



A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council/Presidents Advisory Group

Via Microsoft Teams Teleconference

August 3, 2020
10 a.m. to Noon Eastern

- | | | |
|---------------------|----|---|
| 10 a.m. | 1. | Welcome. (Tori Murden McClure) |
| 10:05 a.m. | 2. | Rosters and Presidents Advisory Group charge. [Supplement Nos. 1 and 2] (Murden McClure) |
| 10:05 to 10:30 a.m. | 3. | NCAA Association Updates – Mark Emmert and Donald Remy. [Supplement Nos. 3a, 3b, 3c and 3d] |
| 10:30 to 10:45 a.m. | 4. | Sports Science Institute (SSI) updates. (Brian Hainline/John Parsons) <ul style="list-style-type: none">• <u>Resocialization of Collegiate Sport: Developing Standards for Practice and Competition</u> |
| | 5. | Discussion Topics. |
| 10:45 to 11:05 a.m. | a. | Return to playing seasons. [Supplement No. 4] (Jeff Myers) |
| 11:05 to 11:25 a.m. | b. | Athletics and social injustice. [Supplement No. 5] (Niya Blair) |
| 11:25 to 11:40 a.m. | 6. | 2021 Key Legislative Proposals. <ul style="list-style-type: none">• Governance –Name, Image and Likeness. [Supplement Nos. 6a, 6b, 6c and 6d] (Dutcher, Myers, Murden-McClure) |
| 11:40 to 11:50 a.m. | 7. | Division III budget. (Fayneese Miller/Mark Aiken) <ul style="list-style-type: none">a. 2019-2020 budget-to-actual. [Supplement No. 7a]b. Future budget projections. [Supplement No. 7b] |

- 11:50 a.m. 8. Other business. (Murden McClure)
- 11:55 a.m. 9. Future meetings.(Murden McClure)
- a. Thursday, January 14, 2021; Washington, D.C. – 11:30 to 1 p.m.
 in conjunction with the 2021 NCAA Convention.
- b. Tuesday, August 3, 2021; Indianapolis, IN – 5:45 to 9 p.m.
 [Annual meeting]
10. Adjournment.

PRESIDENTIAL LEADERSHIP GROUPS
DIVISION III GOVERNANCE STRUCTURE

Presidents Council [PC] – The Presidents Council includes 18 members that meet the various representative and distributional regulations per Constitution 4.4.1.

Management Council [MC] – Per the Division III Constitution, two presidents or chancellors serve on the Management Council, which reports to the Presidents Council.

President's Advisory Group [PAG]– The President's Advisory Group consists of one president or chancellor from each Division III voting conference not currently represented on the Presidents Council or Management Council. The group may include a representative from the Association of Division III Independents. Appropriate efforts shall be made to ensure the diversity of the group. As a minimal goal, group membership should include at least one person who is an ethnic minority and at least two persons of each gender; a single member shall not be considered to meet both minimums. In August 2012, the Presidents Council approved a new policy to permit a president from the same conference to be appointed to the PAG if that conference already has a president serving on the Presidents/Management Councils and has a second president who is interest in serving in a leadership capacity (especially a president from a group historically underrepresented in the governance structure) to help ensure a diversity of viewpoints. The PAG serves as a source of potential nominees for the Presidents Council's Nominations Subcommittee.

Conference	Name/Institution	Current Contact Information	Assistant's Name and Contact Information	Term Expiration
Allegheny Mountain Collegiate Conference	Lorrie Clemo [PAG] D'Youville College	420 Porter Avenue Buffalo, New York 14201 Phone: 716/829-7671 Email: clemo@dyc.edu	Kerri Mills Email: millsk@dyc.edu	January 2021
American Collegiate Athletic Association	Elizabeth Hillman [PAG] Mills College	5000 MacArthur Boulevard Oakland, California 94613-1301 Phone: 510/430-2094 Email: president@mills.edu	Carrie Milligan Hall Email: cmilliga@mills.edu	January 2021
American Rivers Conference	Darrin Good [PAG] Nebraska Wesleyan University	5000 St. Paul Avenue Lincoln, Nebraska 68504-2796 Phone: 402/465-2217 Email: dgood@nebrwesleyan.edu	Larcy Allen (Scheduling) Email: lallen4@nebrwesleyan.edu P.J. Rabel (Special Asst. to President) Email: prabel@nebrwesleyan.edu	January 2022
American Southwest Conference	Richard Dunsworth [PC] University of the Ozarks	415 North College Avenue Clarksville, Arkansas 72830 Phone: 479/979-1242 Cell Phone: 217/521-1727 Email: rdunsworth@ozarks.edu	Connie Booty Email: cbooty@ozarks.edu	January 2023
Atlantic East Conference	Donald Taylor [PAG] Cabrini University	610 King of Prussia Rd. Radnor, PA 19087 Phone: 610/902-8202 Email: dbt27@cabrini.edu	Joan Kleckner Email: jdk724@cabrini.edu	June 2022
Capital Athletic Conference	Troy Paino [PC] University of Mary Washington	1301 College Avenue Fredericksburg, Virginia 22401 Phone: 540/654-1301 Email: tpaino@umw.edu	Paula Zero Email: pzero@umw.edu	January 2022
Centennial Conference	Roger Casey [PAG] McDaniel College	2 College Hill Westminster, Maryland 21157 Phone: 410/857-2223 Cell Phone: 410/972-1374 Email: rcasey@mcdaniel.edu	Marissa Cormier Email: mcormier@mcdaniel.edu	June 30, 2021

Conference	Name/Institution	Current Contact Information	Assistant's Name and Contact Information	Term Expiration
City University of New York Athletic Conference [CUNYAC]				
College Conference of Illinois and Wisconsin	Troy Hammond [PC] North Central College	30 North Brainard Naperville, Illinois 60540 Phone: 630/637-5454 Email: president@noctrl.edu	Kimberly Salzbrunn ksalzbrunn@noctrl.edu	January 2023
Colonial States Athletic Conference	James Lytle [PAG] Clarks Summit University	538 Venard Road Clarks Summit, Pennsylvania 18411 Phone: 570/585-9201 Email: jlytle@ClarksSummitU.edu	Lakin Harris Email: lharris@ClarksSummitU.edu	January 2022
Commonwealth Coast Conference	D. Michael Lindsay [PAG] Gordon College	255 Grapevine Road Wenham, Massachusetts 01984 Phone: 978/867-4800 Email: president@gordon.edu	Davis Metzger Email: Davis.Metzger@gordon.edu William Hagen Email: William.Hagen@gordon.edu	May 2022
Empire 8 Conference	Dr. Gerry Rooney [PAG] St. John Fisher College	3690 East Avenue Rochester, New York 14618 Phone: 585/385-8010 Email: grooney@sjfc.edu	Mary McGowan Email: mmcgowan@sjfc.edu	January 2023
Great Northeast Athletic Conference	Marc Camille [PAG] Albertus Magnus College	700 Prospect Street New Haven, CT 06511 Phone: 203/773-8529 Email: president@albertus.edu	Lynne M. Hennessy Email: lhennesy@albertus.edu	January 2022
Heartland Collegiate Athletic Conference	Richanne Mankey [PC] Defiance College	701 N. Clinton Street Defiance, Ohio 43512 Phone: 419/783-2300 Email: rmankey@defiance.edu	Judy Lymanstall Email: jlymanstall@defiance.edu	January 2024

Conference	Name/Institution	Current Contact Information	Assistant's Name and Contact Information	Term Expiration
Independents	TBD			
Landmark Conference	Jim Troha [PC] Juniata College	1700 Moore Street Office of the President Huntington, PA 16652 Phone: 814/641-3101 FAX: 814/641-3355 Cell Phone: 814/599-1862 Email: trohaj@juniata.edu	Bethany Sheffield Email: sheffb@juniata.edu	January 2023
Liberty League	TBD			
Little East Conference	Frank Sanchez [PC] Rhode Island College	600 Mt. Pleasant Avenue Providence, RI 02908 Phone: 401/456-8101 Email: fsanchez@ric.edu	Michelle Cardono Email: mcardono@ric.edu	January 2024
Massachusetts State Athletic Conference	Javier Cevallos [PC] Framingham State University	100 State Street Framingham, Massachusetts 01701 Phone: 508/626-4575 Cell Phone: 610/780-5438 Email: jcevallos@framingham.edu	Katie Hebert Email: khebert@framingham.edu	January 2021
Michigan Intercollegiate Athletic Association	Steven Corey [PAG] Olivet College	320 South Main Street Olivet, Michigan 49076 Phone: 269/749-7642 Email: scorey@olivetcollege.edu	Barb Spencer Email: bspencer@olivetcollege.edu	January 2021
Middle Atlantic Conference	Kent Trachte [PC] Lycoming College	700 College Place Williamsport, Pennsylvania 17701 Phone: 570/321-4101 Email: trachte@lycoming.edu	Diane Carl Email: carl@lycoming.edu	January 2022
Midwest Conference	Teresa Amott [PC] Knox College	640 N. Prairie Street Galesburg, Illinois 61401 Phone: 309/341-7211 FAX: 309/341-7856 Cell Phone: 309/335-2546 Email: tamott@knox.edu	Peggy Ware Phone: 309/341-7211 Email: pjware@knox.edu	June 2021

Conference	Name/Institution	Current Contact Information	Assistant's Name and Contact Information	Term Expiration
Minnesota Intercollegiate Athletic Conference	Fayneese Miller [PC] Hamline University	1536 Hewitt Avenue Saint Paul, Minnesota 55104 Phone: 651/523-2202 Email: fmiller04@hamline.edu Email: president@hamline.edu	Anne Pierre Email: apierre01@hamline.edu	January 2022
New England Collegiate Conference	Dr. Nancy Crimmin [PAG] Becker College	61 Sever Street Worcester, Massachusetts 01609 Phone: 508/373-1900 Email: Nancy.crimmin@becker.edu	Pattie Kalinowski Email: patricia.kalinowski@becker.edu	May 2021
New England Small College Athletic Conference	David Greene [PAG] Colby College	4600 Mayflower Hill Waterville, Maine 04901 Phone: 207/859-4600 Email: David.greene@colby.edu	Regina Ouimette Email: rmouimet@colby.edu	January 2021
New England Women's and Men's Athletic Conference	Mary Beth Cooper [PC] Springfield College	263 Alden Street Springfield, Massachusetts 01109 Phone: 413/748-3241 FAX: 413/748-3746 Email: mbcooper@springfieldcollege.edu	Mary Blauvelt Mblauvelt2@springfieldcollege.edu	January 2023
New Jersey Athletic Conference	Kathryn Foster [PAG] The College of New Jersey	2000 Pennington Road P.O. Box 7718 Ewing, New Jersey 08628-0718 Phone: 609/771-2101 Email: foster@tcnj.edu	Heather Fehn Email: hfehn@tcnj.edu	January 2023
North Atlantic Conference	Michael Laliberte [PAG] State University of New York at Delhi	454 Delhi Drive Delhi, New York 13753 Phone: 607/746-4090 Email: lalibemr@delhi.edu	George Spielman spielmgl@delhi.edu	January 2023
North Coast Athletic Conference	TBD			
North Eastern Athletic Conference	Davie Jane Gilmour [PC] Pennsylvania College of Technology	One College Avenue Williamsport, PA 17701 Phone: 570/320-8010 Email: dgilmour@pct.edu	Valerie Baier Email: vbaier@pct.edu Phone: 570/320-8010	January 2023
Northern Athletics Collegiate Conference	Eric Fulcomer [PAG] Rockford University	5050 East State Street Rockford, Illinois 61108 Phone: 815/226-4010 Email: efulcomer@rockford.edu		June 30, 2021
Northwest Conference	Kathleen Murray [PC] Whitman College	345 Boyer Avenue Walla Walla, Washington 99362 Phone: 509/527-5132 Email: kmurray@whitman.edu	Jennifer Casper Email: casperja@whitman.edu Joanie Lucarelli Email: lucarei@whitman.edu	January 2023

Conference	Name/Institution	Current Contact Information	Assistant's Name and Contact Information	Term Expiration
Ohio Athletic Conference	Susan Hasseler [PAG] Muskingum University	163 Stormont New Concord, Ohio 43762 Phone: 740/826-8115 Email: hasseler@muskingum.edu	Kathleen Smout Email: ksmout@muskingum.edu	January 2022
Old Dominion Athletic Conference	Robert Lindgren [PC] Randolph-Macon College	Peele Hall 204 Henry Street Ashland, Virginia 23005 Phone: 804/752-7211 Cell Phone: 804/291-8283 Email: rlindgren@rmc.edu	Emily Harrison Email: emilyharrison@rmc.edu	January 2023
Presidents Athletic Conference	Paul McNulty [PAG] Grove City College	100 Campus Drive Grove City, Pennsylvania 16127 Phone: 724/458-2500 FAX: 724/458-2190 Email: pjmcnulty@gcc.edu	Deborah A. McComb Email: damccomb@gcc.edu	January 2021
Saint Louis Intercollegiate Athletic Conference	Tori Murden McClure [PC Chair] Spalding University	845 South Third Street Louisville, Kentucky 40203 Phone: 502/588-7164 FAX: 502/992-2404 Email: tmccclure@spalding.edu	Mara Baker Email: mbaker04@spalding.edu	January 2021
Skyline Conference	John Nader [PAG] Farmingdale State College	Horton Hall, Room 241 2350 Broadhollow Road Farmingdale, New York 11735-1021 Phone: 631/420-2239 Email: president@farmingdale.edu	Carolyn Fedder Email: Carolyn.fedder@farmingdale.edu	January 2021
Southern Athletic Association	Stephen Briggs [MC] Berry College	P.O. Box 39 Mount Berry, Georgia 30149 Phone: 706/236-2281 FAX: 706/236-2238 Email: sbriggs@berry.edu	Diane Clonts Email: dclonts@berry.edu	January 2023
Southern California Intercollegiate Athletic Conference	Hiram Chodosh [PAG] Claremont McKenna-Harvey Mudd-Scripps Colleges	500 East Ninth Street Claremont, CA 91711 Phone: 909/621-8111 Email: hiram.chodosh@cmc.edu	Cheryl Aquilar Email: Cheryl.aquilar@claremontmckenna.edu Janet Stenmo Email: Janet.Stenmo@claremontmckenna.edu	July 2022

Conference	Name/Institution	Current Contact Information	Assistant's Name and Contact Information	Term Expiration
Southern Collegiate Athletic Conference	Dr. Steven O'Day [PAG] Austin College	900 North Grand Avenue Suite P Sherman, Texas 75090-4400 Phone: 903/813-3001 Email: soday@austincollege.edu	Genna Bethel Email: GBethel@austincollege.edu Juanita Stas Email: jstas@austincollege.edu	August 2021
State University of New York Athletic Conference [SUNYAC]	Katherine (Kate) Conway-Turner [PC] Buffalo State, State University of New York	1300 Elmwood Avenue Buffalo, New York 14222 Phone: 716/878-4101 Email: conwayks@buffalostate.edu	Tom Gwitt Email: gwitttj@buffalostate.edu	January 2021
University Athletic Association	Barbara Snyder [PAG] Case Western University	10900 Euclid Avenue Cleveland, Ohio 44106-7001 Phone: 216/368-5094 FAX: 216/368-4325 Email: Barbara.snyder@case.edu	Diane Hoard Email: diane.hoard@case.edu Phone: 216/368-0882 Jane Vondrak Email: jane.vondrak@case.edu	June 30, 2021
Upper Midwest Athletic Conference	Joel Wiggins [PAG] Crown College (Minnesota)	8700 College View Drive Saint Bonifacius, MN 55375 Phone: 952/446-4112 Cell Phone: 612/240-7044 Email: wigginsi@crow.edu	Emily Honebrink Email: honebrinke@crow.edu	January 2021
USA South Athletic Conference	Tiffany Franks [PC] Averett University	420 West Main Street Danville, Virginia 24541 Phone: 434/791-5670 FAX: 434/799-5601 Email: tfranks@averett.edu	Cyndie Basinger Phone: 434/791-5671 Email: cbasinger@averett.edu	January 2022
Wisconsin Intercollegiate Athletic Conference	James Schmidt [PC] University of Wisconsin-Eau Claire	105 Garfield Avenue Eau Claire, Wisconsin 54701 Phone: 715/836-2327 Email: jschmidt@uwec.edu	Kelly Olson Email: olsonke@uwec.edu	January 2024
	Dennis Shields [MC] University of Wisconsin, Platteville	1 University Plaza 2508 Ullsvik Hall Platteville, Wisconsin 53818-3099 Phone: 608/342-7321 Cell Phone: 480/250-6018 Email: shieldsd@uwplatt.edu	Lauren Ganzer Email: ganzerl@uwplatt.edu	January 2022

NCAA Staff Liaisons	
Dan Dutcher, primary Vice President for Division III	Phone: 317/917-6942 Email: ddutcher@ncaa.org Assistant: Debbie Kresge Phone: 317/917-6907 Email: dkresge@ncaa.org
Louise McCleary Managing Director of Division III	Phone: 317/917-6637 Email: lmccleary@ncaa.org
Ali Teopas Spungen Associate Director of Division III	Phone: 317/917-6711 Email: aspungen@ncaa.org
Adam Skaggs Assistant Director for Division III, Communications	Phone: 317/917-6206 Email: askaggs@ncaa.org
Jeff Myers Director of Academic and Membership Affairs for Division III	Phone: 317/917-6870 Email: jmyers@ncaa.org
Bill Regan Associate Director of Academic and Membership Affairs for Division III	Phone: 317/917-6890 Email: bfregan@ncaa.org
Jeremy Villanueva Asst. Director External Affairs	Phone: 317/917-6392 Email: jvillanueva@ncaa.org
Eric Hartung Associate Director of Research for Division III	Phone: 317/917-6306 Email: ehartung@ncaa.org

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Division III Presidents/Chancellors Advisory Group

Rationale for Establishment of Division III Presidents/Chancellors Advisory Group

The Division III Presidents/Chancellors Advisory Group (PAG) was established in response to the desire of the Division III Presidents Council to more directly and effectively engage presidents and chancellors in governance discussions at the national, conference and institutional levels.

Current Position of this Advisory Group within the Governance Structure

The Division III Presidents/Chancellors Advisory Group is not a legislated entity within the Division III governance structure. This allows the opportunity to develop a meeting structure and schedule that best benefits the Division III presidents/chancellors, conferences and the Division III Presidents Council.

Goals and Objectives of the Division III Presidents/Chancellors Advisory Group

The main objectives of the Division III Presidents/Chancellors Advisory Group are:

- ☐ To enhance the level of understanding by presidents/chancellors in the NCAA governance process related to key issues facing Division III.
- ☐ To enhance the leadership of presidents/chancellors in the governance of intercollegiate athletics at the national, conference/independent and institutional levels. Special emphasis will be placed on key legislative proposals and policies and strategic direction.
- ☐ To enhance the integration of athletics programs within the educational mission of Division III schools and conferences. Special emphasis will be placed on strategic initiatives implemented through the new Division III Conference Grant Program.
- ☐ To better recognize and accommodate the differing models of conference governance and expectations of leadership by chancellor/presidents within Division III.
- ☐ To establish a pool of candidates for potential service on the Presidents Council or Management Council.
- ☐ Although not mandated, vacancies on the Division III Presidents Council are generally filled from the PAG.

Structure of the Division III Presidents/Chancellors Advisory Group

Composition

The Division III Presidents/Chancellors Advisory Group consists of one chancellor or president from each Division III voting conference not currently represented on the Presidents Council or by a chancellor/president on the Management Council. The group may include a representative from the Association of Division III Independents. Appropriate efforts shall be made to ensure the diversity of the group. As a minimal goal, group membership should include at least one person who is an ethnic minority and at least two persons of each gender; a single member shall not be considered to meet both minimums.

During its August 2012 meeting, the Presidents Council approved a policy to permit a president from the same conference to be appointed to the PAG if that conference already has a president serving on the Presidents/Management Councils and has a second president who is interested in serving in a leadership capacity. In October 2017, the Council again discussed the role and makeup of PAG, noting that it allows conferences not represented on the Presidents Council or Management Council to have presidential voices heard regarding key Division III issues. In addition, a president can be appointed to the Presidents Advisory Group from a conference that already has a member on the Presidents Council or Management Council, provided the second president represents a minority group (race, gender, sexual orientation, etc.) to ensure a diversity of viewpoints. The Presidents Council will continue its evaluation of how to better ensure President's Advisory Group members have the opportunity to make meaningful contributions to the Council, and to better prepare them for potential roles on the Presidents Council.

Appointment

Each commissioner of conferences not currently represented by a president/chancellor on the Presidents or Management Councils will be asked to identify a president/chancellor to serve on the Advisory Group.

Duties

The Division III Presidents/Chancellors Advisory Group advises and provides input to the eighteen members of the Division III Presidents Council, and facilitates communication from the Council to president/chancellor colleagues in their respective conferences/group of independents.

Term of Office

Representatives to the group serve a minimum of two years, and a maximum of three years. If a representative assumes responsibility for a term midyear, that individual shall still complete his or her term in conjunction with an NCAA Convention, and shall not exceed three years of service. Each Division III conference and the Association of Division III Independents are authorized to determine the exact term of office of their respective Advisory Group member.

Further, after completing a term of office, members of the Advisory Group may not serve again for two years. The term of office shall be annually reported to the Division III Presidents Council. Alternates or designees may be invited to attend the meeting, if necessary.

Frequency of Meetings and Conference Calls

- ☐ In-person meetings will be held the first Tuesday in August and during the NCAA Convention in January given the Division III legislative cycle.
- ☐ The August in-person meeting shall be held the evening before the Division III Presidents Council meeting. The January in-person meeting shall coincide with the annual presidential luncheon at the NCAA Convention.
- ☐ Conference calls may occur before the October or April Presidents Council meeting and as required during other times of the year. Conference calls will be no longer than one hour in length.
- ☐ Communication also will occur via email as necessary.



**REPORT OF THE NCAA
BOARD OF GOVERNORS
APRIL 28, 2020, VIDEOCONFERENCE**

ACTION ITEMS:

- None.

INFORMATONAL ITEMS:

- 1. Welcome and announcements.** NCAA Board of Governors Chair President Michael Drake convened the videoconference at approximately 1 p.m. and welcomed the Governors. President Drake gave a special welcome to Commissioner Heather Benning, President Allison Garrett, Commissioner Chris Graham and President Fayneese Miller, noting that although they have participated in several teleconferences, he had not had the opportunity to officially welcome them to the Board. NCAA staff confirmed that a quorum was present.
- 2. Consent Agenda.** By way of a consent agenda, the Board of Governors approved the reports of its January 23, 2020, meeting, March 11 and 12, 2020, teleconferences and March 26, 2020, joint videoconference with the NCAA Division I Board of Directors. Further, the Board approved the appointment of Bryce Choate, a men's cross country student-athlete at Oral Roberts University, and Jaila Tolbert, a former women's volleyball student-athlete at Virginia Polytechnic Institute and State University 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. President Emmert stressed the need for flexibility during this unprecedented time and the importance of assisting member schools as they work to reopen their campuses.
- 4. NCAA Federal and State Legislation Working Group Update.** The Board of Governors received the final report of the Federal and State Legislation Working Group including its updated recommendations to allow student-athletes to receive compensation for activities related to name, image and likeness. The Board also received an update on the work of the Presidential Subcommittee on Congressional Action and its recommendations, as well as updates from the divisional Council/Management Council chairs on their legislative efforts. Consistent with its actions taken in October 2019, the Board of Governors reinforced the importance of the divisions continuing to make significant progress on related rule changes consonant with the amended principles and guidelines and make those changes by January 2021, to be effective no later than the 2021-22 academic year. The Board of Governors emphasized that any modernization of the divisional bylaws should be through a transparent and inclusive process aligned with the divisional philosophies.

It was VOTED

"That any modernization of the divisional NIL bylaws must be accompanied by guardrails to ensure that:

- Any compensation received by student-athletes for NIL activities represents a genuine payment for use of their NIL, and is not pay for athletics participation;
- Schools and conferences play no role in a student-athlete's NIL activity;
- Schools or boosters are not using NIL opportunities as a recruiting inducement;
- The role of third parties in student-athlete NIL activities is regulated; and
- Liberalization of NIL rules does not interfere with NCAA members' efforts in the areas of diversity, inclusion or gender equity.

Provided those guardrails are established, the divisions could develop legislation to permit student-athletes to:

- Receive compensation for use of their NIL in third party endorsements, including those related to athletics;
- Receive compensation from third parties, but not schools, for the use of their NIL in their work product, including social media influencer activity, promotion of a business or work product or personal promotion; and
- Use agents, advisors or professional services in conjunction with the NIL activities, provided appropriate regulation is established.

In addition, if the divisions make these changes, they must take care to prohibit schools or conferences from (1) paying student-athletes for these activities; (2) playing any role in locating, arranging or facilitating third parties to pay for these activities; or (3) using, or allowing boosters to use, the possibility of such payments as a recruiting inducement.

Further that the Board of Governors support all the recommendations in the report related to the work of the Presidential Subcommittee on Congressional Action with respect to the NCAA's engagement with members of Congress including to seek preemption of state NIL laws, to safeguard the non-employment status of student-athletes, to establish a safe harbor against lawsuits versus the Association related to NIL, to maintain a distinction between student-athletes and professional athletes and to uphold the NCAA's values including diversity, inclusion and gender equity.

Finally, that the Federal and State Legislation Working Group be dissolved as it has completed its work and each of the divisions continue their work to modernize rules to further support student-athletes within the context of college sports and higher education.”
Approved (Unanimous voice vote).

5. Review of NCAA Strategic Plan. NCAA Strategic Planning Working Group Chair Glen Jones and Reshma Patel-Jackson, Attain consultants project lead, updated the Board on progress in the strategic planning process and recent changes to the draft plan. Next steps include development of the implementation roadmap and final branding work to advance the plan to the final format for Board review in August. The Board approved the content and substance of the plan and accepted the direction going forward.

6. Review of NCAA Campus Sexual Violence Policy.

a. Amendments to Campus Sexual Violence Policy. The Board of Governors continued its previous discussion on the Campus Sexual Violence Policy and possible amendments to the policy. The recommended amendments would require each university president/chancellor, director of athletics and campus Title IX coordinator to attest annually that:

- (1) All prospective, continuing and transfer student-athletes have completed a disclosure form annually related to their conduct that resulted in an investigation, discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence.** Failure to accurately and fully disclose investigatory activity, a disciplinary action or criminal conviction could result in penalties, including loss of eligibility to participate in athletics as determined by the member institution.
- (2) Institutions have taken reasonable steps to confirm whether prospective, continuing and transfer student-athletes have been under investigation, subject to discipline through a Title IX proceeding or criminally convicted of sexual, interpersonal or other acts of violence.** In a manner consistent with federal and state law, all NCAA member institutions must share information related to these matters with other member institutions when a student-athlete attempts to enroll in a new college or university.
- (3) An institution choosing to recruit a prospective student-athlete or accept a transfer student-athlete must have a written policy that directs its staff to gather information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the prospect has been under investigation, disciplined through a Title IX proceeding or a criminal conviction for sexual, interpersonal or other acts of violence.** Failure to have a written policy and to gather information consistent with that policy could result in penalties.

It was VOTED

“That the Board of Governors approve the amendments to the NCAA Campus Sexual Violence Policy, requiring attestation in the 2021-22 academic year.”

Approved (Unanimous voice vote).

b. Request to postpone the annual campus sexual violence attestation requirement. The Board of Governors discussed concerns expressed by Division I athletics directors regarding modifications to the required policy on campus sexual violence attestation. The

May 15, 2020, deadline for submission was moved to June 15, 2020, and free, online education has been made available to the membership. Additionally, only the athletics director's signature is required on the form after conferring with the president and campus Title IX coordinator. The Board discussed the athletics directors' concerns and agreed that the modifications should remain in place this year, as they were implemented to ease the administrative burden on schools during this difficult and unprecedented time. Members may continue to provide all three signatures but will not be penalized if only the athletics director executes the attestation.

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. NCAA Tax Return 990. The Board of Governors received the NCAA's 2018-19 Form 990, which covers the tax year September 1, 2018, through August 31, 2019.

b. FY 2019-20 NCAA revenue and expenses second quarter budget-to-actual report. President Tripathi noted that due to the significant financial abnormalities that have occurred since the second quarter, the committee's discussion of the second quarter results was appropriately limited.

c. Revised 2020 NCAA internal audit plan. Staff presented to the Finance and Audit Committee recommended changes to the approved internal audit plan for this fiscal year. The changes were suspensions and cancellations of current audit activities with a goal of maintaining integrity with necessary audits while at the same time reducing costs over the next 18 months and included:

- (1) Cancellation of the review of the \$200 million one-time distribution to Division I from three years ago. This would have been the second and final year of these reviews. Five percent of schools had reviews last year and no issues were identified with how the dollars were spent.
- (2) Cancelling the men's basketball Division I host audits for the current fiscal year since very few expenses were incurred and no revenues were collected
- (3) Suspending some event certification financial transparency activities. The NCAA will continue to collect the financial documents from grassroots teams and event operators but defer this year's planned audit.
- (4) Deferring a review of the academic and membership affairs quality control process and replacing it with a review of the ticket revenue reconciliation performed in March. The NCAA believes the ticket revenue is more important due to the large volume of reimbursements.

It was VOTED

"That the Board of Governors approve the recommended changes to the 2019-20 internal audit plan." **Approved** (For 20, Against 0, Abstain 1).

- d. **Changes to the NCAA Investment Policy Statement.** The Finance and Audit Committee recommended that the NCAA's Operating Reserve Investment Policy be modified to add language that the committee will fully consider minority and women owned businesses that are highly rated by the NCAA's investment consultant. Further, that the policy make clear the investment subcommittee must adhere to the NCAA's Conflict of Interest Policy when considering investment managers.

It was VOTED

"That the Board of Governors approve the recommended changes to the NCAA's Operating Reserve Investment Policy." **Approved** (Unanimous voice vote).

- e. **NCAA investment update.** The Finance and Audit Committee reported an update received on its investment subcommittee's work, which included a review of the committee's membership, how the NCAA allocates its investments across various categories and the NCAA's performance compared to member institutions as reported in the National Association of College and University Business Officer's annual endowment study. The committee was pleased with the performance for the time period covered, which confirms the Association's allocation policy. Yet, acknowledged that the current financial situation is much different than the 2019 performance as a result of unprecedented circumstances.
 - f. **Financial update.** NCAA Chief Financial Officer Kathleen McNeely updated the Board of Governors on the finances of the Association and the national office. The Board was apprised of the status of the line of credit approved by the Board at its previous meeting. The Board also was informed of the actions taken by the national office staff to reduce FY20 and FY21 budgets, which included among other savings: suspension of business operations at the national office, elimination of planned technology refresh, reductions in travel and in-person meetings, a 20% pay cut for senior executives and 10% cut for vice presidents, elimination of any pay raises or bonuses for employees in 2020-21, and a hiring and promotion freeze from now through the end of 2021, except in business critical/mission driven circumstances
8. **NCAA Transgender Student-Athlete Participation Policy update.** The Board of Governors was informed of federal and state legislative activity related to transgender student-athlete participation in athletics. At the federal level, one bill has been introduced and at the state level, 22 states have introduced legislation, with one state (Idaho) having passed a bill. In addition, the NCAA is conducting a review of its Transgender Student-Athlete Participation Policy to ensure it continues to provide fair, inclusive and dignified opportunities and competitive equity for all student-athletes and is supported by evidence and consensus-based research. The timeline for the engagement of various NCAA governance groups in the review was summarized. The Board was notified that it would be presented with possible modifications to the Transgender Student-Athlete Participation Policy during its August 2020 meeting.

9. Board of Governors meeting preparation. The Board discussed concerns expressed by the Division I Collegiate Commissioners Association about collaboration and transparency regarding Board of Governors meeting material and agendas. The Board noted its unique role in the governance process and its fiduciary responsibility to the Association as a whole. Board members are asked to use their independent judgment to make decisions in the best interests of the Association, which is unlike other governance bodies (particularly in Division I) that rely upon reflection of school, conference or divisional representation and perspective on issues. In exercising independent judgment, each Board member has discretion to prepare for meetings which may include consulting with other presidents, commissioners, student-athletes and subject matter experts. The Board agreed that its policies and practices should not be revised, and that meeting material should continue to be distributed to members-only via a secure portal. The Board did note, however, that its meeting agendas are available on the NCAA website prior to meetings.

10. Law, Policy and Governance Strategic Discussion.

a. COVID-19 update. The NCAA Chief Medical Officer Brian Hainline highlighted for the Board the federal Guidelines published to help state and local officials when reopening their economies, getting people back to work and continuing to protect American lives. Dr. Hainline identified core principles consistent with the Guidelines, which serve as the foundation for potentially resuming athletics practice and competition at the collegiate level. Dr. Hainline noted that the Guidelines and principles are resources for schools to use in coordination with institutional and governmental decision-making specific to a locale. Dr. Hainline distinguished that college sports differ from professional sports because all college athletes are first and foremost students and, therefore, the resocialization of college sports must be grounded in resocialization of college campuses. Finally, Dr. Hainline reflected that the core principles of resocialization of collegiate sports drafted by the COVID-19 Advisory Panel were widely discussed within the divisional practitioner governance structures and that after discussing with the divisional presidential structures the following day and sharing with commissioners, it would be published more broadly.

b. Government relations. The Board was informed of state and federal legislative activity related to sports wagering and student-athletes' ability to benefit from use of their name, image and likeness included in the quarterly government relations report.

c. Legal and litigation update. NCAA general counsel noted the privileged and confidential quarterly litigation status report included in the meeting materials for the board's information and discussed recent legal developments, including new cases.

11. NCAA Independent Accountability Resolution Process/Structure update. Denis McDonough, chair of the Independent Accountability Oversight Committee, gave a brief update of the Independent Accountability Resolution Process that became effective August 1, 2019. The Board was informed that there has been activity in the new process and that when a case is accepted into the independent structure there will be a limited public disclosure of that

fact. Such a disclosure was made in early March when the first case was accepted into the IARP by the NCAA Infractions Referral Committee.

- 12. NCAA Board of Governors' Executive Committee report.** President Drake reported on matters considered in the Board's Executive Committee meeting earlier in the day.
- 13. Executive Session.** The Governors concluded its meeting in executive session to discuss various administrative matters.
- 14. Adjournment.** The videoconference was adjourned at approximately 6:15 p.m. Eastern time

Board of Governors chair: Michael Drake, The Ohio State University
Staff liaisons: Jacqueline Campbell, law, policy and governance
Donald M. Remy, chief operating officer

NCAA Board of Governors April 28, 2020, Videoconference	
Attendees:	
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.	
John DeGioia, Georgetown University.	
Philip DiStefano, University of Colorado.	
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.	
Sandra Jordan, University of South Carolina Aiken.	
Renu Khator, University of Houston.	
Ronald Machtley, Bryant University.	
Fr. James Maher, Niagara University.	
Denis McDonough, Former White House Chief of Staff.	
Fayneese Miller, Hamline University.	
Tori Murden-McClure, Spalding University.	
Vivek Murthy, 19th United States Surgeon General.	
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:
None.
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
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, Dan Gavitt, Terri Gronau, Brian Hainline, Maritza Jones, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Dave Schnase, Naima Stevenson, Cari Van Senus, Stan Wilcox and Bob Williams.

Report is not final until approval of the Board of Governors

**NCAA BOARD OF GOVERNORS
FEDERAL AND STATE LEGISLATION WORKING GROUP
FINAL REPORT AND RECOMMENDATIONS
APRIL 17, 2020**

Executive Summary.

The Federal and State Legislation Working Group was created by the NCAA Board of Governors in summer 2019 for the purpose of investigating possible responses to proposed state and federal legislation regarding the commercial use of student-athlete name, image or likeness ("NIL"). That proposed legislation, which has been passed in California and Colorado, could significantly limit the ability of the Association to manage the issue of student-athlete NIL commercialization in those states and perhaps others. It therefore poses a significant potential challenge to the Association's continuing ability to manage its affairs on a national, Association-wide level.

After receiving its charge from the Board, the working group solicited feedback from the NCAA membership and third parties regarding contemporary opportunities for NIL commercialization by college students, and whether existing divisional rules are adequate to address those opportunities. This feedback convinced the working group that current rules related to NIL commercialization are in need of modernization. The rise of social media and other digital distribution and monetization platforms has dramatically increased the opportunities for college students to make commercial use of their NIL. Current divisional rules on this subject were drafted long before most of these opportunities existed, and those rules can prevent student-athletes from engaging in NIL-related activities that their nonathlete peers on campus frequently pursue. Consistent with the Board's direction that student-athletes should be treated the same as students in general, unless a compelling reason to differentiate exists, the working group concluded that divisional rules on student-athlete NIL should be modernized to account for this new media and promotional landscape.

In October 2019, the working group made an interim report to the Board of Governors in which it recommended that the Board authorize changes to NCAA policy and bylaws to permit student-athletes to receive compensation related to their NIL, provided the compensation is consistent with NCAA values and principles and with legal precedent. The working group requested, and the Board agreed, that the working group's timeframe be extended through April 2020 so that it could continue to work with the membership and divisional legislative groups on modernized NIL bylaws and policy.

