \$83,443 | \$100,000 | \$16,557 | 83.4% | | \$100,000 | \$100,000 | \$0 | \$72,034 | \$11,409 | \$83,443 | \$0 |
| LGBTQ | \$67,582 | \$100,000 | \$32,418 | 67.6% | | \$123,293 | \$100,000 | (\$23,293) | \$66,933 | \$649 | \$67,582 | \$0 |
| ADR Institute | \$29,096 | \$90,000 | \$60,904 | 32.3% | | \$58,430 | \$90,000 | \$31,570 | \$25,084 | \$4,012 | \$29,096 | \$0 |
| SAAC April and Associate Member Meetings | \$21,220 | \$90,000 | \$68,780 | 23.6% | | \$77,791 | \$90,000 | \$12,209 | \$24,859 | (\$3,640) | \$55,610 | \$34,390 |
| AD and Commissioner Orientation | \$10,389 | \$85,000 | \$74,611 | 12.2% | | \$103,759 | \$85,000 | (\$18,759) | \$16,353 | (\$5,964) | \$21,581 | \$11,192 |
| FAR Orientation/Institute | \$45,190 | \$85,000 | \$39,810 | 53.2% | | \$84,863 | \$85,000 | \$137 | \$55,449 | (\$10,259) | \$45,190 | \$0 |
| Membership Learning Management - DIII University | \$0 | \$80,670 | \$80,670 | 0.0% | | \$20,107 | \$55,000 | \$34,893 | \$20,107 | (\$20,107) | \$0 | \$0 |
| Athletics Administrator Partnership (NADIIIAA) | \$0 | \$75,000 | \$75,000 | 0.0% | | \$75,000 | \$75,000 | \$0 | \$0 | \$0 | \$75,000 | \$75,000 |
| NCAA Annual Convention | \$20,110 | \$70,000 | \$49,890 | 28.7% | | \$70,326 | \$70,000 | (\$326) | \$36,022 | (\$15,912) | \$20,110 | \$0 |
| Academic All-America Program (Co-SIDA) | \$39,500 | \$44,000 | \$4,500 | 89.8% | | \$39,500 | \$44,000 | \$4,500 | \$39,500 | \$0 | \$39,500 | \$0 |
| Insurance | \$40,960 | \$41,000 | \$40 | 99.9% | | \$40,960 | \$41,000 | \$40 | \$40,960 | \$0 | \$40,960 | \$0 |
| Special Olympics | \$4,909 | \$35,000 | \$30,091 | 14.0% | | \$35,970 | \$35,000 | (\$970) | \$1,956 | \$2,954 | \$4,909 | \$0 |
| Women Leaders in College Sports | \$0 | \$30,000 | \$30,000 | 0.0% | | \$30,945 | \$30,000 | (\$945) | \$478 | (\$478) | \$30,000 | \$30,000 |
| Conference Commissioner Meetings | \$4,340 | \$20,000 | \$15,660 | 21.7% | | \$17,591 | \$20,000 | \$2,409 | \$0 | \$4,340 | \$4,340 | \$0 |
| Working Groups | \$4,204 | \$20,000 | \$15,796 | 21.0% | | \$22,831 | \$20,000 | (\$2,831) | \$11,040 | (\$6,836) | \$4,204 | \$0 |
| CoSIDA DIII Day | \$0 | \$15,000 | \$15,000 | 0.0% | | \$23,844 | \$15,000 | (\$8,844) | \$150 | (\$150) | \$0 | \$0 |
| NADIIIAA and Commissioner Mtg | \$768 | \$10,000 | \$9,232 | 7.7% | | \$4,128 | \$10,000 | \$5,872 | \$1,769 | (\$1,001) | \$768 | \$0 |
| Staff Professional Development | \$6,378 | \$7,000 | \$622 | 91.1% | | \$6,375 | \$7,000 | \$625 | \$5,853 | \$525 | \$6,378 | \$0 |
| Championships Festival | \$30 | \$0 | (\$30) | N/A | | \$5 | \$0 | (\$5) | \$0 | \$30 | \$30 | \$0 |
| Exploratory/Provisional Membership | \$326 | \$0 | (\$326) | N/A | | \$2,284 | \$0 | (\$2,284) | \$2,254 | (\$1,928) | \$326 | \$0 |
| Injury Surveillance and Testing | \$0 | \$0 | \$0 | N/A | | \$0 | \$74,500 | \$74,500 | \$0 | \$0 | \$0 | \$0 |
| Academic Reporting Honorarium | \$0 | \$0 | \$0 | N/A | | \$34,995 | \$35,000 | \$5 | \$34,996 | (\$34,996) | \$0 | \$0 |
| Non-Championship Expenses Total | \$5,769,779 | \$7,668,404 | \$1,898,625 | 75.2% | | \$7,146,666 | \$7,448,000 | \$301,334 | \$5,811,770 | (\$41,992) | \$6,146,992 | \$377,213 |
| Overhead Allocation | \$638,167 | \$1,094,000 | \$455,833 | 58.3% | | \$1,062,000 | \$1,062,000 | \$0 | \$619,500 | \$18,667 | \$1,094,000 | \$455,833 |
| Total Non-Championship Expense | \$6,407,946 | \$8,762,404 | \$2,354,458 | 73.1% | | \$8,208,666 | \$8,510,000 | \$301,334 | \$6,431,270 | (\$23,325) | \$7,240,992 | \$833,047 |
| Expenses Total | \$16,871,258 | \$35,342,556 | \$18,471,298 | 47.7% | | \$31,581,430 | \$33,384,450 | \$1,803,020 | \$16,779,042 | \$92,216 | \$19,825,576 | \$2,954,318 |
| Surplus (Deficit) | (\$7,017,786) | (\$24,684,676) | | | | \$1,166,093 | (\$628,080) | | | | (\$9,156,496) | |
| Add: Prior Year Reserve Balance | \$30,347,383 | \$28,553,209 | | | | \$29,181,289 | \$29,181,289 | | | | | |
| Estimated Reserve Balance | \$23,329,597 | \$3,868,533 | | | | \$30,347,383 | \$28,553,209 | | | | | |

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 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 |
|--|-------------------|-------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Revenue: | | | | | | |
| 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 | - | - | - | - | - |
| Total Revenue | \$ 32,836,715 | \$ 33,666,323 | \$ 34,443,323 | \$ 35,126,323 | \$ 35,271,323 | \$ 35,322,323 |
| Projected Revenue Increase | 2.6% | 2.8% | 2.3% | 2.0% | 0.4% | 0.1% |
| Expenses: | | | | | | |
| 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 ⁴ | 422,000 | 435,000 | 448,000 | 461,000 | 475,000 | 489,000 |
| Total Championship Expenses | 21,445,763 | 23,995,152 | 25,255,593 | 25,769,180 | 26,337,147 | 26,854,205 |
| 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 ⁴ | 1,037,000 | 1,094,000 | 1,127,000 | 1,161,000 | 1,196,000 | 1,232,000 |
| Total Non-Championship Expenses | 7,653,467 | 8,243,404 | 8,481,000 | 8,652,000 | 8,688,000 | 8,701,000 |
| Total Division III Expenses (before supplemental spending) | \$ 29,099,230 | \$ 32,238,556 | \$ 33,736,593 | \$ 34,421,180 | \$ 35,025,147 | \$ 35,555,205 |
| Net Change in Fund Balance (before supplemental spending) | \$ 3,737,485 | \$ 1,427,767 | \$ 706,730 | \$ 705,143 | \$ 246,176 | \$ (232,882) |
| Supplemental items: | | | | | | |
| 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 transporation 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 ² | 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 |
| Total Supplemental Spending | 2,457,200 | 3,104,000 | 2,952,000 | 2,667,000 | 2,983,000 | 2,802,000 |
| Division III Membership Dues Credit | - | - | - | - | - | - |
| Total Division III Expenses (after supplemental spending) | \$ 31,556,430 | \$ 35,342,556 | \$ 36,688,593 | \$ 37,088,180 | \$ 38,008,147 | \$ 38,357,205 |
| Net Change in Fund Balance (after supplemental spending) | \$ 1,280,285 | \$ (1,676,233) | \$ (2,245,270) | \$ (1,961,857) | \$ (2,736,824) | \$ (3,034,882) |
| 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 ¹ | (16,124,508) | (16,573,662) | (16,962,162) | (17,303,662) | (17,376,162) | (17,401,662) |
| Cash available in excess of reserve policy | \$ 14,337,067 | \$ 12,211,680 | \$ 9,577,910 | \$ 7,274,553 | \$ 4,465,229 | \$ 1,404,847 |

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

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 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

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| 1.00% | DIII Champs Assumption Analysis 16-17 |
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The National Collegiate Athletic Association

Division III Budget Projections

| | 2018-19 Actual | 2019-20 Projection | 2020-21 Projection | 2021-22 Projection | 2022-23 Projection | 2023-24 Projection |
|--|-------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Revenue: | | | | | | |
| Division III 3.18% Revenue Allocation | \$ 32,249,015 | \$ 10,138,880 | \$ 33,924,323 | \$ 34,607,323 | \$ 34,752,323 | \$ 34,803,323 |
| Draw from DIII Reserve | | | | | | |
| Additional Revenue from Membership Dues Increase | \$ 530,200 | \$ 530,200 | \$ 519,000 | \$ 519,000 | \$ 519,000 | \$ 519,000 |
| Division III Other Revenue | 57,500 | - | - | - | - | - |
| Total Revenue | \$ 32,836,715 | \$ 10,669,080 | \$ 34,443,323 | \$ 35,126,323 | \$ 35,271,323 | \$ 35,322,323 |
| Projected Revenue Increase | 2.6% | -68.6% | 234.6% | 2.0% | 0.4% | 0.1% |
| Expenses: | | | | | | |
| Championships Game Operations | 4,696,723 | 2,388,104 | 4,566,503 | 4,612,168 | 4,693,290 | 4,704,873 |
| Championships Committee | 353,305 | 352,902 | 492,815 | 492,815 | 492,815 | 492,815 |
| Championships Team Transportation | 9,128,803 | 6,144,085 | 11,546,230 | 12,001,151 | 12,473,997 | 12,965,472 |
| Championships Per Diem | 6,844,931 | 3,264,493 | 8,202,045 | 8,202,045 | 8,202,045 | 8,202,045 |
| Championships Overhead Allocation ⁴ | 422,000 | 435,000 | 448,000 | 461,000 | 475,000 | 489,000 |
| Total Championship Expenses | 21,445,763 | 12,584,584 | 25,255,593 | 25,769,180 | 26,337,147 | 26,854,205 |
| Non-Championships Base Budget | 6,616,467 | 6,146,992 | 7,354,000 | 7,491,000 | 7,492,000 | 7,469,000 |
| Non-Championships Initiatives | - | - | - | - | - | - |
| Non-Championships Overhead Allocation ⁴ | 1,037,000 | 1,094,000 | 1,127,000 | 1,161,000 | 1,196,000 | 1,232,000 |
| Total Non-Championship Expenses | 7,653,467 | 7,240,992 | 8,481,000 | 8,652,000 | 8,688,000 | 8,701,000 |
| Total Division III Expenses (before supplemental spending) | \$ 29,099,230 | \$ 19,825,576 | \$ 33,736,593 | \$ 34,421,180 | \$ 35,025,147 | \$ 35,555,205 |
| Net Change in Fund Balance (before supplemental spending) | \$ 3,737,485 | \$ (9,156,496) | \$ 706,730 | \$ 705,143 | \$ 246,176 | \$ (232,882) |
| Supplemental items: | | | | | | |
| Local ground transportation for individual sports | 575,000 | - | 627,000 | 652,000 | 678,000 | 705,000 |
| Men's Joint Championship | | 82,500 | | | | |
| Women's Joint Championship | | - | 349,000 | | 250,000 | |
| Guarantee first round no conference match-ups | | - | 349,000 | | - | - |
| Local ground transporation for team sports | 316,000 | - | 345,000 | 359,000 | 373,000 | 388,000 |
| Increase in travel party size for team sports | 1,036,000 | - | 1,112,000 | 1,137,000 | 1,163,000 | 1,190,000 |
| Supplemental Championships Spending from reserve ² | 1,927,000 | 82,500 | 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 |
| Total Supplemental Spending | 2,457,200 | 82,500 | 2,952,000 | 2,667,000 | 2,983,000 | 2,802,000 |
| Division III Membership Dues Credit | - | - | - | - | - | - |
| Total Division III Expenses (after supplemental spending) | \$ 31,556,430 | \$ 19,908,076 | \$ 36,688,593 | \$ 37,088,180 | \$ 38,008,147 | \$ 38,357,205 |
| Net Change in Fund Balance (after supplemental spending) | \$ 1,280,285 | \$ (9,238,996) | \$ (2,245,270) | \$ (1,961,857) | \$ (2,736,824) | \$ (3,034,882) |
| Projected Expense Increase | -2.4% | -36.9% | 84.3% | 1.1% | 2.5% | 0.9% |
| Beginning Fund Balance (Projected Reserve and Unallocated Funds) | \$ 29,181,289 | \$ 30,461,574 | \$ 21,222,578 | \$ 18,977,308 | \$ 17,015,451 | \$ 14,278,627 |
| Less: | | | | | | |
| Net Change in Fund Balance | 1,280,285 | (9,238,996) | (2,245,270) | (1,961,857) | (2,736,824) | (3,034,882) |
| Ending Fund Balance (Projected Reserve and Unallocated Funds) | \$ 30,461,574 | \$ 21,222,578 | \$ 18,977,308 | \$ 17,015,451 | \$ 14,278,627 | \$ 11,243,745 |
| Mandated Reserve ¹ | (16,124,508) | (5,069,440) | (16,962,162) | (17,303,662) | (17,376,162) | (17,401,662) |
| Cash available in excess of reserve policy | \$ 14,337,067 | \$ 16,153,138 | \$ 2,015,147 | \$ (288,211) | \$ (3,097,535) | \$ (6,157,917) |

- 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% | 64% | 75% | 75% | 76% | 76% |
| Percentage DIII Spend - Non-Championships | 26% | 36% | 25% | 25% | 24% | 24% |

**REPORT OF THE NCAA
DIVISION III MANAGEMENT COUNCIL**

The Division III Management Council met April 20-21, 2020, via video conference. Listed below are specific recommendations for review and consideration by the Presidents Council.

ACTION ITEMS

- **None.**

NO ACTION REQUIRED

The following Management Council actions do not require formal action and are being reported to the Presidents Council for informational purposes only.

1. **Strategic Planning and Finance Committee.** [See Presidents Council Supplement No. 6]
The Management Council received an update regarding the impact of COVID-19 on the 2019-20 budget. Staff estimates a 70 percent decrease in revenue resulting in an anticipated overage of eight to nine million dollars. The overage will be covered by the division's mandated reserve and surplus above and beyond the mandated reserve. Staff and the Championships Committee will propose budget cuts for the FY21 budget to assist in replenishing the mandated reserve through the end of the current CBS/Turner contract (2023-24). The Council will review the proposed budget cuts during its July meeting and forward its recommendations to the Presidents Council.
2. **Subcommittee for Legislative Relief.** The Council approved two actions. First, to sponsor Convention legislation to establish a service exception to the organized competition legislation that permits a prospective student-athlete to participate in organized competition while serving on active duty in the U.S. armed services (or comparable armed service of another country), on official religious missions or on missions with recognized foreign aid services of the U.S. government. The Council agreed that this proposed legislation would recognize the significance of these activities, afford prospective student-athletes engaged in service appropriate time to make an informed decision about collegiate enrollment while continuing to engage in competition, and promote equitable participation opportunities across all three divisions.

The Council also approved increasing the composition of the Subcommittee for Legislative Relief from six to eight members. An increase in the number of members will ensure member institution and conference legislative relief waivers are afforded the best appellate and direct review opportunities by increasing the quorum from three to four members.

3. **Championships Updates.** The Council approved an amendment of Bylaw 31.3.3.1.1. to only permit institutions in year three of the provisional or reclassifying process to count toward the automatic qualification waiting period. The adoption of two legislative proposals (Nos. 2020-2 and 2020-3) at the 2020 NCAA Convention eliminated the fourth year of the membership process. Amending the bylaw clarifies that only institutions in year three of the provisional or reclassifying process can count toward the automatic qualification waiting period.

The Council adopted noncontroversial legislation to amend Figure 21.1 as incorporated by Bylaw 21.9.6.2 to adjust sport committee rosters to coincide with the new regional alignment. Staff is finalizing the rankings protocol with feedback from the sport committees, including whether to apply a fixed percentage or a fixed number of teams to rank per region. The information will be provided to the membership this summer with the new regional alignment and changes to sport committee rosters to take effect the 2021-22 year.

4. **Interpretations and Legislation Committee Updates.** The Council agreed to sponsor the following 2021 NCAA Convention legislation.

- Allow member institutions to provide monetary donations to nonathletic bona fide youth organizations and eliminate the geographic restrictions for equipment donations. This proposal would permit member institutions and its student-athletes to raise and donate funds to support initiatives through the work of organizations with a mission to help youth that are unrelated to athletics. Finally, by eliminating the current mileage restriction, it will provide institutions with greater flexibility to donate their resources to organizations that align with their philanthropic interests.

The Council also approved the following noncontroversial legislation, effective immediately.

- a. Expand the current final semester/quarter exception to student-athletes enrolled in the final term of their minor or undergraduate certificate program (designated before the applicable term). Currently, a student-athlete who has completed all degree requirements and does not meet an exception for being enrolled in less than full time must enroll full time to practice and compete in a subsequent term. Expanding the current final-term exception to include a minor or undergraduate certificate designated prior to the beginning of the final term will provide greater flexibility to a student-athlete who has achieved the goal of completing the requirements of a baccalaureate degree and is continuing to prepare for their future. This exception may only be used on one occasion during a student-athletes intercollegiate career.

- b. Add national and international junior-level and international regional events to the list of permissible events for which an institution may provide its student-athletes with actual and necessary expenses.

The Council also approved an official interpretation clarifying that a student-athlete may participate in outside competition during any week that is not part of the institution's defined playing season or part of preparation for a post-season championship (e.g., NCAA, NAIA, NCCAA).

5. **Name, Image and Likeness.** The Council discussed and provided feedback regarding the Interpretations and Legislation Committee's initial concepts to amend legislation related to the use of a Division III student-athlete's name, image and likeness. The concepts propose allowing the use of student-athlete status in the following settings:

- a. The promotion of various academic and other endeavors involving their work product (e.g., research, book publishing, class projects, tutoring, personal business, creative endeavors, media activities, private lessons).
- b. Participation in promotions and other endorsements (e.g., brand ambassador, commercials, appearances/autographs, modeling) provided payment is commensurate with the going rate, the institution is not involved in securing the promotion and these opportunities are not part of the recruiting process.

The Student-Athlete Advisory Committee reviewed and supported the concepts during its recent meeting. The Council also reviewed a draft form to be distributed to the Division III membership in May to garner additional feedback prior to the Council's July meeting.

Staff reported that the Association-wide Federal and State Working Group will provide its final report to the Board of Governors at its April meeting. The BOG will formally act on the report. However, each division will determine the specific legislative provisions for membership consideration.

6. **Membership Committee.** One institution, Manor College (PA) was approved for an exploratory year beginning in September 2020. Bob Jones University and Warren Wilson College will begin the provisional membership process this fall. On a recent teleconference, the committee discussed the impact of the coronavirus on the division (e.g., institutions closing, virtual learning) in addition the impact to NCAA legislated timelines (e.g. ISSG). To date, the graduation rate reporting deadline (June 1) and the Sport Sponsorship and Demographic Form (Aug. 1) will remain in place.

7. **Student-Athlete Advisory Committee (SAAC) Updates.** At the conclusion of the recent Division III Week celebration, national SAAC detailed its inaugural mental health social media campaign, which will occur May 4-7.

8. **CSMAS and Sport Science Institute (SSI) Updates.**

- a. Recommendation to the Baseball and Softball Rules Committees. The Council approved a recommendation to the NCAA Baseball and Softball Rules Committees to create and/or modify its rules to allow for all baseball and softball players to be removed from competition for the purpose of concussion evaluation without being disqualified from the game.
- b. COVID-19 Impacts. The NCAA national office has a COVID-19 Action Team that includes senior staff. The team meets daily, and Dr. Hainline also engages frequently with a COVID-19 Advisory Panel of independent health experts as well as the CSMAS chair and a student-athlete representative from each division. The national office recently created the COVID-19 Playing and Practice Seasons Working Group. This internal, cross-department staff working group is looking at all coronavirus issues related to summer conditioning, preseason, fall practices and competition. The working group is not a decision-making body, but it will forward research, data and recommendations to the COVID Action Team. The Council noted that it is critical for the NCAA to provide timely updates on actions related to preseason and fall practices and competitions.

The Advisory Panel is developing sport resocialization principles that align with recent federal guidelines. There are three key principles/phases:

- (1) Two-week reduction in infection rate.
 - (2) Return to normalcy for the medical care system (e.g., access to hospital care).
 - (3) Readily available immunity testing and rapid diagnostic testing for the coronavirus.
- c. Medical Care and Coverage for Student-Athletes at Away Events. The Sport Science Institute and the Committee on Competitive Safeguards and Medical Aspects of Sport is producing a document to remind each institution of its legislative responsibility and obligation to provide medical care and coverage for its own student-athletes who are participating in sanctioned athletic activities, regardless of whether the events are occurring on campus or at another location. In particular, an institution should not assume that a host institution will agree to take on those responsibilities for its visiting student-athletes. Rather, it should carefully consider all its obligations related to the provision of medical care at away events,

and proactively assess the alternatives through which it might satisfy those responsibilities. The document is an educational resource and intended to provide guidance to the membership on the institutional obligations, related to the provision of medical care and coverage for NCAA student-athletes who are participating in school-sponsored practice and competition at locations other than their home institutional facilities. The Council provided feedback on the document, which will be relayed to CSMAS to review during its June meeting.

- d. Arrington Settlement. The one-time concussion certification is due to a third-party legal representative no later than May 18. Per the settlement, the NCAA also is developing a concussion reporting system. In 2020-21, institutions will be required to report the number of concussion as well as the related number of resolved cases.
9. **Health and Safety Survey.** The Council received the results of this year's health and safety pilot survey. Participants in a follow-up survey noted the health and safety survey was a beneficial experience. The data also has been added to the NCAA Institutional Performance Program so participating institutions may benchmark their results against other institutions. The Council approved conducting the survey annually, on a voluntary basis, beginning in 2020-21.
10. **International Ice Hockey Pilot.** The Council reviewed feedback received from institutions and conference offices that participated in the second year of the pilot to certify the amateurism of international ice hockey student-athletes. Even though prospective student-athletes initially had to pay for their certification by the NCAA Eligibility Center (EC), with a 50 percent reimbursement after the review, the feedback was still positive regarding the process. There were some concerns noted regarding the certification fee. While the Council will not sponsor a third year of the pilot, staff will share the survey feedback with institutions and conference offices in case the membership wants to sponsor legislation to require all, or some, international student-athletes be certified by the EC. Staff also is discussing with the EC a possible reduced fee structure for amateurism certification only.
11. **Officiating Update.** The Council received an update on the Association's efforts to review and address issues related to officiating. Staff will send an officiating survey to the membership in the coming weeks. Division III commissioners are committed to continuing their study with the Pictor Group. A draft report will be available in May, with the final report will be submitted to the commissioners in June.

- 12. Playing Rules Oversight Panel.** Staff implemented a playing rules subcommittee for tennis to work with the International Tennis Association (ITA). PROP also is trying to create a similar subcommittee for field hockey as it doesn't currently have a playing rules subcommittee.

There are 11 playing rules with a financial impact slated to become effective in 2020-21, but due to the coronavirus impact on institutional budgets, staff sought feedback from the Council on the related implementation timeline. Staff recommends implementing all health and safety rules, four total and the construction on newly constructed track and field facilities. An informal membership survey indicates support to delay the implementation of baseball bat testing to the 2022 season, but there is less support to delay the basketball three-point line rule. The Council unanimously recommended delaying baseball bat testing, swimming and diving official increases, two visible shot clocks for men's lacrosse and the basketball three-point line. PROP will make the final decision, in the coming weeks, on whether to delay implementation.