This report is the culmination of the working group's subsequent deliberations. After further consultation with student-athletes, the membership and divisional legislative bodies, the working group makes the following recommendations to the Board of Governors:

1. The Board should stress to the divisions that any modernization of their NIL bylaws must be accompanied by guardrails sufficient to ensure that:
 - a. Any compensation received by student-athletes for NIL activities represents a genuine payment for use of their NIL, and is not simply a disguised form of pay for athletics participation;
 - b. Schools and conferences play no role in a student-athlete's NIL activities;

- c. Student-athletes are not being compensated for uses of their NIL in situations in which they have no legal right to demand such compensation;
 - d. Schools or boosters are not using NIL opportunities as a recruiting inducement;
 - e. The role of third parties in student-athlete NIL activities is regulated; and
 - f. Modernization of NIL rules does not interfere with NCAA members' efforts in the areas of diversity, inclusion or gender equity.
2. Provided those guardrails are established, the Board should consider encouraging the divisions to permit student-athletes to be compensated for third-party endorsements, including social media "influencer" activity, in appropriate circumstances. If the divisions make these changes, however, they must take care to prohibit schools or conferences from: (a) Making endorsement payments themselves; (b) Playing any role in locating, arranging or facilitating endorsement opportunities; or (c) Using, or allowing boosters to use, such opportunities as a recruiting inducement or a means of paying for athletics participation.
3. The Board should also consider encouraging the divisions to permit student-athletes to be compensated by third parties for use of the student-athlete's NIL in his or her own work product or other business activity, including social media content creation or distribution, provided that the use does not involve athletics participation or play. Again, if the divisions make these changes, they must take care to prohibit schools or conferences from: (a) Paying student-athletes for these activities; (b) Playing any role in locating, arranging or facilitating third parties to pay for these activities; or (c) Using, or allowing boosters to use, the possibility of such payments as a recruiting inducement or a means of paying for athletics participation.
4. The Board should recommend a timeline for divisions to act so that legislative proposals are fully drafted not later than October 31, 2020; voted on not later than January 31, 2021; and effective not later than the start of the 2021-22 academic year.

It became apparent during the working group's deliberations that certain potential avenues for managing the NIL issue are complicated, or precluded altogether, by the potential application of state NIL laws and/or federal antitrust law to the Association's bylaws. The Presidential Subcommittee on Congressional Action was formed to study these issues in detail and provide guidance to the Board on what actions, if any, the Association should take to seek Congressional assistance in addressing these issues. The Presidential Subcommittee on Congressional Action has identified distinct legal impediments to the Association's ability to modernize its rules related to NIL and to maintain the model of intercollegiate athletes generally. Therefore, the subcommittee has put forward a number of recommendations for Board consideration in engaging with Congress, including to seek preemption of state NIL laws. In offering these recommendations, the subcommittee acknowledges that due to the evolving Congressional landscape, there may be a need for the Association to prioritize one or more of its recommendations in its engagement with Congress.

The working group believes that its recommendations for modernizing the Association's rules related to student-athlete NIL are on track with the Association's general project for modernizing its bylaws. The Board's acceptance of this report signals the transfer of these efforts from the working group to each division, and the solutions that each of them will develop and ultimately approve on these topics. The working group is confident that, as the Association modernizes, it will continue to identify the appropriate guardrails to further support student-athletes within the context of college sports and higher education.

Finally, the working group is mindful of the COVID-19 pandemic as it delivers this report, and the impact the pandemic is having on higher education and college sports. The effects of the pandemic have caused enormous disruption to many, including student-athletes. Although the ultimate impact of the pandemic remains uncertain, this uncertainty must not hinder the efforts to modernize NIL rules intended to benefit student-athletes.

Section I - Background.

1. **Creation and charge.** The Federal and State Legislation Working Group was created by the Board of Governors May 14, 2019, in response to legislation introduced by federal and state legislators relating to student-athletes' ability to license and benefit from NIL during their period of participation in NCAA athletics. The Board acted, in part, because the proposed federal legislation threatened the tax-exempt status of the Association and its members, while the proposed state legislation threatened to create local differences that would make it impossible to host fair national championships and to alter materially the principles of intercollegiate athletics. The Board felt these legislative initiatives necessitated conversations and agreements about how the membership should respond to the legislative proposals.

The working group was composed of representatives from all three divisions, including three student-athletes:

- Val Ackerman, commissioner, Big East Conference (Division I) (co-chair)
- Jill Bodensteiner, director of athletics, Saint Joseph's University (Division I)
- Bob Bowlsby, commissioner, Big 12 Conference (Division I)
- Don Bruce, faculty athletics representative, University of Tennessee (Division I)
- Rita Cheng, president, Northern Arizona University (Division I)
- Mary Beth Cooper, president, Springfield College (Division III)
- Lauren Cox, student-athlete, Baylor University (Division I)
- John "Jack" DeGioia, president, Georgetown University (Division I)
- Jackson Erdmann, student-athlete, Saint John's University (Division III)
- Rick George, director of athletics, University of Colorado (Division I)
- Carolayne Henry, senior woman administrator, Mountain West Conference (Division I)
- Glen Jones, president, Henderson State University (Division II)
- Scott Larson, athletics compliance coordinator, Lubbock Christian University (Division II)

- Brandon Lee, student-athlete, University of Missouri (Division I)
- Jackie McWilliams, commissioner, Central Intercollegiate Athletic Association (Division II)
- Jere Morehead, president, University of Georgia (Division I)
- Darryl Sims, director of athletics, University of Wisconsin-Oshkosh (Division III)
- Gene Smith, director of athletics, The Ohio State University (Division I) (co-chair)
- Tim P. White, chancellor, California State University System (Divisions I and II)
- Carla Williams, director of athletics, University of Virginia (Division I)

The Board created the working group to study whether the Association should maintain its opposition to the proposed state and federal legislation, or whether it should work to develop a process whereby a student-athlete could be compensated for use of his or her NIL in a fashion that would be consistent with the NCAA's core values, mission and principles. Specifically, the working group was charged:

- a. To consider whether modifications to NCAA rules, policies and practices should be made to allow for NIL payments;
- b. To remain mindful that NIL payments must not be compensation for athletics participation; that paying students as employees for play is anathema to the NCAA mission focused on students competing against students; and that no legislation which permitted either of those outcomes should be considered;
- c. To assure that any proposed legislative solutions kept in mind that student-athlete benefits must be tethered to educational expenses or incidental to participation;
- d. To examine whether any modifications to allow for NIL payments, beyond what the U.S. Circuit Court of Appeals for the Ninth Circuit required in *O'Bannon* and other court rulings, would be achievable and enforceable without undermining the distinction between professional sports and collegiate sports; and
- e. To preserve the Association's ability to sponsor or host fair interstate competitions and national championships.

The Board of Governors asked the working group to produce a set of Association-wide principles to provide each division guidance in developing a consistent approach on legislation related to NIL payments. The working group was asked to provide an update to the Board of Governors and the NCAA president August 6, and to deliver an initial report by October 29, 2019.

2. **Initial meetings and feedback.** The working group conducted three in-person meetings and four teleconferences between June and October 2019. During those meetings, the working group received input from a variety of stakeholders, including key representatives of NCAA

members and membership organizations, as well as individuals with subject matter expertise.¹ The working group also received feedback from student-athletes, including members of the National Student-Athlete Advisory Committees for Divisions I, II and III and other student-athletes, in addition to the student-athlete members of the working group. These groups and individuals made presentations to the working group and provided supplemental written material for the working group's consideration.

The working group also invited individuals and representatives of organizations to submit written input, including ideas or concepts, related to the working group's charge. All written input was submitted through an online portal and shared with the working group through the feedback process.

a. Feedback from NCAA membership. In July 2019, the working group requested feedback on potential NIL modernization from NCAA members and other interested parties. In this request, the working group asked the NCAA membership to address the following topics: (1) Challenges and opportunities posed by permitting student-athletes to be compensated for NIL; (2) Potential models for permitting NIL compensation; (3) Whether permitting NIL compensation might affect fair competition, and the possibility of mitigating such effects; (4) Whether it is possible to develop a measure of fair market value for student-athlete NIL; and (5) What steps the membership might take to prevent student-athletes from prioritizing NIL compensation over academic success and team commitment. The following were highlights of the feedback submitted in response to this survey:

(1) Support for rules modernization to accommodate contemporary NIL opportunities. Several respondents noted that recent changes in technology, in particular the emergence of social media platforms and the marketing opportunities they provide, has opened up new opportunities for college students to engage in commercial activities involving their NIL. Respondents felt that NCAA rules needed to be updated to address this changed environment, and to give student-athletes the same opportunities that are available to nonathlete students. Some respondents also noted that current NCAA rules were complicated and hard to follow, and that both schools and student-athletes would benefit from deregulation that resulted in rules that were more clear and easier to follow.

There was a general desire that modernization not be overly focused on, or reactive to, the opportunities that it might provide to football or men's basketball student-athletes. In particular, some respondents noted that

¹ The working group would like to extend special thanks to the Knight Commission on Intercollegiate Athletics, the Collegiate Commissioners Association, LEAD1 and the Drake Group for their thoughtful input.

permitting student-athletes in other sports, who often receive financial aid less than their cost of attendance, to pursue these opportunities could help them directly offset their educational costs without undermining the Association's model of intercollegiate athletics.

Several respondents raised gender equity concerns, particularly if rules were modified to allow schools to be involved in arranging or providing compensation to student-athletes for use of their NIL. It was noted that these concerns would be reduced if schools were prohibited from participating in these arrangements.

- (2) **No desire for changes to NIL rules that would undermine the Association's model of amateur intercollegiate athletics.** While there was significant desire to modernize the NCAA's rules related to student-athlete NIL, NCAA members overwhelmingly indicated that the Association should not make rules changes that would undermine, or fundamentally change, the NCAA's overall model of amateur intercollegiate athletics.
- (3) **Concern over effects on the recruiting process.** Several respondents expressed concern that modernizing rules related to NIL could cause changes to the recruiting process that would harm both schools (by exacerbating recruiting advantages already held by some schools) and student-athletes (by causing student-athletes to place too much emphasis on potential NIL opportunities, rather than academic or athletics opportunities, when choosing their schools).

Respondents also noted, however, that similar dynamics are already present in the recruiting process, and while concern over their exacerbation would justify increased regulation, it should not preclude otherwise beneficial modernization of the NIL rules.

- (4) **Concern over boosters.** Several respondents noted concern over the possible involvement of representatives of the institution's athletics interests ("boosters") in new commercial NIL arrangements that might be permitted by modernized NIL rules. Some respondents were concerned that boosters might make payments that were only nominally for legitimate use of student-athlete NIL, and were primarily motivated by a desire to pay student-athletes for their athletics participation or performance. Other respondents were concerned about the role that new rules might provide to boosters in the recruiting process if the prospect of lucrative endorsement opportunities offered by a school's boosters became a recruiting inducement. Some commentators suggested that booster activity could be limited by prohibiting student-athletes from commercializing their NIL during the playing season.

Others suggested adopting a regulatory system in which payments from third parties to student-athletes were compared, and perhaps limited, to a fair market value standard, while noting the difficulty in creating and maintaining such a system.

The working group found all of this feedback to be immensely useful when formulating its recommendations and has incorporated many of the ideas offered in this process in those recommendations.

- b. **Information from other sports organizations.** The working group also received information regarding athlete NIL licensing programs used in Major League Baseball, NFL, NBA and the Olympics. A focus of the working group's inquiry in this area was whether a group licensing approach to student-athlete NIL, similar to models used in several other sports settings, might be a viable path forward for rule modernization.

One of the critical lessons learned by the working group during its review of these materials was that the group licensing programs that currently exist in professional sports or the Olympics all benefit from legal structures not available to the NCAA or its member institutions, namely the presence of a player's association to serve as a bargaining unit for the athletes (in the case of the NFL and MLB group licensing plans) or the presence of federal legislation conferring antitrust immunity related to sports marketing (in the case of the United States Olympic Committee). As is explained later in this report, the absence of similar legal structures in intercollegiate athletics greatly complicates the NCAA's ability to pursue a group licensing approach similar to the models used in the professional context.

- 3. **The working group's October 2019 interim report.** October 23, 2019, the working group provided an interim report to the Board of Governors. In its interim report, the working group recommended that the Board adopt the following Association-wide principles:

- a. Payment to a student-athlete for use of his or her 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.
- b. Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process.
- c. A student-athlete should be able to use his or her name, image or likeness in a manner similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

Consistent with these principles, the working group recommended that the Board take the following steps:

- (1) Authorize changes to NCAA policy and bylaws to permit student-athletes to receive compensation related to NIL, provided the compensation is consistent with NCAA values and principles, and with legal precedent;
- (2) Reject any approach to NIL compensation that would make student-athletes employees of their schools, or would result in NIL payments being used as a substitute for compensation related to athletics participation or performance; and
- (3) Reaffirm the integrity of the student-athlete recruitment process, so that the prospect of receiving NIL compensation does not exert undue influence on a student's choice of college.

The working group also requested that its timeframe be extended through April 2020 so that it could continue to gather feedback and work with student-athletes and the NCAA membership on the development and adoption of new NCAA legislation in accordance with the working group's recommendations.

4. The Board of Governor's October 29 statement and the working group's continuing deliberations. In response to the working group's recommendations, the Board of Governors issued a statement October 29, 2019, establishing the following principles and guidelines for modernization of rules relating to commercial licensing of NIL rights:

- a. Assure student-athletes are treated similarly to nonathlete students unless a compelling reason exists to differentiate.
- b. Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
- c. Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.
- d. Make clear the distinction between collegiate and professional opportunities.
- e. Make clear that compensation for athletics performance or participation is impermissible.
- f. Reaffirm that student-athletes are students first and not employees of the university.
- g. Enhance principles of diversity, inclusion and gender equity.

- h. Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.

The Board of Governors asked the working group to continue to gather feedback through April 2020 on how best to respond to the state and federal legislative environment, to refine its recommendations on the above principles, and to work with student-athletes, the membership and divisional governance structures on the development and adoption of new NCAA legislation. The Board also asked each division to create new rules to be effective as soon as appropriate, and to be voted on not later than January 2021.

Consistent with the Board's October 29 statement, the working group continued its work in late 2019 and early 2020. The working group met again several times through the middle of April, and continued to consult with the Association's student-athletes, membership and the divisional legislative groups charged with modernizing divisional rules related to NIL. The results of these continuing consultations and deliberation by the working group are set forth below.

Section II - The Legal Framework for Student-Athlete Name, Image and Likeness Rights.

Much of the recent discourse on the potential ability of student-athletes to commercialize their name, image or likeness has depended on the assumption that it is NCAA rules, rather than other legal impediments, that are primarily responsible for student-athletes' inability to do so. A point repeatedly made to the working group when it requested feedback regarding possible rules changes in this area – including feedback from legal scholars on both sides of the issue – is that the ability of athletes to insist on payment for the "use" of their NIL is far more circumscribed than many commentators assume. These respondents stressed – and the working group agrees – that any rules changes made in this area must be cognizant of what student-athlete NIL rights do, and do not, cover, because permitting student-athletes to receive payments for NIL "licenses" that are not legally necessary would be tantamount to permitting thinly veiled payments for nothing other than athletics participation. The remainder of this section explains further the legal parameters within which student-athlete requests for NIL compensation would be carried out.

1. **The right of publicity.** The commercial value of a student-athlete's name, image or likeness is based in the right of publicity, a legal doctrine that requires third parties to obtain permission from an individual before making commercial use of that individual's NIL. The right of publicity is created by state law and therefore varies from state to state. In its most common form, the right of publicity allows individuals to prevent third parties from making unauthorized use of their NIL "for purposes of trade." Importantly, the concept of "purposes of trade" does *not* extend to the use of an individual's NIL in news reporting, commentary, entertainment, works of fiction or nonfiction, or in advertising that is incidental to such uses – even if those uses are undertaken for the purpose of making money. So, for example, there is no need to obtain permission to run a news report about a person, or to write an article about them, or to advertise either of those products. The First Amendment to the US Constitution, and the federal Copyright Act, can also preempt or displace the right of publicity in certain circumstances.

2. **The right of publicity and sports broadcasting.** For present purposes, one of the most important limitations on the right of publicity relates to sports broadcasts. Courts have repeatedly held that neither broadcasting a sporting contest, nor advertising or promoting those broadcasts by using the participants' names or images, violates the publicity rights of the participants.² They have similarly held that rebroadcasting clips from a sports contest, or rebroadcasting the entire contest itself, does not violate the right of publicity unless a clip is used in a manner that promotes or implies endorsement of a product or service other than the broadcast itself.³ And courts have held that a person who owns the copyright in a photograph of an athlete or athletics contest can sell that photo without violating the athlete's right of publicity, since in that circumstance the copyright owner's rights under the Copyright Act preempt the athlete's rights under state right of publicity laws.⁴

This means that student-athletes, like other participants in sporting contests, generally have no legal right to prohibit the broadcast or sale of images that are captured while they are playing their sports, or in many other situations associated with their athletics participation. Unless those images are being used to promote an unrelated, third-party commercial product or service, the right of publicity simply does not apply in those situations. Because the right of publicity does not apply to live broadcast, rebroadcasts, news accounts or many informational items or pictures, any "NIL" payments received by student-athletes supposedly in consideration for the creation or sale of those products could not be considered legitimate licensing or work product activity. It would, instead, be little more than payment for participating in the sporting contest itself – literal pay for play.

3. **The NCAA's use of student-athlete name, image and likeness.** The NCAA has traditionally used student-athlete NIL in the course of promoting its own activities, primarily (but not only) its championships. For many years, the NCAA requested that student-athletes sign a waiver granting it permission to use their NIL for these purposes; this waiver request was a standard part of the Student-Athlete Statement. Importantly, the waiver requests made by the NCAA were never used in conjunction with the NCAA's sale of broadcast rights to its championships. Consistent with the law as described above, the NCAA does not require permission from its student-athletes in order to license the right to broadcast its championships, and it has never sought such permission. Similarly, the NCAA has never purported to convey the right to use student-athlete NIL to its broadcast partners or to any other third parties. The NCAA has never attempted to make commercial use of student-athlete NIL, and has no intention of doing so in the future.

² *Marshall v. ESPN*, 111 F.Supp.3d 815 (M.D. Tenn. 2015), *aff'd*, 668 Fed. Appx. 155 (6th Cir. 2016); *Baltimore Orioles v. MLB Players Ass'n*, 805 F.2d 663 (7th Cir. 1986); *Dryer v. NFL*, 55 F. Supp. 3d 1181 (D. Minn. 2014), *aff'd*, 814 F.3d 938 (8th Cir. 2016).

³ *NFL v. Alley, Inc.*, 624 F. Supp. 6 (S.D. Fla. 1983); *Gionfriddo v. Major League Baseball*, 94 Cal. App. 4th 400 (2001); *Dora v. Frontline Video, Inc.*, 15 Cal. App. 4th 536 (1993).

⁴ *Maloney v. T3Media*, 94 F.Supp.3d 1128 (C.D. Cal. 2015), *aff'd*, 853 F.3d 1004 (9th Cir. 2017)

4. **The *Keller* and *O'Bannon* cases.** In 2009, two lawsuits were filed against the NCAA related to student-athlete NIL. One of these cases, *Keller v. Electronic Arts*, was concerned entirely with video games: it accused the NCAA of conspiring with Electronic Arts ("EA") and the Collegiate Licensing Company to make unlicensed use of student-athlete NIL in the NCAA Football and NCAA Basketball video games produced by EA. The other case, *O'Bannon v. NCAA*, focused on the NIL waivers requested in the Student-Athlete Statement: it accused the NCAA of using those waivers as "perpetual licenses" to exploit the name, image or likeness of former student-athletes in commercial products long after they had graduated.⁵ As the *O'Bannon* case progressed, it grew to incorporate the allegation that NCAA amateurism rules also unlawfully restrained current student-athletes from being paid for the commercial use of their NIL while they were in school, in products including sports broadcasts and video games.

One of the key legal questions in the *Keller* case was whether Electronic Arts had a First Amendment right to use student-athletes' NIL in its games regardless of whether it had obtained permission from the student-athletes. The US Court of Appeals for the Ninth Circuit rejected EA's argument and held that the First Amendment did not protect EA from claims that its video games may have violated student-athletes' right of publicity. The *Keller* case thus established that video games like the previously marketed NCAA Football and NCAA Basketball titles cannot be produced without obtaining permission from student-athletes to use their NIL (if those games indeed utilized student-athlete NIL, a factual question that was never resolved in *Keller*).⁶

Similarly, one of the legal questions in the *O'Bannon* case was whether, in the absence of NCAA amateurism rules, student-athletes would receive payments from schools and/or third parties for the use of their NIL in video games and sports broadcasts. The trial court in *O'Bannon* said the answer to both questions was "yes." On the question of whether sports broadcasters are required to obtain licenses from student-athletes, the trial court cited an interim decision of another trial court which had suggested that broadcasters of NFL football games might be required to obtain permission from NFL players in connection with "certain kinds of broadcast footage."⁷ According to the *O'Bannon* trial court, that decision indicated enough uncertainty over the underlying legal landscape to support the plaintiffs' claim that

⁵ For much of their time in the courts, the *Keller* and *O'Bannon* cases were collectively known as *In re NCAA Student-Athlete Name & Likeness Licensing Litigation*.

⁶ The *Keller* case settled before the court decided whether EA Sports' digital avatars used in the NCAA Football and NCAA Basketball games actually violated student-athletes' right of publicity.

⁷ Specifically, the *O'Bannon* court relied on an interim order from the *Dryer* case involving NFL players. See *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 37 F. Supp. 3d 1126, 1146 (N.D. Cal. 2014) (citing *Dryer v. NFL*, 689 F. Supp. 2d 1113, 1123 (D. Minn. 2010)). The *Dryer* trial court later issued an order clarifying that sports broadcasts do *not* violate the right of publicity. See *Dryer v. NFL*, 55 F. Supp. 3d at 1195-1200, a conclusion repeated by the District Court and U.S. Court of Appeals for the Sixth Circuit in the *Marshall v. ESPN* case, 111 F. Supp. 3d at 826-27; 668 F. App'x at 157.

current student-athletes could demand a share of the live broadcasting revenues associated with their games, if NCAA amateurism rules permitted them to do so. The *O'Bannon* court also found, however, that there was no evidence that the NCAA had used signed waiver forms to prevent former student-athletes from profiting from their name, image or likeness after they had graduated.

When the *O'Bannon* case was appealed to the US Court of Appeals for the Ninth Circuit, the Ninth Circuit expressly declined to address the question whether sports broadcasts could potentially violate the participants' right of publicity, noting that its holding in *Keller* that the right of publicity applies to video games made it unnecessary to address the "thornier questions of whether participants in live TV broadcasts of college sporting events have enforceable rights of publicity."⁸ The Ninth Circuit's decision in *O'Bannon* was therefore based entirely on the notion that video games require a license of student-athlete publicity rights (if, in fact, the video game utilizes their NIL), and that the NCAA's rules must therefore permit student-athletes to receive NIL licensing payments as long as those payments do not result in student-athletes receiving total financial aid that exceeds their cost of attendance. The *O'Bannon* appellate court specifically rejected the plaintiffs' demand that the NCAA must permit student-athletes to receive NIL payments that exceed their cost of attendance.

5. **The legal framework for student-athlete NIL after *Keller* and *O'Bannon*.** Contrary to what some commentators claim, the *Keller* and *O'Bannon* cases did not cause a significant change in the scope of student-athlete NIL rights. While *Keller* did hold that the First Amendment did not give Electronic Arts the right to make unlicensed use of student-athlete NIL in video games, its holding was limited to video games – a point that the Ninth Circuit itself recognized in 2017 when it declined to extend *Keller*'s holding to a case involving the use of student-athlete NIL in photographs.⁹ Moreover, the NCAA had never authorized EA or any other third party to use student-athlete likenesses in video games. *Keller*'s holding thus did not prohibit any activity in which the NCAA had been engaging.

Although the trial court in *O'Bannon* suggested that student-athletes might have some publicity rights related to the broadcast of their games, the Ninth Circuit in *O'Bannon* specifically declined to adopt that part of the trial court's opinion, and relied instead on *Keller*'s holding that the right of publicity protected the use of student-athlete NIL in video games.

Moreover, several cases that were decided after the trial court's decision in *O'Bannon* have rejected the notion that sports broadcasts require licenses from participants. One of these cases, *Marshall v. ESPN*, specifically addressed NCAA student-athletes and held that broadcasting NCAA sporting contests did not violate their right of publicity.

⁸ *O'Bannon v. NCAA*, 802 F.3d 1049, 1067 (9th Cir. 2015).

⁹ *Maloney v. T3Media, Inc.*, 853 F.3d 1004 (holding that the Copyright Act preempts student-athlete NIL rights in still photographs not used for unrelated promotional purposes).

All of this has led the working group to conclude that any payments made to student-athletes for use of their NIL must be limited to situations in which a NIL license is legally required. In practice, this means that student-athletes should not be permitted to receive NIL payments related to their appearance in a live sports broadcasts or rebroadcasts; photos or news accounts of those broadcasts; or in other situations in which the law does not require a NIL license. To permit student-athletes to receive "NIL licensing" payments in situations where no license is needed would be tantamount to permitting pay for athletics participation or performance, flatly inconsistent with the NCAA's model of amateur intercollegiate athletics.

Section III - The NCAA's Current Rules Relating to Student-Athlete NIL.

The following is meant as a brief summary of the current rules related to student-athlete NIL, based on the unique characteristics of each Division, including the exceptions to those rules and the waiver process related to their application. For a more complete listing, please refer to Bylaw 12.5 (promotional activities) in the Division I, II and III Manuals.

1. Prior to enrollment.

- a. Divisions I and III.** Before enrolling at a Division I or III school and becoming a student-athlete, an athlete may use his or her name, image or likeness to promote or endorse commercial products or services. However, the athlete may not receive any compensation for doing so (other than reimbursement of expenses) if he or she was chosen to participate based on athletics ability, participation or reputation.
- b. Division II.** Before enrolling at a Division II school and becoming a student-athlete, an athlete may be compensated for the use of his or her name, image or likeness to promote a commercial product or service, with no restrictions, other than it is not permissible for an individual to sign with or receive benefits from an agent.

2. After enrollment.

- a. Division I.** A current Division I student-athlete is not allowed to use his or her name, image or likeness to promote or endorse a commercial product or service. This is true even if the student-athlete is not compensated. This restriction also extends to a student-athlete creating his or her own business, regardless of whether the business is related to athletics.
- b. Division II.** A current Division II student-athlete is not permitted to participate in promotional activities related to athletics, or promotional activities in which payment is based on their participation in athletics. Current Division II student-athletes may, however, participate in, and be paid for, promotional activities that are not related to athletics, including modeling and promoting commercial products or services, provided that payment is not based on athletics participation.

- c. **Division III.** A current Division III student-athlete may use his or her name, image or likeness in modeling and other promotional activities not related to athletics, as well as to promote his or her own business, provided the promotion does not use the student-athlete's status as a student-athlete. Payment cannot be based on athletics ability, participation or reputation.
- 3. **Common Exceptions.** All three divisions have exceptions to these general rules that permit the use of student-athlete NIL in promotional activities. These exceptions cover school promotions, tax-exempt or charitable promotions, media activities, National Governing Body promotions, camp and congratulatory advertisements. Student-athletes usually cannot be compensated for participating in these activities, beyond reimbursement for expenses.

All three divisions also allow student-athletes to provide unsolicited opinions on commercial products or services, provided the student-athlete is not compensated (from any source) for doing so.

Finally, in Division I, a current student-athlete may be paid to continue participating in modeling or other nonathletically related promotional activities, if those activities began before college enrollment and the student-athlete became involved for reasons independent of athletics ability. No reference may be made to the student-athlete's participation in intercollegiate athletics, and the student-athlete may not endorse a commercial product.
- 4. **Waivers.** Since 2015, an increasing number of legislative relief waivers have been submitted to the national office requesting relief to allow student-athletes to use their name, image and likeness to promote a business or product. These waiver requests have generally been approved, provided the following conditions were met:
 - a. The student-athlete was using his or her name, image or likeness to promote his or her own business;
 - b. The student-athlete became involved in the business for reasons unrelated to athletics, and the vocation was not athletically related;
 - c. The student-athlete's institution did not have any involvement with promotional activities related to the business, unless it was part of a class project or program and that benefit is extended to all participating students in the class or program;
 - d. No reference was made to involvement in intercollegiate athletics; and
 - e. The student-athlete was compensated at a rate commensurate with his or her skills and experience related to the vocation, and compensation was not based in any way on his/her athletics ability or reputation.¹⁰

¹⁰ Over 200 of these waiver requests have been submitted since 2015, largely on behalf of Division I student-athletes. Since 2018, institutions have also had the flexibility locally to apply guidelines from a list of pre-approved waivers. It is not possible to accurately account for these local waivers, but they likely significantly exceed those allowed by the NCAA. Additionally, Division III legislation permits Division III student-athletes to engage in these types of NIL activities without seeking a waiver.

Student-athletes receiving these waivers were also required to obtain prior approval from the director of athletics, and their institution was required to maintain records of approvals of all such activities.

The following are examples of the circumstances in which this waiver process has allowed student-athletes to use their NIL to promote products or businesses:

- a. A student-athlete was allowed to use her name and picture on a website and social media accounts to promote a clothing business that she created;
- b. A student-athlete was allowed to use his name, image and likeness to promote a company that he created to provide personalized nutrition recommendations for clients; and
- c. A student-athlete was allowed to use her name and photograph on a website to promote a photography business that she had created (and which was named after her).

These current rules, including the recent waivers, form the backdrop for the working group's recommendations set forth in Section V, below.

Section IV - The Growth in Opportunities for College Students to Make Commercial Use of their NIL Rights.

As noted earlier, the Board of Governors was primarily motivated to form the working group and charge it with reviewing the NCAA's rules regarding student-athlete NIL by the proposals of state and federal legislation on the topic. As the working group engaged in its deliberations, however, it became obvious that the Board's action was timely for another reason. As several respondents pointed out, the last several years have seen a significant increase in the opportunities that college students – *all* college students, not just student-athletes – have to make commercial use of their NIL. Most of these new opportunities are related to the rise of social media, which has created a demand for promotional activities by college students, and student-athletes, that simply did not exist when the NCAA's current rules on promotional activities were drafted. As a result, the NCAA's current rules preclude student-athletes from engaging in a wide range of promotional activities that are open to college students generally, a situation that is inconsistent with the NCAA's goal of treating student-athletes in the same manner as the student-body in general whenever possible. The working group believes that the prevalence of these new promotional activities justifies a significant modernization of current Bylaw 12.5 (promotional activities) and other NCAA rules that touch on this topic. The rest of this section provides a brief discussion of the primary forms that these new opportunities take.

1. **Social media "influencer" marketing opportunities.** One of the important new commercialization opportunities for college students is to become a social media "influencer." An influencer is simply an individual who creates and shares content on social media platforms like Instagram, Youtube, TikTok or Snapchat. When an influencer acquires

a following on social media, it becomes possible for them to engage in influencer marketing – that is, modeling, using or promoting a product in their social media posts, in exchange for money or some other thing of value (like free samples of the products that they are promoting). Influencers are often prized as marketers because of the direct line of communication they can have with their followers, which allows them to be more effective than traditional means of advertising in driving engagement with brands. It is estimated that, globally, brands spend somewhere between 5 and 10 billion dollars a year on influencer marketing.

While the most successful influencers are typically celebrities in their own right and have social media audiences in the millions, commercial opportunities are not limited to influencers with large follower counts. In recent years brands have also become interested in so called micro-influencers, individuals with follower counts in the hundreds or thousands, not millions.

The smaller size of a micro-influencer's follower count can make their engagement with their followers more genuine and honest, which many brands feel adds to their appeal as a promoter. Micro-influencers can also be much less expensive for brands, with the influencers often being paid hundreds rather than thousands of dollars, or being paid only in terms of being allowed to keep the product that they are promoting. As brands have come to see micro-influencers as potentially more effective promoters – especially in niche areas, like specialty sports apparel or equipment – they have started to make significant marketing efforts in this area. This effort has extended to college students.

2. **Digital content creation and distribution.** The other significant new area of commercial opportunities for students, and student-athletes, is creating and sharing digital content: podcasts, videos, streams of video game sessions, and the like. There has been a revolution in this area over the last decade, with the barrier to entry lowered dramatically in terms of content creation, distribution and monetization. Virtually anyone with a smartphone or a modern computer can record a podcast, or a video, or capture themselves playing a video game. Similarly, modern digital content distributions systems like Apple Podcasts, YouTube, Twitch and Patreon have made it trivially easy both to distribute these digital media products to followers, and to monetize them either directly (i.e., by placing the content behind a paywall) or indirectly (by selling advertisements associated with the products). Like being an influencer, these opportunities are available to – and have been seized by – college students.

As these new means of engaging in promotional or commercial activities have become ubiquitous, student-athletes have frequently sought approval to engage in them through the waiver process. Waiver requests have ranged from circumstances involving student-athlete owned businesses to requests to promote third-party commercial entities as a model or spokesperson. In considering these waiver requests, the NCAA staff has not distinguished between the use of social media and traditional promotional activities in the waiver space, although social media and technology have presented additional considerations.

Below are examples of waiver requests filed by student-athletes, or examples posed to staff through the interpretations process, related to the use of student-athletes' NIL on social media to promote products or business:

- a. A field hockey student-athlete was the host of a profitable video series (i.e., vlog) about cooking and nutrition on an online video streaming service. The student-athlete was paid based on online ad revenue, consistent with other vloggers with similar-sized audiences. The student-athlete was a nutrition major seeking to become a professional chef.
- b. A baseball student-athlete used a live streaming platform to broadcast himself playing video games. The student was paid based on online ad revenue, consistent with other gamers of comparable skill and viewership. The student-athlete wanted to use his name, image and likeness to promote his company (i.e., his channel on the gaming platform) and products he used while gaming (e.g., e-sports equipment manufacturers).
- c. A football student-athlete was the host of a profitable vlog about his experiences as an NCAA student-athlete on an online video streaming service. The student-athlete included footage of institutional contests and practices in his vlog, as well as interviews with teammates. The student- athlete was a journalism major and aspires to be a sports broadcaster.
- d. A volleyball student-athlete was a well-known influencer on Instagram. The student-athlete sought to receive the going rate for sponsored posts on behalf of clothing brands. The student-athlete was selected to promote the clothing brands based on the substantial following she had on Instagram, rather than on her athletics notoriety.

The working group believes the NCAA's rules on promotional activities should be modernized so that examples such as these are clearly addressed by the main text of the rules, rather than being dealt with through the waiver process. The working group's recommendations for how the rules could be modernized are set forth in the next section.

Section V - Additional Recommendations on Association-Wide Principles and Regulatory Framework.

After gathering additional feedback from student-athletes and the membership, and actively participating in the divisional legislative process, the working group reaffirms its earlier recommendation and the Board of Governors' determination that member schools may permit student-athletes the opportunity to benefit from the use of their NIL in a manner consistent with the values and principles of intercollegiate athletics. More specifically, the working group has received feedback from all three divisions that illustrates allowing such compensation for some promotional or commercial activities can likely be accommodated in a manner consistent with the NCAA's model of amateur intercollegiate competition. This will likely be true even if those activities are associated in some way with a student's athletics talents or recognitions, provided that such compensation is not

provided or arranged by the student's school, and does not amount to compensation for the student's athletics performance for, or association with, his or her school. For this reason, the working group recommends that the Board of Governors enhance its policy to make clear that the divisions should significantly modernize the NCAA's current rules on promotional activities and commercial use of student-athlete NIL.

1. **Why significant modernization is appropriate.** There are several broad reasons for the working group's recommendation that the divisions should consistently modernize their rules on commercial and promotional use of student-athlete NIL.
 - a. **Current rules could prevent student-athletes from pursuing opportunities available to college students generally.** As noted above, the rise of social media and internet distribution and monetization channels have resulted in a significant increase in the number and type of opportunities that college students have to engage in promotional activities or otherwise monetize their NIL. The NCAA's current rules tend to prohibit student-athletes from engaging in these activities in a blanket manner, and while the waiver process has permitted some activities not addressed by the language of Bylaw 12.5 (promotional activities), the working group recommends that the rules be thoroughly reworked to address directly the modern NIL environment. The working group also believes that the rules should generally permit student-athletes to pursue the same kind of promotional opportunities that are available to other students. This is consistent with the Board of Governors' direction and initial divisional legislative direction that student-athletes should be treated similarly to other college students unless a compelling reason to differentiate exists.
 - b. **The historic distinction between permitted and prohibited promotional activities should be reexamined in light of modern commercialization opportunities.** The working group also believes that the divisions should consider modernizing the manner in which their bylaws address "traditional" promotional activities, such as television commercials or in-person autograph signings. The working group has received significant interest in and feedback on these types of activities; indeed, the divisional legislative bodies continue to grapple with these very issues as we provide our final report to the Board of Governors. Based on the feedback we have received and the considerations of the divisional bodies, we believe that with the appropriate restrictions, a division could permit a student-athlete to be compensated for use of her NIL in a television endorsement of a product, or for signing an autograph. Any such modernization pursued by the divisions must, however, be accompanied by regulation sufficient to ensure that the newly permitted activities remain consistent with divisional values and philosophies.
 - c. **Concerns about abuse of NIL commercialization are better addressed through proper regulation than prohibition.** Rather than prohibit entire categories of promotional or commercial activities, the working group believes it is more

appropriate to address potential abuses through regulation and enforcement. Indeed, the most important check on potential abuse of NIL compensation, and one that the working group recommends maintaining in its entirety, is the current prohibition on NCAA members providing NIL compensation to student-athletes, or arranging for third parties to do so, unless such compensation is part of a total financial aid package that does not exceed cost of attendance.¹¹ Such payments would quickly threaten to become pay for play, which is why none of the working group's recommendations suggest creating an environment to facilitate them.

The working group studied the NCAA's rules, received feedback regarding them, and carefully considered how boosters should be treated by any new rules adopted by the divisions. Traditionally, the concern that boosters would circumvent rules against pay for play by making such payments in the school's stead has resulted in NCAA rules that treat boosters as identical to schools for rules purposes. Many in the membership recommended that this treatment of boosters continue in connection with the new NIL commercialization rules, which would have effectively prevented boosters from participating in the many of the new opportunities. While it is a difficult issue, the working group finds that an outright ban in all three divisions could be unnecessarily restrictive.

Instead, the working group suggests that the divisions study whether it is possible to adopt rules and enforcement techniques sufficient to ensure that any compensation paid by boosters purportedly for use of student-athlete NIL represents genuine compensation for use of those NIL rights, separate from athletics participation, rather than disguised payments for athletics participation. These new rules may require the divisions to draw new distinctions between types of boosters when evaluating their participation in student-athlete NIL activities, with some boosters being subjected to enhanced scrutiny due, for example, to their participation in the recruiting process or their long-standing association with an athletics department. Other categories of boosters – for example, someone who qualifies as a booster simply because they made a donation to obtain season tickets, or employed an enrolled student-athlete – may warrant less scrutiny when engaged in NIL activities. For the same reasons, the working group recommends that the Board of Governors encourage each division to adopt enforceable rules ensuring that schools and their boosters do not use the prospect of future NIL commercialization opportunities as an inducement to select, or transfer to, a specific school.