- 13. COVID-19 Impact.** The Council members had an opportunity to discuss the impact of the coronavirus on their campus and in their conferences and shared their concerns. Every Division III institution is impacted uniquely, with the shared need for clear and concise communications at all levels (i.e., campus, conference and national office). The Council expressed interest in further opportunities to discuss this issue.



**REPORT OF THE NCAA DIVISION III OVERSIGHT
GROUP TO IMPLEMENT RECOMMENDATIONS OF FEDERAL AND STATE
LEGISLATIVE WORKING GROUP (NAME, IMAGE AND LIKENESS)
APRIL 9, 2020, TELECONFERENCE**

ACTION ITEM.

- **None.**

INFORMATIONAL ITEM.

- 1. Welcome.** President Tori Murden McClure 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. NCAA Convention.**
 - a. SAAC Executive Summary.** The working group received an update from SAAC's 2020 NCAA Convention meeting, noting the following areas where the committee members seek increased opportunities for student-athletes to utilize their name, image, and likeness:
 - Research - conducting and promoting research using student-athlete status.
 - Publishing and work product – art, literature, etc.
 - Tutoring, consulting, contracting, advising – student-athletes identified this category to serve as an all-encompassing group, featuring opportunities like college selection, and consulting with expertise as a student-athlete.
 - Recruiting and scouting.
 - Student-athlete business.

In addition, the committee showed preliminary support for private lessons but was neutral on crowd funding and brand ambassadors due to the Division III Philosophy.

During this discussion, Braly Keller, SAAC chair, expressed SAAC's excitement to have this discussion and that SAAC was encouraged to possibly have the same opportunity as students in general.

- b. Issues Forum Executive Summary.** Issue Forum feedback indicated: (1) Concept A was the closest to the current model and Division III philosophy; (2) Concept B showed that less than half of the tables were concerned about possible negative outcomes with little to no institutional control; and (3) Concept C did not seem feasible for the average Division III institution, as it would increase institutional monitoring of both student-athlete activities and institutional logo usage.

4. **Interpretations and Legislation Committee Report.** The working group received an update from ILC noting its recommendations to consider potential legislative action allowing Division III student-athletes to use their student-athlete status in the following settings:

- The promotion of various academic and other endeavors involving their work product (e.g., research, book publishing, class projects, tutoring, personal business, creative endeavors, media activities, private lessons).
- Participation in promotions and other endorsements (e.g., brand ambassador, commercials, appearances/autographs, modeling) provided payment is commensurate with the going rate, the institution is not involved in securing the promotion and these opportunities are not part of the recruiting process.

NOTE: ILC will continue to refine these concepts, including monitoring/reporting.

The committee didn't recommend any changes to permit crowdfunding but will continue to discuss this issue.

5. **Divisional Comparison Chart.** Staff reviewed a comparison chart which shows that preliminary recommendations in all three divisions are in a fairly similar place. The working group noted that all divisions do not need to end up at exactly the same place; however, consistency will be beneficial
6. **NIL PowerPoint.** Staff noted a DIII NIL webinar was held April 1 and that over 300 attended. The ILC proposals were shared and overall feedback was positive. The biggest question related to monitoring, compliance and education, and related challenges on campus.
7. **Input from FSLWG Members.** President Mary-Beth Cooper, member of the FSLWG, felt that the Division III was consistent with the direction of the working group. She noted there are many challenges due to the mission of each division and will share the comments of this oversight group during its next meeting.
8. **Future Division III Meetings/Timetable.**
- April 18-19 Division III Student-Athlete Advisory Committee.
 - April 20-21 Division III Management Council.
 - April 29 Division III Presidents Council.
 - Regional Rules Seminar (TBD).
 - June 17-18 Division III Commissioners meeting (TBD).
 - CoSIDA/NACDA/NADIII (TBD).
 - July 18-19 Division III Student-Athlete Advisory Committee.
 - July 20-21 Division III Management Council.
 - August 4 Division III President's Advisory Group.
 - August 5 Division III Presidents Council.

Staff noted the challenge in obtaining membership feedback due to the elimination of in-person meetings such as Regional Rules Seminars and NACDA.

9. **Other Business.** Staff noted a Membership Feedback Form will be sent to gain additional feedback regarding NIL since events are limited. The timeframe for these to be returned are mid-May to mid-June. The Councils will review during their summer meetings to determine if any legislation is needed for the 2021 NCAA Convention.
10. **Adjournment.** The meeting was adjourned at 10:57 a.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

| NCAA Division III Oversight Working Group on NIL April 9, 2020, Teleconference | |
|---|--|
| Attendees: | |
| 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 | |
| Absentees: | |
| Jackson Erdmann, Saint John's University, student-athlete | |
| Daryl Sims, University of Wisconsin-Oshkosh | |
| NCAA Staff Support in Attendance: | |
| Scott Bearby, Dan Dutcher, Debbie Kresge, Louise McCleary, Jeff Myers, Ali Spungen and Rachel Stern | |



NCAA Division III Interpretations and Legislation Committee
Name, Image and Likeness: Overview of Concepts

The Division III Oversight Group to Implement the Recommendations of the Federal and State Legislation Working Group, is seeking your feedback on two potential legislative concepts allowing greater flexibility for a student-athlete to use their name, image and likeness.

The Board of Governors, upon recommendation of its Federal and State Legislation Working Group, directed the divisions to review the current legislative status regarding the use of student-athlete name, image and likeness, and pursue change based on the following three principles:

1. Payment to a student-athlete for use of their name, image or likeness should not be pay for athletics performance or participation; nor should the payment serve as an inducement to select a particular 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.
3. A student-athlete should be able to use their name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

The two potential legislative concepts were developed in accordance with these principles and informed by input from multiple Division III committees, including the Student-Athlete Advisory Committee, the Interpretations and Legislation Committee and the Presidents and Management Councils as well as from membership input obtained at the Division III Issues Forum at the 2020 NCAA Convention. Your feedback is important to inform any final legislative recommendations which will be reviewed at the summer Council meetings for potential sponsorship of 2021 NCAA Convention legislation.

NIL Concepts.

Concept No. 1: Student-Athlete Work Product: Academic and Other Endeavors

Examples: Research, Book Publishing, Class Projects, Tutoring, Personal Business, Creative Endeavors, Films & Movies and Private Lessons.

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| Current Rule | Student-athletes may use their name image and likeness to promote any of the above referenced examples provided they don't use their athletics status to so promote. |
| Possible Change | Student-athletes may use their status as athletes to promote their own work product, business or service especially if <u>academic</u> based. |

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| | <p>Institutions could only be involved to the extent they are involved with assisting students generally in these endeavors. However, boosters would not be precluded from purchasing the student-athlete's product/service at the going rate.</p> <p>Some specific examples could include:</p> <ul style="list-style-type: none"> • writing a book about the impact of athletics on their life; • using their social media platforms that references their status as a student-athlete to promote their work product or own business; and • advertising private lessons noting their athletics accomplishments; |
| Issue | <p><i>Do you support modifying the legislation to permit student-athletes to use their status as athletes to promote their own work product? <input type="checkbox"/> Yes <input type="checkbox"/> No, Why or Why not? _____</i></p> <p><i>If you agree with the proposed concept: Should student-athletes be allowed to use institutional marks (e.g. Logos, trademarks) in the same manner that students at your institution would be permitted to use institutional marks? <input type="checkbox"/> Yes <input type="checkbox"/> No, Why or Why not? _____</i></p> <p><i>Additional comments: _____</i></p> |

Concept No. 2 Endorsements and Promotions

| Examples: Commercials, Testimonials, Brand Ambassadors, Modeling, Autographs and Appearances | |
|---|--|
| Current Rule | <p>Student-athletes may promote third party products or services provided: (1) the student-athlete became involved with the promotion for reasons independent of athletics; (2) No reference is made to the student's involvement in intercollegiate athletics; and (3) the student-athlete's payment is commensurate with the going rate and not based upon the student's athletics ability or reputation.</p> |
| Possible Change | <p>Student-athletes may use their status as an athlete to endorse third party products or services provided:</p> <ul style="list-style-type: none"> • Payment is commensurate with the going rate. • No institutional involvement in procuring promotional opportunities (except to the extent the institution is involved with assisting students generally). • Opportunities are not part of the recruiting process. <p>Some specific examples:</p> |

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| | <ul style="list-style-type: none">• A student-athlete could promote a makeup brand on their social media platform in which they identify as a student-athlete;• A local restaurant could use a student-athlete in print advertising declaring it is their favorite post-game hangout;• A student-athlete could appear in a commercial for the medical practice group that repaired the student-athlete's knee. |
| Issue | <p><i>Do you support modifying the legislation to permit student-athletes to use their status as athletes to promote third-party products or services? <input type="checkbox"/> Yes <input type="checkbox"/> No Why or Why not? _____</i></p> <p><i>If you agree with the proposed concept: Should student-athletes be allowed to use institutional marks (e.g. logos, trademarks) in the same manner that students at your institution would be permitted to use institutional marks? Why or Why not? _____</i></p> <p><i>Additional comments: _____</i></p> |



REPORT OF THE
NCAA BOARD OF GOVERNORS
JANUARY 22, 2020, MEETING

ACTION ITEMS:

- None.

INFORMATONAL ITEMS:

- 1. Welcome and announcements.** NCAA Board of Governors Chair President Michael Drake convened the meeting at approximately 1:30 p.m. and welcomed the Governors to Anaheim. NCAA staff confirmed that a quorum was present. President Drake recognized President Sue Henderson, President Gary Olson, Stevie Baker-Watson and Laura Liesman, as they were participating in their last Board of Governors meeting. President Drake gave special thanks to President Henderson for her service as vice chair of the board, as well as her service on the NCAA Student-Athlete Engagement Committee and the Strategic Planning Working Group.
- 2. Consent agenda.** By way of a consent agenda, the Board of Governors approved the report of its October 29, 2019, meeting and the appointment of the new Board of Governors representative, two Division II student-athletes and one Division III student-athlete to serve on the NCAA Board of Governors Student-Athlete Engagement Committee.
- 3. NCAA president's report.** NCAA President Mark Emmert provided brief comments on several issues facing the Association that were part of the Governors meeting agenda.
- 4. NCAA Board of Governors Federal and State Legislation Working Group.** Val Ackerman and Gene Smith, working group co-chairs, informed the board that since it took action on the working group's recommendations in October, the working group has been engaging with governance bodies and membership stakeholders to educate and receive feedback on the recommended principles and regulatory framework. In addition, at the divisional level, each division has designated a legislative leadership group to consider and develop legislative concepts related to NIL. Further, in response to federal interest in the issue of NIL, a Presidential Subcommittee for Congressional Action was created to examine potential Congressional engagement and legislative solutions. The subcommittee includes the working group's six presidents, board member Denis McDonough and is chaired by President Jack DeGioia. The working group is on schedule to complete its work in April and will provide a concluding report to the board at that time.
- 5. NCAA Strategic Planning Working Group report.** Strategic Planning Working Group Chair Glen Jones and Reshma Patel-Jackson, Attain consultants project lead, updated the Board on the strategic planning process, including key changes to the draft plan, the modified timeline and next steps in the process.
- 6. NCAA communications/branding strategy discussion.** NCAA Senior Vice President of Communications Bob Williams and John Hayes, president of JH Enterprises, engaged the board in a discussion of the Association's communications/branding strategy. The board was informed of the current vision, strategy and challenges for the NCAA brand. Next steps for the continuing

discussion were identified, including the development of a student-athlete engagement plan to inform the branding strategy.

7. NCAA Board of Governors Finance and Audit Committee report. President Satish Tripathi, chair of the Finance and Audit Committee, presented the committee's report.

a. First quarter fiscal year 2019-20 budget-to-actual. President Tripathi noted the first quarter results for fiscal year 2019-20 do not have any major variances compared to prior years.

b. Fiscal year 2018-19 audited financial statements. President Tripathi briefly reviewed the 2018-19 financial statements and noted that Crowe, the Association's external auditors, indicated no audit issues and that the NCAA received an unqualified opinion. Tripathi noted the NCAA had a strong financial year with a net revenue of \$66 million. The major highlights that drove the positive outcomes were:

- (1) A \$73 million increase in investments from the previous year. This increase was almost entirely due to positive financial operations. There were changes to the other asset categories, but none were material.
- (2) Total revenues increased \$20 million.
- (3) A \$23 million increase in television and marketing rights per NCAA contracts.
- (4) Championship ticket sales were up \$7.5 million.
- (5) Investment revenue was down \$8 million.
- (6) Total expenses were down \$25.5 million.
- (7) Third party legal fees were down \$23 million.
- (8) The Pathway to Opportunity Program was down \$7.6 million, which was offset by a \$1.7 million increase in Division I revenue distribution.
- (9) A \$4.5 million increase in Division II programming.
- (10) A \$3.1 million increase in management and general.

It was VOTED

"That the Board of Governors approve the 2018-19 Financial Report." (Unanimous voice vote.)

c. Unreserved net assets. President Tripathi reported that fiscal year 2018-19 year ended with the Association having \$35.8 million in unreserved net assets available for allocation. President Emmert recommended, and the Finance and Audit Committee agreed, that \$15 million of the available net assets be set aside to cover additional costs that the NCAA will

experience based on the work of the Federal and State Legislation Working Group. This includes additional consulting for state and federal legislation related to name, image and likeness. The remaining \$20.8 million was recommended as a supplemental distribution to Division I.

It was VOTED

“That the Board of Governors approve the Finance and Audit Committee’s recommended allocation of the \$35.8 million in unreserved net assets.” (Unanimous voice vote.)

- d. **NCAA 10-year financial plan.** President Tripathi noted that the updated 10-year financial plan incorporates known revenues and provides estimates on increases for the remaining revenues and expenses. In addition, the Board’s approval of the plan will provide the NCAA with guidelines for the fiscal year 2020-21 budget construction process.

It was VOTED

“That the Board of Governors approve the updated 10-year financial plan.” (Unanimous voice vote.)

- e. **NCAA Board of Governors Finance and Audit Committee Investment Subcommittee new member, Amy Kweskin.** The board was informed of the Finance and Audit Committee’s approval of Amy Kweskin, vice chancellor for finance and chief financial officer at Washington University in St. Louis, to serve on the NCAA Board of Governors Finance and Audit Committee Investment Subcommittee

8. Law, Policy and Governance Strategic Discussion.

- a. **Legal and litigation update.** NCAA general counsel noted the privileged and confidential quarterly litigation status report included in the meeting materials for the board’s information.
- 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.

- 9. **Discussion of sexual violence prevention.** The board continued its ongoing effort to provide guidance at the campus, conference and national level to combat campus sexual violence. The board reviewed the work of the NCAA in the past decade, including the existing national policy, as well as various campus and conference policies related to serious misconduct and recruitment. The board reaffirmed its commitment to continuing the Association’s efforts to address sexual violence. The board had a robust discussion leading to continued work on an enhanced sexual violence policy, which will be finalized at a special meeting dedicated to these issues in the coming weeks. In the interim, based on the board’s discussion and other membership input, the board instructed staff to provide relevant information for the board to consider in its review of the Association’s policy.

- 10. **NCAA Board of Governors Executive Committee report.** President Drake reported on matters considered during the Board’s Executive Committee meeting earlier that day.

- 11. Election of vice chair.** The board voted to appoint President Tori Murden McClure as vice chair of the Board of Governors.
- 12. Executive Session.** The board concluded the meeting in executive session to discuss various administrative matters.
- 13. Adjournment.** The meeting adjourned at approximately 5:05 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

| NCAA Board of Governors January 22, 2020, Meeting | |
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| Attendees: | |
| 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. | |
| Philip DiStefano, University of Colorado. | |
| Michael Drake, The Ohio State University. | |
| Mark Emmert, NCAA. | |
| Burns Hargis, Oklahoma State University. | |
| Sue Henderson, New Jersey City University. | |
| 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, 19th United States Surgeon General. | |
| Gary Olson, Daemen College. | |
| Denise Trauth, Texas State University. | |
| Satish Tripathi, University at Buffalo, The State University of New York. | |
| David Wilson, Morgan State University. | |
| Randy Woodson, North Carolina State University. | |
| Absentees: | |
| Grant Hill, CBS/Warner Media/Atlanta Hawks. | |
| Guests in Attendance: | |
| Val Ackerman, Board of Governors Federal and State Legislation Working Group co-chair. | |
| Greg Baroni, Attain, LLC. | |
| Nicholas Clark, NCAA Board of Governors Student-Athlete Engagement Committee chair. | |
| Briana Guerrero, Attain, LLC. | |
| John Hayes, JH Enterprises. | |
| Glen Jones, NCAA 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. | |
| NCAA Staff Liaisons in Attendance: | |
| Jacqueline Campbell and Donald Remy. | |
| Other NCAA Staff Members in Attendance: | |
| Scott Bearby, Dan Dutcher, Kimberly Fort, Abe Frank, Jennifer Fraser, Terri Gronau, Brian Hainline, Kathleen McNeely, Stacey Osburn, Cari Van Senus, Stan Wilcox and Bob Williams. | |

Report is not final until approval of the Board of Governors.



**REPORT OF THE NCAA BOARD OF GOVERNORS
AND NCAA DIVISION I BOARD OF DIRECTORS
MARCH 26, 2020, JOINT VIDEOCONFERENCE**

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

- 1. Welcome and announcements.** NCAA Board of Governors Chair President Michael Drake convened the meeting at 11:30 a.m. and welcomed the Board of Governors and NCAA Division I Board of Directors members. President Drake noted that the Board of Governors and the Division I Board of Directors will be considering five actions related to the finances of the Association. NCAA staff confirmed that a quorum was present.
- 2. NCAA President's Remarks.** President Mark Emmert shared some of his thoughts on the unprecedented nature of the situation facing the Association and its members. President Emmert thanked everyone for the work they are doing to navigate the uncertainty of the current environment and the future. He noted that the senior leadership of the NCAA national office already has been working to identify budget cuts that can be made to assist with the shortfall.
- 3. Financial update.** NCAA Chief Financial Officer Kathleen McNeely updated the boards on the financial status of the Association. McNeely shared with the boards information that was provided to the NCAA Board of Governors Finance and Audit Committee and the NCAA Division I Finance Committee regarding the significant impact cancellation of winter and spring championships has had on the finances of the Association. Further, McNeely noted that she has been engaged in financial briefings with commissioners, athletics directors and business officers across all divisions of the membership.
- 4. Board of Governors Finance and Audit Committee recommendations.** A potential line of credit for the NCAA and the cash flow summaries of three revenue distribution options that were reviewed by the Finance and Audit Committee and the Division I Finance Committee during their March 23 joint meeting were shared with the boards. President Satish Tripathi, chair of the Finance and Audit Committee, noted that after healthy discussion, the Finance and Audit Committee agreed to recommend that the Board of Governors approve a line of credit up to \$350 million and a \$225 million distribution for Division I.
- 5. Report and recommendations of the NCAA Division I Finance Committee.** President Denise Trauth, chair of the Division I Finance Committee, reported that the committee considered five options for a revised 2020 Division I revenue distribution. Consideration was given to whether

current restrictions on distributions should be maintained or waived for 2020 and whether funds should be directed to the same parties as in past years or directed to conferences. After thoughtful discussion, the Division I Finance Committee agreed to recommend that the Equal Conference Fund be maintained at 100% and the remainder of the distribution be distributed proportionately through all other funds. In addition, that all distributions be unrestricted and directed to the conferences.

[Note: Immediately following this videoconference, the Board of Directors convened via videoconference and took action on the recommendations of the Division I Finance Committee.]

6. Discussion and action related to Finance and Audit Committee recommendations.

- a. Line of credit.** The Finance and Audit Committee recommended the Board of Governors approve a line of credit in an amount up to \$350 million to provide cash flow for the national office operations and to ensure that some level of revenue distribution can be provided to Division I. A discussion was had including all members of the Board of Governors and the Division I Board of Directors.

It was VOTED

“That the Board of Governors approve a line of credit up to \$350 million.” (Approved - Unanimous voice vote of voting members of the Board of Governors only.)

- b. 2020 Revenue Distribution to Division I.** The Finance and Audit Committee recommended that the Board of Governors approve a \$225 million distribution to Division I. A discussion was had including all members of the Board of Governors and the Division I Board of Directors.

It was VOTED

“That the Board of Governors approve a \$225 million distribution to Division I.” (Approved - Unanimous voice vote of voting members of the Board of Governors only.)

- 7. Adjournment.** The joint meeting of the Board of Governors and the Division I Board of Directors was adjourned at approximately 12:18 p.m. Eastern time.

Board of Governors chair: Michael Drake, The Ohio State University

Board of Directors chair: Eli Capilouto, University of Kentucky

Staff liaisons:
Jacqueline Campbell, Law, Policy and Governance
Diane Dickman, Law, Policy and Governance
Amanda Conklin, Law, Policy and Governance
Jennifer Fraser, Law, Policy and Governance
Kevin Lennon, Law, Policy and Governance
Donald M. Remy, Law, Policy and Governance

| NCAA Board of Governors and NCAA Division I Board of Directors March 26, 2020, Joint Videoconference | |
|---|--|
| Attendees – Board of Governors | |
| Heather Benning, Midwest Conference. | |
| Grace Calhoun, University of Pennsylvania. | |
| Eli Capilouto, University of Kentucky. | |
| Ken Chenault, General Catalyst. | |
| Mary Sue Coleman, Association of American Universities. | |
| Jack DeGioia, Georgetown University. | |
| Philip DiStefano, University of Colorado, Boulder. | |
| Michael Drake, The Ohio State University. | |
| Mark Emmert, NCAA. | |
| Allison Garrett, Emporia State University. | |
| Christopher Graham, Rocky Mountain Athletic Conference. | |
| Burns Hargis, Oklahoma State University. | |
| Grant Hill, CBS/Warner Media/Atlanta Hawks. | |
| Renu Khator, University of Houston. | |
| Ronald K. Machtley, Bryant University. | |
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| Fayneese Miller, Hamline University. | |
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| Denise Trauth, Texas State University. | |
| Satish Tripathi, University at Buffalo, The State University of New York. | |
| David Wilson, Morgan State University. | |
| Randy Woodson, North Carolina State University. | |
| Attendees – Division I Board of Directors | |
| Guy Bailey, The University of Texas Rio Grande Valley. | |
| Jeri Beggs, Illinois State University. | |
| Dean Bresciani, North Dakota State University. | |
| Morgan Chall, Cornell, NCAA Division I Student-Athlete Advisory Committee. | |
| Julie Cromer, Ohio University. | |

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| Philip DuBois, University of North Carolina at Charlotte. |
| James Harris, university of San Diego. |
| Rita Hartung Cheng, Northern Arizona University. |
| Philip Oldham, Tennessee Technological University. |
| Mary Papazian, San Jose State University. |
| W. Taylor Reveley IV, Longwood University. |
| Absentees |
| Sandra Jordan, University of South Carolina, Upstate. |
| Vivek Murthy, 19th United States Surgeon General. |
| Guests |
| None. |
| NCAA staff liaisons in attendance |
| Jacqueline Campbell, Amanda Conklin, Diane Dickman, Jennifer Fraser, Kevin Lennon and Donald Remy. |
| Other NCAA staff in attendance |
| Scott Bearby, Joni Comstock, Jon Duncan, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Lynn Holzman, Michelle Hosick, Maritza Jones, Felicia Martin, Kathleen McNeely, Stacey Osburn, Bridget Rigney, Dave Schnase, Cari Van Senus, Naima Stevenson, Stan Wilcox and Bob Williams. |

Report is not final until approval of the Board of Governors and Division I Board of Directors.



**REPORT OF THE NCAA BOARD OF GOVERNORS
AND NCAA DIVISION I BOARD OF DIRECTORS
MARCH 26, 2020, JOINT VIDEOCONFERENCE**

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

- 1. Welcome and announcements.** NCAA Board of Governors Chair President Michael Drake convened the meeting at 11:30 a.m. and welcomed the Board of Governors and NCAA Division I Board of Directors members. President Drake noted that the Board of Governors and the Division I Board of Directors will be considering five actions related to the finances of the Association. NCAA staff confirmed that a quorum was present.
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current restrictions on distributions should be maintained or waived for 2020 and whether funds should be directed to the same parties as in past years or directed to conferences. After thoughtful discussion, the Division I Finance Committee agreed to recommend that the Equal Conference Fund be maintained at 100% and the remainder of the distribution be distributed proportionately through all other funds. In addition, that all distributions be unrestricted and directed to the conferences.