¹¹ The permanent injunction entered by the court in *O'Bannon v. NCAA* prevents the NCAA from prohibiting "the inclusion of compensation for the licensing or use of prospective, current, or former Division I men's basketball and FBS football players' names, images and likenesses in the award of a full grant-in-aid, up to the full cost of attending the respective NCAA member school." Nothing in the working group's recommendations is meant to suggest that schools should be prevented from providing this type of financial aid.

2. **Necessary regulation of newly permitted NIL activities.** While the working group recommends significant modernization of the rules related to student-athlete NIL, it also believes that the divisions must adopt regulations designed to ensure that the newly permitted NIL activities do not undermine America's unique educational model of athletic competition conducted between students, rather than professionals. In particular, the working group's recommendations to the Board of Governors that it encourage the divisions to significantly modernize their rules related to NIL is inextricably bound to the working group's strong further recommendation that the Board require the divisions to also adopt guardrails embedded in regulations sufficient to ensure the following:
- a. Institutions should encourage student-athletes to keep their academic commitments and not let NIL activities distract or interfere with their academic progress. Student-athletes should abide by institution and athletics department policies with respect to missed class time and good academic standing;
 - b. The compensation earned by student-athletes for NIL activities should represent genuine payments for use of their NIL independent of, rather than payment for, athletics participation or performance;
 - c. Outside the context of providing financial aid up to cost of attendance as allowed by prevailing law, schools, conferences and the NCAA should play no role in arranging NIL activities or payments for student-athletes;
 - d. Outside the context of providing financial aid up to cost of attendance as allowed by prevailing law, schools, conferences and the NCAA should play no role in student-athletes' NIL activities themselves, including by permitting student-athletes to use their facilities, uniforms, trademarks or other intellectual property;
 - e. NIL activities must not be contingent on a prospective student-athlete's enrollment at a particular school or group of schools, nor otherwise used as an inducement by a school or booster;
 - f. The use of agents, advisors and professional services by student-athletes in connection with the NIL activities must be regulated; and
 - g. NIL activities must not interfere with NCAA member institutions' efforts in the areas of diversity, inclusion or gender equity.

The working group urges the Board to recommend that the divisions pay particular attention to potential recruiting issues created by the modernized NIL rules, and in particular to the possibility that NIL opportunities may be used as direct or indirect inducements during the recruiting process. Unlike athletes in the professional leagues – whose ability to choose their teams is tightly constrained by mandatory drafts and contract terms, free agency rules, salary

caps and similar restraints – student-athletes have complete freedom when it comes to selecting which school they will attend. The ability of students to freely choose the school that best fits their academic and athletics aspirations is one of the defining features of America's model of intercollegiate athletics. But one result of this freedom is the possibility that students will place undue emphasis on potential NIL opportunities when selecting their schools, to the potential detriment of their academic and athletics careers, and to the potential detriment of fair competition between NCAA members. Student-athletes may also be exploited by bad actors making false promises of NIL opportunities should they select a particular school, only to have those opportunities fail to materialize after enrollment. The divisions should take care to adopt guardrails that will, to the extent possible, prevent the new NIL opportunities from distorting student school choice in this manner.

3. **Specific recommendations.** After considerable feedback and engagement with student-athletes and the divisional legislative process, the working group recommends that the Board of Governors encourage the divisions' continued consideration of appropriate revisions to their bylaws to permit the student- athlete NIL activities detailed in Section V.C.1, below.

Of course, the working group's endorsement of these activities to the Board of Governors is contingent on each of the divisional governance structures developing adequate measures to implement the guardrails previously established by the Board of Governors and refined above. Because through our work we have gathered a deeper appreciation that the rules needed to accomplish these modifications may differ from division to division, the working group recommends that the Board of Governors appropriately leave to the divisions the final form of any rules changes. The working group, however, suggests that the Board encourage the divisional governance structures to pay particular attention to certain potential issues as they develop appropriate guardrails around the newly permitted NIL activities; those are set forth in Section V.C.2.

Understanding the current legal landscape regarding promotional activity, the working group also stresses that it is not recommending that any changes be made to the rules permitting NCAA schools or conferences to make certain promotional uses of student-athlete NIL. The working group does not intend any of these recommendations to suggest that such uses are no longer appropriate, or that schools or conferences must, should or may compensate student-athletes for those traditional uses.

Finally, the working group acknowledges that, as the divisions consider rules that will significantly expand the ability of student-athletes to engage in previously prohibited commercial activities while retaining NCAA eligibility, they will be in uncharted territory. It is possible that some of the newly permitted activities will be exploited in unforeseen ways by third parties and damage NCAA values like fair competition, gender equity or the primacy of education over athletics. The working group recommends that the Board of Governors urge each of the divisions to closely monitor the effect of these newly permitted activities and to be proactive in addressing abuses, including by potentially restricting some of these

activities if they prove impossible to permit without doing damage to NCAA values or impinge on divisional philosophies.

- a. **Recommended areas in which rules related to NIL should be modernized.** Based on broad feedback and the working group's understanding of the direction of the divisional bodies, the working group would recommend support for the following two categories of NIL commercial activity by student-athletes, provided that the divisions develop regulation to implement the Board of Governors' principles and guidelines described above.

- (1) **Category One: Compensation for third-party endorsements.** The divisions could permit student-athletes to receive compensation for use of their NIL in third-party endorsements or social media influencer activity, including certain activity or endorsements that may be related in some way to athletics. However, we recommend that the divisions take care to prohibit schools or conferences from making these kind of endorsement payments themselves, or having any involvement in student-athlete endorsement activity. These prohibitions on institutional involvement in student-athlete NIL activity should include, at a minimum, (a) A prohibition on institutions arranging, identifying, facilitating or having any other kind of participation (including by encouraging booster participation) in endorsement deals for their student-athletes; and (b) A prohibition on institutions permitting student-athletes to use the institution's intellectual property in student-athlete endorsements. For example:

- (a) It could be permissible for a student-athlete at University A to be paid to endorse a commercial product in a television commercial or social media posting, provided that University A's uniform or marks do not appear in the commercial or posting and that the university did not play a role in arranging the opportunity; and
- (b) It could be permissible for a student-athlete to post content to a YouTube channel (e.g., day-in-the-life) and be compensated for endorsement of a particular product (e.g., product placement in the videos) provided that University A did not aid in the production of the content and no university marks are used.
- (c) It should be *impermissible*, however, for University A to pay a student-athlete for appearing in one of University A's commercials.

- (2) **Category Two: Compensation for student-athlete work product or business activities.** The Board should also consider encouraging the divisions to permit student-athletes to receive compensation from third

parties, but not schools or conferences, for the use of NIL in their work product or business activities, including compensation for:

- (a) Social media content creation and distribution;
- (b) Promotion of student-athlete businesses (music, art, athletic lessons, etc.); and
- (c) Personal promotional activities (autograph signings, etc.).

Student-athletes could be permitted to be compensated for these activities even if they are related in some general way to fitness or athletics. The divisions should adopt rules, however, prohibiting schools or conferences from (1) Paying student-athletes for the activities; (2) Arranging, or having any involvement in these activities, or (3) Permitting their intellectual property to be used in these activities. For example:

- (a) It could be permissible for a student-athlete at University A to conduct an in-person or virtual sports camp and use his or her name, image and likeness to promote the camp, provided that University A's marks and facilities are not used;
- (b) It could be permissible for a student-athlete at University A to be paid for making personal appearances, provided that University A is not involved in arranging for the appearances and University A's marks are not used (e.g., the student-athlete is not permitted to appear in University A's jersey or golf shirt); and
- (c) It could be permissible for a student-athlete at University A to develop a line of clothing and use his or her name, image and likeness to promote the apparel, provided that University A's marks are not used in the promotion or actual apparel.
- (d) It should be *impermissible*, however, for that student-athlete to be paid for any appearance by or on behalf of University A.

The working group is not recommending any further modernization of bylaws beyond these two categories at this time. In particular, recognizing the current legal landscape, the working group is not recommending any changes to NCAA rules to permit student-athletes to be compensated for appearing in photographs, broadcasts, clips or other recordings of athletics contests or related activities. As explained earlier in this report, the right of publicity does not extend to such recordings, which means that any payments to

student-athletes associated with them would not represent legitimate NIL licensing activity by student-athletes. Even if the right of publicity did extend to some of these uses, moreover, the working group believes that any compensation for them would be inconsistent with the collegiate model, due to the tight nexus between athletics participation and NIL in these contexts.

At this time, the working group is also not recommending any changes to NCAA rules to permit group licenses of student-athlete NIL in what are characterized as group products (like video games). There are legal hurdles to such activity that preclude it as a realistic option for implementation at this time. The working group recommends that the NCAA continue to explore whether those legal hurdles can be overcome through efforts described in Section VI, so that this issue can be revisited in 2021 or later.

The working group appreciates that the market response to new opportunities permitted by these proposed rules changes may not be made available in a gender-equal manner. Because schools and conferences may be prohibited from having any direct or indirect involvement in these new opportunities, they will not be able to correct or offset this problem directly, by leveling any imbalance created by the market's offerings. The working group nonetheless encourages schools to make educational resources available to all student-athletes so that they are aware of how they might pursue NIL activities.

b. Recommended areas of regulation of newly permitted NIL activities. As noted earlier, the working group's recommendations regarding the two categories of potentially permissible activities are contingent on each division creating rules to prevent these new activities from undermining the integrity of the collegiate model and the recruiting process. When considering those regulations, the working group recommends that the Board of Governors encourage the divisions to consider the following issues in particular:

- (1) Whether certain categories of promotional activities (e.g., alcohol, tobacco and sports gambling) should be precluded because they are inconsistent with the NCAA membership's values;
- (2) Whether certain categories of third-party businesses (e.g., athletics shoe and apparel companies) should be precluded from, or have limited participation in, the newly permitted activities, due to their history of encouraging or facilitating recruiting and other rules infractions;
- (3) What adjustments, if any, should be made to NCAA rules regarding promotional and other commercial activity by athletes prior to enrollment at an NCAA institution, including consideration of the disclosure and

enforcement mechanisms that might be required in connection with this issue. Discussion of this issue should explore whether disclosure or enforcement efforts in this area should utilize the assistance of third-party entities at the local, conference or Association-wide levels, in part to help relieve the burden that campus compliance personnel may face attempting to monitor the newly permitted activities;

- (4) How best to implement safeguards to ensure that newly permitted activities do not impose undue burdens on student-athlete time;
- (5) How best to implement safeguards to ensure that newly permitted activities are not utilized by boosters in a manner that circumvents the divisions' amateurism rules. This should include consideration of the disclosure and enforcement mechanisms that may be necessary to monitor the new NIL activities and payments;
- (6) Creating a framework to permit student-athletes to engage and consult with professional services providers in connection with their NIL and business activities (e.g., tax, legal, subject matter experts) consistent with existing federal and state laws; and
- (7) Creating resources on campus to educate student-athletes about the newly permitted activities and in a manner consistent with gender equity.

Section VI - Presidential Subcommittee on Congressional Action.

Background.

One topic that repeatedly came up during the deliberations of the working group was the possibility that the Association's attempts to modernize its rules relating to NIL could be frustrated by antitrust lawsuits, or by state laws that purport to override NCAA rules related to NIL issues. As the working group discussed possible reforms for consideration by the NCAA membership, it became apparent that the potential impediments posed by these outside legal factors could significantly undermine the Association's ability to take meaningful action in this area.

To address this issue, and in response to the introduction of federal NIL legislation and interest in NIL by Members of Congress, November 16, 2019, the Board of Governors Executive Committee directed that a subcommittee of the working group be formed. The purpose of the subcommittee was to provide input to the Board of Governors and the NCAA president on potential assistance that the Association should seek from Congress to support any efforts to modernize the rules in NCAA sports, while maintaining the latitude that the Association needs to further its mission to oversee and promote intercollegiate athletics on a national scale.

This Presidential Subcommittee on Congressional Action was composed of the presidential members of the working group as well as one independent member of the Board of Governors:

- Rita Cheng, president, Northern Arizona University (Division I)
- Mary Beth Cooper, president, Springfield College (Division III)
- John "Jack" DeGioia, president, Georgetown University (Division I) (chair)
- Michael Drake, president, The Ohio State University (Division I)
- Glen Jones, former vice chair, NCAA Board of Governors (Division II)
- Denis McDonough, The Markle Foundation
- Jere Morehead, president, University of Georgia (Division I)
- Tim P. White, chancellor, California State University System (Divisions I and II)

The Presidential Subcommittee conducted a total of seven meetings and teleconferences between December 16, 2019, and the date of this report. The subcommittee received reports from NCAA legal and legislative affairs staff regarding the potential legal impediments faced by the Association as it considers NIL modernization, as well the effect those impediments may have on the Association's ability to adopt and enforce its bylaws more generally.

For the past 114 years, the NCAA has served as the recognized authority and voice for the millions of student-athletes who have participated in intercollegiate athletics. A member-driven organization comprised of over 1,100 colleges and universities, the overarching purpose of the NCAA is to create a safe, fair and equitable environment that allows student-athletes to reach their full potential in academics, athletics and life. This ambitious ideal is achieved by providing student-athletes with transformational opportunities and experiences through the integration of athletics with academics.

Unfortunately, the evolving legal landscape surrounding NIL and related issues threatens to undermine the intercollegiate athletics model and significantly limit our ability to meet the needs of student-athletes moving forward. Specific modernization reforms that the working group believes are in the best interests of student-athletes and consistent with the collegiate model might prove infeasible as a practical matter due solely to the legal risk that they might create for the Association. While we are sensitive to the legal risks involved, we are more concerned about working in the best interests of our student-athletes to ensure that their voices continue to be heard and that their interests, current and future, are advanced and protected.

Further, the subcommittee believes that the NCAA is the most appropriate and experienced entity to oversee intercollegiate athletics given the uniqueness of the collegiate model of athletics, its member-driven nature and daily connection to student-athletes, the breadth and scope of its administrative operations, its willingness to respond to the evolving needs of student-athletes, and its long track record of providing remarkable opportunities for student-athletes to gain access to higher education.

Recommendations.

In light of the above and driven by our desire to do what is best for our student-athletes, the Presidential Subcommittee urges the NCAA Board of Governors to:

1. Support the ongoing modernization effort of NCAA rules in areas of student-athlete well-being, including student-athlete experience, health and safety and academic success; and
2. Immediately engage Congress to accomplish the following:
 - a. Ensure federal preemption over state name, image and likeness laws;
 - b. Establish an antitrust exemption for the Association;
 - c. Safeguard the nonemployment status of student-athletes;
 - d. Maintain the distinction between students-athletes and professional athletes; and
 - e. Uphold the NCAA's values including diversity, inclusion and gender equity.

In offering these recommendations, the subcommittee acknowledges that, due to the evolving Congressional landscape, there may be a need for the Association to prioritize one or more of the above recommendations in its engagement with Congress.

The reasons the Presidential Subcommittee believes these actions are necessary and appropriate are set out below.

1. **Why Congressional Action is Desirable.** The Presidential Subcommittee has identified two distinct legal impediments to the Association's ability to modernize its rules relating to NIL, and to maintain its model of amateur intercollegiate athletics more generally. Those two impediments are (a) The attempts by various state laws to override, in whole or in part, the NCAA's ability effectively to manage issues related to NIL; and (b) The threat of continuing antitrust litigation.
 - a. **Impediments Posed by State NIL Legislation.** During its deliberations, the subcommittee reviewed the current movement among the states to adopt laws that purport to supplant, in whole or in part, the NCAA's ability to manage effectively in this area. As of the date of this report, 34 states have introduced bills addressing the topic of payments to college student-athletes for use of their NIL rights. Two of these bills have become law: one in California and one in Colorado. Both laws expressly prohibit the NCAA from adopting rules regarding student-athletes earning compensation as a result of the use of the student's name, image or likeness when that

compensation is paid by third parties.¹² Other laws under consideration would erode the NCAA's ability to maintain the collegiate model even further.

New York, for example, is considering a law that would, among other things, require that colleges pay their student-athletes a share of ticket revenue earned from sporting events. Not only would this law undermine the NCAA's model of amateur intercollegiate athletics; it would threaten to transform student-athletes into employees of their schools.

These state laws create two distinct, but related, impediments to the Association's ability to maintain its model of intercollegiate athletics in its current, national form. First, all of these laws contain provisions that are fundamentally incompatible with the NCAA's model of intercollegiate athletics, since they purport to completely remove the NCAA's ability to adopt or enforce rules related to third-party commercialization of student-athlete NIL. These laws would thus strip the NCAA of the ability to ensure that third-party NIL commercialization was not being conducted in a manner that distorted the process by which student-athletes select which school to attend, or undermined student-athlete welfare, or amounted to the creation of a back- door scheme of pay for play.

Second, the fact that these laws are being considered or adopted by the states, rather than at the federal level, creates the very real possibility that NCAA members in different states will be governed by different rules related to NIL. If the NCAA simply accepted that the California Fair Pay to Play Act overrode its rules in California, for example, it would mean that student-athletes attending California schools would be governed by very different rules on NIL than student-athletes attending schools in other states. This would deal a serious blow to the NCAA's ability to sponsor sports and championships on a truly national level. It would also gravely undermine the ability of the NCAA's members to achieve their shared goal of fair competition within their divisions.

¹² For example, the California law provides, in pertinent part:

(a)(1) A postsecondary educational institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility.

(2) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association, shall not prevent a student of a postsecondary educational institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness.

(3) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association, shall not prevent a postsecondary educational institution from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's name, image, or likeness.

The subcommittee has therefore concluded that it is vital for Congress to step in and ensure that any laws pertaining to student-athlete NIL be enacted at the federal, rather than state, level. For this reason, the subcommittee believes it is appropriate and advisable for the Association to partner with Congress to enact a federal law that addresses the issue of compensation to student-athletes for use of name, image or likeness, and preempts state laws on that topic.

- b. Impediments Posed by Continuing Antitrust Litigation.** The subcommittee also reviewed the history of antitrust lawsuits brought against the Association over the last several decades. That review revealed that federal antitrust law has frequently been used by aggrieved parties as a tool to attempt to change or undermine the Association's rules. Several of these lawsuits have been brought by third-party business interests, not current or former student-athletes, and have typically attempted to force the Association to change its rules for the benefit of those business interests. While these lawsuits have, for the most part, been unsuccessful, the Association has been required to devote scarce and valuable resources to defending them, resources that could have been better spent on pursuing the Association's other goals.

The Association has also faced several antitrust challenges to its amateurism and eligibility rules brought by current or former student-athletes. The Association has, for the most part, been successful in defending these lawsuits. In response to a recent challenge to the Division I transfer rules, for example, the U.S. Court of Appeals for the Seventh Circuit held that such rules do not violate the antitrust laws because they are "clearly meant to help maintain the revered tradition of amateurism in college sports" and "the preservation of the student-athlete in higher education."¹³ Similarly, the U.S. Court of Appeals for the Ninth Circuit recently held that the NCAA's amateurism rules benefit both students and consumers.¹⁴

The Association's attempts to defend its amateurism rules from antitrust attack have not always been successful, however. Even as it affirmed the beneficial effects of the NCAA's amateurism rules in general, the Ninth Circuit's *O'Bannon* decision endorsed the notion that plaintiffs can use federal antitrust law to attempt to "prove" that there are better ways of preserving amateurism than current NCAA rules. This has led to another round of litigation in which plaintiffs have attempted to use the antitrust laws as a vehicle to second guess the Division I membership on the details of the Division I financial aid rules. The subcommittee is concerned that these sorts of antitrust challenges will continue, and will interfere with the Association's ability to effectively and efficiently regulate intercollegiate athletics contests between its members.

¹³ *Deppe v. NCAA*, 893 F.3d 498, 501-503 (7th Cir. 2018).

¹⁴ *O'Bannon v. NCAA*, 802 F.3d 1049 (9th Cir. 2015).

The subcommittee's review of this litigation history has led it to conclude that the threat of antitrust lawsuits will continue to impinge on the membership's ability to investigate and adopt common and adequate solutions to pressing issues facing college athletics. For this reason, the subcommittee believes it is appropriate and advisable for the Association to seek an exemption from federal and state antitrust laws.

Section VII - Timeline and Phased Divisional Implementation.

The working group has completed its work with the submission of this report to the Board of Governors. The report recognizes that there is a common, national framework to achieve name, image, and likeness opportunities for student-athletes in a manner that does not compromise the collegiate model. Yet, within that framework, the divisions will have to craft their legislative proposals to meet the needs of their own student-athletes and divisional philosophies. With this report, the divisions have the guidance necessary to complete their work. The divisions may act more quickly than the timeline contemplates but progress must continue and decisive measures should be taken. The divisions are asked to continue to provide periodic reports to the Board of Governors regarding their progress.

By April 30, 2020. This report is delivered to the NCAA Board of Governors for its review. The Board of Governors issues its additional Association-wide guidance to the divisions.

By August 30, 2020. The divisions should have drafted NIL legislative proposals for consideration and divisional governance bodies should have solicited additional membership suggestions regarding permissible activities and appropriate regulation. In particular, the working group recommends that all three divisions consider modifying their rules to permit those activities that have been permitted to date via the Division I waiver process, via rule in Division II or via interpretation in Division III. Further, the divisions should consider modifying their rules to permit commercial or promotional use of NIL by student-athletes related to their own businesses or work product, provided that work product is ***not*** related to athletics.

By October 31, 2020. Divisional governance bodies should have revised NIL proposals and recommended legislation that meets the divisional needs of their student-athletes for commercial or promotional use of their NIL in situations that are ***related to athletics***, or that involve endorsements of commercial products or services. These rules changes will necessarily include the consideration and adoption of safeguards identified earlier, to prevent (among other abuses) NIL opportunities from being used as a recruiting inducement, or boosters using NIL opportunities as back-door pay-for-play. The divisions should also consider whether additional structures may be advisable for the purpose of monitoring athletics-related NIL commercial or promotional activities and whether those structures should exist within the divisions or Association-wide; to regulate the involvement of agents or other service providers in the newly permitted activities; to determine the extent to which any of the modifications should apply to individuals prior to their initial collegiate enrollment; and to address any gender equity concerns raised by the new activities.

By January 31, 2021. Divisions should have enacted all NIL legislative proposals appropriate for their divisions with effective dates not later than the start of the 2021-22 academic year.

Future Considerations. The divisions should continue to explore whether it is possible to support institutionally managed group licenses for athletically related activities. As noted earlier, there currently are significant legal impediments to the NCAA adopting this kind of licensing structure; further exploration of these concepts will require clarity from Congress of the NCAA's authority to enact rules or maintain oversight in this area.

Board of Governors expands sexual violence policy

New measures could result in penalties, including loss of athletics eligibility

May 1, 2020 1:26pm

The NCAA Board of Governors, the Association's top governing body, has expanded its existing [association-wide campus sexual violence policy](#).

According to the new policy, all incoming, current and transfer college athletes must disclose annually to their school whether their conduct has resulted in an investigation, discipline through a Title IX proceeding or a criminal conviction for sexual, interpersonal or other acts of violence. A failure by the athlete to accurately and fully disclose investigatory activity, a disciplinary action or criminal conviction may result in penalties, including a loss of athletics eligibility as determined by the school.

In addition, schools will need to take reasonable steps to confirm the information provided by prospective, continuing and transfer student-athletes and provide it to other member schools if the student-athlete attempts to enroll in a different college or university. Finally, NCAA member schools must have policies in place to gather conduct-related information from former schools attended by recruited prospects or transfer student-athletes.

This policy is a culmination of discussions the Board began in January of this year. The board's action will require disclosure beginning in the 2021-22 academic year.

"The action is the latest step by the Association, consistent with its values, in supporting NCAA member schools to address sexual violence on their campuses," said Michael V. Drake, chair of the board and president of The Ohio State University.

In August 2017, the board adopted the previous policy requiring coaches, college athletes and athletics administrators to complete sexual violence prevention education each year. As part of the policy, each member school must confirm their athletics department is informed on and compliant with school policies regarding sexual violence prevention and proper adjudication and resolution of acts of sexual violence to be eligible to host NCAA championships.

The board has taken several steps to address sexual violence in the past ten years, including providing member institutions with recommendations for how to address reports of sexual violence and promote a culture on campus that is free from sexual violence. In 2014, the governance body passed a [resolution](#) that lays out expectations for athletics departments.

The NCAA also created the [sexual violence prevention tool kit](#) to aid athletics administrators in their efforts to create campus communities free of violence and foster safe places for students to learn and thrive.

Schools remain responsible for personnel background checks for those engaging with student-athletes. Further, schools continue to have responsibility to set standards for appropriate conduct with students, investigation of alleged inappropriate conduct, and resulting discipline to those engaging with student-athletes.

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A G E N D A

National Collegiate Athletic Association
Board of Governors Videoconference

Zoom Videoconference

June 11, 2020
11 a.m. to 1:30 p.m.

1. Welcome and announcements. (President Michael Drake)
2. Report of the NCAA Board of Governors April 28, 2020, meeting.
3. NCAA President's report. (Mark Emmert)
4. Discussion of college sports and racial and social justice. (Drake)
5. NCAA championships update.
 - a. Fall sports championships. (Joni Comstock)
 - b. Basketball championship. (Dan Gavitt)
6. Resocialization of Collegiate Sport. (Brian Hainline)
7. Litigation update. (Scott Bearby)
8. NCAA media contracts. (Bearby and Gavitt)
9. 2021 NCAA Convention. (Emmert and Remy)
10. Government relations - Update on state and federal legislative actions and proposals. (Remy)
11. NCAA strategic plan update. (Jackie Campbell and Remy)
12. NCAA national office finances update. (Kathleen McNeely)
13. Other resources.
14. Future meetings.
 - a. August 4, 2020, videoconference (1 to 6 p.m. Eastern time).
 - b. October 27, 2020, videoconference (12:30 to 6 p.m. Eastern time).
15. Adjournment.



**Division III Management Council Playing and Practice Season Subcommittee
Proposed Alternative Playing Seasons for 2020-21 Academic Year**

When reviewing potential amendments to playing season regulations for the 2020-21 academic year, the subcommittee endorsed the following principles:

1. Any amendments should not compromise the health and safety of student-athletes specifically, and the campus community more generally.
2. Any amendments should foster a positive student-athlete experience.
3. Any amendments should maintain the guiding principle that the playing seasons are regulated to minimize interference with the academic programs of student-athletes.
4. Institutional viability issues (e.g. enrollment management, personnel limitations, resources) should be evaluated as part of proposed changes.

The following proposal was approved by the Management Council on July 21, 2020, subject to ratification by the Presidents Council, to allow flexibility to conduct athletically related activity outside the current Division III Bylaw 17 parameters. The **bold** font below represents the changes from the current bylaws. The primary proposed changes are that: (1) The playing season is defined by days (which do not have to occur in consecutive weeks) as opposed to weeks to allow for more flexibility to conduct athletically related activities with student-athletes; and (2) The distinction between traditional and non-traditional segments is eliminated.

Fall sports.

1. Start date: August 10 or first day of classes, whichever is earlier. (Per waiver issued by the NCAA Division III Administrative Committee on June 10, 2020.)
2. End date: **Five weekdays before the first day of the institution's final examinations for the regular academic year.**
3. First competition date: No change.
4. **Length of playing season: 114 days (waive the weeks calculation)**
 - a. A "day" is any day in which athletically related activity (Bylaw 17.02.1.1) occurs, including but not limited to:
 - (1) In person or virtual team meetings.
 - (2) Required workouts or conditioning sessions.
 - (3) Practice.
 - (4) Competition.

- b. A "day" shall be treated as "in-season" under current analysis.
 - c. The exceptions to athletically related activities set forth in Bylaw 17.02.1.1.1 would not constitute a day.
 - d. A "day" is team specific and not student-athlete specific.
 - e. A team is required a day off once per calendar week: ~~Monday through Sunday~~ **as defined by the institution [clarification per Playing and Practice Seasons Subcommittee meeting July 28, 2020]** (except for existing sport specific exceptions). Multi-sport student-athletes will still be required a day off per week of all athletically related activity.
 - f. The 114 days do not have to occur in consecutive weeks.
5. Maximum contests: Apply traditional segment limits.
6. **Outside competition: Deference to institution.** (Would not allow participation with a professional team)

Winter sports.

- 1. Start date: No change. (September 7 or the institution's first day of classes whichever is earlier for most winter sports.)
 - **Exceptions: Basketball, ice hockey and wrestling which would be October 1 for practice only.** (Bowling currently has an October 1 start date.)
- 2. End date: No change. (Five weekdays before the first day of the institution's final examinations for the regular academic year.)
- 3. First competition date: No change.
- 4. **Length of playing season: 114 days (waive the weeks calculation).**
 - See "day" analysis above.
 - Exception: an institution that sponsors both indoor and outdoor track and field, the season would be 144 days. (*Clarification per Playing and Practice Seasons Subcommittee meeting July 28, 2020*)

5. Maximum Contests: No change.
6. **Outside competition: Deference to institution.** (Would not allow competition with a professional team)

Spring sports.

1. Start date: No change. (September 7 or the institution's first day of classes whichever is earlier.)
 - Exceptions.
 - Golf, rowing and tennis: August 10 or the first day of classes, whichever is earlier (per waiver issued by the Administrative Committee on June 10, 2020)
2. End date: No change. (Conclusion of NCAA championship.)
 - Institutions shall not conduct athletically related activity five weekday before the first day of the institution's final examinations for the fall semester/quarter through the end of the examination period.
3. First competition date. No change. (September 7 or the institution's first day of classes whichever is earlier.)
4. **Length of playing season: 114 days (waive the weeks calculation).**
 - See "day" analysis above.
 - Exception: an institution that sponsors both indoor and outdoor track and field, the season would be 144 days. (*Clarification per Playing and Practice Seasons Subcommittee meeting July 28, 2020*)
5. Maximum contests: Apply traditional segment limits.
6. **Outside competition: Deference to institution.** (Would not allow competition with a professional team)

Eight Action Items to Address Racial Justice and Equity

7/1/2020

During Tuesday's staff meeting, Chief Operating Officer Donald Remy unveiled eight action items to address racial justice and equity at the national office and among the membership. The goals of the action items are to provide tools that foster a culture that advances racial equity and improves ways to engage student-athletes, particularly student-athletes of color.

The initial actions to advance racial justice and equity:

1. Conduct or host programming for national office staff and the membership.
2. Review policies and procedures (and other manuals) for inclusive language.
3. Implement unconscious bias training for all national office staff and add it as part of the onboarding process for new employees.
4. Engage and provide service to the local community.
5. Enact a consortium with external organizations, businesses and associations to develop solutions and actionable efforts to address the issues of racism in society.
6. Review initial-eligibility requirements, specifically the requirement for the SAT/ACT.
7. Review the NCAA Academic Progress Rate and its impact on historically Black colleges and universities and other limited-resource schools.
8. Work with coaches' associations to seek student-athlete input and participation in changes to conference-level and national-level rules and policies.



**REPORT OF THE NCAA DIVISION III OVERSIGHT GROUP
TO IMPLEMENT RECOMMENDATIONS OF FEDERAL AND STATE LEGISLATIVE
WORKING GROUP (NAME, IMAGE AND LIKENESS)
JULY 16, 2020, VIDEOCONFERENCE**

ACTION ITEM.

1. Legislative Item.

- **Divisional Proposed Legislative Concepts—Student-Athlete Name, Image and Likeness.**
 - (1) Recommendation. That the Management and Presidents Council sponsor legislation that includes two legislative concepts for the 2021 NCAA Convention Division III Business Session:
 - a. Concept One – Allow student-athletes to use their status as athletes to promote their own work product or service.
 - b. Concept Two – Student-athletes may use their status as athletes to endorse third party products or services provided (1) There is no institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally; (2) NIL opportunities are not part of the recruiting.
 - (2) Effective date. August 1, 2021.
 - (3) Rationale. The recommendations are consistent with the recommendations of the Board of Governors' Federal and State Legislative Working Group and were supported in a June DIII online survey and related membership feedback.
 - (4) Estimated budget impact. None.
 - (5) Estimated student-athlete impact. None.

2. Nonlegislative items.

- **None.**

INFORMATIONAL ITEMS.

- 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. **Interpretations and Legislation Committee Update.** Staff updated the Oversight Group with recent conversations regarding the June NIL survey results. Areas of concern for future discussion are around professional advisors, autographs and crowd funding. Additional education and clarification for members institutions will be addressed in the legislative Q & A.
4. **NIL Survey Executive Summary and Detailed Report.** The Oversight Group received a detailed summary of the NIL survey results on potential legislative concepts that would allow greater flexibility for a student-athlete to use their name, image and likeness to promote their own business activities and to endorse third-party products or services:

- Concept 1. Allow student-athletes to use their status as athletes to promote their own work product or service.
- Concept 2. Student-athletes may use their status as athletes to endorse third party products or services provided: (1) There is no institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally); (2) NIL opportunities are not part of the recruiting process; and (3) Market rate is a tool to ensure compensation is not a substitute for pay-for-play.
- Additional topics. The group also reviewed feedback related to categories of promotion, use of institutional marks, compliance, and professional services.

Survey responses included presidents/chancellors, director of athletics, conference commissioners and national SAAC members. Overall, survey responses reflected significant support for the legislative concepts.

5. **Input from Federal and State Legislative Working Group (FSLWG) on NIL Issues.** The members of the FSLWG indicated their belief that the legislative concepts are consistent with the working group's recommendations. They encouraged the Oversight Group to continue its work in the specific areas noted above. Members noted a discrepancy between responses from SAAC and presidents regarding student-athlete endorsements for commercial products or services. President Cooper will engage the Presidents Council on this topic during its upcoming meeting and report out on the next videoconference.

6. Future Division III Meeting/Timetable.

- a. July 18-19 – Division III Student-Athlete Advisory Committee.
- b. July 20-21 – Division III Management Council.
- c. August 3– Division III Presidents Advisory Group.
- d. August 5 – Division III Presidents Council.

7. Other Business.

- None.

8. Adjournment. The meeting adjourned at 3:36 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*

NCAA Division III Oversight Working Group on NIL July 16, 2020, Teleconference	
Attendees:	
Heather Benning, Midwest Conference	
Mary-Beth Cooper, Springfield College	
Jackson Erdmann, Saint John's University, student-athlete	
Jason Fein, Bates College	
Brady Keller, Nebraska Wesleyan University, SAAC	
Angie Morenz, Blackburn College	
Tori Murden McClure, Spalding University	
Daryl Sims, University of Wisconsin-Oshkosh	
Absent:	
Angela Marin, University of Texas at Dallas	
NCAA Staff Support in Attendance:	
Dan Dutcher, Eric Hartung, Debbie Kresge, Louise McCleary, Jeff Myers, Ali Spungen and Jeremy Villanueva	

Division III Name, Image and Likeness Survey Executive Summary

Introduction

The Division III governance structure administered an online survey of four key membership constituent groups in June 2020. The survey sought feedback on potential legislative concepts that would allow greater flexibility for a student-athlete to use their name, image and likeness (NIL) to promote their own business activities and to endorse third party products or services. The survey sought input on two concepts and four additional topics:

- Concept 1. Allow student-athletes to use their status as athletes to promote their own work product or service.
- Concept 2. Student-athletes may use their status as athletes to endorse third party products or services provided: (1) There is no institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally); (2) NIL opportunities are not part of the recruiting process; and (3) Market rate is a tool to ensure compensation is not a substitute for pay for play.
- Additional topics. Categories of promotion, use of institutional marks, compliance, professional services.

Response Rate		
Role	N	% of Sample
President/Chancellor	74	19
Director of Athletics	243	63
Conference Commissioner	40	11
National SAAC Member	27	7
Total	384	100

Findings

Concept 1 – Work Product and Service:

- Seventy percent or more of survey respondents agreed student-athletes should be able to use their status as athletes to promote and monetize work products and services such as private lessons (89 percent), camps or clinics (79 percent), social media platforms (70 percent), creative endeavors (92 percent) and their own business (88 percent). The exception to this was payment for autographs (38 percent agreed, with approximately 18 percent undecided).
- There were minimal differences in response between the four constituent groups surveyed.

Concept 2 – Endorsements:

- Two-thirds or more of survey respondents agreed student-athletes should be able to use their status as athletes to be paid for appearances (66 percent), promote commercial products via social media platforms (71 percent), model or promote non-institutional athletic apparel or equipment (75 percent), promote third-party products or services via traditional commercials (71 percent) and provide testimonials for a product or service (74 percent).
- Differences in response were noted between the four constituent groups surveyed on two items:

Activity	Percent Agreed			
	Presidents/ Chancellors	Directors of Athletics	Conference Commissioners	National SAAC Members
Modeling/promoting non-institutional athletic apparel and equipment.	57	76	87	91
Providing testimonials for a product or service.	50	75	87	100

Prohibition of Promoting Certain Types of Products or Services:

- Ninety percent of survey respondents indicated there should be legislation to prohibit student-athletes from using their status as athletes to promote products and services such as alcohol, tobacco and sports gambling. There were minimal differences in response between the four constituent groups surveyed.

Use of Institutional Marks

- More than half of survey respondents indicated student-athletes should be allowed to use institutional marks in the promotion of their own work product or service as well as in third-party promotions. Approximately one-third indicated they should not be allowed.
- Differences on supporting the use of institutional marks in third-party promotions existed between presidents/chancellors (52 percent), directors of athletics (55 percent) and conference commissioners (35 percent).

Mandatory Reporting and Compliance Responsibilities

- More than three-quarters of survey respondents indicated student-athletes should be required to report to the institution all activities in which they are using their status as an athlete for promotional purposes.
- 90 percent of survey respondents indicated the Association should ensure that member schools, conferences, and student-athletes have access to resources that will minimize the administrative and educational burden associated with the adoption and implementation of this legislation, including resources potentially provided by a third-party administrator.
- Two-thirds or more were at least somewhat confident or confident that Division III athletics departments can fulfill the various compliance responsibilities associated with these concepts including providing education to students, booster and staff, understanding and using the “market rate,” ensuring consistency in the use of institutional marks with institutional policy and establishing a monitoring process.