[Note: Immediately following this videoconference, the Board of Directors convened via videoconference and took action on the recommendations of the Division I Finance Committee.]

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It was VOTED

“That the Board of Governors approve a line of credit up to \$350 million.” (Approved - Unanimous voice vote of voting members of the Board of Governors only.)

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Board of Directors chair: Eli Capilouto, University of Kentucky

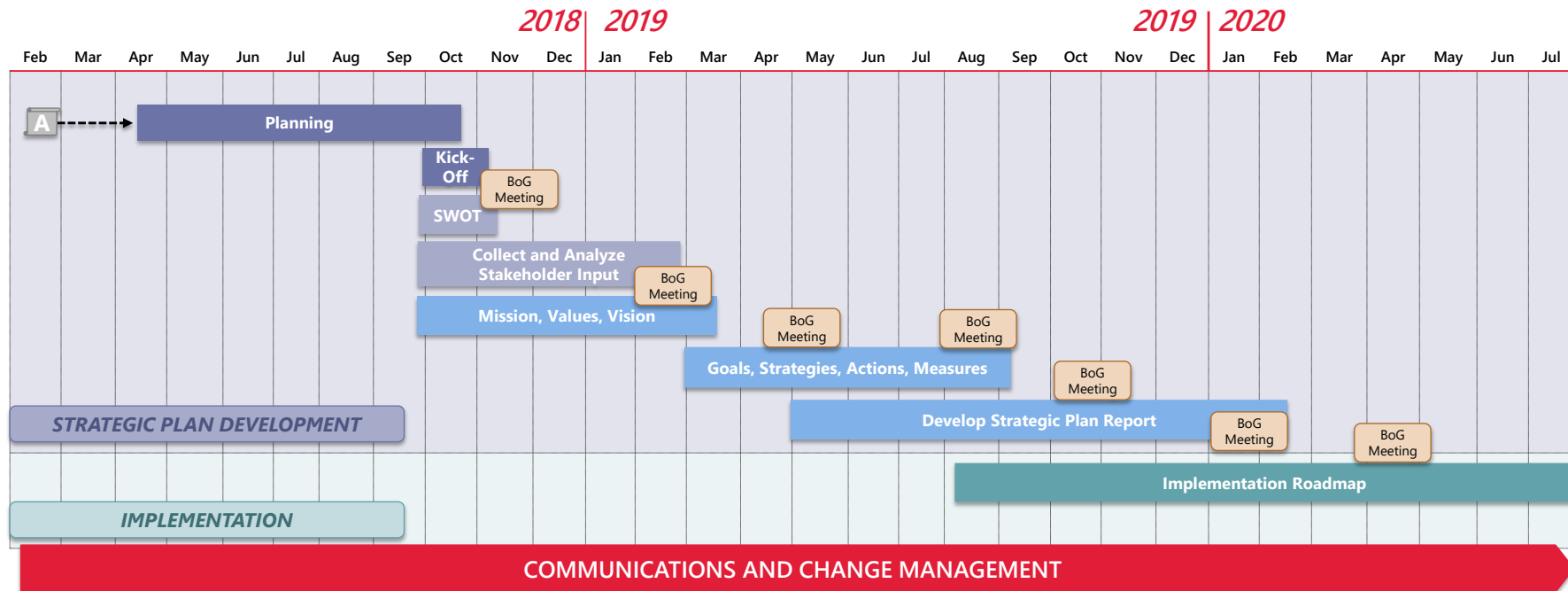
*Staff liaisons: Jacqueline Campbell, Law, Policy and Governance
Diane Dickman, Law, Policy and Governance
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Kevin Lennon, Law, Policy and Governance
Donald M. Remy, Law, Policy and Governance*

| NCAA Board of Governors and NCAA Division I Board of Directors March 26, 2020, Joint Videoconference | |
|---|--|
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| Mary Sue Coleman, Association of American Universities. | |
| Jack DeGioia, Georgetown University. | |
| Philip DiStefano, University of Colorado, Boulder. | |
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| Philip DuBois, University of North Carolina at Charlotte. |
| James Harris, university of San Diego. |
| Rita Hartung Cheng, Northern Arizona University. |
| Philip Oldham, Tennessee Technological University. |
| Mary Papazian, San Jose State University. |
| W. Taylor Reveley IV, Longwood University. |
| Absentees |
| Sandra Jordan, University of South Carolina, Upstate. |
| Vivek Murthy, 19th United States Surgeon General. |
| Guests |
| None. |
| NCAA staff liaisons in attendance |
| Jacqueline Campbell, Amanda Conklin, Diane Dickman, Jennifer Fraser, Kevin Lennon and Donald Remy. |
| Other NCAA staff in attendance |
| Scott Bearby, Joni Comstock, Jon Duncan, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Lynn Holzman, Michelle Hosick, Maritza Jones, Felicia Martin, Kathleen McNeely, Stacey Osburn, Bridget Rigney, Dave Schnase, Cari Van Senus, Naima Stevenson, Stan Wilcox and Bob Williams. |

Report is not final until approval of the Board of Governors and Division I Board of Directors.

NCAA Strategic Plan Timeline



**REPORT OF THE
NCAA BOARD OF GOVERNORS
COMMITTEE TO PROMOTE CULTURAL DIVERSITY AND EQUITY
MARCH 4, 2020, TELECONFERENCE**

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and introductions.** Terri Steeb Gronau, interim NCAA executive vice president of inclusion and human resources, explained her new leadership role, affirmed inclusion as a core value of the Association, and thanked the committee for its service. NCAA Board of Governors Committee to Promote Cultural Diversity and Equity Chair Mark Lombardi welcomed committee members and staff and introduced new members Sue Henderson, Tom Jackson Jr. and Jennifer Lynne Williams.
2. **August meeting report.** The committee reviewed and approved its August 28, 2019, teleconference report.
3. **NCAA Governance Structure and Committee Review Project.** Chair Lombardi provided context for this project that analyzes the committee member appointment and training processes relative to the ability to produce diverse and representative committees and committee members. This project aligns with the committee's main goals to engage and align the NCAA governance structure to achieve inclusive excellence and to operationalize the NCAA Presidential Pledge. Representatives from 3-Fold Group provided an overview of the "Report Summary: NCAA Committee Member Appointment Process Analysis." Subsequent discussion focused on how benchmarking for diversity goals for NCAA committees should prioritize the diversity of the student-athlete population. The committee will discuss both the summary and full reports at its April meeting and consider various action strategies and opportunities.
4. **NCAA funding to support committee goals.** Chair Lombardi summarized how funds approved to support the committee's goals were being allocated. The majority of the funds are being used to provide professional development programming that supports the Presidential Pledge. Remaining funds are supporting Phases I and II of the "NCAA Committee Member Appointment Process Analysis" as well as partnerships with the Minority Opportunities Athletics Association and the National Conference on Race and Ethnicity in Higher Education. Staff will provide more details about programming and initiatives supported by these funds at the committee's April meeting. In addition, the committee will discuss budget allocations and goals for fiscal year 2020-21 in April.
5. **Committee goals.** Chair Lombardi acknowledged that all committee goals are either completed or in progress. Staff highlighted a recently completed goal: all three divisions have

adopted legislation to establish an athletics diversity and inclusion designee at all institutions and conferences, effective August 1, 2020.

- a. Prioritize goals for 2020-21.** The committee supported plans for Phase II of the NCAA Committee Member Appointment Process Analysis. Phase II will focus on the remainder of the committees in the governance structure.
 - b. Diversity, equity and inclusion thought leaders/external partners meeting.** Staff provided a cost analysis for an equity, diversity and inclusion thought leaders/external partners meeting to be held in conjunction with the annual NCAA Inclusion Forum. Staff explained that the committee shares this goal with the NCAA Gender Equity Task Force. The committee will discuss this goal at its April meeting with a focus on desired outcomes.
- 6. NCAA Transgender Student-Athlete Participation Policy.** Staff provided an update on the ongoing review by various committees of the NCAA Transgender Student-Athlete Participation Policy adopted by the NCAA Board of Governors in 2011. The purpose of the review is to determine what, if any, changes to the policy are needed to ensure the policy upholds the NCAA's values of fairness and inclusion. The NCAA Committee on Competitive Safeguards and Medical Aspects of Sports reviewed and discussed the policy in December 2019. The NCAA Committee on Women's Athletics, the NCAA Minority Opportunities and Interests Committee and the Committee to Promote Cultural Diversity and Equity will review and discuss the policy at their respective April meetings.
- 7. NCAA equity, diversity and inclusion committees updates.**
 - a. Minority Opportunities and Interests Committee.** Staff informed the committee that all three divisions adopted legislation at the 2020 NCAA Convention to establish an athletics diversity and inclusion designee at all member institutions and conferences, effective August 1, 2020. The committee will discuss next steps to advance the designation throughout the Association at its April meeting, including developing resources to assist the membership.
 - b. Committee on Women's Athletics.** Staff updated the committee on the various NCAA Emerging Sports for Women Program meetings held at the 2020 NCAA Convention. Staff also provided a legislative update on proposals involving emerging sports for women. Specifically, Divisions II and III adopted legislation to add acrobatics and tumbling and women's wrestling. The NCAA Division I Council will vote on the legislative proposals to add acrobatics and tumbling and women's wrestling in April. Division III also considered, and narrowly defeated, a proposal to add equestrian as an emerging sport. All new emerging sport legislation has an August 1, 2020, effective date.

- c. **Gender Equity Task Force.** The task force's recommendation that Division I consider implementing a once-in-five-year equity, diversity and inclusion review was legislated by Division I in April 2019. The task force is supporting the office of inclusion's efforts to create an equity, diversity and inclusion review resource for the membership.

The task force engaged with NCAA legal staff about discussions on name, image and likeness during its February teleconference. Specifically, the task force noted the importance of considering equity, diversity and inclusion in ongoing membership discussions about possible policy and legislative proposals. The task force expressed support for the Board of Governors' directive that opportunities for student-athletes to benefit from name, image and likeness should be created within a framework that enhances principles of diversity, inclusion and gender equity. The task force expressed its willingness to assist with the ongoing efforts related to name, image and likeness.

8. Association-wide initiatives.

- a. **NCAA Board of Governors Federal and State Legislation Working Group.** Staff described the ongoing work of the Federal and State Legislation Working Group. Based on working group recommendations in October 2019, the Board of Governors directed all 1,100 members to create a structure for future name, image and likeness opportunities for student-athletes that is consistent with the college environment in each NCAA division. Divisions I, II, and III have formed committees to work on these opportunities with anticipated initial reports at 2020 spring meetings. The working group continues to examine federal and state legislative proposals related to student-athlete name, image, and likeness and to make recommendations to the Board of Governors.
- b. **NCAA Strategic Planning Working Group.** Staff provided an update on progress of the Association-wide strategic plan, including the addition of a fifth strategic priority regarding equity, diversity and inclusion.

9. Future meeting dates.

- a. April 18 in conjunction with the 2020 NCAA Inclusion Forum in Denver.

[Note: Subsequent to the teleconference, the Inclusion Forum was cancelled due to COVID-19. A teleconference will be scheduled during the week of April 20.]

- b. August 12, 2020 - teleconference.