Activity	Percent		
	Confident	Somewhat Confident	Not Confident
Providing education to student, boosters and staff	53	40	7
Understanding and using the “market rate” to ensure that compensation is not a substitute for “pay for play.”	24	41	35
Ensuring the use of institutional marks is being done consistent with institutional policy.	41	40	19
Establishing a monitoring process for your department.	25	46	29

- Differences existed between the confidence of four constituent groups in the ability of their athletics department to fulfill three compliance responsibilities associated with these concepts:

Activity	Percent Confident Category Only			
	Presidents/ Chancellors	Directors of Athletics	Conference Commissioners	National SAAC Members
Providing education to student, boosters and staff	71	49	34	68
Understanding and using the “market rate” to ensure that compensation is not a substitute for “pay for play.”	36	16	17	68
Establishing a monitoring process for your department.	45	18	14	50

Professional Services

- More than 40 percent of survey respondents indicated student-athletes should be permitted to engage professional services, including agents. An additional 30 percent were undecided. There were minimal differences in response between the four constituent groups surveyed.

NCAA Division III NIL Survey Results
June 16, 2020

Survey Overview

Viewed	Started	Completed	Completion Rate	Drop Outs (After Starting)	Average Time to Complete Survey
803	396	315	80.0%	81	9 minutes

What is your role?

Answer	Count	Percent
President/Chancellor	74	19.27%
Director of Athletics	243	63.28%
Conference Commissioner	40	10.42%
National SAAC Member	27	7.03%
Total	384	100%

SURVEY QUESTIONS REGARDING CONCEPT 1:

Please identify whether you agree, disagree, or are undecided regarding the following statements, consistent with the model and principles described above for Concept 1:

Student-athletes should be able to...

Use their status as athletes to promote their availability for private lessons.

Answer	Count	Percent
Agree	293	89.33%
Disagree	24	7.32%
Undecided	11	3.35%
Total	328	100%

Use their status as athletes to promote their own camp or clinic.

Answer	Count	Percent
Agree	259	79.20%
Disagree	44	13.46%
Undecided	24	7.34%
Total	327	100%

Monetize their social media platform in which they identify and promote themselves as athletes.

Answer	Count	Percent
Agree	228	69.51%
Disagree	63	19.21%
Undecided	37	11.28%
Total	328	100%

Be paid for their autographs.

Answer	Count	Percent
Agree	125	38.11%
Disagree	145	44.21%
Undecided	58	17.68%
Total	328	100%

Use their status as athletes to promote their involvement in creative endeavors such as music, acting, writing and art.

Answer	Count	Percent
Agree	301	91.77%
Disagree	14	4.27%
Undecided	13	3.96%
Total	328	100%

Use their status as athletes to promote their own business.

Answer	Count	Percent
Agree	288	87.80%
Disagree	26	7.93%
Undecided	14	4.27%
Total	328	100%

Use their status as athletes to promote other work products or services not mentioned in the examples above.

Answer	Count	Percent
Agree	232	70.73%
Disagree	31	9.45%
Undecided	65	19.82%
Total	328	100%

SURVEY QUESTIONS REGARDING CONCEPT 2:

Please identify whether you agree, disagree, or are undecided regarding the following statements, consistent with the model and principles described above for Concept 2:

Student-athletes should be able to...

Be paid for their appearance at a commercial establishment (e.g. car dealership, restaurant).

Answer	Count	Percent
Agree	211	65.94%
Disagree	68	21.25%
Undecided	41	12.81%
Total	320	100%

Promote commercial products via their social media platforms even if they are identified as athletes (e.g. brand ambassador).

Answer	Count	Percent
Agree	226	70.62%
Disagree	59	18.44%
Undecided	35	10.94%
Total	320	100%

Model/promote non-institutional athletics apparel and equipment regardless if they are identified as athletes or they were chosen due to athletics status.

Answer	Count	Percent
Agree	241	75.31%
Disagree	46	14.37%
Undecided	33	10.31%
Total	320	100%

Use their status as athletes to promote third party products or services via traditional commercials. (e.g. appear in radio commercial for local grocery store)

Answer	Count	Percent
Agree	228	71.47%
Disagree	55	17.24%
Undecided	36	11.29%
Total	319	100%

Provide testimonials for a product or service the student-athlete has used (e.g. endorsing a medical practice that was able to repair the student-athlete's knee and get them back on the field).

Answer	Count	Percent
Agree	234	73.58%
Disagree	57	17.92%
Undecided	27	8.49%
Total	318	100%

Categories of Promotions

Should the legislation prohibit student-athletes from using their athletics status to promote certain type of products or services (e.g. alcohol, tobacco, sports gambling)?

Answer	Count	Percent
Yes	285	90.76%
No	23	7.32%
Undecided	6	1.91%
Total	314	100%

Use of Institutional Marks

Should student-athletes be allowed to use institutional marks (e.g. logos, slogans) in the promotion of their own work product or service provided approval is obtained through established institutional processes in a manner consistent to students generally?

Answer	Count	Percent
Yes	175	55.91%
No	101	32.27%
Undecided	37	11.82%
Total	313	100%

Should student-athletes be allowed to use institutional marks (e.g., logos, slogans) in third party promotions provided approval is obtained through established institutional processes in a manner consistent to students generally?

Answer	Count	Percent
Yes	166	53.21%
No	102	32.69%
Undecided	44	14.10%
Total	312	100%

Compliance

Indicate your level of confidence in your athletics department fulfilling the following compliance responsibilities associated with these concepts.

Providing education to students, boosters and staff

Answer	Count	Percent
Confident	164	52.90%
Somewhat Confident	125	40.32%
Not Confident	21	6.77%
Total	310	100%

Understanding and using the “market rate” to ensure that compensation is not a substitute to “pay for play.”

Answer	Count	Percent
Confident	73	23.55%
Somewhat Confident	128	41.29%
Not Confident	109	35.16%
Total	310	100%

Ensuring the use of institutional marks is being done consistent with institutional policy

Answer	Count	Percent
Confident	128	41.29%
Somewhat Confident	124	40.00%
Not Confident	58	18.71%
Total	310	100%

Establishing a monitoring process for your department

Answer	Count	Percent
Confident	76	24.68%
Somewhat Confident	142	46.10%
Not Confident	90	29.22%
Total	308	100%

Should the proposed concepts require student-athletes to report to the institution all activities in which they are using their status as athletes for promotional purposes?

Answer	Count	Percent
Yes	246	79.10%
No	23	7.40%
Undecided	42	13.50%
Total	311	100%

The Association should ensure that member schools, conferences, and student-athletes have access to resources that will minimize the administrative and educational burden associated with the adoption and implementation of this legislation, including resources potentially provided by a third-party administrator.

Answer	Count	Percent
Yes	285	91.35%
No	7	2.24%
Undecided	20	6.41%
Total	312	100%

Professional Services

Should student-athletes be permitted to engage professional services, including agents, provided the agents are marketing the students NIL activities and not marketing the student-athlete's athletics ability or reputation with a professional sports team for purposes of obtaining a professional sports contract?

Answer	Count	Percent
Yes	136	43.73%
No	81	26.05%
Undecided	94	30.23%
Total	311	100%



Division III Webinar

Name, Image and Likeness Updates

Dan Dutcher and Jeff Myers

Agenda

- Background.
- Key Association-wide principles.
- Division III legislative definitions, bylaws and principles.
- Division III legislative concepts.
 - Work product and services.
 - Endorsements.
 - Additional considerations.
- Next steps and timeline.

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Background

- In April, the BOG received the Federal and State Legislation Working Group's final report and charged each division with modernizing its rules within a collegiate framework.
- Division III will determine its best course of action.
- Created Division III-specific Oversight Group in November.
- Discussed and received feedback at 2020 Division Convention Issues Forum.

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Background

- Recent actions and next steps.
 - ILC discussed in Feb. and developed NIL concepts.
 - In April, SAAC, Management and Presidents Council reviewed and endorsed the concepts.
 - Held a series of educational webinars.
 - In early June, DIII NIL Oversight Group distributed a feedback form to the membership.
 - During the summer Council meetings, will finalize the legislative proposals to vote upon at the 2021 NCAA Convention.

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Key Association-Wide Principles

- BOG determined that status quo is not an option, and that the following Association-wide principles should guide the divisional review:
 - Compensation to student-athletes for use of their name, image or likeness should not be pay for athletics performance or participation; nor should the payments serve as an inducement to select a particular school.

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Key Association-Wide Principles (cont..)

- 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.

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Legislative Definition

NIL is a concept based on laws defining “rights of publicity” or when permission is required to use someone’s name, image or likeness.



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NIL and NCAA Bylaws

- Student-athletes may not participate in promotional activities unless specifically allowed by NCAA legislation. (Bylaw 12.5.1)
- Specific exceptions allowing use of the student-athlete’s NIL:
 - Institutional, charitable, educational and non-profit use.
 - Modeling and other non-athletically related promotional activity.
 - Media activities.
 - Student-athlete’s own business.

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Modeling and Other Non-Athletically Related Promotional Activity

Can accept pay for use of NIL to promote the sale or use of a commercial product provided:

- Student-athlete became involved in activity for reasons independent of athletics ability;
- No reference is made in these activities to the student-athlete's involvement in intercollegiate athletics; and
- Pay is commensurate with the student-athlete's skill and experience as a model and is not based on athletics ability or reputation.

Bylaw 12.5.1.3

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Media Activities

- Student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions, or participate in writing projects) even when appearance/participation is related to athletics and may receive the following:
 - Legitimate and normal expenses; and
 - Compensation commensurate with the going rate.

Also, student-athlete's name may be used to advertise participation, but status as a student-athlete may not be used for promotional purposes.

Bylaw 12.5.2

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Student-Athlete's Business

Student-athletes may establish and promote their own business but may not use their status as a student-athlete to promote the business.



*Official Interpretation
February 1, 2007*

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Proposed Legislative Concepts

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Key Division III NIL Principles

- Fair market rate will be one of the tools to ensure compensation isn't a substitute for pay for play.
- Student-athletes can use institutional marks to the extent students generally can use institutional marks.
- Students could use agents, advisors and professional services to help with their NIL activities.
- Institutions may not use promotional opportunities as a recruiting inducement.

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Key Division III NIL Principles

- Institutions may only support a student-athlete's NIL activities to the extent they support students generally in their NIL activities.
- Specific reporting and disclosure requirements are not yet a part of these concepts.

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NIL Concept 1: Work Product and Service

- Proposed concept: Student-athletes could use their status as athletes to promote their own work product or service. Institutions would only be permitted to support NIL opportunities for SAs in the same manner institutions support NIL opportunities for their students generally.
- Why: Student-athletes should be able to use their NIL in a similar manner as college students who are not student-athletes, unless there is a compelling reason to differentiate.

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NIL Concept 1: Work Product and Service

- Examples to consider.
 - Promotion of private lessons.
 - Promotion of their own camp or clinic.
 - Monetize social media platform(s).
 - Paid for autographs.
 - Promotion of creative and/or academic endeavors.
 - Promotion of their own business.
 - General promotion of other work product or service.

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NIL Concept 2: Endorsements

- Proposed Concept: Student-athletes may use their status as athletes to endorse third party products or services provided:
 1. No institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally).
 2. NIL opportunities are not part of the recruiting process.

Additionally, market rate is a tool to ensure compensation is not a substitute for pay for play.

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NIL Concept 2: Endorsements

- Why: Student-athletes should be able to use their NIL in a similar manner as college students who are not student-athletes, unless there is a compelling reason to differentiate.

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NIL Concept 2: Endorsements

- Examples to consider.
 - Payment for appearance at a commercial establishment (e.g., car dealership, restaurant).
 - Promotion of commercial products via social media platforms (e.g., brand ambassadors).
 - Model/promote non-institutional athletics apparel and equipment.
 - Promotion of third-party products or services via traditional commercials.
 - Provide testimonials for a product or service.

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Additional Considerations

- Prohibition of promoting certain types of products or services (e.g., alcohol, tobacco, sports gambling).
- Use of institutional marks (e.g., logos and slogans).
- Compliance responsibilities.
- Mandatory reporting.
- Professional services (e.g., engagement of professional services, including agents).
- Pre-enrollment NIL opportunities.

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Survey Feedback

- Concept #1—Work Product and Service.
- Concept #2—Endorsements.
- Prohibition of promoting certain types of products or services (e.g., alcohol, tobacco, sports gambling).
- Use of institutional marks (e.g., logos and slogans).
- Mandatory reporting and compliance responsibilities.
- Professional services (e.g., engagement of professional services, including agents).
- Pre-enrollment NIL opportunities.

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Next Steps and Timeline

- Additional committee review.
- Final MC and PC review in July/August.
- Proposed legislation at 2021 NCAA Convention.

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Ways You Can Help

- Discuss the concepts and other identified areas.
- Be ready for the “final round” of information coming from the summer Council meetings.
- Prepare for the Convention discussion and vote.

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Questions?

- All questions, must be submitted via your computer, using the following instructions:
 - Click on the chat icon – near the top of your screen. It will open a text box at the bottom of your computer screen.
 - Type in message and click on send.

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	FY 2019 - 2020				FY 2018 - 2019			Actuals as of 6/30		Annualized FY20 Actuals	Variance from 6/30/20
	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	\$10,248,438	\$10,138,880	\$109,558	101.1%	\$32,215,323	\$32,237,370	(\$22,047)	\$31,164,026	(\$20,915,588)	\$10,248,438	\$0
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	\$10,778,638	\$10,657,880	\$120,758	101.1%	\$32,747,523	\$32,756,370	(\$8,847)	\$31,694,226	(\$20,915,588)	\$10,778,638	\$0
Expenses											
Championship Expenses											
Men's Championships											
DIII Men's Baseball	\$53,942	\$2,514,092	\$2,460,150	2.1%	\$1,824,012	\$2,332,000	\$507,988	\$1,292,193	(\$1,238,251)	\$53,942	\$0
DIII Men's Basketball	\$662,165	\$1,466,966	\$804,802	45.1%	\$1,314,931	\$1,169,000	(\$145,931)	\$1,319,436	(\$657,272)	\$668,977	\$6,813
DIII Men's Cross Country	\$586,973	\$614,791	\$27,818	95.5%	\$610,617	\$592,350	(\$18,267)	\$602,200	(\$15,227)	\$586,978	\$5
DIII Men's Football	\$2,213,285	\$2,363,405	\$150,120	93.6%	\$1,825,191	\$2,036,500	\$211,309	\$1,828,104	\$385,181	\$2,213,290	\$5
DIII Men's Golf	\$33,132	\$647,835	\$614,703	5.1%	\$609,675	\$621,500	\$11,825	\$590,256	(\$557,124)	\$33,132	\$0
DIII Men's Ice Hockey	\$33,392	\$426,293	\$392,901	7.8%	\$377,793	\$376,000	(\$1,793)	\$371,763	(\$338,371)	\$33,392	\$0
DIII Men's Lacrosse	\$37,698	\$703,701	\$666,003	5.4%	\$633,508	\$634,000	\$492	\$406,436	(\$368,738)	\$39,189	\$1,491
DIII Men's Soccer	\$1,224,329	\$1,341,235	\$116,906	91.3%	\$1,106,540	\$1,244,400	\$137,860	\$1,106,399	\$117,930	\$1,224,335	\$6
DIII Men's Swimming and Diving	\$206,044	\$665,508	\$459,464	31.0%	\$587,216	\$629,000	\$41,784	\$581,801	(\$375,757)	\$206,044	\$0
DIII Men's Tennis	\$13,508	\$726,331	\$712,823	1.9%	\$666,410	\$698,000	\$31,590	\$573,892	(\$560,384)	\$13,508	\$0
DIII Men's Track Indoor	\$752,687	\$860,974	\$108,287	87.4%	\$707,000	\$836,850	\$129,850	\$688,560	\$64,127	\$783,103	\$30,416
DIII Men's Track Outdoor	\$22,790	\$946,924	\$924,134	2.4%	\$937,085	\$921,250	(\$15,835)	\$852,915	(\$830,125)	\$22,790	\$0
DIII Men's Volleyball	\$15,458	\$366,033	\$350,575	4.2%	\$261,586	\$315,000	\$53,414	\$172,336	(\$156,878)	\$15,458	\$0
DIII Men's Wrestling	\$532,825	\$463,975	(\$68,850)	114.8%	\$484,780	\$451,500	(\$33,280)	\$485,043	\$47,782	\$532,825	\$0
Total	\$6,388,228	\$14,108,063	\$7,719,835	45.3%	\$11,946,343	\$12,857,350	\$911,007	\$10,871,334	(\$4,483,106)	\$6,426,964	\$38,736
Women's Championships											
DIII Women's Basketball	\$705,791	\$1,313,026	\$607,235	53.8%	\$1,085,210	\$1,253,000	\$167,790	\$1,093,529	(\$387,738)	\$705,791	\$0
DIII Women's Cross Country	\$562,273	\$637,162	\$74,889	88.2%	\$623,825	\$614,150	(\$9,675)	\$620,525	(\$58,252)	\$562,280	\$7
DIII Women's Field Hockey	\$420,150	\$515,007	\$94,857	81.6%	\$451,497	\$504,000	\$52,503	\$451,420	(\$31,270)	\$420,150	\$0
DIII Women's Golf	\$25,506	\$468,659	\$443,153	5.4%	\$415,327	\$407,550	(\$7,777)	\$397,260	(\$371,754)	\$25,506	\$0
DIII Women's Ice Hockey	\$53,577	\$321,471	\$267,894	16.7%	\$255,906	\$314,000	\$58,094	\$253,714	(\$200,137)	\$53,577	\$0
DIII Women's Lacrosse	\$31,198	\$920,887	\$889,689	3.4%	\$1,002,591	\$851,000	(\$151,591)	\$643,977	(\$612,779)	\$31,198	\$0
DIII Women's Rowing	\$2,249	\$439,372	\$437,123	0.5%	\$354,854	\$427,000	\$72,146	\$244,415	(\$242,166)	\$2,349	\$100
DIII Women's Soccer	\$1,312,947	\$1,359,961	\$47,014	96.5%	\$1,250,641	\$1,327,000	\$76,359	\$1,250,624	\$62,323	\$1,312,952	\$5
DIII Women's Softball	\$797	\$1,661,268	\$1,660,471	0.0%	\$1,535,739	\$1,597,000	\$61,261	\$971,931	(\$971,134)	\$797	\$0
DIII Women's Swimming and Diving	\$249,591	\$693,537	\$443,946	36.0%	\$649,837	\$695,000	\$45,163	\$652,253	(\$402,662)	\$249,591	\$0
DIII Women's Tennis	\$14,239	\$759,270	\$745,031	1.9%	\$699,109	\$740,000	\$40,891	\$613,769	(\$599,530)	\$14,239	\$0
DIII Women's Track Indoor	\$698,158	\$789,890	\$91,732	88.4%	\$598,514	\$766,150	\$167,636	\$596,845	\$101,313	\$729,401	\$31,243
DIII Women's Track Outdoor	\$23,345	\$972,166	\$948,821	2.4%	\$960,065	\$945,750	(\$14,315)	\$870,048	(\$846,703)	\$23,345	\$0
DIII Women's Volleyball	\$1,082,657	\$1,185,413	\$102,756	91.3%	\$1,121,305	\$1,153,500	\$32,195	\$1,120,380	(\$37,723)	\$1,082,660	\$3
Total	\$5,182,480	\$12,037,089	\$6,854,609	43.1%	\$11,004,421	\$11,595,100	\$590,679	\$9,780,690	(\$4,598,210)	\$5,213,837	\$31,357
Championship Expenses Total	\$11,570,708	\$26,145,152	\$14,574,444	44.3%	\$22,950,764	\$24,452,450	\$1,501,686	\$20,652,024	(\$9,081,316)	\$11,640,801	\$70,093
Overhead Allocation	\$362,500	\$435,000	\$72,500	83.3%	\$422,000	\$422,000	\$0	\$351,667	\$10,833	\$435,000	\$72,500
Total Championship Expense	\$11,933,208	\$26,580,152	\$14,646,944	44.9%	\$23,372,764	\$24,874,450	\$1,501,686	\$21,003,691	(\$9,070,483)	\$12,075,801	\$142,593

	FY 2019 - 2020					FY 2018 - 2019			Actuals as of 6/30			
	Actual	Budget	\$ Variance	% of Budget to Date		Actual	Budget	\$ Variance	FY 2018-19	\$ Variance 19-20 to 18-19	Annualized FY20 Actuals	\$ 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	\$1,078,162	\$1,300,000	\$221,838	82.9%		\$1,175,236	\$1,209,920	\$34,684	\$1,129,700	(\$51,538)	\$1,078,162	\$0
Strategic Alliance Matching Grant	\$636,921	\$708,600	\$71,679	89.9%		\$556,556	\$708,600	\$152,044	\$624,228	\$12,693	\$636,921	\$0
Leadership Conference	\$83,734	\$365,000	\$281,266	22.9%		\$414,356	\$365,000	(\$49,356)	\$181,903	(\$98,169)	\$83,734	\$0
Identity Initiative	\$154,966	\$300,000	\$145,034	51.7%		\$324,104	\$300,000	(\$24,104)	\$181,754	(\$26,788)	\$218,275	\$63,309
Diversity Initiatives	\$122,379	\$250,000	\$127,621	49.0%		\$250,728	\$250,000	(\$728)	\$220,922	(\$98,543)	\$122,379	\$0
Sportsmanship - GameDay the DIII Way	\$147,296	\$225,000	\$77,704	65.5%		\$210,547	\$250,000	\$39,453	\$171,503	(\$24,207)	\$178,973	\$31,677
360 Proof	\$82,040	\$115,000	\$32,960	71.3%		\$91,749	\$125,000	\$33,251	\$78,947	\$3,093	\$82,040	\$0
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	\$99,000	\$99,000
Leadership Development Initiatives DiSC	\$83,443	\$100,000	\$16,557	83.4%		\$100,000	\$100,000	\$0	\$100,000	(\$16,557)	\$83,443	\$0
LGBTQ	\$79,333	\$100,000	\$20,667	79.3%		\$123,293	\$100,000	(\$23,293)	\$123,052	(\$43,719)	\$79,333	\$0
ADR Institute	\$63,925	\$90,000	\$26,075	71.0%		\$84,430	\$90,000	\$31,570	\$55,763	\$8,162	\$63,925	\$0
SAAC April and Associate Member Meetings	\$31,793	\$90,000	\$58,207	35.3%		\$77,791	\$90,000	\$12,209	\$63,462	(\$31,669)	\$31,793	\$0
AD and Commissioner Orientation	\$30,495	\$85,000	\$54,505	35.9%		\$103,759	\$85,000	(\$18,759)	\$52,218	(\$21,723)	\$30,495	\$0
FAR Orientation/Institute	\$50,191	\$85,000	\$34,809	59.0%		\$84,863	\$85,000	\$137	\$66,139	(\$15,948)	\$50,191	\$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)	\$14,534	\$75,000	\$60,466	19.4%		\$75,000	\$75,000	\$0	\$75,000	(\$60,466)	\$25,000	\$10,466
NCAA Annual Convention	\$58,747	\$70,000	\$11,253	83.9%		\$70,326	\$70,000	(\$326)	\$70,326	(\$11,579)	\$58,747	\$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)	\$33,233	(\$28,324)	\$4,909	\$0
Women Leaders in College Sports	\$0	\$30,000	\$30,000	0.0%		\$30,945	\$30,000	(\$945)	\$945	(\$945)	\$22,000	\$22,000
Conference Commissioner Meetings	\$5,908	\$20,000	\$14,092	29.5%		\$17,591	\$20,000	\$2,409	\$1,329	\$4,579	\$5,908	\$0
Working Groups	\$4,204	\$20,000	\$15,796	21.0%		\$22,831	\$20,000	(\$2,831)	\$22,157	(\$17,953)	\$4,204	\$0
CoSIDA DIII Day	\$0	\$15,000	\$15,000	0.0%		\$23,844	\$15,000	(\$8,844)	\$13,341	(\$13,341)	\$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	\$6,576	(\$198)	\$6,378	\$0
Championships Festival	\$30	\$0	(\$30)	N/A		\$5	\$0	(\$5)	\$0	\$30	\$30	\$0
Exploratory/Provisional Membership	\$3,548	\$0	(\$3,548)	N/A		\$2,284	\$0	(\$2,284)	\$2,254	\$1,294	\$3,548	\$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	\$6,001,021	\$7,668,404	\$1,667,383	78.3%		\$7,146,666	\$7,448,000	\$301,334	\$6,472,478	(\$471,457)	\$6,227,474	\$226,452
Overhead Allocation	\$911,667	\$1,094,000	\$182,333	83.3%		\$1,062,000	\$1,062,000	\$0	\$885,000	\$26,667	\$1,094,000	\$182,333
Total Non-Championship Expense	\$6,912,688	\$8,762,404	\$1,849,716	78.9%		\$8,208,666	\$8,510,000	\$301,334	\$7,357,478	(\$444,790)	\$7,321,474	\$408,786
Expenses Total	\$18,845,896	\$35,342,556	\$16,496,660	53.3%		\$31,581,430	\$33,384,450	\$1,803,020	\$28,361,168	(\$9,515,273)	\$19,397,275	\$551,379
Surplus (Deficit)	(\$8,067,257)	(\$24,684,676)				\$1,166,093	(\$628,080)				(\$8,618,636)	
Add: Prior Year Reserve Balance	\$30,347,383	\$28,553,209				\$29,181,289	\$29,181,289					
Estimated Reserve Balance	\$22,280,125	\$3,868,533				\$30,347,383	\$28,553,209					

Post-COVID with PROPOSED Reductions

Assumptions:

- A) Goal is to a modest Cash Reserve Surplus; minimize the Net Change in Fund Balance and stay close to the 75/25 ratio of championship to nonchampionship spend.
- 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 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	4,366,503	4,612,168	4,693,290	4,704,873
Championships Committee	353,305	352,902	292,815	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
<i>Total Championship Expenses</i>	21,445,763	12,584,584	24,855,593	25,769,180	26,337,147	26,854,205
Non-Championships Base Budget	6,616,467	6,146,992	7,265,000	7,402,000	7,403,000	7,380,000
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
<i>Total Non-Championship Expenses</i>	7,653,467	7,240,992	8,392,000	8,563,000	8,599,000	8,612,000
Total Division III Expenses (before supplemental spending)	\$ 29,099,230	\$ 19,825,576	\$ 33,247,593	\$ 34,332,180	\$ 34,936,147	\$ 35,466,205
Net Change in Fund Balance (before supplemental spending)	\$ 3,737,485	\$ (9,156,496)	\$ 1,195,730	\$ 794,143	\$ 335,176	\$ (143,882)
Supplemental items:						
Local ground transportation for individual sports	575,000					
Men's Joint Championship		82,500				
Women's Joint Championship					250,000	
Guarantee first round no conference match-ups					-	-
Local ground transporation for team sports	316,000					
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	1,112,000	1,137,000	1,413,000	1,190,000
Supplemental Non-Championships Spending from reserve	530,200	-	-	-	-	-
<i>Total Supplemental Spending</i>	2,457,200	82,500	1,112,000	1,137,000	1,413,000	1,190,000
Division III Membership Dues Credit	-	-	-	-	-	-
Total Division III Expenses (after supplemental spending)	\$ 31,556,430	\$ 19,908,076	\$ 34,359,593	\$ 35,469,180	\$ 36,349,147	\$ 36,656,205
Net Change in Fund Balance (after supplemental spending)	\$ 1,280,285	\$ (9,238,996)	\$ 83,730	\$ (342,857)	\$ (1,077,824)	\$ (1,333,882)
Projected Expense Increase	-2.4%	-36.9%	72.6%	3.2%	2.5%	0.8%
Beginning Fund Balance (Projected Reserve and Unallocated Funds)	\$ 29,181,289	\$ 30,461,574	\$ 21,222,578	\$ 21,306,308	\$ 20,963,451	\$ 19,885,627
Less:						
Net Change in Fund Balance	1,280,285	(9,238,996)	83,730	(342,857)	(1,077,824)	(1,333,882)
Ending Fund Balance (Projected Reserve and Unallocated Funds)	\$ 30,461,574	\$ 21,222,578	\$ 21,306,308	\$ 20,963,451	\$ 19,885,627	\$ 18,551,745
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	\$ 4,344,147	\$ 3,659,790	\$ 2,509,466	\$ 1,150,084
Percentage DIII Spend - Championships	74%	64%	76%	76%	76%	77%
Percentage DIII Spend - Non-Championships	26%	36%	24%	24%	24%	23%
Notes:						
¹ Mandated reserve is 50% of the annual DIII revenue allocation. 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 Figures highlighted were reduced or eliminated due to the FY2020 basketball tournament being cancelled. Expense reductions are as follows:						
Total Championships Expenses	-	(11,410,568)	(400,000)	-	-	-
Total Non-Championships Expenses	-	(1,002,412)	(89,000)	(89,000)	(89,000)	(89,000)
Total Supplemental Spend	-	(3,021,500)	(1,840,000)	(1,530,000)	(1,570,000)	(1,612,000)
	<u>-</u>	<u>(15,434,480)</u>	<u>(2,329,000)</u>	<u>(1,619,000)</u>	<u>(1,659,000)</u>	<u>(1,701,000)</u>



A G E N D A

The National Collegiate Athletic Association

Division III Presidents Council

[Via Microsoft Teams Videoconference](#)

August 5, 2020
10 a.m. to 1 p.m. Eastern

1. Welcome and announcements. (Tori Murden McClure)
2. General information. (Murden McClure)
 - a. Roster. [Supplement No. 1]
 - b. Subcommittee assignments. [Supplement No. 2]
3. Division III Philosophy Statement and Strategic Positioning Platform. [Supplement Nos. 3a and 3b] (Dan Dutcher)
4. Feedback from PAG meeting. (Murden McClure)
- * 5. Minutes, summaries and agendas. (Murden McClure)
 - a. Summary of spring 2020 Quarterly Meeting. [Supplement No. 4]
 - b. Administrative Committee actions. [Supplement Nos. 5a, 5b, 5c, 5d, 5e, 5f and 5g]
- @* 6. Division III Strategic Planning and Finance Committee. [Supplement No. 6a] (Fayneese Miller/Mark Aiken)
 - a. Mandated reserve policy. [Supplement No. 6b]
 - b. 2019-20 budget-to-actual. [See PAG, Supplement 7a]
 - c. Future projection. [See PAG, Supplement No. 7b]
- @* 7. Management Council report. [Supplement No. 7] (Heather Benning/Gerard Bryant)
 - Proposed legislation on Name, Image and Likeness. [See PAG, Supplement Nos. 6a, 6b, 6c and 6d]
8. Division III Governance Scorecard. [Supplement No. 8] (Dutcher)
9. Association-wide updates and issues.

- a. National office and COVID-19 response.
 - b. Governmental Relations report. [Supplement No. 9]
 - c. Litigation update. (Jess Kerr)
10. Other Business. (Murden McClure)
11. Future meetings. (Murden McClure)
 - a. October 28 – Presidents Council Meeting – Virtual.
 - Schedule to be determined.
 - b. January 13-16, 2021 NCAA Convention, Washington, D.C.
 - January 14 – 9:15 to 11:15 a.m.
 - c. April 28, 2021 – Presidents Council Meeting - Virtual.
 - d. August 3, 2021 –President’s Advisory Group Meeting, Indianapolis.
 - 5:45 to 9 p.m.August 4, 2021 – Joint Breakfast for Divisions I, II and III, Indianapolis.
 - 7:30 to 9 a.m.August 4, 2021 – Presidents Council Meeting, Indianapolis.
 - 9 a.m. to Noon.
12. Adjournment.

Denotes key action items.

**** Denotes key discussion topics.***

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2020 PRESIDENTS COUNCIL COMMITTEE/SUBCOMMITTEE ASSIGNMENTS

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

Troha, Jim [January 2023]

- Nominations Subcommittee. **NEW**

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
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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.
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Reasons to Believe

Supporting features of DIII	<div><div><div><div>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.</div><div>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:<ul style="list-style-type: none">- 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.</div><div>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.</div></div><div><div>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.<ul style="list-style-type: none">- 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.</div><div>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.</div><div>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.</div><div>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.</div></div></div></div>
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NCAA DIVISION III
PRESIDENTS AND MANAGEMENT COUNCILS
SUMMARY OF SPRING 2020
QUARTERLY MEETINGS

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Division III Management Council April 20-21, 2020 Indianapolis, IN	Division III Presidents Council April 29, 2020 Indianapolis, IN
ATTENDEES	ATTENDEES
Cheryl Aaron, Wentworth Institute of Technology Heather Benning, Midwest Conference, chair Steve Briggs, Berry College Chuck Brown, Pennsylvania State University Erie, the Behrend Gerard Bryant, John Jay College of Criminal Justice, vice chair Jason Fein, Bates College Sarah Feyerherm, Washington College (Maryland) Matt Hill, University of Northwestern – St. Paul Catherine “Cat” Lanigan, Juniata College, SAAC representative Lori Mazza, Western Connecticut State University Scott McGuinness, Washington and Jefferson College Tim Millerick, Austin College Laura Mooney, Massachusetts College of Liberal Arts Michelle Morgan, John Carroll University Colby Pepper, Covenant College, SAAC representative Kandis Schram, Maryville College (Tennessee) Dennis Shields, University of Wisconsin, Platteville Denise Udelhofen, Loras College Michael Vienna, Emory University Joe Walsh, Great Northeast Athletic Conference Michelle Walsh, Vassar College	Teresa Amott, Knox College Heather Benning, Midwest Conference, MC chair Gerard Bryant, John Jay College of Criminal Justice, MC vice chair Javier Cevallos, Framingham State University Kate Conway-Turner, Buffalo State, State Univer- sity of New York Richard Dunsworth, University of the Ozarks Tiffany Franks, Averett University Davie Jane Gilmour, Pennsylvania College of Technology Troy Hammond, North Central College Robert Lindgren, Randolph-Macon College Richanne Mankey, Defiance College Fayneese Miller, Hamline University, vice chair Tori Murden McClure, Spalding University, chair Kathleen Murray, Whitman College Troy Paino, University of Mary Washington Frank Sanchez, Rhode Island College James Schmidt, University of Wisconsin, Eau Claire Kent Trachte, Lycoming College
ABSENTEES	ABSENTEES
	Mary-Beth Cooper, Springfield College
OTHER PARTICIPANTS	OTHER PARTICIPANTS
Mark Aiken, NCAA Dan Calandro, NCAA Dan Dutcher, NCAA Mark Emmert, NCAA president Brian Hainline, NCAA Eric Hartung, NCAA Jessica Kerr, NCAA Debbie Kresge, NCAA, recording secretary Louise McCleary, NCAA Jeff Myers, NCAA John Parson, NCAA Bill Regan, NCAA Donald Remy, NCAA Rachel Seewald, NCAA	Mark Aiken, NCAA Dan Dutcher, NCAA Mark Emmert, NCAA president Brian Hainline, NCAA Eric Hartung, NCAA Jessica Kerr, NCAA Debbie Kresge, NCAA, recording secretary Louise McCleary, NCAA Jeff Myers, NCAA Bill Regan, NCAA Donald Remy, NCAA Adam Skaggs, NCAA Rachel Stern, NCAA Liz Suscha, NCAA

OTHER PARTICIPANTS, cont....	OTHER PARTIPANTS, cont...
Adam Skaggs, NCAA Rachel Stern, NCAA Liz Suscha, NCAA	Cari VanSenus, NCAA

[Note: This summary reflects only actions (formal votes or “sense of meeting”) in accordance with the established policy governing minutes of all NCAA entities. The only discussion included is that ordered by the chair or a member of the group.]

1. WELCOME AND ANNOUNCEMENTS.

April 20-21 Management Council. The virtual meeting was called to order at 9:03 a.m. April 20 and 9:05 a.m. April 21, by the chair, Heather Benning. The chair reviewed the schedule for the day, recognized the new members and had everyone introduce themselves.

April 29 Presidents Council. The virtual meeting was called to order at 10:01 a.m. April 29, by the chair, President Tori Murden McClure. The chair acknowledged the first meeting for Presidents Gilmore, Mankey, Sanchez and Schmidt and asked everyone to introduce themselves.

2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.

a. Management Council Meetings – January 22 and January 25, 2020.

Management Council. The Management Council approved the summary of its January 22 and January 25, 2020 meetings.

Presidents Council. No action was necessary.

b. Presidents Council Meeting – January 23, 2020.

Management Council. No action was necessary.

Presidents Council. The Presidents Council approved the summary of its January 23, 2020, meeting.

c. Administrative Committee Actions.

Management Council. The Council ratified the Administrative reports from January 27, and February 19, 2020. The remaining Administrative Committee reports from February 25, March 26 and April 2, 2020, were action taken on behalf of the Councils regarding COVID-19 and ratified by the Council. [NOTE: The March 13, 2020 Administrative Committee report was not reviewed by the Management Council.]

Presidents Council. The Presidents Council ratified the Administrative Committee reports from the January 27, February 19, February 25, March 13, March 26 and April 2, 2020 teleconferences.

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:
Benning,
Gilmour,
Mooney,
Mazza, Mankey,
McGuinness,
Paino, Pepper,
Schram

(a) Review of 2020 Convention Feedback.

Management Council. The Council reviewed feedback from the 2020 Convention membership feedback survey (322 Division III-specific responses). Notable highlights included the following: 95 percent rated the Convention experience as very good or good (slightly higher than in 2019 at 90 percent) and 99 percent said they would recommend attendance at a future Convention.

Presidents Council. No action was necessary.

(b) 2021 NCAA Convention – Educational Session Topics.

Management Council. The Council reviewed the subcommittee's report regarding potential future educational session topics. It noted the following recommendations from the 2020 Convention survey, as well as prior suggestions:

- COVID-19 Impacts (mental health, recruiting, retention).
- Fundraising.
- Effective use of Virtual Platforms.
- Compliance (e.g., available resources, best practices).
- Social Media Influence and Impact.
- Student-Athlete Career Opportunities/Resources (After the Game, etc.).
- Serving Underprivileged Student-Athletes/Resources.