10. Adjournment. The teleconference adjourned at 12:15 p.m. Eastern time.

Committee chair: Mark Lombardi, Maryville University

*Staff liaisons: Terri Steeb Gronau, Office of Inclusion and Human Resources
Amy Wilson, Office of Inclusion*

| NCAA Committee to Promote Cultural Diversity and Equity March 4, 2020, Teleconference | |
|---|--|
| Attendees: | |
| Dianne Harrison, California State University, Northridge. | |
| Tom Jackson, Humboldt State University. | |
| Brit Katz, University of South Carolina-Upstate. | |
| Mark Lombardi, Maryville University. | |
| Fayneese Miller, Hamline University. | |
| Jennifer Lynn Williams, Alabama State University. | |
| Absentees: | |
| Dylan Gladney, Prairie View A&M University. | |
| Sue Henderson, New Jersey City University. | |
| Satish Tripathi, University at Buffalo, The State University of New York. | |
| Guests in Attendance: | |
| Azure Davey, 3-Fold Group. | |
| NCAA Staff Liaisons in Attendance: | |
| Terri Steeb Gronau and Amy Wilson. | |
| Other NCAA Staff Members in Attendance: | |
| Niya Blair, Jackie Campbell, Craig Malveaux, Jean Merrill, Tiana Myers, and Cari Van Senus. | |

NCAA Government Relations Report

(March 2020)

Congressional Overview

Congress began the second session of the 116th Congress largely focused on the impeachment proceedings of President Trump and the 2020 general election. However, in the weeks following the Senate impeachment vote, policymakers increasingly shifted their focus toward COVID-19 and the emerging global health crisis. Actions have been taken to restrict access to Congressional office buildings and legislative activity is limited to addressing the health, economic and social impact of this pandemic on the United States. Despite the critical issues currently facing Congress, there has been a continued interest in discussing matters related to college sports. Specifically, Members of Congress and staff have continued to engage on the complex issues surrounding student-athlete compensation for use of their name, image, and likeness.

Federal Issues

Name, Image, and Likeness

Over the last several months Congress has displayed an increased interest in student-athletes benefiting from use of their name, image and likeness (NIL). On February 11, 2020, the Senate Commerce Subcommittee on Manufacturing, Trade, and Consumer Protection, conducted a hearing to explore issues surrounding student-athlete compensation for use of their NIL. The hearing, titled “Name, Image, and Likeness: The State of Intercollegiate Athlete Compensation,” provided an opportunity for subcommittee members to learn about state legislative activity and the possibility of a patchwork of NIL regulations, the potential for unintended consequences from unrestricted NIL opportunities, the NCAA’s ongoing efforts to give student-athletes an opportunity to benefit from their NIL, and the potential need for Congress to establish a national standard. Witnesses included, Dr. Mark Emmert, President, NCAA; Bob Bowlsby, Commissioner, Big 12 Conference; Dr. Douglas Girod, Chancellor, University of Kansas; Kendall Spencer, Former Chair, Student Athlete Advisory Committee; and Ramogi Huma, Executive Director, National College Players Association.

While legislative activity has been limited, NCAA government relations staff continues to closely monitor two proposals and ongoing discussions about future legislation. Last year, Rep. Mark Walker (R-NC) introduced H.R. 1804, the Student Athlete Equity Act. 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 eight cosponsors. On December 19, 2019, Rep. Donna Shalala (D-FL) introduced H.R. 5528, the Congressional Advisory Commission on Intercollegiate Athletics Act (CACIA). The proposal would create a Congressional Commission that is charged with examining and putting forth recommendation on a range of matters related to college sports including, academics, health and safety of student-athletes, financing of college athletics and name, image and likeness.

H.R. 5528 currently has 10 cosponsors and has been referred to the House Committee on Education and Labor.

In addition to these two bills, there has been ongoing discussions among a group of policymakers about introducing legislation to ensure that there is a national NIL standard that will allow student-athletes to take advantage of these opportunities, while preserving the collegiate athletic system. These discussions have been bipartisan and bicameral and involve a group of key stakeholders. While most of the activity has been limited to discussions, Rep. Anthony Gonzalez (R-OH) released a fact sheet outlining the pillars that should be included in any federal legislation. Those pillars include, preserving the college athletic system; allowing student-athletes to be compensated for use of their NIL; pre-empting state laws and creating a uniform standard; ensuring that student-athletes are not turned into employees; and protecting student-athletes from bad actors. In the Senate, Roger Wicker (R-MS), Jerry Moran (R-KS) and Marco Rubio (R-FL) have been active participants in discussions on federal legislation.

NCAA government relations staff continues to engage with policymakers and key stakeholders to educate Members of Congress on the Association's internal NIL efforts, potential unintended consequences from a state-by-state approach, and the possible need for congressional involvement.

Transgender Athletes

There has been interest by some Members of Congress in the athletics participation of transgender athletes. Rep. Greg Steube (R-FL-17) introduced H.R. 5702, the Protection of Women and Girls in Sports Act. The bill prohibits recipients of federal funds who operate, sponsor, or facilitate athletic programs to permit a person whose sex is male to participate in an athletic program that is designated for women or girls. The bill has 15 Republican co-sponsors and has not had any movement since it was referred to the House Committee on Education and Labor in January.

State Issues

Name, Image and Likeness

Since enactment of California's Fair Pay to Play Act, 34 states have introduced legislation related to the compensation of student-athletes for use of their NIL. Legislatures in Colorado and Florida have passed NIL legislation and sent those bills to their respective Governors for final approval. Colorado SB 123 has an effective date of January 1, 2023, while Florida SB 646 has an effective date of July 1, 2021. NIL proposals in five additional states have been passed by one chamber (AZ, HI, IL, KS, NJ). The majority of these proposals mirror the California law, however, there are several that go beyond name, image and likeness and establish additional requirements such as the creation of wage and injury funds for student-athletes.

COVID-19 has begun to alter the calendars for many state legislatures and their legislative priorities. NCAA government relations staff will closely monitor how these changes impact NIL legislative activity. Further, we will continue 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, 17 states are accepting wagers on athletic competitions (AR, DE, IL, IN, IA, MI, MS, MT, NH, NJ, NM, NV, NY, OR, PA, RI, WV) and three additional states (CO, NC, TN) and the District of Columbia have legalized sports betting and are in the process of developing regulations. Legislation to legalize sports betting has been passed in Virginia, Washington and South Dakota but has yet to receive final approval by the Governor or voters of the state.

Transgender Athletes

State legislators across the country have demonstrated an increasing interest in the issue of transgender rights as it relates to the fairness of competition among women's sports. There are currently 22 states considering legislation related to the athletic participation of transgender athletes and eight of these states have bills which apply to college athletics (AZ, ID, KY, LA, MS, NH, OH, WA). One bill in Arizona has passed out of the first chamber, while one bill in Idaho has passed the second chamber and was sent to the Governor for his signature.

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 | | | Initial BOG Review: May 2019 Document drafting: Thru February 2020 Membership review: April – June 2020 CSMAS review: March 2020 BOG final review and/or endorsement: August 2020 Final deliverable: Fall 2020 |
| Concussion | 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 | Event date: February 24-25, 2020. Document drafting: Informs NCAA Concussion Safety Protocol Checklist |
| | | 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 | Membership review: Not necessary. CSMAS review and endorsement: Ongoing, as recommendations are received from Advisory group. BOG review and endorsement: NA Final deliverable: Spring 2020 |



SUPPLEMENT NO. 11a
DIII Presidents Council 04/2020

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| | 3 rd 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 | Event date: February 24, 2020 Document drafting: NA Membership review: NA CSMAS Review: NA BOG Review: NA |
| | 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). | Event date: June 10-11, 2019 Document drafting: October 2019 Membership review: Not necessary CSMAS review and support: December 2019 Final deliverable: Available online |
| | 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 | Planning meeting with DoD: February 2020. Project draft: Spring 2020. Production: Summer/Fall 2020. Final Deliverable: December 2020. |
| | 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 | Settlement Effective Date: November 18, 2019. Deadline for Membership Certification with Settlement Terms: May 18, 2020. |



SUPPLEMENT NO. 11a
DIII Presidents Council 04/2020

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| | 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>Event date: February 2021</p> <p>Document drafting: Thru May 2021</p> <p>Membership review: May-June 2021</p> <p>CSMAS review and endorsement: June 2021</p> <p>External review and endorsement: June – August 2021</p> <p>Final deliverable: Fall 2021</p> |
| Doping & Substance Abuse | Pain Management in the Collegiate Athlete Task Force | SSI hosted a discussion focused on pain management for the collegiate athlete. | Membership guidance* | <p>Event date: July 10-11, 2018</p> <p>Document drafting: Thru December 2019</p> <p>Membership review: January – April 2020</p> <p>CSMAS review and endorsement: June 2020</p> <p>External review and endorsement: NA</p> <p>BOG review and/or endorsement: NA</p> <p>Final deliverable: Fall 2020</p> |
| Mental Health | 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>Event date: November 9-10, 2017</p> <p>Document drafting: November – March 2018</p> <p>Membership review: April 2018</p> <p>CSMAS review and endorsement: June 2018</p> <p>BOG review and endorsement: August 2018</p> <p>Final deliverable: First deliverable of MH Workshop Planning Kit and MHBP implementation resources were released June 2018.</p> <p>Final deliverables expected in April 2020.</p> |



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| | 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. | Peer-reviewed Journal Article | Article submission: TBD |
| | | | Educational Tools | Event Date: March 12-13, 2019 Tool Development: TBD Membership review: CSMAS review and endorsement: NA BOG review and endorsement: NA Final deliverable: 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. | Event date: November 14-15, 2019 Document drafting: November 2019 - January 2020 Membership review: TBD CSMAS review: TBD BOG review and endorsement: TBD Final deliverable: TBD |
| Overuse, Sleep, and Performance | 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 [†] Peer-review journal article | Event date: May 1-2, 2017 Tool Development: Spring 2019. Membership review: CSMAS review and endorsement: NA BOG review and endorsement: NA Final deliverable: Complete - October 2019 Article submission: Complete – Accepted for publication with the British Journal of Sports Medicine |



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| Athletics Health Care Administration | 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. | | Event date: 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



Guidance to the NCAA membership about the Arrington Certification Process

The purpose of this memo is to provide membership with: 1) additional information about the availability of an online platform and process that has been established to facilitate membership certification under the Arrington Class Settlement Agreement; and 2) access to related educational and instructional materials.

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The content of this memo 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 with applicable legal and other advisors and other institutional staff who might assist you in appropriately evaluating this information as it applies to your individual institutional decision about certification and related risks and practices.

REMINDER - Certifications must be submitted by May 18,2020

In accordance with Section IX.B of the Settlement Agreement, certification is optional for NCAA member schools; but it provides certifying 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, **on or before 11:59 PM CDT (Chicago time) on May 18** that they have put in place a concussion management plan that meets the requirements of Section IX. A of the Settlement Agreement and must provide a copy of the certification to the Special Master, Class Counsel, and the Notice Administrator as described in the Settlement Agreement. Please note that, while all three divisions continue to explore the possibility of delaying certain other membership reporting obligations in response to the impact of COVID-19, the May 18 certification deadline is imposed by the terms of the Settlement Agreement which is a legal document. The Settlement Agreement does not provide for any opportunity for an extension or waiver of that deadline and the deadline should be considered permanent and immovable.

Certification Process

A certification website and electronic certification process have been established and will be managed by third party settlement administrator Epiq Mass Tort (EPIQ). The certification website is immediately available to membership and step-by-step instructions for member institutions can be accessed [here](#).

IMPORTANT - Prior to certification

Prior to accessing the certification website or implementing the instructions provided through the link above, it is important that each institution carefully reviews the content of Section IX and other related provisions of the Settlement Agreement, as well as the sample certification form. This review should be done with applicable legal advisors and other school staff who might assist in appropriately evaluating the certification requirements and decision, in each case as they apply to individual institutional risks and practices. A copy of the Settlement Agreement can be accessed [here](#). A pdf copy of a sample certification form can be accessed [here](#).

After Certification

Upon successful completion of the certification process, the individual that certifies on behalf of the institution will immediately receive an email confirming that the certification document has been completed. The email will include a pdf copy of the signed certification and the signer will be able to review an online copy as well. EPIQ will subsequently send a confirmation email to the following school personnel at the address that was on file with the NCAA on March 15:

- Director of Athletics.
- Athletics Health Care Administrator.
- Director of Compliance and General Counsel (or, where no General Counsel, the President/Chancellor).

The executed certification form will also be automatically uploaded to the settlement website. Finally, EPIQ will provide a copy of the executed certification form to each of the Special Master, Class Counsel, and the Notice Administrator, on behalf of the certifying institution, as required under the Settlement Agreement. Please note that it may take EPIQ several days after completion of the certification process to fully complete these activities.

Please note that, to support membership certification efforts, EPIQ intends to send subsequent reminders of the certification deadline to the limited group of Association stakeholders identified above at member institutions that have not yet submitted a certification between now and the certification deadline.