Staff will survey the membership via the May Monthly Update and the NADIII and D3CA listservs. The survey will highlight the subcommittee's recommended educational sessions; indicate a 60- or 90-minute time preference; and denote the preference for the session to be a workshop, a Division III educational session, Issues Forum topic, or an Association-wide session. During the subcommittee's next teleconference, it will narrow the list of session topics to three.

Presidents Council. No action was necessary.

(c) **2021 NCAA Convention - Issues Forum Format/Proposed Discussion Topics.**

Management Council. The Council reviewed the subcommittee's report regarding the possible topics for the Issues Forum:

- Lenora Billings Harris—a highly recognized national diversity and inclusion speaker.
- COVID-19 roundtable discussion – best practices, contingency plans, what we learned, etc.
- Presidential panel – what are presidents looking for when they hire; using search firms; making the step from assistant/associate athletics director, etc.

Presidents Council. No action was necessary.

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

(a) **Spring Nonchampionship Programs.**

Management Council. The Council ratified the Administrative Committee's approval in its March 26, 2020, report. [See Page No. 2, 2c]

Presidents Council. The Presidents Council ratified the Administrative Committee's approval in its March 26, 2020, report. [See Page No. 3, 2c]

(b) **Conference Strategic Grant – Blanket Waiver.**

Management Council. The Council ratified the Administrative Committee's approval in its March 26, 2020, report. [See Page No. 2, 2c]

Presidents Council. The Presidents Council ratified the Administrative Committee's approval in its March 26, 2020, report. [See Page No. 3, 2c]

(c) **2019-20 Approved Conference Strategic Grant Rollover Fund – Blanket Waiver**

Management Council. The Council ratified the Administrative Committee's approval in its March 26, 2020, report. [See Page No. 2, 2c]

Presidents Council. The Presidents Council ratified the Administrative Committee's approval in its March 26, 2020, report. [See Page No. 3, 2c]

(d) **Division III Budget.**

Management Council. The 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 budget overage of eight to nine million dollars. The overage will be covered by the division's

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

Council Reps:
Benning, Brown,
Franks, Lindgren,
Mazza, Miller,
Pepper, Shields,
Trachte, Vienna,
Walsh

mandated reserve and surplus above and beyond the mandated reserve. Staff and the Championships Committee will propose budget cuts for FY21 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.

Presidents Council. No action was necessary.

(e) Division III Proposed 2020-21 Initiatives.

- Nonchampionships Budget Initiatives.

Management Council. Staff reviewed the approved 2020-21 nonchampionships initiatives that were approved at the start of the 2019-21 budget cycle. The committee remains supportive of the reclassification request for the assistant director of governance communications from three-quarter to full-time; however, the request must be approved through the national office budget process.

Presidents Council. No action was necessary.

- Championships Committee February 2020 Report.

Management Council. The Council noted 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 sports sponsorship and the budget, SPFC asked the Championships Committee to revisit these requests during its next teleconference.

Presidents Council. No action was necessary.

- Championships Budget Initiatives.

Management Council. The Council noted the committee 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) Reinstatement of host honorarium for non-predetermined preliminary rounds hosts; and (4) Bracket expansion for several championships.

Presidents Council. No action was necessary.

Staff Liaisons:
Myers,
Regan

Council Reps:
Benning, Briggs,
Cooper,
Feyerherm,
Hammond,
Murden McClure
Millerick, Shields

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

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.**

(a) **Convention Legislation – Establish a Service Exception to the Participation in Organized Competition Before Initial Collegiate Enrollment Legislation [Division III Bylaw 14.2.4.4].**

Management Council. The Council agreed 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. 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.

Presidents Council. No action was necessary.

(b) **Increase Composition of NCAA Division III Management Council Subcommittee for Legislative Relief from Six to Eight Members.**

Management Council. The Council 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.

Presidents Council. No action was necessary.

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

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

Presidents Council. No action was necessary.

Staff Liaisons:
Berg,
Purcell

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

Staff Liaisons:
Alford, Peterson-
Mylinski,
Romash

Council Reps:
Feyerherm,
Lanigan,
Mooney,
Schram, Vienna,

c. Division III Committees.

(1) Championships Committee.

Staff Liaison:
Peterson-Myliniski,
Suscha

Council Reps:
Benning,
Fein, Morgan

(a) Administrative Regulation: 31.3.3.1.1 – Automatic Qualification Waiting Period – Provisional and Reclassifying Members.

Management Council. 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.

Presidents Council. No action was necessary.

(b) Noncontroversial Legislation – NCAA Bylaw 21.9.6.2 and Figure 21.1 – Committee Membership.

Management Council. 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.

Presidents Council. No action was necessary.

(c) Bracket Expansion in Field Hockey and Men's Lacrosse.

Management Council. The Council noted this was referred back to the Championships Committee by Strategic Planning and Finance Committee. [See Page No. 6, 3 a (2) (e)] No action was necessary.

Presidents Council. No action was necessary.

(2) Committee on Infractions.

Staff Liaisons:
Cooper, Elworth
Kleppel

Council Rep:
Feyerherm

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

Presidents Council. No action was necessary.

Staff Liaisons:
Alford, Hartung

Council Rep:
Schram

(3) Financial Aid Committee.

(a) Level II Reviews.

Management Council. The Council noted the committee reviewed 17 cases and voted to refer three to NCAA Enforcement. In one of the three cases, the committee recommended the institution self-report an apparent consideration of athletics participation and leadership in the awarding of a scholarship. In the other two cases, the committee recommended NCAA Enforcement investigate to fully learn the extent to which an identified distinguishable pattern of financial aid awarding that provided an advantage for student-athletes is a potential recruiting and competitive advantage.

Presidents Council. No action was necessary.

(b) Interpretative Appeal to the Division III Management Council Regarding Financial Aid Endowments.

Management Council. The committee reviewed the case materials considered by the Division III Management Council at its January 2020 meeting related to an appeal regarding financial aid endowments. At the November 2019 meeting, the committee had reviewed and concurred with the decision of the Division III Interpretations and Legislation Committee to uphold the original staff decision concerning the interpretation of Division III Bylaw 15.4.1(a). The committee also concurred with the Management Council decision to uphold the Interpretations and Legislation Committee decision and noted the importance of adherence to the foundational principle of Division III where athletics participation, leadership, ability or performance cannot be considered in the determination of financial aid regardless of the financial aid packaging policy employed.

Presidents Council. No action was necessary.

Staff Liaison:
Walters

Council Reps:
Dunsworth,
Millerick

(4) Infractions Appeals Committee.

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

Presidents Council. No action was necessary.

Staff Liaisons:
Myers, Purcell,
Regan

Council Rep:
Hill

(5) Interpretations and Legislative Committee (ILC).

(a) Convention Legislation – To Permit Monetary Donations to Nonathletic Bona Fide Youth Organizations and Eliminate the Geographic Restrictions for Monetary and Equipment Donations [Division III Bylaw 13.14.1.5.1].

Management Council. The Council agreed to sponsor Convention

legislation that allows 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.

Presidents Council. No action was necessary.

(b) Convention Legislation – To Permit Student-Athletes Enrolled in the Final Term of Their Minor or Undergraduate Certificate Program to Practice or Compete While Enrolled Less Than Full Time [Division III Bylaw 14.1.8.1.6.1].

Management Council. The Council amended and approved this proposal as noncontroversial legislation, effective immediately, to 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.

In light of the COVID-19 pandemic, Council members felt this proposal was especially relevant, as more and more student-athletes have completed their degrees but have a season of eligibility remaining. This proposal allows them to come back and complete a minor or undergraduate certificate program, while attending school less than full time.

Presidents Council. No action was necessary.

(c) Noncontroversial Legislation – To Expand the List of Competition Events for Which the Institution May Provide Expenses to Include Elite-Level Regional and Junior Competition. Bylaw 16.8.1.3.

Management Council. The Council approved, in concept, noncontroversial legislation that adds 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.

Presidents Council. No action was necessary.

(d) Approve Official Interpretation – Outside Competition During Permissible Break Periods.

Management Council. The Council approved the following official interpretation, effective immediately, 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).

Presidents Council. No action was necessary.

(e) Name, Image and Likeness.

Management Council. 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:

- 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.

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 Legislative Working Group will provide its final report to the Board of Governors (BOG) at its April meeting. The BOG will formally act on the report. However, each division will determine the specific legislative provisions for membership consideration.

Presidents Council. The Presidents Council reviewed the two NIL concepts proposed by ILC and supported by SAAC and the Management Council.

The Council expressed support for the concepts. It also noted the importance of educating student-athletes on NIL and possibly prohibiting inappropriate endorsements such as sports wagering and alcohol. The division also must ensure the monitoring and reporting process doesn't place too large a burden on institutions.

With the Board of Governors' support to allow student-athletes to receive compensation for third-party endorsements both related and separate from athletics, each division will now work to craft federated legislation for membership consideration during the 2021 NCAA Convention.

Staff Liaisons:
Alford, Berg,
Hartung

Council Rep:
Mooney

(6) Membership Committee.

Management Council. 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 Sports Sponsorship and Demographic Form (August 1) will remain in place.

Presidents Council. No action was necessary.

Staff Liaison:
Roe

Council Rep:
McGuinness

(7) Nominating Committee.

(a) NCAA Division III Nominating Committee Policies and Procedures.

Management Council. The Council approved the committee's recommendation to change the time frame of eligible nominees to be maintained for committee service from two-years to 12-months. Changing the time frame to a 12-month period will allow candidates to reaffirm their commitment to serve and assist in the accuracy of the nomination forms (e.g., institution and conference affiliation).

Presidents Council. No action was necessary.

(b) Governance Committee Appointment.

Management Council. The Council approved the following committee appointment, effective September 1, 2020:

- Minority Opportunity and Interests Committee – Stuart Robinson, director of athletics, State University of New York at New Paltz, State University of New York Athletic Conference.

Presidents Council. No action was necessary.

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

(a) Division III SAAC Working Groups.

Management Council. The Council received an update on the following SAAC working groups: (1) Mental Health Social Media Campaign; (2) Inclusion; (3) Sustainability; (4) Special Olympics; and (5) Social Media.

Staff Liaisons:
Barnhart,
Berg, Malin,
Spungen

Council Reps:
Bryant, Lani-
gan,
Pepper,
Udelhofen

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. The hashtag, #BreakTheStigma, will accompany messages sent across the membership on social media.

Presidents Council. No action was necessary.

(b) Name, Image and Likeness Discussion.

Management Council. The Council noted SAAC's overall feedback and priorities regarding NIL:

- Key decision makers must consider all student-athlete voices.
- Student-athletes should be consulted throughout the process to ensure their best interests are considered.
- Any decision should reflect the Division III Philosophy Statement.
- Strive for as much clarity as possible to prevent manipulation of student-athletes.
- Changes in NIL legislation will not contribute to recruiting inequality.

Presidents Council. No action was necessary.

Staff Liaisons:
Grace,
Romash

Council Rep:
Hill

(9) Student-Athlete Reinstatement Committee.

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

Presidents Council. No action was necessary.

d. Association-Wide Committees.

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

Staff Liaisons:
Durden, Parsons,
Rohlman

Council Rep:
M. Walsh

- **Playing Rules Recommendation – Baseball and Softball – Concussion Evaluation.**

Management Council. 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.

Presidents Council. No action was necessary.

Staff Liaisons:
Brownlee,
Roxbury,
Ziegler

Council Rep:
Morgan

(2) Committee on Sportsmanship and Ethical Conduct.

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

Presidents Council. No action was necessary.

Staff Liaisons:
Gentry,
Fasbender,
Wilson

Council Rep:
Udelhofen

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

Management Council. The 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

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

Presidents Council. No action was necessary.

Staff Liaisons:
Abdur-Rashid,
Blair, Crawford,

Council Rep:
Aaron

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

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

Presidents Council. No action was necessary.

Staff Liaisons:
Smith,
Suscha, Walters

Council Rep:
Morgan

(6) Olympic Sports Liaison Committee (OSLC).

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

Presidents Council. No action was necessary.

Staff Liaisons:
Calandro,
Halpin

(7) Playing Rules Oversight Panel.

Management Council. The Council noted 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 does not 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. 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.

Presidents Council. No action was necessary.

Staff Liaisons:
O'Barr, Thomas

Council Rep:
Aaron

(8) Postgraduate Scholarship Committee.

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

Presidents Council. No action was necessary.

Staff Liaison:
Bell

Council Rep:
Millerick

(9) Research Committee.

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

Presidents Council. No action was necessary.

Staff Liaison:
Thomas

Council Rep:
J. Walsh

(10) Walter Byers Scholarship Committee.

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

Presidents Council. No action was necessary.

4. PROPOSED LEGISLATION FOR THE 2021 CONVENTION.

Management Council. The Council already acted on noncontroversial legislation and administrative regulations for the 2021 Convention. No action was necessary.

Presidents Council. No action was necessary.

5. DIVISION III INITIATIVES AND UPDATES.

a. Division III Response to COVID-19.

Management Council. The Council members had an opportunity to discuss the impact of the coronavirus on their campuses and in their conferences. 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.

In addition, the Council reviewed the newly created AMA interpretative Q&A document that addresses legislative actions in response to COVID-19. It is a living document and will be updated, as necessary.

Presidents Council. No action was necessary.

b. Division III Oversight Working Group on Name, Image and Likeness.

Management Council. The Council reviewed the Division III Oversight Working Group's report from its April teleconference. [See Page No. 11, 3b (5) (e)]

Presidents Council. No action was necessary.

c. Diversity and Inclusion Working Group.

Management Council. The Council received an update from the working group regarding the collection of student-athlete graduation rates and an initiative to create a resource to assist the membership with the recruitment and retention of minorities.

Presidents Council. No action was necessary.

d. Faculty Athletics Representative (FAR) Advisory Group.

Management Council. The Council reviewed the Advisory Group's report and noted the creation of a FAR webpage on ncaa.org that contains resources and professional development opportunities.

Presidents Council. No action was necessary.

e. LGBTQ Working Group.

Management Council. The Division III LGBTQ OneTeam Recognition Awards Program application process is available on Program Hub until June 1. To date there have been 37 nominations started, with approximately twenty percent completed. Award recipients will be announced at the 2021 NCAA Convention.

Presidents Council. No action was necessary.

f. Gameday the DIII Way.

Management Council. The Council received an update noting that Gameday language will be added to the championship manuals (host operations, participant, pre-championship, site-representative and sport committee) and a request for predetermined host event management staff to watch the Gameday module.

Presidents Council. No action was necessary.

g. Division III Identity Initiative.

Management Council. The Council received a status report on the Division III Identity Initiative including an update on the purchasing website, DIII/D3DSIDA recognition award, social media, Special Olympics and Division III Week, which was conducted virtually this year due to COVID-19.

Presidents Council. No action was necessary.

h. Technology Users Group.

Management Council. The Council received an update on the work of the Technology Users Group noting it continues to work with NCAA IT staff to make enhancements to resources and databases located on ncaa.org.

Presidents Council. No action was necessary.

i. International Ice Hockey Pilot.

Management Council. 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.

Presidents Council. No action was necessary.

j. Health and Safety Survey.

Management Council. 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.

Presidents Council. No action was necessary.

6. ASSOCIATION-WIDE UPDATES AND ISSUES.

a. Board of Governors (BOG) Update.

Management and Presidents Councils. The Councils received an update on the BOG initiatives including: (1) Impact of COVID-19; (2) Federal and State Legislation Working Group on Name, Image and Likeness; (3) NCAA Strategic Plan; (4) Sexual Violence prevention; (4) Committee to Promote Cultural Diversity & Equity Report; and (5) Governmental Relations report.

b. Sport Science Institute (SSI) updates.

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

- (1) COVID-19 Impacts. The NCAA national office has a COVID-19 Action Team that includes senior staff. The team meets daily. Dr. Hainline also engages regularly with an Advisory Team that includes national medical experts, 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 and the governance structure. 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:

- Two-week reduction in infection rate.
- Return to normalcy for the medical care system (e.g., access to hospital care).
- Readily available immunity testing and rapid diagnostic testing for coronavirus.

- (2) 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.
- (3) 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 concussions as well as the related number of resolved cases.

c. Officiating Update.

Management Council. 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 submitted to the commissioners in June.

Presidents Council. No action was necessary.

d. Litigation Update.

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

7. *PRESIDENTS COUNCIL NOMINATIONS SUBCOMMITTEE REPORT.*

Presidents Council. The Presidents Council reviewed the subcommittee's report to fill the immediate vacancy 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 will consider priorities for 2021-22. 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.

8. *ADJOURNMENT.*

Management Council. The Council meeting adjourned at 3:59 p.m. Monday, April 20 and 11:52 a.m. Tuesday, April 21.

Presidents Council. The Presidents Council meeting adjourned at 12:35 p.m. Wednesday, April 29.

**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
APRIL 16, 2020, TELECONFERENCE**

ACTION ITEMS.

- **None.**

INFORMATIONAL ITEMS.

- 1. Welcome.** The call commenced at 11:04 a.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
- 2. COVID-19 Impacts and Updates.**
 - a. National Office Budget Adjustments. Staff updated the committee regarding the Association budget implications over the next 18 months and the total national office reductions of \$176M. Division III will reduce its operations budget primarily by converting many in-person committee meetings to virtual meetings. In addition, staff travel will be reduced significantly.
 - b. D3CA Google Documents. The three Google Docs created in cooperation with the Division III Commissioners Association have been dissolved. For questions with AMA, commissioners will use the newly created COVID-19 Q&A Resource document, as well as RSRO. Any questions with the Conference Grant Program should be emailed to Ali Spungen. Staff posted a Conference Grant Resource document on ncaa.org.
 - c. AMA Question and Answer Resource. The AMA Question and Answer Resource document has been posted on the compliance page and helps address a variety of issues. Staff noted it is a living document and updates will be made as necessary.
 - d. 2021 Legislative Proposal Deadline. The July 15 membership submission deadline remains in place. The NCAA Convention is scheduled in Washington, D.C. in mid-January. Convention management staff is exploring alternative arrangements in case an in-person Convention is not possible.
 - e. COVID-19 Webinar. Staff noted that 450 membership representatives attended the April 7 webinar. The PowerPoint is posted on the Division III homepage.
 - f. COVID-19 Playing and Practice Seasons Working Group. Staff updated the committee on a newly formed NCAA internal, cross departmental working group that is reviewing possible COVID-19 issues related to summer conditioning, preseason, fall practice and competition. The working group is not a decision-making body but will collect data and forward recommendations to the NCAA COVID-19 Advisory Team. Staff also noted that Dr. Hainline is developing principles for the resocialization of sport, including practice and competition.

- g. Status of Member Schools and Conferences. The committee discussed the connection between education and sports and noted that institutions will need to make difficult decisions regarding if and when to resume classes in the fall.
3. **Name, Image and Likeness Update.** Staff updated the committee on continuing discussions in the governance structure to permit greater student-athlete ability to monetize their name, image and likeness. The Federal and State Working Group will forward its final report to the Board of Governors (BOG) on April 30. Two key outcomes from the report that conflict with Division III's initial concepts:
- Use of Institutional Logos/Trademarks – The report isn't recommending the use of institutional logos and trademarks. However, Division III has initially recommended that if available to students generally, it should be available to student-athletes.
 - Oversight, Compliance and Education – The report is not recommending engaging a third party to oversee compliance. Division III has articulated the need for compliance assistance and education resources.

The SAAC, Management Council and Presidents Council will have an opportunity to discuss ILC's recommended concepts at their upcoming meetings next week. In addition, AMA is creating a feedback form that the Councils will review, and the Division III NIL Oversight Group will send to the membership in May. SAAC and the Councils will have another opportunity to discuss legislation during their summer meetings.

4. **Adjournment.** The meeting was adjourned at 11:48 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

NCAA Division III Administrative Committee
April 16, 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 Kiana Verdugo.

**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
MAY 7, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- **None.**

2. Nonlegislative Items.

- **Cancellation of Championship Banquets and Approval of Virtual Sport Committee Meetings.**
 - a. Recommendation. The Administrative Committee, on behalf of the Management and Presidents Councils, approved recommendations from the Championships Committee that for the 2020-21 academic year, championships banquets will not be conducted, and all sport committee annual meetings be held via digital platforms instead of in person.
 - b. Effective date. Immediate.
 - c. Rationale. Per the Strategic Planning and Finance Committee's (SPFC) request, the Championships Committee reviewed potential budget cuts to meet the division's mandated reserve policy (50% of the annual revenue) through the end of the current CBS/Turner contract (2023-24). Championships Committee members considered these two options as well as potential championships reductions in the division's "supplemental spend". (Note: The approved banquet and meeting adjustments are occurring in all three divisions.)
 - d. Estimated budget impact. Projected total savings of \$440,000 in cancelled banquets and virtual sport committee annual meetings.
 - e. Student-athlete impact. The Championships Committee and sport committees will work with staff to explore different ways to recognize award winners (e.g., Elite 90 recipients) typically honored at the championship's banquets.

INFORMATIONAL ITEMS.

- 1. Welcome.** The call commenced at 10:01 a.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
- 2. April 16, 2020, Administrative Committee Report.** The committee reviewed the April 16 report and approved it as written.
- 3. COVID-19 Impacts and Updates.**
 - a. Budget Prioritization from Championships Committee. Staff noted that per the SPFC's

request, the committee reviewed additional potential budget cuts and considered the following reductions that could come from the division's "supplemental spend" (i.e., those items that are not part of the base budget):

- Ground transportation. The committee recommended not reimbursing local ground transportation in team sports and individual/team sports.
- Preliminary-round conference matchups. The committee recommended suspending a two-year pilot program (currently in year one) that separates conference opponents in the first round of a championship.

The estimated cost savings is \$1.3 million. The SPFC will consider these recommendations during its June 11 meeting.

- b. NADIII AA request. With the cancellation of the NACDA Convention, including the NADIII AA Summer Forum, Division III notified the NADIII AA executive leadership that it would not disperse this year's \$75,000 funding to provide grants to NADIII AA Summer Forum attendees. However, NADIII AA requested a reduced grant of \$10,800 to offset management operational fees for the remainder of this year. This smaller grant would help supplement Division III virtual programming, including a NIL focused presentation. The Administrative Committee endorsed the dispersing of the smaller grant.
- c. AMA Question and Answer Document. Staff updated the committee regarding the Q&A document, noting it is updated every Monday. Current questions seem to be transitioning from Bylaw 17 to future eligibility and recruiting.
- d. COVID-19 Playing and Practice Seasons Working Group update. Staff noted the internal working group continues to consider different scenarios regarding the practice and playing season. Recommendations are sent to the NCAA COVID-19 Action Team for review and subsequent divisional and Association-wide action.
- e. Division III Staff Strategic Staff Meetings. Staff noted that a core team of Division III staff members is reviewing the impact of COVID-19 and strategizing how to best work with the governance structure and inform the membership regarding key issues and decisions. Initial discussions have focused on sport sponsorship, contest minimums and championship eligibility.
- f. Division III Commissioners Survey. Staff shared a draft survey compiled by the Division III Commissioners Executive Committee that will be sent to all athletics directors to collect feedback on the potential impact of COVID-19 regarding playing and practice seasons, sports sponsorship and fall championships. While it is not an NCAA survey, the commissioners have welcomed staff feedback. The goal is for survey results to help inform upcoming governance committee discussions and decisions.

Staff also noted it is sending a COVID-19-related communication to the commissioners every two weeks, with the expectation that it is shared with their respective institutions. The goal is to provide consistent and transparent communication.

- g. Council Summer Meeting Proposed Schedule. Council leadership agreed to use the same format for the July and August Management and Presidents Councils meetings that was used in April. Additional consideration will be made to the timing of a joint Management Council meeting with SAAC, as well as the President's Advisory Group (PAG) meeting with the Presidents Council.
4. **Name, Image and Likeness.** The Administrative Committee did not discuss this issue due to time constraints and will discuss it on its next teleconference. It noted that the Division III Oversight Working Group on NIL will have a teleconference next Wednesday, May 13.
5. **Adjournment.** The meeting adjourned at 11:02 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

NCAA Division III Administrative Committee
May 7, 2020, Teleconference
Attendees:
Heather Benning, Midwest Conference.
Fayneese Miller, Hamline University
Tori Murden McClure, Spalding University
Dennis Shields, University of Wisconsin, Platteville.
Not in Attendance:
Gerard Bryant, John Jay College of Criminal Justice.
Staff:
Dan Dutcher, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha.



REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
MAY 15, 2020, TELECONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome.** The call commenced at 10:01 a.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
2. **May 7, 2020, Administrative Committee Report.** The committee reviewed the May 7 report and approved it as written.
3. **COVID-19 Impacts and Updates.**
 - a. D3CA Membership Survey. Staff provided an update on the D3CA survey that was sent to all Division III athletics directors Tuesday, May 12. The survey is to assess the impact of COVID-19 and seek feedback from the membership on sports-sponsorship and competitive requirements, championships, and playing and practice season issues. An aggregate report will be shared with each conference, as well as the entire membership and NCAA staff.
 - b. Membership Committee discussion. Eric Hartung, primary liaison to the Membership Committee, gave a recap of the committee's recent teleconference. The committee wants to provide maximum relief if possible, noting that ultimate authority rests with campus leaders. The committee endorsed blanket relief of the minimum number of contests required per Bylaw 20.11.3.8 but did not determine the best metric to use in providing that relief. The committee identified the following items to guide its future discussions:
 - (1) A reduction in the minimum number of contests per sport will not provide adequate relief for every institution. The committee will likely receive requests for additional waiver relief regardless of the reduced minimums.
 - (2) Individual institutions are best equipped to determine how to conduct outside competition on their campuses (i.e., reduced outside competition, full outside competition).
 - (3) Any alternate competition model should permit a schedule primarily based on conference and/or regional competition.
 - (4) While there is a relationship between NCAA Bylaws 20.11.3.8 and 31.2.1, the minimum number of contests for NCAA Championships eligibility is distinct and under the purview of the Division III Championships Committee.
 - c. AMA Question and Answer Document. Staff shared the most up to date Q&A document, noting updates are made weekly and posted to ncaa.org every Monday. The questions are now focusing on student-athlete eligibility next academic year, future eligibility issues and playing seasons, greater clarity around preseason practice opportunities.
 - d. COVID-19 Playing and Practice Seasons Working Group update. This internal working group continues to consider different scenarios regarding the COVID-19 issues impacting practice and playing seasons and noted that it is not a decision-making group. Recommendations are sent to the NCAA COVID-19 Action Team for review and subsequent divisional and Association-wide

action. The recently released resocialization guidelines don't completely align with existing Division III preseason practice legislation. Therefore, in the coming weeks, the Playing and Practice Seasons Subcommittee, with assistance from SSI and CSMAS, will work to provide relief and greater alignment.

4. **Name, Image and Likeness.** At its April meeting, the Board of Governors accepted the Federal and State Legislation Working Group's report and formally charged each division to create NIL legislation. In February, the Interpretations and Legislation Committee (ILC) proposed two legislative concepts that have been reviewed and initially endorsed by SAAC, and the Management and Presidents Councils. On a recent videoconference, ILC discussed the following items, which need greater clarity:
 - a. Use of institutional marks. It was noted that student-athletes should be able to use institutional marks in a manner consistent with use by the student-body in general.
 - b. Potential prohibition of certain categories of promotions (e.g., alcohol, tobacco, sports wagering).
 - c. Pre-enrollment. Use of NIL by prospective student-athletes.
 - d. Compliance. The need to provide compliance assistance and education to athletics administrators and student-athletes, potentially provided by a third-party administrator.
5. **Other business.** Monday, May 18, is the due date for the concussion management attestation per the Arrington settlement. To date, 924 institutions have successfully submitted their certification. The submission deadline is 5 p.m. Central time Monday, May 18, and no extension will be given.
6. **Adjournment.** The meeting adjourned at 10:55 a.m.

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

NCAA Division III Administrative Committee May 15, 2020, Teleconference	
Attendees:	
Heather Benning, Midwest Conference.	
Fayneese Miller, Hamline University.	
Tori Murden McClure, Spalding University.	
Dennis Shields, University of Wisconsin, Platteville.	
Gerard Bryant, John Jay College of Criminal Justice.	
Not in Attendance:	
Staff:	
Dan Dutcher, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha.	

**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
MAY 28, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- **Minimum Contests and Participants Requirements for Sports Sponsorship and Championship Selection — Bylaws 20.11.3.8 and 31.2.1.**

- (1) Recommendation. The Administrative Committee, on behalf of the Management and President Councils, approved a waiver to reduce the minimum number of contests required for sports sponsorship and championship selections by 33 percent for the 2020-21 academic year. This reduction applies to all sports. The minimum number of participants required for sports sponsorship will remain unchanged.
- (2) Effective Date. September 1 to August 31, 2021.
- (3) Rationale. The Membership and Championships Committees seek to provide relief for institutions related to disruptions and uncertainty resulting from the COVID-19 pandemic. Specifically, relief is intended to:
 - Help Division III institutions remain in compliance with NCAA bylaw legislation;
 - Guide institutions as they determine the best model for providing the student-athlete experience in the 2020-21 academic year;
 - Reduce the administrative burden for institutions seeking relief; and
 - Allow conferences to play a conference-centric schedule (e.g., competition among only conference members, or a schedule that includes conference and in-region competition).

In a recent survey of the Division III membership by the Division III Commissioners Association, in which 98 percent of the division's athletics directors participated, 85 percent supported a reduction of contest minimums.

The Membership and Championships Committees will be open to waiver requests from institutions that are unable to meet the existing sport sponsorship standards and the new minimum contest standards and approach those requests with appropriate flexibility.

- (4) Budget Impact. None.
- (5) Student-Athlete Impact. Provides flexibility for institutions to determine the best way to conduct their athletics program in a way that ensures a healthy, safe and meaningful athletics experience for the most student-athletes possible.

2. Nonlegislative Items.

- **None.**

INFORMATIONAL ITEMS.

- 1. Welcome.** The call commenced at 10:01 a.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
- 2. May 15, 2020, Administrative Committee Report.** The committee reviewed the May 15 report and approved it as written.

3. COVID-19 Impacts and Updates.

- Resocialization of Collegiate Sport: Action Plan Considerations. Staff noted the Sport Science Institute (SSI) has created an addendum to the Resocialization document previously distributed to the membership. The addendum, Resocialization of Collegiate Sport: Action Plan Considerations, provides recommended detailed action plans as institutions consider return to play.
- Fall Playing and Practice Season Calendars. Staff noted the creation of calendars for all fall sports that include the first permissible practice date, fall selection dates and championships. The calendars also overlay the principles for resocialization. Several governance committees (e.g., Championships and Playing and Practice Seasons Subcommittee) will review the calendars that provide a visual to assist committees as they determined needed flexibility and relief for the membership.

A webinar is scheduled for Tuesday, June 2, regarding COVID-19 impacts on fall playing and practice seasons with Dr. Hainline and Division III staff. Dr. Hainline will discuss the resocialization principles and action plans. To date, there are over 1,000 registered.

- 4. Name, Image and Likeness.** The committee reviewed a PowerPoint that will be used during a May 28 NADIII AA webinar. A detailed membership survey will be released Monday, June 1, with responses due by June 15. Recommendations from this survey will be incorporated into a June 19 webinar and reviewed by SAAC, Management Council and Presidents Council during their summer meetings.
- 5. Adjournment.** The meeting adjourned at 10:49 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

NCAA Division III Administrative Committee
May 28, 2020, Teleconference
Attendees:
Heather Benning, Midwest Conference.
Fayneese Miller, Hamline University
Tori Murden McClure, Spalding University
Dennis Shields, University of Wisconsin, Platteville.
Not in Attendance:
Gerard Bryant, John Jay College of Criminal Justice.
Staff:
Dan Dutcher, Eric Hartung, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha.



**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
JUNE 10, 2020, TELECONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- **Playing and Practice Seasons – Fall Preseason Practice Formula – All Fall Sports (including Football) – 17.02.12 and 17.10.2.1.**
 - (1) Recommendation. The Administrative Committee, on behalf of the Management and President Councils, waived the existing method for establishing the first permissible practice date for fall sports to permit August 10 or the first day of class, whichever is earlier; and allow institutions to have unlimited administrative days to conduct non-athletically related activities (i.e., those days in which the institution may provide housing and meal expenses to student-athletes prior to the start of practice).
 - (2) Effective Date. Immediate. The subcommittee noted the recommendations apply to the 2020-21 academic year.
 - (3) Rationale. The Playing and Practice Seasons Subcommittee sought to provide institutions appropriate flexibility to conduct their preseason in the manner that reflects the best interest of their campus, staff and student-athletes. The subcommittee noted that given the uncertainty of scheduling this fall as well as the myriad of health and safety considerations (including the information provided in the Core Principles of Resocialization of Sport), the current method is not sufficient to establish the first practice date. While institutions are not required to strictly apply the Core Principles of Resocialization, including the phase-in periods, Division III legislation should support its implementation.
 - (4) Budget Impact. None.
 - (5) Student-Athlete Impact. Provides flexibility to institutions to conduct their preseason in a manner that helps ensure the health and safety of student-athletes and reflects their best interests.

2. Nonlegislative items.

- **None.**

INFORMATIONAL ITEMS.

- 1. Welcome.** The call commenced at 9:03 a.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.

2. **May 28, 2020, Report.** The committee approved the May 28, 2020, report with no changes.

3. **COVID-19 Impacts and Updates.**

- a. D3CA Membership Survey – Executive Summary. The committee reviewed the Executive Summary from the D3CA Membership Survey noting a 98% response rate. The high response rate is reflective of the membership's desire to provide their opinions to the Division III governance structure for consideration in decision-making discussions moving forward. The survey themes include: (1) The need for flexibility surrounding scheduling and championships as academic calendars models are ever changing; (2) With reduced campus revenue streams, financial impacts are eminent; and (3) In order to attract and retain student-athletes, institutions must do everything they can to provide a meaningful sports experience for all three seasons in 2020-21.

Staff noted that several themes have been acted on by the Administrative Committee, while the Playing and Practice Seasons Subcommittee and the Championships Committee are in the process of reviewing others.

- b. Championships Committee Updates. The committee received a Championships Committee update.

- Discussing uncertainties with sport sponsorship and scheduling plans for the 2020-21 year.
- Priority to preserve as many championship opportunities as possible.
- Intend to complete championship selections and competition on the dates established. Fall sports have an adequate number of weeks to complete regular season play sports (estimated at four to five weeks; additional weeks for football) dependent on campus decisions for return to play.
- Sport sponsorship levels may drop and therefore prompt discussion about possible changes to bracket/field sizes and championship formats.
- Determined that if a conference falls below the required minimum of four core members, the conference would lose its AQ for the 2020-21; however, that conference could regain the AQ in 2021-22 if it is able to return to the minimum of four core members. Conferences already in grace-period status will need to apply for a waiver to request an extension of the grace period.

The Championships Committee will meet next June 22-23.

- c. COVID-19 Playing and Practice Seasons Working Group Updates. Staff provided an update from two working group subgroups. The Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS) subgroup meets weekly to provide feedback and direction on a variety of issues, including the mandatory medical examinations for preseason, as well as transitions periods after a significant break in practices and competitions.

The Calendar and Timeline subgroup has created fall calendars for each division. The calendars are being used with Division III governance committees to provide a visual aid to help the committee's discussions regarding needed membership flexibility. Staff is unsure if the calendars should be distributed beyond the governance committees and will request feedback from the Division III Commissioners COVID Subgroup.

- d. 2020-21 Student-Athlete Eligibility. Staff noted that several commissioners are discussing student-athlete eligibility, and specifically, to what extent the governance structure might be willing to provide prior assurance to student-athletes of eligibility restoration in the event their athletics experience is significantly compromised. If a formal proposal is submitted, it will be reviewed by relevant committees, which could include the Interpretations and Legislative Committee, Student-Athlete Advisory Committee, Subcommittee for Legislative Relief and the Student-Athlete Reinstatement Committee, Management Council and Presidents Council.

The committee expressed caution and felt that a "blanket waiver" concept would be inconsistent with the Division III Philosophy statement by placing more emphasis on athlete, than on student. It emphasized the need to remain focused on basic Division III principles.

4. **Name, Image and Likeness Survey Update.** Staff provided an update on the NIL survey results received to date. Currently over 200 institutions have responded, and staff has sent a reminder to all presidents, athletics directors, commissioners and National SAAC members. The deadline to complete the survey is Monday, June 15. An executive summary will be shared with the Administrative Committee and the Division III NIL Oversight Group, prior to the Council summer meetings.
5. **Other Business.** The committee discussed the current situation around social injustice noting the direct impact, including protests and property destruction, on and near several Division III campuses. Staff noted the Board of Governors will discuss racial injustice and possible action steps on its upcoming teleconference.
6. **Adjournment.** The meeting adjourned at 9:58 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

NCAA Division III Administrative Committee
June 10, 2020, Teleconference
Attendees:
Heather Benning, Midwest Conference.
Fayneese Miller, Hamline University
Tori Murden McClure, Spalding University
Dennis Shields, University of Wisconsin, Platteville.
Not in Attendance:
Gerard Bryant, John Jay College of Criminal Justice.
Staff:
Dan Dutcher, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha.



**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
JUNE 24, 2020, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- **None.**

2. Nonlegislative items.

- **2020 Presidents Council Appointment.**

- (1) Recommendation. The Administrative Committee, on behalf of the Management and President Councils, approved the immediate appointment of President Jim Troha, Juniata College, Landmark Conference, to the Presidents Council replacing President Bill Tsutsui. President Troha's term expiration is January 2023 (subject to term extension).
- (2) Effective date. Immediate.
- (3) Rationale. With President Tsutsui's retirement, the subcommittee recommends President Troha to the Council due to his effective service on PAG and the fulfillment of current and future Council representational requirements.
- (4) Estimated budget impact. None.
- (5) Estimated student-athlete impact. None.

INFORMATIONAL ITEMS.

- 1. Welcome.** The videoconference commenced at 2:02 p.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
- 2. June 10, 2020, Report.** The committee approved the June 10, 2020, report with no changes.
- 3. COVID-19 Impacts and Updates.**
 - a. Fall calendars. The committee reviewed fall sport calendars developed internally and recently shared with the membership via the bi-weekly COVID-19 communication. The calendars provide a visual aid with key dates (e.g., first permissible contest, championships selections) as well as additional information such as the recent Administrative Committee actions (e.g., earlier practice start date, reduction in minimum contests). The calendars also include the NCAA resocialization of sport principles.

- b. Playing and Practice Seasons Subcommittee (PPSS) meeting debrief. Staff updated the committee on the following playing season issues:
- (1) Contest maximums. Staff continues to receive questions regarding contest maximums. The Championships Committee recently discussed this topic and the Playing and Practice Seasons Subcommittee conducted a thorough review of contest maximums and did not recommend any changes at this time.
 - (2) 2020 fall nontraditional seasons. Staff noted receipt of four conference waivers requesting flexibility in the nontraditional seasons. Since PPSS has no waiver authority, it forwarded the following recommendations to the Subcommittee for Legislative Relief (SLR) to review.
 - Flexibility important but needs to be within the current structure.
 - Practice opportunities may be student-athlete specific, rather than team specific.
 - Additional competition should be minimal.
- Staff has received several inquiries regarding greater flexibility to conduct fall sports in the spring. AdCom noted that while SLR is the appropriate committee to review these requests and make recommendations, the Management Council should review recommendations, if possible, prior to any final decision.
- c. ILC discussion on prospective student-athletes (PSA) involvement with virtual meetings. Staff updated the committee on recent discussions around PSAs attending virtual meetings during the summer. Currently PSAs are not permitted to engage in virtual team meetings; however, ILC recommended that SLR issue a blanket waiver. This waiver would allow PSAs, who have made a firm commitment with an institution, to be allowed to attend virtual meetings until the beginning of the fall term or beginning of practice, whichever is earlier. Institutions believe that the sooner they can have PSAs connect with their respective teams, the more likely they will attend their institution.
- d. Championships Committee recap. Staff highlighted the following from the recent Championships Committee meeting:
- Possible revisions to fall championship sites. Due to the impact of COVID-19, there are additional administrative considerations for predetermined sites and a likely reduction in the number of sites (e.g., having pods of eight teams versus four) to better control safety and testing protocols. This change would represent a fundamental shift from the current site selection process, and championships would conduct a bid process. Possible budget and administrative impacts are being evaluated in the plans.

The Championship Committee also will examine championship bracket sizes, access ratios and sports sponsorship levels, and establish parameters for needed adjustments. The Sports Sponsorship and Demographic Form data, along with routine monitoring of completed contests during the playing season, should assist in the committee's review.

- Maximum contests. The committee discussed this topic but did not make a recommendation at this time.

4. Name, Image and Likeness (NIL) Survey Update. The committee received an update on the results of the NIL survey sent to Division III presidents/chancellors, athletics directors, commissioners and National SAAC. The survey sought feedback on potential legislative concepts that would allow greater flexibility for a student-athlete to use their name, image and likeness to promote their own business activities and to endorse third party products or services. The survey sought input on two concepts and four additional topics.

- Concept one – Allow student-athletes to use their status as athletes to promote their own product or service.
- Concept two – Student-athletes may use their status as athletes to endorse third party products or services provided: (1) There is no institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally); (2) NIL opportunities are not part of the recruiting process; and (3) Market rate is a tool to ensure compensation is not a substitute for pay to play.
- Additional topics included: Categories of promotion, use of institutional marks, compliance and professional services.

In general, the survey responses indicated strong support for work product and services, endorsements, and legislation to prohibit student-athletes from using their status as athletes to promote products and services such as alcohol, tobacco and sports gambling. A little more than half of respondents indicated student-athletes should be allowed to use institutional marks in the promotion of their own work product or service as well as in third-party promotions.

More than three-quarters indicated student-athletes should be required to report to institution all activities in which they use their status as an athlete for promotional purpose. Over 90 percent indicated the Association should ensure that member schools, conferences and student-athletes have access to resources that minimize administrative and educational burden associated with the adoption and implement of any legislation, including resources potentially provided by a third-party administrator. Finally, two-thirds were somewhat confident or confident that Division III

athletics departments can fulfill the various compliance responsibilities associated with these concepts including providing education to students, booster and staff, understanding and using the “market rate,” ensuring consistency in the use of institutional marks with institutional policy and establishing a monitoring process.

Next steps will include a review by the Division III NIL Oversight Working Group on July 18, as well as subsequent review by national SAAC, Management and Presidents Councils. In addition, the survey results will be included in the July Monthly Update.

5. **Other Business.** Staff noted a formal proposal on eligibility standards for student-athletes whose season was cut short due to COVID. The proposal outlines the parameters for student-athletes to receive their season back. SLR will review and forward its recommendation to AdCom and/or the Management Council,
6. **Adjournment.** The meeting adjourned at 3 p.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

NCAA Division III Administrative Committee
June 24, 2020, Teleconference
Attendees:
Heather Benning, Midwest Conference.
Fayneese Miller, Hamline University
Tori Murden McClure, Spalding University
Dennis Shields, University of Wisconsin, Platteville.
Not in Attendance:
Gerard Bryant, John Jay College of Criminal Justice.
Staff:
Dan Dutcher, Jarett Gerald, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha.



**REPORT OF THE
NCAA DIVISION III ADMINISTRATIVE COMMITTEE
JULY 8, 2020, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- **None.**

2. Nonlegislative items.

a. General Eligibility Requirements – Season of Participation Waiver –Participation While Eligible – Administrative Criteria -- 14.2.7. and 14.2.7.1

- (1) Recommendation. The Administrative Committee, on behalf of the Management and Presidents Councils, approved a recommendation from the Committee on Student-Athlete Reinstatement (SAR) and waived the existing criteria for season-of-participation waivers – participation while eligible and approved a blanket waiver permitting student-athletes whose teams complete 50% or less of the sport's maximum contests/dates of competition during the 2020-21 season due to ongoing impact from COVID-19 to receive a season-of-participation waiver – participation while eligible. Student-athletes whose teams complete more than 50% of the sport's maximum contests/dates of competition during the 2020-21 season would not be eligible for the blanket waiver regardless of whether the student-athlete competed in 50% or less of the season.
- (2) Effective Date. Immediate and would apply for all sports during the 2020-21 academic year.
- (3) Rationale. The committee seeks to provide institutions and student-athletes appropriate flexibility given the current uncertainty surrounding the 2020-21 academic year due to the ongoing COVID-19 public health crisis. The committee noted institutions may be forced to provide a reduced athletics experience due to health and safety concerns and amending the criteria for a season-of-participation waiver – participation while eligible to allow participation in up to 50% of the sport's maximum contests/dates of competition would ensure student-athletes have four meaningful participation opportunities within their 10-semester/15-quarter period of eligibility. Finally, the committee noted that issuing a proactive blanket waiver allows student-athletes to make informed enrollment decisions prior to the 2020-21 academic year.
- (4) Budget Impact. None.

- (5) Student-Athlete Impact. Student-athletes will not be charged with the use of a season of participation if the institution's team is unable to complete more than 50% of the sport's contest/dates of competition maximum, thereby, providing them the option to extend their participation opportunities.

b. General Eligibility Requirements – Ten-Semester/15-Quarter Rule – Ten-Semester/15-Quarter Rule Waiver -- 14.2.2. and 14.2.2.4

- (1) Recommendation. The Administrative Committee, on behalf of the Management and Presidents Councils, approved a recommendation from SAR and issued a blanket waiver permitting student-athletes to receive a two-semester/three-quarter extension of eligibility if the following conditions are met:
- The student-athlete was unable to participate in their sport during the 2020-21 academic year due to COVID-19, or the student-athlete's team completed 50% or less of the sport's maximum contests/dates of competition during the 2020-21 season due to the ongoing impact from COVID-19; and
 - The student-athlete was otherwise eligible for competition during the 2020-21 academic year.
- (2) Effective Date. Immediate and would apply for all sports during the 2020-21 academic year.
- (3) Rationale. SAR's guideline related to extension of eligibility waivers permits staff to approve a two-semester/three-quarter extension when extraordinary circumstances exist. The committee noted the circumstances surrounding the ongoing COVID-19 public health crisis are extraordinary and, therefore, satisfy the committee's guideline. Further, by approving a two-semester/three-quarter extension, institutions would no longer need to file an additional extension of eligibility waiver if a student-athlete seeks to maintain full-time enrollment.
- (4) Budget Impact. None.
- (5) Student-Athlete Impact. If the conditions are met, student-athletes will receive a two-semester/three-quarter extension providing them the option to extend their participation opportunities.

INFORMATIONAL ITEMS.

1. **Welcome.** The videoconference commenced at 10:02 a.m. Eastern Time. Staff welcomed the committee and reviewed the agenda.
2. **June 24, 2020, Report.** The committee approved the June 24, 2020, report with no changes.
3. **COVID-19 Impacts and Updates.**

- a. Playing and Practice Seasons Subcommittee (PPSS) meeting. The Administrative Committee discussed a possible blanket waiver allowing institutions to declare alternate playing and practice seasons for fall sports (including football) – Bylaws 17.1.1.1 and 17.1.1.2. The blanket waiver would allow institutions the discretion to designate the spring as the traditional segment for fall sports. Since NCAA fall championships would remain as scheduled, institutions declaring a traditional segment in the spring for a sport(s) would not be eligible for that fall championship(s).

The Administrative Committee charged PPSS with developing an alternative playing seasons model or models for consideration by the Management Council. Even though there has been encouragement from the membership to act quickly, the committee felt this waiver merited additional discussion by PPSS, and the Management and Presidents Councils.

- b. Subcommittee for Legislative Relief. Due to time constraints, the committee did not receive an update during this videoconference.
4. **Resocialization of Collegiate Sport: Updated Risk Considerations.** Dr. Hainline, chief medical officer at the NCAA, shared updates to the Resocialization of Collegiate Sports. This updated document will serve as a resource for member schools to use in coordination with applicable government agencies, and related institutional personnel, policies and guidelines. In addition, it remains subject to further revision as available COVID-19 data and information continues to emerge.

The committee noted the importance of the document in light of the significant discussions underway at the campus and conference levels, as well as at the NCAA national office, and the goal to distribute the document to the membership as soon as possible.

5. **Other Business.** The committee had no other business.
6. **Adjournment.** The meeting adjourned at 11:05 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

NCAA Division III Administrative Committee
July 8, 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, Brian Hainline, Debbie Kresge, Louise McCleary, Jeff Myers, Adam Skaggs, Ali Spungen and Liz Suscha.



REPORT OF THE NCAA DIVISION III STRATEGIC
PLANNING AND FINANCE COMMITTEE
JUNE 11, 2020, TELECONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative.

a. Budget Cuts.

- (1) Recommendation. Approve the championships and nonchampionships budget cuts proposed in Attachment A.
- (2) Effective date. September 1, 2020.
- (3) Rationale. Due to the impact of COVID-19 and the significant budget impact caused by the cancellation of the Division I men's basketball championship, the committee recommends the proposed championships and nonchampionships budget cuts through 2023-24 (the current CBS/Turner broadcast agreement). This year's budget experienced a 70% loss, approximately \$22 million, and ultimately a budget overage of approximately \$9 million. The shortfall will be covered by the division's mandated reserve. By eliminating the championship and nonchampionship supplemental items outlined in the attachment, the division's future budget forecast shows a positive operating budget and reserve status through the end of the current contract.
- (4) Estimated budget impact. Budget reduction for 2020-21 is approximately \$1.7 million for championships and \$600 thousand for nonchampionships (\$2.3 million overall). For 2021 to 2024, the annual reduction is \$1.5 million.
- (5) Estimated student-athlete impact. None.

b. Mandatory Reserve Policy.

- (1) Recommendation. Revise the mandated reserve policy to a flat \$15 million, plus a \$5 million financial insurance policy, with a two percent increase every two years. [See Attachment B]
- (2) Effective date. September 1, 2024.
- (3) Rationale. The NCAA's current CBS/Turner broadcast agreement ends in 2023-24, and the last two years of the contract have a flat revenue increase. The new agreement includes an 11% revenue increase in 2024-24. Since

Division III's current mandated reserve policy is 50% of the annual revenue plus a \$5 million insurance policy, the significant revenue increase (i.e., 11%) in 2024-25 dictates an immediate and significant increase to the mandated reserve (approximately a \$2 million increase).

This year (2019-20), the division will spend just under \$20 million to cover its expenses. If there is another catastrophic event like COVID-19, the committee noted that approximately \$20 million would be needed to cover expenses. This adjustment to the mandated reserve will enable the division to avoid cuts to its operating and supplemental expenses while it maintains the goal to stay within a 75/25 ratio of championship to nonchampionship budget allocation. It also allows for a slight surplus above and beyond the mandated reserve policy. The committee will continue its annual review of the budget and mandated reserve policy and adjust accordingly if dictated by budget trends and forecasts prior to the implementation of this policy revision in 2024-25.

- (4) Estimated budget impact. Maintains operating and supplemental budgets and championships to nonchampionships allocation ratios for 2024-25 to 2031-32.
- (5) Estimated student-athlete impact. None.

INFORMATIONAL ITEMS

- 1. **Welcome.** The chair, President Fayneese Miller, Hamline University, called the teleconference to order at 10:01 a.m. EST.
- 2. **Report from the March 24, 2020, Teleconference.** The committee reviewed and approved its report from March 2020.
- 3. **Spring 2020 PC/MC Summary of Actions.** The committee reviewed its most recent recommendations and final actions by the Councils at the April 2020 meetings.
- 4. **Division III Strategic Plan.** Staff reviewed the final analysis of Year One 2019-20 strategic plan and the outcomes of the division's initiatives (e.g., accomplished, on-going or not accomplished); as well as the proposed plan for 2020-21. Year two of the budget cycle (2020-21) shows no new initiatives and details proposed budget reductions due to the impact of COVID-19. [Attachment C and D]

Once approved by the Councils, the strategic plan will be posted on the Division III website, as well as distributed to the membership.

5. Division III Budget

- a. 2019-20 Budget-to-Actual. The committee reviewed the 2019-20 budget-to-actual summary as of the end of May 2020. To date the budget indicates a \$7.5 million overage; however due to some outstanding nonchampionship and championship commitments, staff anticipates a \$9 million shortfall.
- b. Potential 2020-21 Nonchampionships Budget Cuts. Staff updated the committee on the potential nonchampionship budget cuts for FY21 to FY24 to help offset budget shortfalls due to the impact of COVID-19. (See action item 2a.)
- c. Potential 2020-21 Championships Budget Cuts. The Championships Committee chair presented the potential championship budget cuts for FY21 to FY24 to help offset budget shortfalls due to the impact of COVID-19. [See action item 2a.] Those initiatives include:
 - Hold annual sport committee meetings virtually and eliminate banquet at finals site (\$440,000) for 2020-21 only.
 - Eliminate local group transportation for individual sports (\$627,000).
 - Eliminate local group transportation for team sports (\$345,000).
 - Suspend pilot program to separate conference opponents in the first round of competition (\$349,000) for 2020-21 only.

6. Conference Grant Policy Requests. The committee approved the following Conference Grant Policy requests from the Division III Commissioners Conference Grant Subcommittee:

- Allow the use of Tier Two funds for personal protective equipment effective immediately for 2019-20 and 2020-21 only.
- For 2020-21, allow the use of Tier Two funds for medical testing/screening equipment for COVID-19.
- Allow the use of Tier One senior woman administrator (SWA) funding for attendance at WeCoach. WeCoach is a membership organization dedicated to the recruitment, advancement and retention of women coaches of all sports and levels.

Staff noted the SWA request is a permanent policy change.

7. Update on 2019-20 Division III initiatives with a budget impact.

- a. Ethnic Minority and Women Internship and Strategic Alliance Matching Grant.
 - (1) Ethnic Minorities and Women's Internship Grant. Staff noted that six institutions deferred their grant to 2021-22, with twenty-three recipients receiving funds this year. The call for proposals for the 2021-22 cycle will be available via the NCAA Program Hub, September 2020.

- (2) Strategic Alliance Matching Grant. Staff noted that two institutions deferred their grant to 2021-22, with six recipients receiving funds this year. The call for proposals for the 2021-22 cycle will be available via the NCAA Program Hub, September 2020.
- b. 360 Proof. Thirty-one percent, 242 of 772 eligible institutions, are currently registered for 360 Proof, which is a slight increase from June 2019. Committee members noted the low numbers using the program and whether the division could use these funds for another initiative. Staff noted that since the division is in the middle of a two-year budget cycle, the committee should review this reallocation in the spring of 2021 as the division is developing its next budget cycle. Staff also noted it is currently discussing transitioning the program to the Sports Science Institute, effective 2021-22.
- c. International Ice Hockey Pilot. During the 2019-20 academic year, Division III extended the international ice hockey pilot for a second year based on positive survey results from last year's pilot participants. The pilot parameters included the NCAA Eligibility Center (EC) reviewing the sports participation history of all international first-year ice hockey players as part of their amateurism review process. The second year of the pilot was funded 50% by governance, a total cost of approximately \$9,000. Staff surveyed this year's pilot participants and overall, the feedback was positive. However, the survey indicated some concern and student-athlete burden with the certification fee. In April, the Management Council determined it would not recommend funding another year of the pilot program. Since there is no plan for a future pilot, staff is answering questions for any member conferences that might be interested in sponsoring legislation requiring the use of the EC with international student-athletes. The EC has indicated a willingness to discuss and consider a reduced fee for Division III certifications.
- d. Division III Identity Initiative. The committee received an update on the identity initiative that highlighted the purchasing website, DIII/D3SIDA Recognition Award, Social Media, Special Olympics, Division III Week and website content.

During the week of May 4-7, the Division III Student-Athlete Advisory Committee launched its inaugural Mental Health Social Media Campaign to raise awareness surrounding mental health issues by creating a social dialogue and establishing a mental well-being presence associated with the NCAA. Nearly 70% of Division III institutions and 80% of the division's conferences participated in the four-day event.

- e. LGBTQ Facilitator Training. Staff noted 55 Division III members received trainings in either May or December to become an LGBTQ OneTeam Program facilitator. Currently just under 2,000 campus and conference members have participated in the OneTeam Program. While the program will continue next year and beyond, there will be no additional facilitator trainings scheduled for 2020-21.

- 8. Programs Canceled in due to COVID-19.** Staff noted the following staff-administered programs were canceled in 2020 due to the impact of COVID-19: (1) CoSIDA Student Program; (2) Student-Athlete Leadership Forum; (3) Next Steps Program; (4) Senior Woman Administrator Program; (5) Institute for Administrative Advancement; and (6) New AD Orientation. A new AD Orientation was recently held virtually for approximately 35 to 40 new athletics directors.
- 9. Other Business.**
- a. Board of Governors Update. The committee received an update on the NCAA's office internal budget process, Association-wide Strategic Plan, Name, Image and Likeness and sexual violence prevention additional requirements in 2021-22.
- b. Division III Strategic Positioning Platform Working Group. Staff asked for additional volunteers to serve on this working group following the approval of the Association-Wide Strategic Plan by the Board of Governors in August.
- 10. Future Meetings.** An invitation will be sent to schedule the November teleconference.
- 11. Adjournment.** The teleconference adjourned at 11:36 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	
June 11, 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, Adam Skaggs and Ali Spungen.
Other NCAA Staff Members in Attendance:
Mark Aiken, Eric Hartung, Jeff Myers, Rachel Stern and Liz Suscha.

Initiative	Sport(s)	Detail	Savings Amount
Hold annual sport committee meetings virtually and eliminate banquet at finals site	All	Confirmed - 20-21 year only; virtually manage meetings with Microsoft Teams application (already in effect for remainder of FY20); discuss alternate ways to celebrate SAs and deliver Elite 90 award	\$ 440,000
Eliminate local ground transportation - individual sports	Ind	For discussion - consider for 20-21 year only or beyond; reimbursement for schools traveling by air and using local ground transportation at site	\$ 627,000
Eliminate local ground transportation - team sports	Team	For discussion - consider for 20-21 year only or beyond; reimbursement for schools traveling by air and using local ground transportation at site	\$ 345,000
Suspend pilot program to separate conference opponents in the first round of competition	Team	For discussion - suspend or eliminate? First year of pilot program resulted in one instance through fall and winter champs (football with expense of \$131K)	\$ 349,000

2020-21 Division III Proposed Nonchampionships Budget

	2020-21	Proposed 2020-21	2021-22	Notes
	Budget	Budget		
Expenses (continued):				
Non-Championship Expenses				
Strategic Initiative Conference Grants	3,194,730	3,194,730		
Other Division III Strategic Initiatives				
Women & Minority Intern Program	1,300,000	1,300,000		
Strategic Alliance Matching Grant	708,600	708,600		
Student-Athlete Leadership Conference	365,000	350,000		In the fall in Chicago. Fewer participants.
Division III Identity Program	300,000	234,000		Reduce purchasing website credit from \$500 to \$350
DIII Diversity Initiatives	250,000	250,000		If health and safety concerns continue, may reduce.
Division-wide Sportsmanship Initiative	225,000	225,000	100,000	Moved Aug. 2020 event to Dec. 2021 so new expense for 2021-22 - saved in 2019-20
360 Proof (formerly Drug Education and Research)	115,000	100,000		Reduce scope of work - eliminate communication contractor.
Campus-based Student-Athlete Leadership Programs	100,000	75,000		Budget savings reduction. May have to balance to zero if Leadership Development doesn't contract facilitators.
LGBTQ Inclusion Program	100,000	20,000		Only need funding to send 3 award recipients to Convention and reception.
Institute for Coaching Advancement	100,000	100,000		
Membership Learning Management System	94,000	20,000		On hold until new AMA FTE is approved

ADR Institute	90,000	85,000	If health and safety concerns continue, may reduce.
SAAC April Meeting and Associate Member Travel	90,000	90,000	Need this funding for our associate members.
FAR Institute/Orientation	85,000	80,000	If health and safety concerns continue, may reduce.
New AD and Commissioner Orientation	85,000	85,000	
360 Membership Engagement Program	85,000	0	On hold due to COVID-19
NAD3AA Partnership	75,000	75,000	
Annual Convention	70,000	70,000	
Miscellaneous Division III Initiatives	179,670	40,000	Reduce to have enough funds for reclass of asst. director position in governance and some governance operations expenses.
Co-SIDA Partnership	44,000	44,000	
Division III Event Cancellation Insurance	41,000	41,000	
Special Olympics Partnership	35,000	35,000	
SWA Enhancement Grant Program (WLCS)	30,000	30,000	
Conference Commissioners Meeting	20,000	20,000	
Other Working Groups	20,000	0	Hold all working group meetings remotely
CoSIDA D3 Day	15,000	15,000	
Administrator and Commissioner Meeting (NADIII AA and D3CA)	10,000	10,000	
Staff Professional Development	7,000	7,000	
Academic Reporting Honorarium	0	0	
Injury Surveillance and Testing	0	0	
Non-Championships Expense	7,834,000	7,304,330	
Overhead Allocation	1,242,180	1,242,180	
Total Non-Championships Expenses	9,076,180	8,546,510	
	529,670		Amount of reduction
Misc. increase from FY21 revenue allocation - put into mandated reserve.	79,005		
	608,675		Total reduction

Post COVID with reductions - PROPOSED mandated reserve policy

Assumptions:

- A) Goal is to a modest Cash Reserve Surplus; minimize the Net Change in Fund Balance and stay close to the 75/25 ratio of championship to nonchampionship spend.
- 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 women's swimming and diving improved access ratio.

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 Projection	2020-21 Projection	2021-22 Projection	2022-23 Projection	2023-24 Projection	2024-25 Projection	2025-26 Projection	2026-27 Projection	2027-28 Projection	2028-29 Projection	2029-2030 Projection	2030-31 Projection	2031-32 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	\$ 38,683,323	\$ 39,478,323	\$ 40,432,323	\$ 41,227,323	\$ 42,976,323	\$ 44,089,323	\$ 45,202,323	\$ 44,089,323
Draw from DIII Reserve														
Additional Revenue from Membership Dues Increase	\$ 530,200	\$ 530,200	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 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	\$ 39,202,323	\$ 39,997,323	\$ 40,951,323	\$ 41,746,323	\$ 43,495,323	\$ 44,608,323	\$ 45,721,323	\$ 44,608,323
Projected Revenue Increase	2.6%	-68.6%	234.6%	2.0%	0.4%	0.1%	11.1%	2.1%	2.4%	2.0%	4.2%	2.6%	2.5%	-2.5%
Expenses:														
Championships Game Operations	4,696,723	2,388,104	4,366,503	4,612,168	4,693,290	4,704,873	4,751,922	4,799,441	4,847,435	4,895,910	4,944,869	4,994,318	5,044,261	5,094,703
Championships Committee	353,305	352,902	292,815	492,815	492,815	492,815	492,815	492,815	492,815	492,815	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	13,476,312	14,007,279	14,559,165	15,132,796	15,729,029	16,348,752	16,992,893	17,662,413
Championships Per Diem	6,844,931	3,264,493	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	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	504,000	519,000	535,000	551,000	568,000	585,000	603,000	621,000
Total Championship Expenses	21,445,763	12,584,584	24,855,593	25,769,180	26,337,147	26,854,205	27,427,094	28,020,580	28,636,461	29,274,566	29,936,757	30,622,930	31,335,014	32,072,977
Non-Championships Base Budget	6,616,467	6,146,992	7,265,000	7,402,000	7,403,000	7,380,000	7,880,000	7,958,800	8,038,388	8,118,772	8,199,960	8,281,959	8,364,779	8,448,427
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	1,269,000	1,307,000	1,346,000	1,386,000	1,428,000	1,471,000	1,515,000	1,560,000
Total Non-Championship Expenses	7,653,467	7,240,992	8,392,000	8,563,000	8,599,000	8,612,000	9,149,000	9,265,800	9,384,388	9,504,772	9,627,960	9,752,959	9,879,779	10,008,427
Total Division III Expenses (before supplemental spending)	\$ 29,099,230	\$ 19,825,576	\$ 33,247,593	\$ 34,332,180	\$ 34,936,147	\$ 35,466,205	\$ 36,576,094	\$ 37,286,380	\$ 38,020,849	\$ 38,779,338	\$ 39,564,717	\$ 40,375,889	\$ 41,214,793	\$ 42,081,403
Net Change in Fund Balance (before supplemental spending)	\$ 3,737,485	\$ (9,156,496)	\$ 1,195,730	\$ 794,143	\$ 335,176	\$ (143,882)	\$ 2,626,229	\$ 2,710,943	\$ 2,930,474	\$ 2,966,985	\$ 3,930,606	\$ 4,232,434	\$ 4,506,530	\$ 2,526,920
Supplemental items:														
Local ground transportation for individual sports	575,000						733,000	762,000	792,000	823,000	855,000	889,000	924,000	960,000
Men's Joint Championship		82,500												
Women's Joint Championship					250,000									
Guarantee first round no conference match-ups					-	-	-	-	-	-	-	-	-	-
Local ground transportation for team sports	316,000					403,000	419,000	436,000	453,000	471,000	490,000	509,000	529,000	529,000
Increase in travel party size for team sports	1,036,000		1,112,000	1,137,000	1,163,000	1,190,000	1,218,000	1,247,000	1,277,000	1,308,000	1,340,000	1,374,000	1,409,000	1,445,000
Supplemental Championships Spending from reserve ²	1,927,000	82,500	1,112,000	1,137,000	1,413,000	1,190,000	2,354,000	2,428,000	2,505,000	2,584,000	2,666,000	2,753,000	2,842,000	2,934,000
Supplemental Non-Championships Spending from reserve	530,200	-	-	-	-	-	519,000	519,000	519,000	519,000	519,000	519,000	519,000	519,000
Total Supplemental Spending	2,457,200	82,500	1,112,000	1,137,000	1,413,000	1,190,000	2,873,000	2,947,000	3,024,000	3,103,000	3,185,000	3,272,000	3,361,000	3,453,000
Division III Membership Dues Credit	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Division III Expenses (after supplemental spending)	\$ 31,556,430	\$ 19,908,076	\$ 34,359,593	\$ 35,469,180	\$ 36,349,147	\$ 36,656,205	\$ 39,449,094	\$ 40,233,380	\$ 41,044,849	\$ 41,882,338	\$ 42,749,717	\$ 43,647,889	\$ 44,575,793	\$ 45,534,403
Net Change in Fund Balance (after supplemental spending)	\$ 1,280,285	\$ (9,238,996)	\$ 83,730	\$ (342,857)	\$ (1,077,824)	\$ (1,333,882)	\$ (246,771)	\$ (236,057)	\$ (93,526)	\$ (136,015)	\$ 745,606	\$ 960,434	\$ 1,145,530	\$ (926,080)
Projected Expense Increase	-2.4%	-36.9%	72.6%	3.2%	2.5%	0.8%	7.6%	2.0%	2.0%	2.0%	2.1%	2.1%	2.1%	2.2%
Beginning Fund Balance (Projected Reserve and Unallocated Funds)	\$ 29,181,289	\$ 30,461,574	\$ 21,222,578	\$ 21,306,308	\$ 20,963,451	\$ 19,885,627	\$ 18,551,745	\$ 18,304,974	\$ 18,068,917	\$ 17,975,391	\$ 17,839,376	\$ 18,584,982	\$ 19,545,416	\$ 20,690,946
Less:														
Net Change in Fund Balance	1,280,285	(9,238,996)	83,730	(342,857)	(1,077,824)	(1,333,882)	(246,771)	(236,057)	(93,526)	(136,015)	745,606	960,434	1,145,530	(926,080)
Ending Fund Balance (Projected Reserve and Unallocated Funds)	\$ 30,461,574	\$ 21,222,578	\$ 21,306,308	\$ 20,963,451	\$ 19,885,627	\$ 18,551,745	\$ 18,304,974	\$ 18,068,917	\$ 17,975,391	\$ 17,839,376	\$ 18,584,982	\$ 19,545,416	\$ 20,690,946	\$ 19,764,866
Mandated Reserve ¹	(16,124,508)	(5,069,440)	(16,962,162)	(17,303,662)	(17,376,162)	(17,401,662)	(15,000,000)	(15,000,000)	(15,300,000)	(15,300,000)	(15,606,000)	(15,606,000)	(15,918,120)	(15,918,120)
Cash available in excess of reserve policy	\$ 14,337,067	\$ 16,153,138	\$ 4,344,147	\$ 3,659,790	\$ 2,509,466	\$ 1,150,084	\$ 3,304,974	\$ 3,068,917	\$ 2,675,391	\$ 2,539,376	\$ 2,978,982	\$ 3,939,416	\$ 4,772,826	\$ 3,846,746
Percentage DIII Spend - Championships	74%	64%	76%	76%	76%	77%	75%	76%	76%	76%	76%	76%	77%	77%
Percentage DIII Spend - Non-Championships	26%	36%	24%	24%	24%	23%	25%	24%	24%	24%	24%	24%	23%	23%
Notes:														
¹ Mandated reserve through FY2024 is 50% of the annual DIII revenue allocation. Beginning in FY2025 the mandated reserve will be a flat \$15M. 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 Figures highlighted were reduced or eliminated due to the FY2020 basketball tournament being cancelled. Expense reductions are as follows:														
Total Championships Expenses	-	(11,410,568)	(400,000)	-	-	-	-	-	-	-	-	-	-	-
Total Non-Championships Expenses	-	(1,002,412)	(89,000)	(89,000)	(89,000)	(89,000)	(522,000)	(604,200)	(723,612)	(802,228)	(1,116,040)	(1,269,041)	(1,421,221)	(1,013,573)
Total Supplemental Spend	-	(3,021,500)	(1,840,000)	(1,530,000)	(1,570,000)	(1,612,000)	-	-	-	-	-	-	-	-
Total Expense Reduction	-	(15,434,480)	(2,329,000)	(1,619,000)	(1,659,000)	(1,701,000)	(522,000)	(604,200)	(723,612)	(802,228)	(1,116,040)	(1,269,041)	(1,421,221)	(1,013,573)

Division III Strategic Plan

2019-21 Budget Biennium [Year 1: 2019-20 – Final Analysis]

Vision Statement: Division III will be a dynamic and engaging group of colleges, universities and conferences of varying sizes and missions committed to an environment that encourages and supports health and safety, diversity, values, fairness, and equity, and places the highest priority on the overall educational experience of its student-athletes in the conduct of intercollegiate athletics.



INTRODUCTION

The Division III strategic plan serves many purposes. It begins with the Division III Philosophy Statement to establish the framework from which the division's programs, resource allocations, and regulatory decisions are made. It highlights the Division III Strategic Positioning Platform to clarify the practical impact of the Division III philosophy and summarizes the division's strategic priorities by outlining what must be accomplished in the current budget biennium for the division to be successful.

The plan also serves to highlight the programs and services offered for the division's membership. This list of offerings is arranged in a way that demonstrates the connection of each Division III program to the NCAA Strategic Plan and explains when a program or initiative is funded from Division III dollars or a different Association budget. To bring further transparency to the division's operations, the plan justifies every line of the Division III budget against the philosophy statement or NCAA Constitution. Finally, the plan includes a note on its history, which tracks the evolution of the division's entire strategic initiatives program.

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DIVISION III PHILOSOPHY STATEMENT

Colleges and universities in Division III place the 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 student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience, and 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;
- (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;
- (d) Primarily focus on intercollegiate athletics as a four-year, undergraduate experience;
- (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;
- (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;
- (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;
- (k) Assure that athletics recruitment complies with established institutional policies and procedures applicable to the admission process;
- (l) Exercise institutional and/or conference autonomy in the establishment of initial and continuing eligibility standards for student-athletes;

- (m) Assure that academic performance of student-athletes is, at a minimum, consistent with that of the general student body;
- (n) Assure that admission policies for student-athletes comply with policies and procedures applicable to the general student body.
- (o) Provide equitable athletics opportunities for males and females and give equal emphasis to men's and women's sports;
- (p) Support ethnic and gender diversity for all constituents;
- (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.

Division III Positioning Statement

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, all of this happens most importantly in the classroom and through earning an academic degree. The Division III experience provides for passionate participation in a competitive athletic 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.

Division III Attributes

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.

Reasons to Believe

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.** Approximately twenty percent 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.
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.
4. **Available financial aid.** Three-quarters of all student-athletes in Division III receive some form of grant or non-athletic 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.
5. **Competitive athletic 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 192,000 student-athletes competing annually in 28 Division III and nine national collegiate championships. These competitions provide an opportunity for student-athletes to compete at the highest level and fulfill their athletic 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 athletic opportunities on average than any other division in the NCAA, emphasizing both competitive men's and women's sports.

NOTE: Text in red highlights a new initiative during the 2019-21 biennium. Strategic initiatives are not listed in priority order; all are of equal value. Blue indicates progress/completion of the new initiative.

DIVISION III STRATEGIC PRIORITIES FOR 2019-21 BUDGET BIENNIUM [YEAR 1: 2019-20 – Final Analysis]

1. **Clarify the Values of Division III athletics.** The division continues to serve as a conscious alternative to the sport-specialization youth culture, and as an accessible and fulfilling educational and athletics destination. It also emphasizes a fuller, more integrated academic experience in all divisional endeavors. This included communicating the Division III philosophy, attributes, and strategic plan to high school prospective student-athletes, parents and high school admissions counselors, collaborating with the NCAA Eligibility Center (EC), supporting membership activation of the Division III Identity Initiatives and other Division III social media platforms.
 - Communicate the distinct Division III philosophy as articulated in the Strategic Positioning Platform.
 - Create a working group to review, and update accordingly, the current Strategic Positioning Platform. **ON-GOING.** Started to solicit Strategic Planning and Finance Committee members to serve but waiting for the release of the updated Association-wide strategic plan.
 - Evaluate and determine next steps regarding the international ice hockey pilot. **ACCOMPLISHED.** Conducted a successful year two of the pilot. Approx. 150 reviews conducted by the Eligibility Center. Positive feedback overall, but some concerns with student-athletes paying for the certification fee. Will not conduct a third year of the pilot and will see if the membership sponsors legislation. Will continue to work with the EC to discuss a lower certification fee for Division III international student-athletes in case there is a future membership proposal.
 - Continue the strategic partnership with Special Olympics. Maintain the activity reporting program to better tell the partnership's story from a division-wide perspective. Maintain the Monthly Spotlight Poll that recognizes Special Olympic events.
 - Elevate the current part-time assistant director to full-time to more effectively oversee and enhance the division's communication efforts, including social media platforms and website management. **TBD.** While the request is supported by the Councils and the funding is from the Division III budget, a staff personnel freeze due to the impact of COVID-19 may negatively impact this request.
 - Support integration activities that bring together key institutional and/or conference partners to discuss ways each institution (and the conference as a group) might best support the integration of athletics within the campus environment, consistent with the division's unique philosophy, identity and strategic positioning platform.
 - Maintain and enhance the partnership with the College Sports Information Directors Association (CoSIDA) by providing professional development funding and opportunities (e.g. Division III Day at the CoSIDA Convention and CoSIDA Student Program), overseeing a recognition system awarded three times per year, and providing funds to support the Division III-specific Academic All-America program.
 - Strengthen the advocacy of Division III faculty for the values of the athletics experience. The division continues to enhance the Faculty Athletic Representative (FAR) Fellows Institute by offering professional development training and networking opportunities to FARs. Maintain the FAR Orientation at the FARA Fall Meeting for new FARs and hold every other year. **Transition the FAR Working Group into a FAR Advisory Group. ACCOMPLISHED.** The Advisory Group has quarterly teleconferences and reports directly to Management Council.
 - Emphasize the values of Division III to effectively manage its membership growth. Partner with Divisions I and II to accomplish membership growth management on behalf of the entire Association.