Frequently Asked Questions

In addition to the instructional information about the certification process, we have developed a *Frequently Asked Questions* document that contains answers to anticipated membership questions related to the certification process. A copy of the Certification FAQ can be accessed [here](#).

Recommended Next Steps

SUPPLEMENT NO. 11b
DIII Presidents Council 04/2020

As indicated above, we encourage you to review the content of Section IX and other related provisions of the Settlement Agreement, as well as the sample certification form with applicable legal advisors and other school staff who might assist in appropriately evaluating the certification requirements and decision, in each case as they apply to individual institutional risks and practices. Links to relevant certification materials are provided again for your convenience below.

- [Certification Instructions](#)
- [Settlement Agreement](#)
- [Sample Certification Form](#) (pdf copy)
- [Certification FAQ](#)

We appreciate the efforts required to comply with the certification requirements, especially during these extremely challenging times. We remain committed to working with the membership to support and facilitate compliance and we greatly appreciate your continued partnership toward that effort. As always, please contact us at ssi@ncaa.org in the event you have any questions.

This email was sent to NCAA Divisions I, II and III Athletics Health Care Administrators, Conference Commissioners, Directors of Athletics, Directors of Compliance, General Counsel, Head Athletic Trainers, Head Team Physicians, Presidents and Chancellors, and Senior Woman Administrators based on contact information in the [NCAA Directory](#); and to select NCAA staff.

GUIDANCE

MEDICAL CARE AND COVERAGE FOR STUDENT-ATHLETES AT AWAY EVENTS

PURPOSE.

Each institution has a legislative responsibility to provide medical care and coverage for its own student-athletes who are participating in sanctioned athletic activities, regardless of whether the events are occurring on campus or at another location. Despite common historical practice, an institution should not assume that a host institution will agree to take on those responsibilities for its visiting student-athletes. Rather, it should carefully consider all its obligations related to the provision of medical care at away events, and proactively assess the alternatives through which it might satisfy those responsibilities. Similarly, before agreeing to assume responsibility for visiting student-athletes, a host institution should carefully consider the various medical and legal implications of doing so.

This document is intended to provide guidance to the membership on the institutional obligations, and some of the more relevant corresponding considerations, related to the provision of medical care and coverage for NCAA student-athletes who are participating in school-sponsored practice and competition at locations other than their home institutional facilities.

The information contained in these materials is for educational purposes only and is not intended to constitute, or be a substitute for, medical or legal advice. The information provided is not intended to be exhaustive, and we encourage membership to review these materials with applicable campus medical, legal and risk management authorities to determine whether and how best to use this information to address individual institutional risks and requirements.

WHO SHOULD READ THIS DOCUMENT?

Those who may be involved with the oversight or delivery of athletic health care, including, but not limited to:

1. Athletics Health Care Administrators.
2. Compliance Staff.
3. Conference Commissioners.
4. Directors of Athletics.
5. Faculty Athletic Representatives.
6. Coaching Staff.
7. Presidents and Chancellors.
8. Team Physicians, Athletic Trainers and Other Team Health Care Providers.
9. Legal Counsel and Risk Management Staff.
10. Student-Athletes.

APPLICABLE INSTITUTIONAL OBLIGATIONS.

There are several association-wide legislative and policy provisions that apply to an institution's provision of medical care and coverage for NCAA student-athletes who are participating in school-sponsored practice and competition at locations other than their home institution facilities. For example:*

- An active member institution must conduct its athletic program in a manner designed to protect and enhance the physical well-being of student-athletes and it has a responsibility to protect the health of, and provide a safe environment for, each student-athlete.ⁱ
- An active member institution must designate a properly credentialed and licensed physician for each of its teams and that individual must have authority to oversee the medical services incidental to the participation of the members of the team.ⁱⁱ
- An active member institution must establish an administrative structure that ensures that the primary athletics health care providers (i.e., the team physicians and athletic trainers) have unchallengeable autonomous authority to determine the medical management and return-to-play decisions related to student-athletes.ⁱⁱⁱ
- An active member institution's policies should provide that any student-athlete who exhibits signs, symptoms or behaviors consistent with concussion must be evaluated by a medical staff member (e.g.; sports medicine staff, team physician) with experience in the evaluation and management of concussions; and, if diagnosed with a concussion, cleared to return to athletics activity only as determined by the team physician or physician's designee.^{iv}
- An active member institution's policies should provide that medical personnel with training in the diagnosis, treatment and initial management of acute concussion must be on site at the campus or arena of each competition, and available to be contacted at any time via telephone, messaging, email, beeper or other immediate communication means during all practices involving specified contact/collision sports (basketball, equestrian, field hockey, football, ice hockey, lacrosse, pole vault, rugby, skiing, soccer, wrestling).^{v vi}
- An active member institution must have a properly rehearsed emergency action plan for *all* venues (home and away) in which practices or competitions are conducted and the plan must specifically address medical care related to concussions and catastrophic injuries, including head and neck injuries, cardiac arrest, heat illness and heat stroke, exertional rhabdomyolysis, exertional collapse associated with sickle cell trait, any exertional or nonexertional collapse, asthma, diabetic emergency and mental health emergency.^{vii viii}
- An active member institution must provide medical care and coverage for student-athletes for all athletically related injuries incurred during intercollegiate sports activities including team travel, competition, practices and conditioning.^{ix}
- An institution is required to collect and submit data detailing concussion and catastrophic events involving student-athletes.^{x xi}

- * *Some of the more relevant NCAA legislative provisions and policies have been summarized above for simplicity and convenience. They are not intended to reflect the full text of the legislation or policies or to provide an exhaustive list of applicable materials. The full text of all relevant NCAA institutional obligations can be found in the applicable divisional manuals and Board of Governors materials located on the NCAA website.*

OBLIGATIONS RELATED TO AWAY ACTIVITIES.

Each institution is responsible for complying with the above membership obligations for each of its respective teams and student-athletes regardless of whether athletic activities occur on campus or at another location. The obligations do not change when a team departs campus for an away practice or competition. That said, applicable legislation and policy provide institutions with significant flexibility in determining how to satisfy these obligations. For example, the above provisions do not mandate that institutional staff must fulfill the various requirements involving medical personnel. In fact, historically, many host schools have made primary athletics health care providers available to provide health care to visiting teams traveling without medical personnel. Some teams have also contracted services from independent third-party care providers for certain events. Each institution should carefully consider all available options, and the corresponding risks and benefit considerations, to identify which alternatives best support its individual compliance needs. Some of the more relevant considerations are identified and described below.

CONSIDERATIONS.

Whether an institution elects to send their own medical personnel to away events or coordinate care through the host institution or a third-party provider, it is important to evaluate all of the medical and legal factors that may impact its ability to comply with legislative, policy and other applicable obligations. Because the considerations are different for visiting programs and host institutions, they are addressed in separate sections below and members are encouraged to carefully review both perspectives. While these materials identify some of the more relevant considerations, these materials are not exhaustive in nature and we encourage each institution to work with applicable campus medical, legal and risk management authorities to evaluate these considerations and to identify any others that may impact institutional risks and requirements.

Other Applicable Laws, Policies, Obligations.

NCAA legislative and policy requirements reflect only one of many sources of potential obligations for an institution. There may also be state or federal laws and institutional or educational system policies or obligations that govern or impact how an institution elects to manage medical care and coverage at events occurring away from campus facilities. For example, state and federal laws and institutional policies may impact who can or must provide medical services at non-campus events and whether and which medical and personal information can or must be shared with non-institutional staff as part of medical decision making. For example, while [*The Sports Medicine Licensure Clarity Act of 2018*](#) offers general protection for most health care professionals who provide care outside their home state of licensure, the law, as well as how it intersects with state and federal laws governing the transport and dispensing of pharmaceuticals, can be nuanced and require thoughtful review and clear understanding. Similarly, institutional agreements (with employees, student-athletes and third parties) may limit or require certain

practices or processes related to the sharing of information or the provision or oversight of medical care beyond those that are contemplated in NCAA legislation and policy. It is important to work closely with legal and other knowledgeable institutional advisors to identify, understand and address these additional obligations to the extent they exist.

Other Institutional Considerations for Traveling Teams.

- **Appropriate Staffing:** Some membership obligations require that medical personnel with certain credentials or skill sets be available or present in certain specific scenarios to provide care and/or decision making.^{iv-vi} With respect to institutions sending teams to away events, compliance with these obligations will require a clear understanding of event logistics and staff resources, credentials and availability. Whether sending its own staff or relying on third-party staffing, a visiting institution should consider clarifying and documenting which medical personnel (visiting and hosting) will be assigned to cover each away event and the specific roles/responsibilities of each. If relying on third-party staffing, the institution should consider a written agreement reflecting the same.
- **Emergency Action Plan (EAP):** An institution must have an EAP for *all* venues (home and away) in which practices or competitions are conducted and the plan must speak specifically to catastrophic injuries and various other injury categories.^{vii viii} The EAP must be properly understood and rehearsed by applicable personnel. Whether sending its own staff or relying on third-party staffing, an institution should consider requesting a copy of the host school's EAP and reviewing as necessary to confirm whether it can be relied upon to adequately satisfy the visiting institution's obligations. If an institution is sending its own medical personnel to the away event, personnel should become familiar with and have access to necessary emergency equipment and treatment facilities. Again, regardless of how it elects to staff away events, a visiting institution should consider clarifying and documenting which medical professionals and other staff (visiting and hosting) will play a role in the implementation of the EAP and the roles/responsibilities of each. If relying on third-party staffing, the institution should consider a written agreement reflecting the same.
- **Independent Medical Care:** NCAA independent medical care legislation empowers team physicians and athletic trainers with final decision-making authority regarding the diagnosis, management and return-to-sport determinations for student-athletes, free from influence exerted by non-medical professionals such as coaches or athletic administrators.ⁱⁱⁱ While other members of the institutional sports medicine team, and providers at host institutions and contracted third party providers, may work with the institutional health care providers in an integrative and consultative manner, the primary athletics health care providers (team physicians and athletic trainers) at the visiting team's institution are ultimately responsible when it comes to medical management and return-to-play decisions related to their traveling student-athletes. If an institution's primary athletics health care providers will not travel with a team to an away event, coaches and other staff will be expected to follow the protocols established by them prior to the trip. A visiting institution should consider whether existing travel policies and guidelines adequately account for independent medical care and decision making in the absence of institutional medical personnel. If an institution intends to rely on the care and decision making of the host institution or third party medical staff, the institution should consider clearly documenting that delegation of authority and the acknowledgement of

responsibility by the host institution or third party, prior to the away event as part of the paperwork to be executed by the host institution. This type of written delegation and acknowledgement of authority would be interpreted as a delegation of the corresponding independent medical care authority of the visiting institution's or contracted third party's medical personnel such that the medical decision making of the host institution or third party medical providers should not be challenged by visiting team coaches or others.

- **Equipment and Supplies:** The availability of adequate medical equipment and supplies at an away event will impact a visiting institution's ability to satisfy its medical care obligations. Accordingly, and whether sending its own staff or relying on third-party staffing, an institution should consider proactively coordinating with medical personnel at the host institution or third party provider to identify any specific equipment and supply needs that will not be met through the visiting team's travel practices. Similarly, because regulations related to the transport and dispensation of controlled substances can be nuanced and can vary from state to state, a visiting institution should consider careful review of applicable regulations to evaluate whether traveling medical staff or, if applicable, visiting institution medical personnel can properly accommodate visiting team pharmaceutical needs as intended.
- **Confidentiality and Consent to Treat:** Visiting team medical personnel should consider the types of student-athlete medical records and personal information that may be required at an away event in order to adequately satisfy medical care obligations. If access to necessary materials requires the visiting institution to travel with student-athlete medical records or other confidential information, or to provide a host institution or third party provider with access to such information, it should consider whether and to what extent those activities may be impacted by applicable privacy regulations and obligations. Similarly, any visiting institution that intends to rely on host institution or third-party medical staff should consider whether its standard student-athlete consent to treat forms adequately account for and permit those activities.
- **Reporting:** An institution is required to collect and submit data detailing concussion and catastrophic events involving student-athletes^{x xi}, whether they occur as part of athletic events played at home or away from campus and it may have other institutional data collection and reporting obligations as well. An institution should consider reviewing its travel policies and guidelines and intended travel staffing plans to confirm whether they adequately address these reporting needs and requirements.
- **Insurance:** An institution must provide medical coverage for student-athletes for all athletically related injuries incurred during intercollegiate sports activities including those that occur at away events or otherwise as part of team travel activities.^{ix} Each visiting institution should consider reviewing its student-athlete medical coverage to confirm that it adequately extends to events away from campus and, to the extent it intends to rely on host institution or third party medical staff for student-athlete medical care and coverage, whether and to what extent that may impact existing policies and coverage. Similarly, each visiting institution should consider reviewing its employee-related policies to confirm that all services and responsibilities that it intends to be performed by institutional medical and other staff at or as part of away events are adequately covered.