- Maintain in-person, full-day orientation programs for new athletics directors and commissioners to assist these individuals in understanding and promoting the division.
 - Continue to maintain and enhance Division III University – an on-line learning management system. **ON-GOING.** Educational efforts have continued, but the membership seems slow to use Division III University.
 - Create a new full-time position, funded by Division III, in Academic and Membership Affairs to oversee Division III University and assist with other waivers and interpretations. **NOT ACCOMPLISHED.** This position was not approved for FY20 and with a hiring freeze due to COVID-19, it will not be requested for FY21.
 - Add approximately ten new division-specific modules by 2019-21. **NOT ACCOMPLISHED.** Without a new FTE, this goal was put on hold.
- 2. Appropriately Leverage Presidential and Athletics Direct Reports Leadership in the Division III Governance Structure.** Continue to selectively forward issues of presidential importance to the division's presidents. Improve and pursue full conference participation in the President's Advisory Group and significant NCAA Convention attendance. Enhance communication between the NCAA and Athletics Direct Reports on campus to effectively engage and educate as well as leverage these individuals serving in the governance structure (e.g. ADR Institute).
- In partnership with the NCAA Executive Staff and divisional Association-wide governance staffs, enhance Division III specific presidential programming at the NCAA Convention and promote the Chancellors and Presidents Outreach Program to educate and engage all Division III chancellors and presidents.
 - Build external partnerships. Do not rely solely on presidents attending the NCAA Convention; send NCAA representatives to existing higher education meetings for presidents.
 - Continue to inform presidents and chancellors, in a transparent manner of, the Sport Science Institute's efforts, new initiatives and interassociation guidelines.
- 3. Ensure the Division is Effectively Managing Diversity and Inclusion Issues.**
- Partner with the Office of Inclusion, Student-Athlete Leadership staff and the Minority Opportunities Athletic Association (MOAA) to review the objectives and establish meaningful goals for the division's programs supporting equity and inclusion. Partner with Division III conferences and institutions to support innovative programs that promote inclusion (e.g. Monthly Diversity Spotlight).
 - Continue professional development and networking opportunities for women and ethnic minorities (e.g. SWA Program, the Institute for Administrative Advancement, Student Immersion Program and Next Steps).
 - Support an LGBTQ Working Group to develop a facilitator program to educate the membership on ways to create a safe and inclusive environment for LGBTQ individuals and allies. Continue to promote the LGBTQ non-discrimination policy guide and OneTeam identity kit. **ACCOMPLISHED.** Held two facilitator trainings (May and Dec.) – trained 55 individuals. To date, facilitators have conducted programs that impacted close to 2,000 in the membership. Held the inaugural LGBTQ and Allies reception at the 2020 Convention. Launched the LGBTQ recognition award program. Will recognize inaugural recipients at the 2021 NCAA Convention.
 - Monitor NCAA emerging sports (e.g. women's wrestling, esports, stunt, equestrian).
 - Collaborate with the office of inclusion.

- Establish strategies to increase and diversify the pool of candidates for Division III committee service and membership job searches.
 - In coordination with the Office of Inclusion and Student-Athlete Leadership, maintain the division's database of all women and ethnic minorities that have participated in an NCAA program. Continue to distribute and promote "The Diverse Workforce", a resource to assist institutions and conference offices to diversify its athletics searches. Continue to send out a quarterly Diversity and Inclusion newsletter.
 - Maintain the Diversity and Inclusion Working Group to evaluate the current diversity and inclusion landscape within Division III.
 - Monitor and promote institutional/conference commitment to the NCAA Presidential Pledge to support diversity and inclusion. **ON-GOING.** The Division III Diversity and Inclusion Working Group continues to monitor.
 - Research strategies to promote committee service for women and ethnic minorities within the division. **ON-GOING.** Collaborating with the office and inclusion and an outside contractor who conducted a research study of existing governance committees.

4. Enhance the Well-Being of Prospects, Student-Athletes and Staff.

- Maintain and enhance 360 Proof, a web-based, evidence-informed and free alcohol and other drug resource, for Division III and NASPA small college institutions. In 2020-21 budget cycle, create a 360 Proof Implementation Workshop that will prepare teams to engage in comprehensive, best practice prevention efforts. Continue to discuss the potential transition of 360 Proof oversight to the Sport Science Institute (SSI). **CANCELED AND ON-GOING.** Due to the impact of COVID-19 on the budget, an in-person workshop has been canceled; however, staff is pursuing a virtual alternative. Continue to discuss oversight transition to SSI.
- Continue to partner with the Sport Science Institute regarding priority health and safety issues, including mental health. Provide Division III representatives for on-going summits. Provide timely and consistent communication to the membership regarding new SSI interassociation guidelines and best practices. Maintain the promotion and use of the Injury Surveillance Program, SSI's data collection system, by the Division III membership. **ACCOMPLISHED.** Provide quarterly updates to Division III commissioners to share with their conference members. Division III increased its participation from 10 to 23 percent this year.
- Continue to monitor divisional challenges with officiating, including quality and pipeline. Maintain funding, via the conference grant program, to enhance officiating. **ON-GOING.** In addition to a D3CA specific study with the Pictor Group, the NCAA also is using the Pictor Group to conduct an Association-wide study. The first report is expected in June 2020. Maintained related funding via the conference grant program.
- Support Gameday the DIII Way, the Division III sportsmanship and game environment initiative. Promote existing tools and resources (e.g. facilitator training and on-line educational modules). Host two ambassador trainings annually in different regions of the country. **SEMI-ACCOMPLISHED.** Hosted an ambassador training in Dec. The scheduled June training was canceled due to COVID-19. Created Gameday PSAs for conference and national championships. Working to incorporate Gameday language in NCAA championship handbooks.
- Maintain the Coaching Enhancement Grant – a two-year, \$7,500 matching grant for new, full-time female and ethnic minority assistant coaches. **ACCOMPLISHED.** Will disperse year-two funds in August 2020.
- Assist in the implementation of SSI best practices and interassociation guidelines. **ON-GOING.** Continue to collaborate with SSI.
- Monitor and promote institutional commitment to BOG pledge on sexual assault violence prevention education.

5. Promote the Division III Philosophical Principle that Student-Athletes' Academic Performance is consistent with that of the General Student Body.

- Continue to sponsor a regular and representative academic reporting program to compare the academic success of student-athletes and the general student body. Continue to emphasize the academic success of Division III student-athletes as compared to other students. **Focus on graduation rates of teams and demographic groups that are lower than their counterparts who do not participate in intercollegiate athletics. Oversee the inaugural annual student-athlete graduation rate submission in 2020. Develop best practices. ON-GOING.** Student-athlete graduation rate submission is mandatory this year (due date is June 1). Division III Diversity and Inclusion Working Group, Division III FAR Advisory Group and research staff will analyze data and develop best practices in 2020-21.

6. Enhance Formal Accountability of the Governance Structure.

- Continue to annual distribute a performance scorecard for regular accountability of key Division III programs and committee staff liaisons. **ON-GOING.** DIII only division to implement this year.
- Continue to monitor the enrollment and related financial challenges within higher education, and the related challenges affecting the Division III membership.
- Work with conference commissioners to plan and implement a Conference Rules Seminar (CRS) in the summer as requested and needed to provide a more regionalized compliance educational opportunity for active Division III member institutions and conferences.
- Address relevant issues identified through evaluation of committee structure. **NOT ACCOMPLISHED.** On hold pending completion and implementation of new Association-wide strategic plan.

7. Maintain Fiscal Integrity.

- **Develop a divisional operating budget for 2019-21 and beyond that presents policy goals and program preferences that are fiscally responsible and sustainable. ON-GOING.** With the impact of COVID-19, the Division III budget experienced a 70% reduction this year. Budget overage (\$8-9 million) covered by the mandated reserve).
- Continue to address the long-term use of the budget's surplus (beyond the mandated reserve), including the Association's 2024-2032 broadcast agreement extension. **ON GOING.** SPFC will make budget recommendations to Councils for FY21 and beyond re possible changes to the reserve policy.

Appendix A

NCAA Association Wide Goals and Related

Division III Programs and Objectives

Association Wide Goal 1: Athletics as Integral to Higher Education. Student-athletes will be better educated and prepared for increased and lifelong achievement and success.

Objectives

- Increase support of reform efforts that emerge from the governance structure.
- Increase the number of student-athletes who succeed academically.
- Increase opportunities for student-athletes to integrate their academic, athletics and social interests.
- Enhance the leadership role of athletics administrators and increase the role of coaches as advocates for the values of intercollegiate athletics.

<u>Division III Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Conference visits by Presidents Council, Management Council, Student-Athlete Advisory Committee (SAAC) members and staff.	Improve communication between and among governance structure and membership as evidenced by a satisfaction survey.	Association-wide funding
Strategic Initiatives Conference Grant Program: Tier Two Integration activities.	All institutions will access strategic initiative conference grant dollars over a four-year period, and all conferences will optimally use the full allocation of funds each year. The integration activities should bring together key conference partners to discuss ways each school (and the conference as a group) might best support the integration concept, consistent with the division's unique philosophy, identity and Strategic Positioning Platform.	\$320,885
Communication Initiatives: Inform membership of policy issues, governance updates and hot topics.	Conference visits, quarterly presidential updates, monthly athletics updates and periodic educational columns shall be conducted or distributed on a regular schedule.	Overhead
Annual Division III Commissioners meeting.	All conferences will be represented annually; commissioners will be provided with the opportunity to discuss governance issues and Division III hot topics. Additional funding is provided through Tier One of the Strategic Initiative Conference Grant Program to supplement a portion the conference's travel costs.	\$20,000
Student-athlete leadership forums and campus-based leadership programming.	At least 80 percent of eligible institutions will participate annually in DIII Student-Athlete Leadership forums, and the participating coaches and administrators will become stronger advocates for the values of Division III intercollegiate athletics.	\$365,000
Strategic Initiatives Conference Grant Program: Tier One-Professional Development and SAAC support, Tier Two-Student-Athlete Well Being Initiatives.	All institutions will access strategic initiative conference grant dollars over a four-year period, and all conferences will optimally use the full allocation of funds each year.	\$1,169,249
National SAAC Outreach.	Celebrate successful campus SAAC community outreach each quarter, engage in community outreach at each National SAAC meeting, and annually educate student-athletes about National Student-Athlete Day and other community initiatives. Support national SAAC's creation of a short video highlighting the Division III student-athlete experience to be shown at annual campus compliance meetings.	Association-wide funding
National student-athlete outreach.	Continue to create specific programming for student-athletes attending the annual Convention to help better engage and educate on the Division III philosophy.	\$20,000
Student-Athlete Graduation Rate Reporting.	Assist the membership in reporting, for the first time in 2020, student-athlete graduation rates. Develop best practices.	NA

ASSOCIATION-WIDE GOAL 2: The Student-Athlete Experience. Student-athletes will be enriched by a collegiate athletics experience based on fair and reasonable standards and a commitment to sportsmanship.

Objectives

- Increase the applications of fairer regulations that favor student-athletes.
- Increase the opportunities for women and minorities to participate in intercollegiate athletics at all levels.
- Increase sportsmanship in intercollegiate athletics among student-athletes, coaches and fans.

<u>Division III Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Women and Minority Internship Program	The division will assess the original goals of this program to understand its legacy and to formulate future, long terms goals related to diversity of the athletics administrative and governance structures.	\$1,300,000
Strategic Alliance Matching Grant	The division will assess the original goals of this program to understand its legacy and to formulate future, long term goals related to diversity of the athletics administrative and governance structures.	\$708,600
Strategic Initiatives Conference Grant Program: Tier Two-Diversity/Gender Equity and Sportsmanship Initiatives	All conferences and at least 50% of institutions will engage in programming related to diversity, gender equity and sportsmanship initiatives within each four-year grant cycle.	\$457,335
The Nominating Committee shall annually review the NCAA's gender and diversity audit and make personal contact with targeted groups to encourage committee service.	Balance membership of Division III committees to ensure the interests of all Division III constituents are represented in the governance structure.	Association-wide funding
Get in the Game Web site; Requests and Secondary Reports Online.	The staff will maintain an online resource to provide consistent and complete compliance information to student-athletes for the certification of eligibility process.	Association-wide funding; Provisional/Reclassifying Membership fees
Committees will exercise fair decision making when making waiver and interpretive decisions.	Student-athletes will benefit from the receipt of more individual consideration of their issues in the waiver and interpretations process.	Association-wide funding
Regional Rules Seminars (national program) and Conference Rules Seminar.	Education sessions on Division III rules and regulations will be offered annually. The Conference Rules Seminar will be held as requested by conference offices.	Association-wide funding
Rules Test.	The Membership Committee shall annually make available a clear and fair rules test that all members can access on-line to comply with the condition and obligation of membership to administer the rules test.	Overhead
Conduct quality championships with fair selection processes and appropriate access.	The Championships Committee will continually assess policies and NCAA legislation related to the championships program including the appropriateness of bracket sizes, regional alignment and select criteria processes.	\$26,580,164
Women Leaders Institute for Administrative Advancement.	The division will fund professional development opportunities for female athletics administrators in a manner most accommodating to applicant individuals.	\$30,000
Sportsmanship and Game Environment Initiatives.	New initiatives based on a partnership with Disney and recommendations from the Division III Sportsmanship and Game Environment working group, with membership endorsement.	\$225,000

<u>Division III Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Division III Programs and Initiatives</u>
Examine demographic trends and consider whether Division III or Association-wide programming is appropriate to affect change in the division's student-athlete demographic profile.	The percentage of minority individuals in the student-athlete population should be consistent with the percentage of minority individuals in the general student-body.	Association-wide funding
Conference and Institutional Inclusion and Diversity programming.	Partner with Division III conferences and institutions to support innovative programs that promote inclusion and diversity. (e.g., the NCAA's Institute for Administrative Advancement, ethnic minority student program at NCAA Convention, SWA professional development and the North Coast Conference's Branch Rickey Program). In collaboration with the Office of Inclusion, develop programming for LGBTQ students.	\$250,000
Strategic Initiative Conference Grant Program: Tier III Officiating Improvement.	Provide optional funding to conference offices through the Conference Grant Program and encourage support of officiating improvement.	\$176,855

ASSOCIATION-WIDE GOAL 3: Informed Governance and Decision-Making.

Member institutions and conferences will have access to data, research and best practices that assist governance and management of intercollegiate athletics.

Objectives

- Increase opportunities and support for chief executive officers to participate and make more informed decisions about intercollegiate athletics.
- Increase opportunities for member institutions and conferences to share best practices in support of the Association's core values.
- Increase the number and quality of research initiatives on relevant issues to help member institutions and conferences make informed decisions.
- Increase opportunities for affiliated organizations to provide input for more informed decision-making.
- Enhance hiring practices for administrators, coaches and other athletics personnel, resulting in more inclusive leadership in intercollegiate athletics.

<u>Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Strategically engage presidents and athletics direct reports in the Division III governance structure	Continue to promote greater strategic focus and more selective legislative engagement by presidents in the Division III governance structure, led by the Presidents Council in consultation with the Presidents and Chancellors Advisory Group (PAG).	Association-wide funding
Quarterly Presidential Communication.	The chair of the Presidents Council will reach out to all presidents on a quarterly basis via formal correspondence.	Association-wide funding
Division III Governance Outreach to Affiliates.	Governance structure representatives will engage with affiliates on an issue-specific basis (e.g., higher education association meetings, annual sports chairs and championships committee meeting, and FARA annual meeting, etc...).	Overhead
Presidential Programming at the NCAA Convention.	Presidential involvement at the NCAA Convention will be enhanced by presidentially focused programming.	\$20,000
Best Practices for Presidential-Commissioner Leadership.	Work with the Division III Commissioners Association (D3CA) to develop and distribute best practices to enhance presidential-commissioner leadership at the conference level.	Overhead
Institutional and Conference Self-Studies (ISSG/CSSG).	All institutions and conferences will conduct regular reviews with active participation of campus/conference presidents. Presidential involvement shall promote an understanding of institutional control and the primary compliance role of presidents. Institutional reviews shall assess standards on recruiting, admissions, academic eligibility, student services, student-athlete profiles, personnel and a commitment to Division III philosophical priorities. Conference reviews shall include an assessment of conference alignments, values and priorities to support partnerships between conference members.	Overhead
Sports sponsorship and Institutional Self-Study (ISSG) audits.	The Membership Committee's annual review of member compliance with sports sponsorship requirements and completed Institutional Self-Study instruments to assess compliance with membership criteria and educational needs of the membership. Members placed on probation required to complete an athletics program assessment.	Provisional/Reclassifying membership fees
Playing and Practices Seasons Comprehensive Review.	Continue to implement through Management Council Playing and Practice Seasons Subcommittee a comprehensive review of the football playing and practice seasons.	Overhead
360 Proof.	Maintain and enhance 360 Proof, a web-based, evidence-informed and free alcohol and other drug resource for NCAA Division III and NASPA small college member campuses to reduce consequences of alcohol use.	\$115,000
360 Proof Implementation Workshop	Develop in FY 21 a program to enhance the implementation of 360 Proof on campus.	\$85,000
Continually monitor Division III membership size and related access to championship and other services.	The governance structure shall analyze data and collect feedback from institutions to continually develop a growth management strategy for Division III.	Overhead

Athletics Direct Report (ADR) Institute.	Conduct an annual ADR Institute in conjunction with the annual NCAA Convention. For Division III member institutions that have an ADR reporting structure, ADRs should be consulted for input on key institutional and conference operational and strategic issues facing the athletics program. The Institute will allow for an intentional level of engagement and professional development to assist ADRs in overseeing and managing the athletics department on campus.	\$90,000
Financial Aid Reporting Process.	All institutions will participate in the data-driven reporting process. Greater availability of historical data shall enable increased emphasis on institutional accountability (i.e., enforcement and penalties).	Overhead
Faculty Athletics Representative (FAR) Fellows Institute.	Conduct a FAR Fellows institute to offer professional development training to and provide FARs with tools to communicate the Division III story to their campus peers and enhance the level of engagement of FARs across the division. Re-engage FARs by maintaining a working group that will survey the membership and produce next steps.	\$85,000
Strategic Initiative Conference Grant Program: Tier IV – Third Party Review.	Continue to provide assistance for conference offices to provide documentation of a third-party external review of grant fund usage to the national office annually.	\$16,800
Programming at the NCAA Convention.	Continue to create specific programming for delegates attending the annual Convention (e.g. educational sessions, Issues Forum, and technology to support all sessions) to help better engage and educate the membership.	\$30,000
LGBTQ Facilitator Program	Continue to train facilitators to provide the LGBTQ OneTeam Program on campuses and in conference offices in an effort to provide safe and inclusive environments.	\$100,000
Division III University.	Continue to enhance Division III University – an on-line learning management system. Modules include NCAA overview, student well-being and compliance	\$80,670
CoSIDA Division III Day	Support a day-long professional development program for the division’s athletics communication and sports information directors in conjunction with the annual CoSIDA Convention.	\$15,000

**ASSOCIATION-WIDE GOAL 4: Effective National Office Administration.
The National Office will be operated in an accountable, efficient manner.**

Objectives

- Increase partnership with the membership. Better define the national office's role.
- Increase flexibility, responsiveness and efficiency of interpretations, enforcement and appeals processes.
- Increase the timeliness, clarity, conciseness and effectiveness of membership communication.
- Increase use of technology to improve the effectiveness and efficiencies of Association processes.

<u>Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Implement use of available technology to regularly deliver NCAA messages and rules education.	The governance structure will continually assess common needs and available technologies to increase the timeliness, clarity, conciseness and effectiveness of membership communication.	Overhead
Partnership with National Association of Division III Athletics Administrators.	The governance structure will provide financial support to the NADIII AA. National office staff will support this membership-led organization in its professional development offerings.	\$75,000
Educate the membership on the role of the NCAA national office.	Increase membership understanding of the role of the national office by including this information in governance presentations made at Leadership Conferences, Regional Seminars, conference meetings, and other appropriate venues.	Overhead
Conference Contact program.	Continue to service all conferences and ensure new conferences are accommodated according to program guidelines.	Overhead
Strategic Initiative Conference Grant Program: Tier Three - Technology Grants.	Provide funding to conferences offices to upgrade or maintain technical capabilities to access technical platforms used by the NCAA.	\$682,521
New orientation programs to support athletics directors and commissioners.	Create in-person, orientation programs for new athletics directors and commissioners to assist with the knowledge, resources and philosophy of the division.	\$85,000

ASSOCIATION-WIDE GOAL 5: Perceptions of the Association and Intercollegiate Athletics.
The public will gain a greater understanding of and confidence in the integrity of intercollegiate athletics and will more readily support its values.

Objectives

- Increase awareness of and advocacy for the positive values of intercollegiate athletics among the media and the public and within the membership.
- Increase the public's confidence in the Association as a whole.

<u>Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Strategic Initiative Conference Grant Program: Tier Three-Promotions/Marketing/Division III Identity.	Increase opportunities for promotion and marketing efforts on behalf of Division III institutions and conferences, consistent with the messages of the Strategic Positioning Platform.	\$324,885
Division III Identity Initiative.	Clarify and promote the unique Division III philosophy as articulated in the Division's Strategic Positioning Platform. Enable conferences and institutions to better tell the Division III story to a variety of target audiences. Support the following identity activation initiatives: Division III week, and mobile web site for coaches, national and customizable videos. Re-introduce a recognition award for directors of athletics communication to recognize the most outstanding written or video work that tells the Division III story.	\$300,000
Special Olympics Partnership.	Continue to grow the strategic partnership with Special Olympics. Maintain Special Olympics events as a signature element of the Division III championships program and continue to encourage campus and conference engagement with local Special Olympics chapters.	\$35,000
Academic All-America Partnership with CoSIDA.	Promote academic success of Division III student-athletes through financial support of a Division III Academic All-America Program.	\$44,000
Strategic Initiative Conference Grant Program: Tier One - Professional development support for Sports Information Directors (SIDs).	Continue to identify new ways to support the growth of SIDs as strategic communicators, advance the messages of the Division III platform, and communicate the story of Division III at the local level. Offer professional development support through the Conference Grant Program, and position support through the Strategic Alliance Matching Grant and Internship Program.	\$46,200

Appendix B

Division III Budget Justification

Projected NCAA Division III 2019-20 Budget Breakdown			Division III Philosophy Statement and Constitutional Principles Justifying Funded Programs	
Revenue:			<i>Division III Institutions....</i>	
Division III 3.18% Revenue	\$33,169,370			
Allocation (ESTIMATE)				
Membership Dues	\$519,000			
Expenses:				
Total Championships Expense (excluding overhead)	\$26,145,164		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. (Division III Philosophy Statement – section r))	
Strategic Initiative Conference Grant Program	\$3,194,730		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; (Bylaw 20.11-(b))	
NAD3AA Partnership	\$75,000		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. (Bylaw 20.11)	
Conference Commissioners/SID Meeting	\$20,000		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. (Bylaw 20.11)	
Conference Rules Seminar		Association-wide	The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance. (Constitution 2.8.2)	
Women Leaders Enhancement Grants	\$30,000		Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(p))	
Division-wide Sportsmanship Initiative	\$225,000		Encourage the development of sportsmanship and positive societal attitudes in all constituents, including student-athletes, coaches, administrative personnel and spectators; (Bylaw 20.11-(e))	
Strategic Alliance Matching Grant	\$708,600		Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(p))	
Women & Minority Intern Program	\$1,300,000		Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(p))	
Student-Athlete Leadership Forum	\$365,000		Seek to establish and maintain an environment in which 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. (Bylaw 20.11)	
Campus Based Student-Athlete Leadership Programming	\$100,000		The purpose is to provide DiSC behavioral assessments to student-athletes, coaches and administrators. The DiSC assessment aids participants with understanding their individual behavioral styles and preferences, a common language when addressing these topics and methods to better relate to others. It also provides additional strategies to build more effective relationships on teams and in the workplace.	
360 Proof	\$115,000		Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student-athletes. (Constitution 2.2)	
FAR Fellows Institute/Orientation	\$85,000		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 student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience (preamble to philosophy statement)	
Division III Academic All-America (CoSIDA)	\$44,000		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 program (preamble to philosophy statement).	
Other Working Groups/Task Forces	\$20,000		This initiative exists to provide opportunities for working groups/task forces in the future.	
CoSIDA D3 Day	\$15,000		This initiative supports 175-200 sports information directors to receive professional development.	

Projected NCAA Division III 2019-20 Budget Breakdown		Division III Philosophy Statement and Constitutional Principles Justifying Funded Programs
Expenses, continued:		
Identity Initiatives	\$300,000	This initiative is reflective of the entire Division III Philosophy Statement (Bylaw 20.11).
Special Olympics Partnership	\$35,000	Institutions seek to establish and maintain an environment in which student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience (preamble to philosophy statement).
Inclusion and Diversity Partnership	\$250,000	Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(I))
Division III University	\$ 80,670	Funding to create new modules for Division III University and purchase additional user licenses.
LGBTQ Programming	\$100,000	Funding for a train the trainer and/or programming, and a recognition program. Partner with office of inclusion.
Coaching Enhancement Grant	\$100,000	New grant program for female and ethnic minority asst. coaches. The two-year matching grant provides \$7,500 in salary and benefits and \$1,500 annually in professional development. Partner with Leadership Development.
Division III Cancellation Insurance	\$41,000	Intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to assure the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience. (Constitution 2.16)
Convention Programming including specific student-athlete programs	\$70,000	Continue to create specific programming for student-athletes attending the annual Convention to help better engage and educate on the Division III philosophy.
Athletics Direct Report (ADR) Institute	\$90,000	Conduct an inaugural ADR Institute in 2016 in conjunction with the annual NCAA Convention. For Division III member institutions that have an ADR reporting structure, ADRs should be consulted for input on key institutional and conference operational and strategic issues facing the athletics program. The Institute will allow for an intentional level of engagement and professional development to assist ADRs in overseeing and managing the athletics department on campus.
New Athletics Director Orientation	\$70,000	Create in-person, orientation programs for new athletics directors to assist with the knowledge, resources and philosophy of the division.
New Commissioner Orientation	\$15,000	Create in-person, orientation programs for new commissioners to assist with the knowledge, resources and philosophy of the division.
Additional SAAC in-person meeting	\$25,000	A planning meeting for the Division III national SAAC committee. At this meeting, SAAC provides an orientation for new members and sets its goals and objectives for the year.
SAAC Associate Members	\$65,000	Provide funds to pay expenses for conference partner liaison to attend NCAA Convention. Provide funds to pay expenses for partner conference liaison to attend the July national SAAC
NADIIIAA and D3CA leadership meeting	\$10,000	The executive leadership groups from NADIIIAA and D3CA come to Indianapolis in Sept. to discuss current hot topics in Division III and plan communication strategies for the upcoming year.
NCAA staff professional development	\$7,000	Allows annual professional development for NCAA Division III staff.
Other Division III Initiatives	\$0	This includes contracting costs, as well as money earmarked to support future initiatives.
Overhead Allocation (including National Office staffing) **	\$1,529,000	Includes request for new AMA FTE and reclass of assistant director of governance to full-time.
Total Division III Expenses	\$35,855,164	

* The \$5 million event cancellation insurance protects the budget in case of a catastrophic event that would reduce or eliminate, for one year, the division's share of media rights revenue.

**The \$1,529,000 overhead fee covers time and miscellaneous expenses related to Division III staff and programs.

***Anticipate a \$1,692,794 draw from the reserve surplus.

Appendix C

History of the

Division III Strategic Plan

History

The original Division III strategic plan was unveiled in 1998 as the division embarked on its new federated structure. The Division III Management Council Strategic Planning Subcommittee developed the framework for the plan with broad participation of the Presidents Council, Division III and Association-wide committee structure, and the Division III membership. The 2004 version of the Division III Strategic Plan was developed by a joint subcommittee of the Management and Presidents Councils consistent with the Association-wide Strategic Plan adopted by the NCAA Executive Committee in April 2004. The 2004 plan contained many of the existing initiatives and priorities to ensure that the programs and results remain consistent with Division III objectives. However, significant changes occurred as the 2005 and 2006 plans linked the relationship to the Division III philosophy with each Association-wide goal and outlined a series of outcome measures for each goal. Another significant change occurred in 2006-07 as the Division III Strategic Initiatives Grant Program resources were funneled directly to Division III Conferences and the Association of Independents. With this change, many strategic initiatives previously administered at the NCAA national office moved to the local control of conferences and institutions. The localized program encourages collaboration and involvement of all Division III constituent group representatives in the planning, decision-making and accountability of programming and funding to achieve the goals established in the Division's Strategic Plan. Presidential oversight and accountability with the process and budget allocations, consistent with the legislated leadership role of presidents within conference governance, is paramount.

In 2008-09, the strategic plan underwent a format change to create a forward-looking document that highlights the goals and expectations of a budget biennium. Much of the reporting done in previous plans was moved into a Division III Annual Report, and standard committee operations are now reflected in each committee's policy and procedure guide (available on each committee's home page on ncaa.org). The plan clearly articulates the division's funding priorities, and explains when an initiative is funded by Division III, and when it is funded by a broader Association-wide budget. The plan also includes an appendix to show the philosophical or constitutional justification for all programs funded with Division III dollars.

In 2009-10, the plan was updated to highlight the division's near-term strategic priorities. Most 2009-10 priorities resulted from a series of presidentially authored white papers on membership growth published in September 2008. For 2010-12, the plan was updated based on the Division's release of a Strategic Positioning Platform, and clearly defined the near- and medium-term goals the division needed to accomplish to be successful in embodying the platform.

For 2012-15, the plan was updated to reflect the Association's move to a three-year budget cycle.

After the 2012-15 budget cycle, the plan returned to a two-year budget cycle and emphasizes budget accountability and management. With the start of the budget cycle in 2021, the division and governance structure will determine if it wants to stay with a two-year cycle or move to a three-year cycle to finish out the current CBS/Turner broadcast agreement that ends in 2023-24 (i.e. 2021-2024 budget cycle).

Division III Strategic Plan

2019-21 Budget Biennium [Year 2: 2020-21]

Vision Statement: Division III will be a dynamic and engaging group of colleges, universities and conferences of varying sizes and missions committed to an environment that encourages and supports health and safety, diversity, values, fairness, and equity, and places the highest priority on the overall educational experience of its student-athletes in the conduct of intercollegiate athletics.



INTRODUCTION

The Division III strategic plan serves many purposes. It begins with the Division III Philosophy Statement to establish the framework from which the division's programs, resource allocations, and regulatory decisions are made. It highlights the Division III Strategic Positioning Platform to clarify the practical impact of the Division III philosophy and summarizes the division's strategic priorities by outlining what must be accomplished in the current budget biennium for the division to be successful.

The plan also serves to highlight the programs and services offered for the division's membership. This list of offerings is arranged in a way that demonstrates the connection of each Division III program to the NCAA Strategic Plan and explains when a program or initiative is funded from Division III dollars or a different Association budget. To bring further transparency to the division's operations, the plan justifies every line of the Division III budget against the philosophy statement or NCAA Constitution. Finally, the plan includes a note on its history, which tracks the evolution of the division's entire strategic initiatives program.

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DIVISION III PHILOSOPHY STATEMENT

Colleges and universities in Division III place the 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 student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience, and 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;
- (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;
- (d) Primarily focus on intercollegiate athletics as a four-year, undergraduate experience;
- (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;
- (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;
- (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;
- (k) Assure that athletics recruitment complies with established institutional policies and procedures applicable to the admission process;
- (l) Exercise institutional and/or conference autonomy in the establishment of initial and continuing eligibility standards for student-athletes;

- (m) Assure that academic performance of student-athletes is, at a minimum, consistent with that of the general student body;
- (n) Assure that admission policies for student-athletes comply with policies and procedures applicable to the general student body.
- (o) Provide equitable athletics opportunities for males and females and give equal emphasis to men's and women's sports;
- (p) Support ethnic and gender diversity for all constituents;
- (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.

Division III Positioning Statement

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, all of this happens most importantly in the classroom and through earning an academic degree. The Division III experience provides for passionate participation in a competitive athletic 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.

Division III Attributes

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.

Reasons to Believe

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.** Approximately twenty percent 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.
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.
4. **Available financial aid.** Three-quarters of all student-athletes in Division III receive some form of grant or non-athletic 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.
5. **Competitive athletic 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 192,000 student-athletes competing annually in 28 Division III and nine national collegiate championships. These competitions provide an opportunity for student-athletes to compete at the highest level and fulfill their athletic 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 athletic opportunities on average than any other division in the NCAA, emphasizing both competitive men's and women's sports.

NOTE: Text in red highlights a new initiative during the 2019-21 biennium. Strategic initiatives are not listed in priority order; all are of equal value.

DIVISION III STRATEGIC PRIORITIES FOR 2019-21 BUDGET BIENNIUM [YEAR 2: 2020-21]

1. **Clarify the Values of Division III athletics.** The division continues to serve as a conscious alternative to the sport-specialization youth culture, and as an accessible and fulfilling educational and athletics destination. It also emphasizes a fuller, more integrated academic experience in all divisional endeavors. This includes communicating the Division III philosophy, attributes, and strategic plan to high school prospective student-athletes, parents and high school admissions counselors, collaborating with the NCAA Eligibility Center (EC), supporting membership activation of the Division III Identity Initiatives and other Division III social media platforms.
 - Communicate the distinct Division III philosophy as articulated in the Strategic Positioning Platform.
 - Create a SPFC subgroup to review, and update accordingly, the current Strategic Positioning Platform.
 - Continue the strategic partnership with Special Olympics. Maintain the activity reporting program to better tell the partnership's story from a division-wide perspective. Maintain the Monthly Spotlight Poll that recognizes Special Olympic events.
 - Elevate the current part-time assistant director to full-time to more effectively oversee and enhance the division's communication efforts, including social media platforms and website management.
 - Support integration activities that bring together key institutional and/or conference partners to discuss ways each institution (and the conference as a group) might best support the integration of athletics within the campus environment, consistent with the division's unique philosophy, identity and strategic positioning platform.
 - Maintain and enhance the partnership with the College Sports Information Directors Association (CoSIDA) by providing professional development funding and opportunities (e.g. Division III Day at the CoSIDA Convention and CoSIDA Student Program), overseeing a recognition system awarded three times per year, and providing funds to support the Division III-specific Academic All-America program.
 - Strengthen the advocacy of Division III faculty for the values of the athletics experience. The division continues to enhance the Faculty Athletic Representative (FAR) Fellows Institute and New FAR Orientation by offering annual professional development training and networking opportunities to FARs.
 - Emphasize the values of Division III to effectively manage its membership growth. Partner with Divisions I and II to accomplish membership growth management on behalf of the entire Association.
 - Maintain in-person, full-day orientation programs for new athletics directors and commissioners to assist these individuals in understanding and promoting the division.
 - Continue to maintain and enhance Division III University – an on-line learning management system.
 - Work with existing resources to add approximately ten new division-specific modules by 2023.

- 2. Appropriately Leverage Presidential and Athletics Direct Reports Leadership in the Division III Governance Structure.** Continue to selectively forward issues of presidential importance to the division's presidents. Improve and pursue full conference participation in the President's Advisory Group and significant NCAA Convention attendance. Enhance communication between the NCAA and Athletics Direct Reports on campus to effectively engage and educate as well as leverage these individuals serving in the governance structure (e.g. ADR Institute).
- In partnership with the NCAA Executive Staff and divisional Association-wide governance staffs, enhance Division III specific presidential programming at the NCAA Convention and promote the Chancellors and Presidents Outreach Program to educate and engage all Division III chancellors and presidents.
 - Build external partnerships. Do not rely solely on presidents attending the NCAA Convention; send NCAA representatives to existing higher education meetings for presidents.
 - Continue to inform presidents and chancellors, in a transparent manner of, the Sport Science Institute's efforts, new initiatives and interassociation guidelines.
- 3. Ensure the Division is Effectively Managing Diversity and Inclusion Issues.**
- Partner with the Office of Inclusion, Leadership Development staff and the Minority Opportunities Athletic Association (MOAA) to review the objectives and establish meaningful goals for the division's programs supporting equity and inclusion. Partner with Division III conferences and institutions to support innovative programs that promote inclusion (e.g. Monthly Diversity Spotlight).
 - Continue professional development and networking opportunities for women and ethnic minorities (e.g. SWA Program, the Institute for Administrative Advancement, Student Immersion Program and Next Steps).
 - Support an LGBTQ Working Group by maintaining the LGBTQ OneTeam program that provides education to the membership on ways to create a safe and inclusive environment for LGBTQ individuals and allies. Continue to promote the LGBTQ non-discrimination policy guide and OneTeam identity kit. **Recognize the inaugural recipients of the LGBTQ OneTeam awards at the 2021 NCAA Convention.**
 - Monitor NCAA emerging sports (e.g. women's wrestling, esports, stunt, acrobatics and tumbling).
 - Collaborate with the office of inclusion.
 - Establish strategies to increase and diversify the pool of candidates for Division III committee service and membership job searches.
 - In coordination with the Office of Inclusion and Leadership Development, maintain the division's database of all women and ethnic minorities that have participated in an NCAA program. Continue to distribute and promote "The Diverse Workforce", a resource to assist institutions and conference offices to diversify its athletics searches. Continue to send out a quarterly Diversity and Inclusion newsletter.
 - Maintain the Diversity and Inclusion Working Group to evaluate the current diversity and inclusion landscape within Division III.
 - Monitor and promote institutional/conference commitment to the NCAA Presidential Pledge to support diversity and inclusion.
 - **Research strategies to promote committee service for women and ethnic minorities within the division.**

4. Enhance the Well-Being of Prospects, Student-Athletes and Staff.

- Continue discussions with the Sport Science Institute regarding the potential transition of 360 Proof, a web-based, evidence-informed and free alcohol and other drug resource to SSI. 360 Proof is currently for Division III and NASPA small college institutions. Oversight by SSI would allow Association-wide access.
- Continue to partner with the Sport Science Institute regarding priority health and safety issues, including mental health. Provide Division III representatives for on-going summits. Provide timely and consistent communication to the membership regarding new SSI interassociation guidelines and best practices. Maintain the promotion and use of the Injury Surveillance Program, SSI's data collection system, by the Division III membership.
- Continue to monitor divisional challenges with officiating, including quality and pipeline. Maintain funding, via the conference grant program, to enhance officiating.
- Support Gameday the DIII Way, the Division III sportsmanship and game environment initiative. Promote existing tools and resources (e.g. facilitator training and on-line educational modules). Host two ambassador trainings annually in different regions of the country. Update championship handbooks to include Gameday language and develop additional PSAs.
- Maintain the Coaching Enhancement Grant – a two-year, \$7,500 matching grant for new, full-time female and ethnic minority assistant coaches.
- Assist in the implementation of SSI best practices and interassociation guidelines.
- Monitor and promote institutional commitment to BOG pledge on sexual assault violence prevention education and annual requirements.
- Forward to the membership at the 2021 Convention a comprehensive legislative package to permit student-athletes to monetize their name, image and likeness (NIL) consistent with the April 2020 charge from the Board of Governors.