Other Institutional Considerations for Hosting Teams.

- **Appropriate Staffing:** Some of the membership obligations require that medical personnel with certain credentials or skill sets be available or present in certain specific scenarios to provide care and/or decision making.^{iv-vi} While it is permissible for a visiting institution to delegate these responsibilities to a host institution, before agreeing to assume responsibility for these obligations, a host institution should consider the specific needs of the visiting team, event logistics, and the availability, scope of employment, credentials and state licensing limitations of its institutional staff, and confirm that it can appropriately accommodate and fulfill the obligations. For example, the host institution should consider whether the scope of existing employment agreements and state licensing requirements for their primary athletics health care providers permit the provision of medical care and the dispensation of controlled substances to student-athletes from outside institutions and/or different states. If a host institution agrees to assume NCAA legislative or policy obligations related to the medical care of visiting student-athletes, it should consider clarifying and documenting in a written agreement with the visiting institution which of its medical personnel and other staff will be assigned to cover applicable events and the specific roles/responsibilities of each.
- **Emergency Action Plan (EAP):** Whether it has agreed to provide medical care and coverage to visiting student-athletes or not, and regardless of whether it is specifically requested, the host institution should consider proactively sharing a copy of its EAP with visiting teams. If and to the extent a host institution agrees to assume responsibility for medical care for visiting student-athletes, it should consider reviewing its own EAP to understand and confirm whether it can adequately address those additional assumed responsibilities. If there is any need to change or supplement its EAP in connection with the provision of care to visiting student-athletes or otherwise in connection with an athletics event, it should consider reviewing the revised EAP with all individuals, including visiting team staff, who may be involved with implementation of the EAP. Finally, a host institution should consider clarifying and documenting in a written agreement with the visiting institution which medical professionals and other staff (visiting and hosting) will play a role in the implementation of the EAP and the roles/responsibilities of each.
- **Independent Medical Care:** NCAA independent medical care legislation empowers team physicians and athletic trainers with final decision-making authority regarding the diagnosis, management and return-to-sport determinations for student-athletes, free from influence exerted by non-medical professionals such as coaches or athletic administrators.ⁱⁱⁱ A host institution should consider proactively contacting a visiting institution to confirm whether its primary athletics health care providers are planning to travel with the visiting team. Where a visiting team does not intend to travel with its medical personnel, the host institution should consider requesting a copy of institutional protocols pertaining to the diagnosis, management and return-to-sport determinations for visiting student-athletes. Similarly, if there is any question about who will be providing medical care to the visiting student-athletes, the host institution should consider clarifying expectations and resolving any open issues well before the date of the event. Where the visiting institution has delegated, and the host institution has formally agreed to assume, responsibility for the provision of medical care and decision making for visiting team student-athletes, and unless its otherwise indicated in conference guidelines or as part of the agreement between the institutions, it would be considered a delegation of the corresponding independent medical care authority of the visiting institution's

medical personnel such that the medical decision making of the host institution medical providers should not be challenged by visiting team coaches or others.

- **Equipment and Supplies:** The availability of adequate medical equipment and supplies will impact an institution's ability to satisfy its medical care obligations. Accordingly, and whether or not it agrees to provide any medical care for visiting student-athletes, a host institution should consider proactively coordinating with medical personnel at the visiting institution to identify any specific equipment and supply needs that will not be met through its own travel transport practices. Similarly, regulations related to the storage and dispensation of controlled substances are nuanced and vary from state to state. Before agreeing to store or dispense any controlled substances for a visiting institution, a host institution should consider careful review of applicable regulations to confirm how they may impact those the requested services. The host institution should consider discussing and documenting how the institutions agree to address those unmet needs and what, if any, obligations the visiting institution has agreed to fulfill.
- **Confidentiality and Consent to Treat:** Where the host institution has agreed to provide medical care for visiting student-athletes, its medical personnel should consider the types of student-athlete medical records and personal information that may need to be readily available or accessible to adequately satisfy those assumed medical care responsibilities and should consider proactively coordinating with the visiting team medical personnel about those needs. If a visiting institution has asked the host institution to review or access medical records or other confidential information related to visiting team athletes, or the visiting team may require access to such information to fulfill assumed responsibilities related to the provision of medical care, it should consider whether and to what extent those activities may be limited or otherwise impacted by applicable privacy regulations and obligations. Similarly, a host institution that has agreed to provide medical care for visiting student-athletes should consider proactively consulting with the visiting team providers to confirm whether applicable student-athlete consent to treat forms adequately account for and permit treatment by host institution medical personnel. It should also consider documenting that information as part of a written agreement with the visiting team's institution.
- **Reporting:** A visiting institution is required to collect and submit data detailing concussion and catastrophic events involving student-athletes^{x xi}, whether they occur as part of athletic events played at home or away from campus and it may have other institutional data collection and reporting obligations as well. If a host institution has agreed to provide medical care for visiting student-athletes, it should consider proactively consulting with the visiting institution to confirm whether it intends for host institution personnel to capture and record any injury data as part of those responsibilities and, if so, it should consider the impact of applicable privacy regulations and obligations on those activities. The host institution should consider including a description of applicable injury data recording and reporting responsibilities, if any, as part of a written agreement with the visiting team's institution.
- **Insurance:** A host institution should consider reviewing its insurance policies that may involve or apply to visiting student-athletes and staff, event officials and non-employee staff to understand any underlying policy requirements or limitations and whether coverage applies as intended. Similarly, the host institution should consider reviewing its employee-related

policies to confirm whether and to what extent they may impact its decision to agree to assume responsibilities related to the provision of medical care for visiting student-athletes.

KEY TAKEAWAYS.

The NCAA has identified the potential for a gap in medical care for visiting teams during NCAA-sanctioned events. Such a gap would put visiting student-athletes at heightened risk. The NCAA Board of Governors has requested the creation and dissemination of these materials to remind member institutions about their obligations related to medical care and coverage as they relate to NCAA student-athletes who are participating in school-sponsored practice and competition at locations other than their home institutional facilities and to provide guidance with respect to related risks and considerations. In order to appropriately address the identified potential gap in care, each member institution should consider the following evaluative steps:

- ☐ Careful review of these materials, along with all athletics program scheduling and anticipated staffing models, with applicable campus medical, legal and risk management authorities to determine whether proposed staffing plans adequately address applicable medical care obligations for *both* home and away events.
- ☐ Identification of potential gaps that may result in non-compliance and identification of a plan (e.g., collaboration with conference or campus leadership to secure additional internal resources and/or creation of a plan to coordinate with host team institutions or licensed third parties) to address identified needs.
- ☐ Evaluation of whether any obligations or related issues might be most effectively managed at the conference level and coordination with conference membership and leadership to explore alternatives.
- ☐ Evaluation of relevant insurance policies with applicable campus medical, legal and risk management authorities to confirm adequacy of coverage and identify and resolve any unintended gaps in coverage.
- ☐ Documentation of institution-wide expectations as part of conference/departamental/team travel policies and guidelines.
- ☐ Documentation of the details related to the delegation by a visiting institution of any of its medical care and coverage responsibilities and the assumption of those responsibilities by the conference, the host institution or another party.**
- ☐ Timely communication to and education of all applicable athletics and other institutional staff about the details of team travel policies and guidelines, and any arrangements with other institutions or third-party medical providers, related to the medical care and coverage of student-athletes participating in away events.

****** *As highlighted in the sections describing institution obligations and considerations above, each institution retains medical care and coverage obligations for its own student-athletes regardless of whether they are participating in home or away events. Despite common historical practice, an institution should not assume that a host institution will agree to take*

on those responsibilities with respect to its visiting student-athletes. Rather, if an institution anticipates that it will require the assistance of the conference, the host institution or another third party to fulfill its obligations related to the provision of medical care at away events, it should proactively communicate and coordinate with those other parties and come to an agreement around which responsibilities will be delegated by the visiting institution and assumed by the third party. These types of agreed upon details are best documented in a written agreement between the parties or, in the case of conference management, in the applicable conference policies and guidelines. The parties should consider simultaneously discussing and addressing, as applicable, the other considerations described above and, as necessary, including the same as part of their written documentation.

Endnotes

| | DIVISION I | DIVISION II | DIVISION III |
|-------|--|---------------------------|---------------------------|
| i. | Constitution §2.2 | Constitution §2.2 | Constitution §2.2 |
| ii. | Constitution §3.2.4.18 | Constitution §3.2.4.20 | Constitution §3.2.4.19 |
| iii. | Constitution §3.2.4.19 | Constitution §3.2.4.19 | Constitution §3.2.4.20 |
| iv. | Constitution §3.2.4.20(b) | Constitution §3.2.4.17(b) | Constitution §3.2.4.17(b) |
| v. | Constitution §3.2.4.20.1 | Constitution §3.3.4.17 | Constitution §3.2.4.17 |
| vi. | NCAA Concussion Safety Protocol CHECKLIST | | |
| vii. | Report of the NCAA Board of Governors: April 30, 2019 | | |
| viii. | Interassociation Recommendations : Preventing Catastrophic Injury & Death in Collegiate Athletes | | |
| ix. | Bylaws §16.4.1 | Constitution §3.3.4.14 | Constitution §3.2.4.8 |
| x. | Constitution §4.3.4.21 | Constitution §3.3.4.18 | Constitution §3.2.4.18 |
| xi. | Constitution §3.2.4.21 | Constitution §3.3.4.21 | Constitution §3.2.4.18 |

Citations Last Updated 2020-March-03



**REPORT OF THE
DIVISION III PRESIDENTS COUNCIL NOMINATIONS
SUBCOMMITTEE MARCH 2, 2020, TELECONFERENCE**

ACTION ITEMS

- **None.**

INFORMATIONAL ITEMS

1. **Welcome and Roster.** Staff welcomed the subcommittee to the teleconference at 10:33 a.m. Eastern time Monday, March 2, 2020, and conducted roll call.
2. **Presidents Council Appointment Process.** Staff highlighted the role and responsibilities of the subcommittee and detailed the appointment process.
3. **Discuss Immediate Vacancy for Bill Tsutsui.** The subcommittee discussed legislative requirements related to the immediate replacement for Bill Tsutsui. Staff noted that while all Presidents Council representational requirements (e.g., geography, gender, race, institutional size) are met through January 2022, the subcommittee should consider the following priorities for 2021-22:
 - a. Public institution.
 - b. Region 2.
 - c. Ethnic minority.
 - d. Undergraduate enrollment less than 1400.

In addition, since the vacant term ends the same year as several other terms, the subcommittee approved the recommendation that the new position should be appointed for one year, with potential reappointment for up to four additional years.

The subcommittee identified for consideration several presidents that currently serve on the Division III President's Advisory Group. Staff will vet the candidates with the goal of filling the vacancy by the August Presidents Council meeting.

Subcommittee Chair: Teresa Amott, Knox College

Staff Liaisons: Dan Dutcher

Louise McCleary

Ali Spungen

Jenn Roe

| March 2, 2020, Teleconference | |
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| Attendees: | |
| Teresa Amott, Knox College | |
| Katherine Conway-Turner, Buffalo State, State University of New York | |
| James Schmidt, University of Wisconsin, Eau Claire | |
| Absentees: | |
| Kathleen Murray, Whitman College | |
| Frank Sanchez, Rhode Island College | |
| NCAA Staff Support in Attendance: | |
| Dan Dutcher Debbie Kresge Louise McCleary Jenn Roe | |