5. Promote the Division III Philosophical Principle that Student-Athletes' Academic Performance is consistent with that of the General Student Body.

- Continue to sponsor a regular and representative academic reporting program to compare the academic success of student-athletes and the general student body. Continue to emphasize the academic success of Division III student-athletes as compared to other students. Focus on graduation rates of teams and demographic groups that are lower than their counterparts who do not participate in intercollegiate athletics. Maintain the annual student-athlete graduation rate submission. Develop best practices to assist member schools in increasing graduation rates of ethnic minorities and recruiting and retention of students of color.

6. Enhance Formal Accountability of the Governance Structure.

- Update the annual performance scorecard distributed to committee members for regular accountability of key Division III programs and committee staff liaisons.
- With the impact of COVID-19 on institutional budgets, monitor the enrollment and related financial challenges within higher education, and the related challenges affecting the Division III membership. Provide flexibility (e.g. reduction in sports sponsorship minimums, contest and participant minimums).
- Work with conference commissioners to plan and implement a Conference Rules Seminar (CRS) in the summer as requested and needed to provide a more regionalized compliance educational opportunity for active Division III member institutions and conferences.
- Provide flexibility to membership requirements (e.g., sports sponsorship, contest and participant minimums, playing and practice season, eligibility standards) to assist institutions impacted by COVID-19.
- Address relevant issues identified through the new Association-wide strategic plan.

7. Maintain Fiscal Integrity.

- Develop a divisional operating budget for the next budget cycle (2021-2023) and beyond that presents policy goals and program preferences that are fiscally responsible and sustainable. Recognize and address the significant budget impact due to COVID-19.
- Continue to monitor the division's current mandated reserve policy and adjust accordingly, including preparation for revenue generated by the Association's 2024-2032 broadcast agreement extension.

Appendix A

NCAA Association Wide Goals and Related

Division III Programs and Objectives

Association Wide Goal 1: Athletics as Integral to Higher Education. Student-athletes will be better educated and prepared for increased and lifelong achievement and success.

Objectives

- Increase support of reform efforts that emerge from the governance structure.
- Increase the number of student-athletes who succeed academically.
- Increase opportunities for student-athletes to integrate their academic, athletics and social interests.
- Enhance the leadership role of athletics administrators and increase the role of coaches as advocates for the values of intercollegiate athletics.

<u>Division III Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Conference visits by Presidents Council, Management Council, Student-Athlete Advisory Committee (SAAC) members and staff.	Improve communication between and among governance structure and membership as evidenced by a satisfaction survey.	Association-wide funding
Strategic Initiatives Conference Grant Program: Tier Two Integration activities.	All institutions will access strategic initiative conference grant dollars over a four-year period, and all conferences will optimally use the full allocation of funds each year. The integration activities should bring together key conference partners to discuss ways each school (and the conference as a group) might best support the integration concept, consistent with the division's unique philosophy, identity and Strategic Positioning Platform.	\$320,885
Communication Initiatives: Inform membership of policy issues, governance updates and hot topics.	Conference visits, quarterly presidential updates, monthly athletics updates and periodic educational columns shall be conducted or distributed on a regular schedule.	Overhead
Annual Division III Commissioners meeting.	All conferences will be represented annually; commissioners will be provided with the opportunity to discuss governance issues and Division III hot topics. Additional funding is provided through Tier One of the Strategic Initiative Conference Grant Program to supplement a portion the conference's travel costs.	\$20,000
Student-athlete leadership forums and campus-based leadership programming.	At least 80 percent of eligible institutions will participate annually in DIII Student-Athlete Leadership forums, and the participating coaches and administrators will become stronger advocates for the values of Division III intercollegiate athletics.	\$365,000
Strategic Initiatives Conference Grant Program: Tier One-Professional Development and SAAC support, Tier Two-Student-Athlete Well Being Initiatives.	All institutions will access strategic initiative conference grant dollars over a four-year period, and all conferences will optimally use the full allocation of funds each year.	\$1,169,249
National SAAC Outreach.	Celebrate successful campus SAAC community outreach each quarter, engage in community outreach at each National SAAC meeting, and annually educate student-athletes about National Student-Athlete Day and other community initiatives. Support national SAAC's creation of a short video highlighting the Division III student-athlete experience to be shown at annual campus compliance meetings.	Association-wide funding
National student-athlete outreach.	Continue to create specific programming for student-athletes attending the annual Convention to help better engage and educate on the Division III philosophy.	\$20,000
Student-Athlete Graduation Rate Reporting.	Assist the membership in reporting, for the first time in 2020, student-athlete graduation rates. Develop best practices.	NA

ASSOCIATION-WIDE GOAL 2: The Student-Athlete Experience. Student-athletes will be enriched by a collegiate athletics experience based on fair and reasonable standards and a commitment to sportsmanship.

Objectives

- Increase the applications of fairer regulations that favor student-athletes.
- Increase the opportunities for women and minorities to participate in intercollegiate athletics at all levels.
- Increase sportsmanship in intercollegiate athletics among student-athletes, coaches and fans.

<u>Division III Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Women and Minority Internship Program	The division will assess the original goals of this program to understand its legacy and to formulate future, long terms goals related to diversity of the athletics administrative and governance structures.	\$1,300,000
Strategic Alliance Matching Grant	The division will assess the original goals of this program to understand its legacy and to formulate future, long term goals related to diversity of the athletics administrative and governance structures.	\$708,600
Strategic Initiatives Conference Grant Program: Tier Two-Diversity/Gender Equity and Sportsmanship Initiatives	All conferences and at least 50% of institutions will engage in programming related to diversity, gender equity and sportsmanship initiatives within each four-year grant cycle.	\$457,335
The Nominating Committee shall annually review the NCAA's gender and diversity audit and make personal contact with targeted groups to encourage committee service.	Balance membership of Division III committees to ensure the interests of all Division III constituents are represented in the governance structure.	Association-wide funding
Get in the Game Web site; Requests and Secondary Reports Online.	The staff will maintain an online resource to provide consistent and complete compliance information to student-athletes for the certification of eligibility process.	Association-wide funding; Provisional/Reclassifying Membership fees
Committees will exercise fair decision making when making waiver and interpretive decisions.	Student-athletes will benefit from the receipt of more individual consideration of their issues in the waiver and interpretations process.	Association-wide funding
Regional Rules Seminars (national program) and Conference Rules Seminar.	Education sessions on Division III rules and regulations will be offered annually. The Conference Rules Seminar will be held as requested by conference offices.	Association-wide funding
Rules Test.	The Membership Committee shall annually make available a clear and fair rules test that all members can access on-line to comply with the condition and obligation of membership to administer the rules test.	Overhead
Conduct quality championships with fair selection processes and appropriate access.	The Championships Committee will continually assess policies and NCAA legislation related to the championships program including the appropriateness of bracket sizes, regional alignment and select criteria processes.	\$26,580,164
Women Leaders Institute for Administrative Advancement.	The division will fund professional development opportunities for female athletics administrators in a manner most accommodating to applicant individuals.	\$30,000
Sportsmanship and Game Environment Initiatives.	New initiatives based on a partnership with Disney and recommendations from the Division III Sportsmanship and Game Environment working group, with membership endorsement.	\$225,000

<u>Division III Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Division III Programs and Initiatives</u>
Examine demographic trends and consider whether Division III or Association-wide programming is appropriate to affect change in the division's student-athlete demographic profile.	The percentage of minority individuals in the student-athlete population should be consistent with the percentage of minority individuals in the general student-body.	Association-wide funding
Conference and Institutional Inclusion and Diversity programming.	Partner with Division III conferences and institutions to support innovative programs that promote inclusion and diversity. (e.g., the NCAA's Institute for Administrative Advancement, ethnic minority student program at NCAA Convention, SWA professional development and the North Coast Conference's Branch Rickey Program). In collaboration with the Office of Inclusion, develop programming for LGBTQ students.	\$250,000
Strategic Initiative Conference Grant Program: Tier III Officiating Improvement.	Provide optional funding to conference offices through the Conference Grant Program and encourage support of officiating improvement.	\$176,855

ASSOCIATION-WIDE GOAL 3: Informed Governance and Decision-Making.

Member institutions and conferences will have access to data, research and best practices that assist governance and management of intercollegiate athletics.

Objectives

- Increase opportunities and support for chief executive officers to participate and make more informed decisions about intercollegiate athletics.
- Increase opportunities for member institutions and conferences to share best practices in support of the Association's core values.
- Increase the number and quality of research initiatives on relevant issues to help member institutions and conferences make informed decisions.
- Increase opportunities for affiliated organizations to provide input for more informed decision-making.
- Enhance hiring practices for administrators, coaches and other athletics personnel, resulting in more inclusive leadership in intercollegiate athletics.

<u>Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Strategically engage presidents and athletics direct reports in the Division III governance structure	Continue to promote greater strategic focus and more selective legislative engagement by presidents in the Division III governance structure, led by the Presidents Council in consultation with the Presidents and Chancellors Advisory Group (PAG).	Association-wide funding
Quarterly Presidential Communication.	The chair of the Presidents Council will reach out to all presidents on a quarterly basis via formal correspondence.	Association-wide funding
Division III Governance Outreach to Affiliates.	Governance structure representatives will engage with affiliates on an issue-specific basis (e.g., higher education association meetings, annual sports chairs and championships committee meeting, and FARA annual meeting, etc...).	Overhead
Presidential Programming at the NCAA Convention.	Presidential involvement at the NCAA Convention will be enhanced by presidentially focused programming.	\$20,000
Best Practices for Presidential-Commissioner Leadership.	Work with the Division III Commissioners Association (D3CA) to develop and distribute best practices to enhance presidential-commissioner leadership at the conference level.	Overhead
Institutional and Conference Self-Studies (ISSG/CSSG).	All institutions and conferences will conduct regular reviews with active participation of campus/conference presidents. Presidential involvement shall promote an understanding of institutional control and the primary compliance role of presidents. Institutional reviews shall assess standards on recruiting, admissions, academic eligibility, student services, student-athlete profiles, personnel and a commitment to Division III philosophical priorities. Conference reviews shall include an assessment of conference alignments, values and priorities to support partnerships between conference members.	Overhead
Sports sponsorship and Institutional Self-Study (ISSG) audits.	The Membership Committee's annual review of member compliance with sports sponsorship requirements and completed Institutional Self-Study instruments to assess compliance with membership criteria and educational needs of the membership. Members placed on probation required to complete an athletics program assessment.	Provisional/Reclassifying membership fees
Playing and Practices Seasons Comprehensive Review.	Continue to implement through Management Council Playing and Practice Seasons Subcommittee a comprehensive review of the football playing and practice seasons.	Overhead
360 Proof.	Maintain 360 Proof, a web-based, evidence-informed and free alcohol and other drug resource for NCAA Division III and NASPA small college member campuses to reduce consequences of alcohol use.	\$115,000
Continually monitor Division III membership size and related access to championship and other services.	The governance structure shall analyze data and collect feedback from institutions to continually develop a growth management strategy for Division III.	Overhead

Athletics Direct Report (ADR) Institute.	Conduct an annual ADR Institute in conjunction with the annual NCAA Convention. For Division III member institutions that have an ADR reporting structure, ADRs should be consulted for input on key institutional and conference operational and strategic issues facing the athletics program. The Institute will allow for an intentional level of engagement and professional development to assist ADRs in overseeing and managing the athletics department on campus.	\$90,000
Financial Aid Reporting Process.	All institutions will participate in the data-driven reporting process. Greater availability of historical data shall enable increased emphasis on institutional accountability (i.e., enforcement and penalties).	Overhead
Faculty Athletics Representative (FAR) Fellows Institute and New FAR Orientation.	On an annual basis, either hold the New FAR Orientation or FAR Fellows institute to offer professional development training to and provide FARs with tools to communicate the Division III story to their campus peers and enhance the level of engagement of FARs across the division. Re-engage FARs by maintaining an advisory group that will hold quarterly teleconferences.	\$85,000
Strategic Initiative Conference Grant Program: Tier IV – Third Party Review.	Continue to provide assistance for conference offices to provide documentation of a third-party external review of grant fund usage to the national office annually.	\$16,800
Programming at the NCAA Convention.	Continue to create specific programming for delegates attending the annual Convention (e.g. educational sessions, Issues Forum, and technology to support all sessions) to help better engage and educate the membership.	\$30,000
LGBTQ Facilitator Program	Continue to provide the LGBTQ OneTeam Program on campuses and in conference offices in an effort to provide safe and inclusive environments. Recognize annually the LGBTQ OneTeam recognition award recipients at the NCAA Convention.	\$100,000
Division III University.	Maintain Division III University – an on-line learning management system. Modules include NCAA overview, student well-being and compliance	\$80,670
CoSIDA Division III Day	Support a day-long professional development program for the division’s athletics communication and sports information directors in conjunction with the annual CoSIDA Convention.	\$15,000

ASSOCIATION-WIDE GOAL 4: Effective National Office Administration.
The National Office will be operated in an accountable, efficient manner.

Objectives

- Increase partnership with the membership. Better define the national office's role.
- Increase flexibility, responsiveness and efficiency of interpretations, enforcement and appeals processes.
- Increase the timeliness, clarity, conciseness and effectiveness of membership communication.
- Increase use of technology to improve the effectiveness and efficiencies of Association processes.

<u>Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Implement use of available technology to regularly deliver NCAA messages and rules education.	The governance structure will continually assess common needs and available technologies to increase the timeliness, clarity, conciseness and effectiveness of membership communication.	Overhead
Partnership with National Association of Division III Athletics Administrators.	The governance structure will provide financial support to the NADIII AA. National office staff will support this membership-led organization in its professional development offerings.	\$75,000
Educate the membership on the role of the NCAA national office.	Increase membership understanding of the role of the national office by including this information in governance presentations made at Leadership Conferences, Regional Seminars, conference meetings, and other appropriate venues.	Overhead
Conference Contact program.	Continue to service all conferences and ensure new conferences are accommodated according to program guidelines.	Overhead
Strategic Initiative Conference Grant Program: Tier Three - Technology Grants.	Provide funding to conferences offices to upgrade or maintain technical capabilities to access technical platforms used by the NCAA.	\$682,521
New orientation programs to support athletics directors and commissioners.	Maintain in-person, orientation programs for new athletics directors and commissioners to assist with the knowledge, resources and philosophy of the division.	\$85,000

ASSOCIATION-WIDE GOAL 5: Perceptions of the Association and Intercollegiate Athletics.
The public will gain a greater understanding of and confidence in the integrity of intercollegiate athletics and will more readily support its values.

Objectives

- Increase awareness of and advocacy for the positive values of intercollegiate athletics among the media and the public and within the membership.
- Increase the public's confidence in the Association as a whole.

<u>Programs and Initiatives</u>	<u>Desired Outcomes</u>	<u>Resource Allocation from Division III Budget</u>
Strategic Initiative Conference Grant Program: Tier Three-Promotions/Marketing/Division III Identity.	Increase opportunities for promotion and marketing efforts on behalf of Division III institutions and conferences, consistent with the messages of the Strategic Positioning Platform.	\$324,885
Division III Identity Initiative.	Clarify and promote the unique Division III philosophy as articulated in the Division's Strategic Positioning Platform. Enable conferences and institutions to better tell the Division III story to a variety of target audiences. Support the following identity activation initiatives: Division III week, national and customizable videos. Maintain a recognition award for directors of athletics communication to recognize the most outstanding written or video work that tells the Division III story.	\$300,000
Special Olympics Partnership.	Continue to grow the strategic partnership with Special Olympics. Maintain Special Olympics events as a signature element of the Division III championships program and continue to encourage campus and conference engagement with local Special Olympics chapters.	\$35,000
Academic All-America Partnership with CoSIDA.	Promote academic success of Division III student-athletes through financial support of a Division III Academic All-America Program.	\$44,000
Strategic Initiative Conference Grant Program: Tier One - Professional development support for Sports Information Directors (SIDs).	Continue to identify new ways to support the growth of SIDs as strategic communicators, advance the messages of the Division III platform, and communicate the story of Division III at the local level. Offer professional development support through the Conference Grant Program, and position support through the Strategic Alliance Matching Grant and Internship Program.	\$46,200

Appendix B

Division III Budget Justification

Projected NCAA Division III 2020-21 Budget Breakdown		Division III Philosophy Statement and Constitutional Principles Justifying Funded Programs	
Revenue:		<i>Division III Institutions....</i>	
Division III 3.18% Revenue	\$33,924,323		
Allocation (ESTIMATE)			
Membership Dues	\$519,000		
Expenses:			
Total Championships Expense (reduced COVID-19 and excluding overhead)	\$23,107,593	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. (Division III Philosophy Statement – section r))	
Strategic Initiative Conference Grant Program	\$3,194,730	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; (Bylaw 20.11-(b))	
NAD3AA Partnership	\$75,000	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. (Bylaw 20.11)	
Conference Commissioners/SID Meeting	\$20,000	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. (Bylaw 20.11)	
Conference Rules Seminar	Association-wide	The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance. (Constitution 2.8.2)	
Women Leaders Enhancement Grants	\$30,000	Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(p))	
Division-wide Sportsmanship Initiative	\$225,000	Encourage the development of sportsmanship and positive societal attitudes in all constituents, including student-athletes, coaches, administrative personnel and spectators; (Bylaw 20.11-(e))	
Strategic Alliance Matching Grant	\$708,600	Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(p))	
Women & Minority Intern Program	\$1,300,000	Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(p))	
Student-Athlete Leadership Forum (reduced due to COVID-19)	\$350,000	Seek to establish and maintain an environment in which 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. (Bylaw 20.11)	
Campus Based Student-Athlete Leadership Programming (reduced due to COVID-19)	\$75,000	The purpose is to provide DiSC behavioral assessments to student-athletes, coaches and administrators. The DiSC assessment aids participants with understanding their individual behavioral styles and preferences, a common language when addressing these topics and methods to better relate to others. It also provides additional strategies to build more effective relationships on teams and in the workplace.	
360 Proof (reduced due to COVID-19)	\$100,000	Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student-athletes. (Constitution 2.2)	
FAR Fellows Institute/Orientation (reduced due to COVID-19)	\$80,000	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 student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience (preamble to philosophy statement)	
Division III Academic All-America (CoSIDA)	\$44,000	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 program (preamble to philosophy statement).	
Working Groups (reduced COVID-19)	\$0	This initiative exists to provide opportunities for working groups/task forces in the future.	
CoSIDA D3 Day	\$15,000	This initiative supports 175-200 sports information directors to receive professional development.	

Projected NCAA Division III 2020-21 Budget Breakdown		Division III Philosophy Statement and Constitutional Principles Justifying Funded Programs
Expenses, continued:		
Identity Initiatives (reduced COVID-19)	\$234,000	This initiative is reflective of the entire Division III Philosophy Statement (Bylaw 20.11).
Special Olympics Partnership	\$35,000	Institutions seek to establish and maintain an environment in which student-athlete's athletics activities are conducted as an integral part of the student-athlete's educational experience (preamble to philosophy statement).
Inclusion and Diversity Partnership	\$250,000	Support ethnic and gender diversity for all constituents; (Bylaw 20.11-(I))
Division III University	\$ 0	Funding to create new modules for Division III University and purchase additional user licenses.
LGBTQ Programming (reduced COVID-19)	\$20,000	Funding for a train the trainer and/or programming, and a recognition program. Partner with office of inclusion.
Coaching Enhancement Grant	\$100,000	New grant program for female and ethnic minority asst. coaches. The two-year matching grant provides \$7,500 in salary and benefits and \$1,500 annually in professional development. Partner with Leadership Development.
Division III Cancellation Insurance	\$41,000	Intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to assure the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience. (Constitution 2.16)
Convention Programming including specific student-athlete programs	\$70,000	Continue to create specific programming for student-athletes attending the annual Convention to help better engage and educate on the Division III philosophy.
Athletics Direct Report (ADR) Institute (reduced COVID-19)	\$85,000	Conduct an inaugural ADR Institute in 2016 in conjunction with the annual NCAA Convention. For Division III member institutions that have an ADR reporting structure, ADRs should be consulted for input on key institutional and conference operational and strategic issues facing the athletics program. The Institute will allow for an intentional level of engagement and professional development to assist ADRs in overseeing and managing the athletics department on campus.
New Athletics Director Orientation	\$70,000	Create in-person, orientation programs for new athletics directors to assist with the knowledge, resources and philosophy of the division.
New Commissioner Orientation	\$15,000	Create in-person, orientation programs for new commissioners to assist with the knowledge, resources and philosophy of the division.
Additional SAAC in-person meeting	\$25,000	A planning meeting for the Division III national SAAC committee. At this meeting, SAAC provides an orientation for new members and sets its goals and objectives for the year.
SAAC Associate Members	\$65,000	Provide funds to pay expenses for conference partner liaison to attend NCAA Convention. Provide funds to pay expenses for partner conference liaison to attend the July national SAAC
NADIIIAA and D3CA leadership meeting	\$10,000	The executive leadership groups from NADIIIAA and D3CA come to Indianapolis in Sept. to discuss current hot topics in Division III and plan communication strategies for the upcoming year.
NCAA staff professional development	\$7,000	Allows annual professional development for NCAA Division III staff.
Misc. Division III Initiatives	\$119,005	This includes contracting costs, as well as money earmarked to support future initiatives.
Overhead Allocation (including National Office staffing) **	\$1,529,000	Includes request for new AMA FTE and reclass of assistant director of governance to full-time.
Total Division III Expenses	\$31,999,928	

* The \$5 million event cancellation insurance protects the budget in case of a catastrophic event that would reduce or eliminate, for one year, the division's share of media rights revenue.

**The \$1,529,000 overhead fee covers time and miscellaneous expenses related to Division III staff and programs.

***Anticipate a \$2.4 million add to the mandated reserve surplus.

Appendix C

History of the

Division III Strategic Plan

History

The original Division III strategic plan was unveiled in 1998 as the division embarked on its new federated structure. The Division III Management Council Strategic Planning Subcommittee developed the framework for the plan with broad participation of the Presidents Council, Division III and Association-wide committee structure, and the Division III membership. The 2004 version of the Division III Strategic Plan was developed by a joint subcommittee of the Management and Presidents Councils consistent with the Association-wide Strategic Plan adopted by the NCAA Executive Committee in April 2004. The 2004 plan contained many of the existing initiatives and priorities to ensure that the programs and results remain consistent with Division III objectives. However, significant changes occurred as the 2005 and 2006 plans linked the relationship to the Division III philosophy with each Association-wide goal and outlined a series of outcome measures for each goal. Another significant change occurred in 2006-07 as the Division III Strategic Initiatives Grant Program resources were funneled directly to Division III Conferences and the Association of Independents. With this change, many strategic initiatives previously administered at the NCAA national office moved to the local control of conferences and institutions. The localized program encourages collaboration and involvement of all Division III constituent group representatives in the planning, decision-making and accountability of programming and funding to achieve the goals established in the Division's Strategic Plan. Presidential oversight and accountability with the process and budget allocations, consistent with the legislated leadership role of presidents within conference governance, is paramount.

In 2008-09, the strategic plan underwent a format change to create a forward-looking document that highlights the goals and expectations of a budget biennium. Much of the reporting done in previous plans was moved into a Division III Annual Report, and standard committee operations are now reflected in each committee's policy and procedure guide (available on each committee's home page on ncaa.org). The plan clearly articulates the division's funding priorities, and explains when an initiative is funded by Division III, and when it is funded by a broader Association-wide budget. The plan also includes an appendix to show the philosophical or constitutional justification for all programs funded with Division III dollars.

In 2009-10, the plan was updated to highlight the division's near-term strategic priorities. Most 2009-10 priorities resulted from a series of presidentially authored white papers on membership growth published in September 2008. For 2010-12, the plan was updated based on the Division's release of a Strategic Positioning Platform, and clearly defined the near- and medium-term goals the division needed to accomplish to be successful in embodying the platform.

For 2012-15, the plan was updated to reflect the Association's move to a three-year budget cycle.

After the 2012-15 budget cycle, the plan returned to a two-year budget cycle and emphasizes budget accountability and management. With the start of the budget cycle in 2021, the division and governance structure will determine if it wants to stay with a two-year cycle or move to a three-year cycle to finish out the current CBS/Turner broadcast agreement that ends in 2023-24 (i.e. 2021-2024 budget cycle).

Post COVID with reductions - PROPOSED mandated reserve policy

Assumptions:

- A) Goal is to a modest Cash Reserve Surplus; minimize the Net Change in Fund Balance and stay close to the 75/25 ratio of championship to nonchampionship spend.
- 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 women's swimming and diving improved access ratio.

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 Projection	2020-21 Projection	2021-22 Projection	2022-23 Projection	2023-24 Projection	2024-25 Projection	2025-26 Projection	2026-27 Projection	2027-28 Projection	2028-29 Projection	2029-2030 Projection	2030-31 Projection	2031-32 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	\$ 38,683,323	\$ 39,478,323	\$ 40,432,323	\$ 41,227,323	\$ 42,976,323	\$ 44,089,323	\$ 45,202,323	\$ 44,089,323
Draw from DIII Reserve														
Additional Revenue from Membership Dues Increase	\$ 530,200	\$ 530,200	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 519,000	\$ 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	\$ 39,202,323	\$ 39,997,323	\$ 40,951,323	\$ 41,746,323	\$ 43,495,323	\$ 44,608,323	\$ 45,721,323	\$ 44,608,323
Projected Revenue Increase	2.6%	-68.6%	234.6%	2.0%	0.4%	0.1%	11.1%	2.1%	2.4%	2.0%	4.2%	2.6%	2.5%	-2.5%
Expenses:														
Championships Game Operations	4,696,723	2,388,104	4,366,503	4,612,168	4,693,290	4,704,873	4,751,922	4,799,441	4,847,435	4,895,910	4,944,869	4,994,318	5,044,261	5,094,703
Championships Committee	353,305	352,902	292,815	492,815	492,815	492,815	492,815	492,815	492,815	492,815	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	13,476,312	14,007,279	14,559,165	15,132,796	15,729,029	16,348,752	16,992,893	17,662,413
Championships Per Diem	6,844,931	3,264,493	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	8,202,045	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	504,000	519,000	535,000	551,000	568,000	585,000	603,000	621,000
<i>Total Championship Expenses</i>	21,445,763	12,584,584	24,855,593	25,769,180	26,337,147	26,854,205	27,427,094	28,020,580	28,636,461	29,274,566	29,936,757	30,622,930	31,335,014	32,072,977
Non-Championships Base Budget	6,616,467	6,146,992	7,265,000	7,402,000	7,403,000	7,380,000	7,880,000	7,958,800	8,038,388	8,118,772	8,199,960	8,281,959	8,364,779	8,448,427
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	1,269,000	1,307,000	1,346,000	1,386,000	1,428,000	1,471,000	1,515,000	1,560,000
<i>Total Non-Championship Expenses</i>	7,653,467	7,240,992	8,392,000	8,563,000	8,599,000	8,612,000	9,149,000	9,265,800	9,384,388	9,504,772	9,627,960	9,752,959	9,879,779	10,008,427
Total Division III Expenses (before supplemental spending)	\$ 29,099,230	\$ 19,825,576	\$ 33,247,593	\$ 34,332,180	\$ 34,936,147	\$ 35,466,205	\$ 36,576,094	\$ 37,286,380	\$ 38,020,849	\$ 38,779,338	\$ 39,564,717	\$ 40,375,889	\$ 41,214,793	\$ 42,081,403
Net Change in Fund Balance (before supplemental spending)	\$ 3,737,485	\$ (9,156,496)	\$ 1,195,730	\$ 794,143	\$ 335,176	\$ (143,882)	\$ 2,626,229	\$ 2,710,943	\$ 2,930,474	\$ 2,966,985	\$ 3,930,606	\$ 4,232,434	\$ 4,506,530	\$ 2,526,920
Supplemental items:														
Local ground transportation for individual sports	575,000						733,000	762,000	792,000	823,000	855,000	889,000	924,000	960,000
Men's Joint Championship		82,500												
Women's Joint Championship					250,000									
Guarantee first round no conference match-ups					-	-	-	-	-	-	-	-	-	-
Local ground transportation for team sports	316,000					403,000	419,000	436,000	453,000	471,000	490,000	509,000	529,000	529,000
Increase in travel party size for team sports	1,036,000		1,112,000	1,137,000	1,163,000	1,190,000	1,218,000	1,247,000	1,277,000	1,308,000	1,340,000	1,374,000	1,409,000	1,445,000
Supplemental Championships Spending from reserve ²	1,927,000	82,500	1,112,000	1,137,000	1,413,000	1,190,000	2,354,000	2,428,000	2,505,000	2,584,000	2,666,000	2,753,000	2,842,000	2,934,000
Supplemental Non-Championships Spending from reserve	530,200	-	-	-	-	-	519,000	519,000	519,000	519,000	519,000	519,000	519,000	519,000
<i>Total Supplemental Spending</i>	2,457,200	82,500	1,112,000	1,137,000	1,413,000	1,190,000	2,873,000	2,947,000	3,024,000	3,103,000	3,185,000	3,272,000	3,361,000	3,453,000
Division III Membership Dues Credit	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Division III Expenses (after supplemental spending)	\$ 31,556,430	\$ 19,908,076	\$ 34,359,593	\$ 35,469,180	\$ 36,349,147	\$ 36,656,205	\$ 39,449,094	\$ 40,233,380	\$ 41,044,849	\$ 41,882,338	\$ 42,749,717	\$ 43,647,889	\$ 44,575,793	\$ 45,534,403
Net Change in Fund Balance (after supplemental spending)	\$ 1,280,285	\$ (9,238,996)	\$ 83,730	\$ (342,857)	\$ (1,077,824)	\$ (1,333,882)	\$ (246,771)	\$ (236,057)	\$ (93,526)	\$ (136,015)	\$ 745,606	\$ 960,434	\$ 1,145,530	\$ (926,080)
Projected Expense Increase	-2.4%	-36.9%	72.6%	3.2%	2.5%	0.8%	7.6%	2.0%	2.0%	2.0%	2.1%	2.1%	2.1%	2.2%
Beginning Fund Balance (Projected Reserve and Unallocated Funds)	\$ 29,181,289	\$ 30,461,574	\$ 21,222,578	\$ 21,306,308	\$ 20,963,451	\$ 19,885,627	\$ 18,551,745	\$ 18,304,974	\$ 18,068,917	\$ 17,975,391	\$ 17,839,376	\$ 18,584,982	\$ 19,545,416	\$ 20,690,946
Less:														
Net Change in Fund Balance	1,280,285	(9,238,996)	83,730	(342,857)	(1,077,824)	(1,333,882)	(246,771)	(236,057)	(93,526)	(136,015)	745,606	960,434	1,145,530	(926,080)
Ending Fund Balance (Projected Reserve and Unallocated Funds)	\$ 30,461,574	\$ 21,222,578	\$ 21,306,308	\$ 20,963,451	\$ 19,885,627	\$ 18,551,745	\$ 18,304,974	\$ 18,068,917	\$ 17,975,391	\$ 17,839,376	\$ 18,584,982	\$ 19,545,416	\$ 20,690,946	\$ 19,764,866
Mandated Reserve ¹	(16,124,508)	(5,069,440)	(16,962,162)	(17,303,662)	(17,376,162)	(17,401,662)	(15,000,000)	(15,000,000)	(15,300,000)	(15,300,000)	(15,606,000)	(15,606,000)	(15,918,120)	(15,918,120)
Cash available in excess of reserve policy	\$ 14,337,067	\$ 16,153,138	\$ 4,344,147	\$ 3,659,790	\$ 2,509,466	\$ 1,150,084	\$ 3,304,974	\$ 3,068,917	\$ 2,675,391	\$ 2,539,376	\$ 2,978,982	\$ 3,939,416	\$ 4,772,826	\$ 3,846,746
Percentage DIII Spend - Championships	74%	64%	76%	76%	76%	77%	75%	76%	76%	76%	76%	76%	77%	77%
Percentage DIII Spend - Non-Championships	26%	36%	24%	24%	24%	23%	25%	24%	24%	24%	24%	24%	23%	23%
Notes:														
¹ Mandated reserve through FY2024 is 50% of the annual DIII revenue allocation. Beginning in FY2025 the mandated reserve will be a flat \$15M. 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 Figures highlighted were reduced or eliminated due to the FY2020 basketball tournament being cancelled. Expense reductions are as follows:														
Total Championships Expenses	-	(11,410,568)	(400,000)	-	-	-	-	-	-	-	-	-	-	-
Total Non-Championships Expenses	-	(1,002,412)	(89,000)	(89,000)	(89,000)	(89,000)	(522,000)	(604,200)	(723,612)	(802,228)	(1,116,040)	(1,269,041)	(1,421,221)	(1,013,573)
Total Supplemental Spend	-	(3,021,500)	(1,840,000)	(1,530,000)	(1,570,000)	(1,612,000)	-	-	-	-	-	-	-	-
Total Expense Reduction	-	<u>(15,434,480)</u>	<u>(2,329,000)</u>	<u>(1,619,000)</u>	<u>(1,659,000)</u>	<u>(1,701,000)</u>	<u>(522,000)</u>	<u>(604,200)</u>	<u>(723,612)</u>	<u>(802,228)</u>	<u>(1,116,040)</u>	<u>(1,269,041)</u>	<u>(1,421,221)</u>	<u>(1,013,573)</u>

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

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

ACTION ITEM

- **Name, Image and Likeness.**

- a. Recommendation. That the Division III Presidents Council sponsor legislation at the 2021 Convention to allow Division III student-athletes to use their status as student-athletes in the following settings:

- The promotion of their own work product or service (e.g., creative and academic endeavors, private athletic lessons, monetize social media platform(s), autographs, own business).
- The promotion of third-party products or services (e.g., brand ambassador, commercials, appearances, modeling).

In these endeavors, the institution could only assist the student-athletes in the same manner the institution assists any student. Consequently, student-athletes would only be able to use institutional marks and logos to the same extent students may use those same properties. Given that student-athletes on Division III campuses constitute a larger portion of the regular student body than in other divisions, the institution's regular process for student-athletes to access institutional marks and logos is more than sufficient to guard against special privileges granted to them. These promotional opportunities may not be a substitute for pay for play, which will be enforced through transparency of the activity, including whether boosters are involved and proposed financial terms. Further, NIL opportunities shall not be a part of the recruitment process. In addition, the legislation would limit the ability of student-athletes to promote products or services (e.g., sports gambling, alcohol,) that are inconsistent with institutional and Association values.

Finally, NIL legislation impacting the future eligibility of prospective student-athletes would reflect these same concepts, as regulations for prospective student-athletes should not be more stringent than those impacting student-athletes.

- b. Effective Date. August 1, 2021.

- c. Rationale. 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:

- 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 school.

- Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and it should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process.
- A student-athlete should be able to use their name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

These principles are applied to accommodate student-athletes to benefit from the NIL opportunities that are available through technology, innovation, and entrepreneurial spirit, but with appropriate regulation that allows for this greater flexibility. In addition to these principles, the committee reviewed input from the membership obtained during the Division III Issues Forum at the annual 2020 NCAA Convention, as well as from various committees and a June survey of the division's presidents, athletics directors, commissioners and National SAAC. The concepts put forward reflect these deliberations and comments.

- d. Budget Impact. None.
- e. Student-Athlete Impact. Provides more flexibility to use their athletic status for educational and business opportunities.

NO ACTION REQUIRED

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

1. **Playing and Practice Seasons.** The Council also approved an amended alternate playing seasons model for the 2020-21 academic year proposed by the Playing and Practice Seasons Subcommittee. The proposal eliminates defined segments and weeks of the playing season and allows institutions to conduct their season at any time during the academic year provided they do not exceed 114 days of athletically related activity. The 114 days do not have to occur in consecutive weeks. The sports of basketball, bowling, ice hockey and wrestling would maintain their current first competition dates but could start practice as early as October 1. See the Attachment for additional details.
2. **COVID-19 Impact and Sport Science Institute (SSI) Updates.** The Council received several updates on the impact of COVID-19 on higher education, Division III institutions and athletics departments. The Council ratified several Administrative Committee action items to provide maximum flexibility to the membership.

Chief Medical Officer Dr. Brian Hainline provided an update on the third installment of Resocialization of Collegiate Sport: Developing Standards for Practice and Competition to Resocialization. The document updates the prior two documents and provides new guidance specific to the prevention of community spread of COVID-19 in the athletics setting. Importantly, the guidelines provide NCAA members tools to assist with their efforts to provide a healthy and safe environment for those participating in athletics. There is specific information on the importance of daily health screenings, masking and face shields, electronic whistles, strategies for transition periods and return to activity, classification of sports (low risk to high risk), testing and contact tracing. In the coming weeks, the Board of Governors will discuss the feasibility of hosting NCAA fall championships. The Council discussed the issue of conducting regular season practice and competition as well as hosting fall championships with the current rise in COVID-19 cases, the shortage of testing kits, and competing needs and priorities.

For these reasons, the Council endorsed the following statement to be shared with the Presidents Council and forwarded to the Board of Governors:

Out of concern for the health and safety of our student-athletes, coaches, athletics administrators and communities in which our Division III athletics programs are located, the Division III Management Council urges the NCAA Board of Governors to take immediate action to cancel the 2020 NCAA Division III Fall Championships. Moving forward, we, as members of Management Council, commit to continue to monitor and assess the evolving conditions surrounding COVID-19 and making recommendations in the best interest of Division III students-athletes, coaches and staff.

The Council also received an update on the new concussion reporting process that became available July 1. In January, Division III passed noncontroversial legislation requiring active member institutions to report all instances of diagnosed sport-related concussions in student-athletes and their resolution to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports.

3. **Division III Budget.** The Council approved the Strategic Planning and Finance Committee recommendation to reduce both the championships and nonchampionships supplemental budget (FY21 to FY24) to help offset the budget shortage experienced this year due to the impact of COVID-19. The Council also approved a new mandated reserve policy effective in FY25. The policy will shift the reserve from an annual percentage of the revenue received to a flat amount of \$15 million plus a five-million-dollar insurance policy. Every two years, the amount will be adjusted with a two percent inflationary increase. SPFC is committed to conducting an annual review of the future budget and recommending further changes to the policy, if warranted.

4. 2021 NCAA Convention. The Convention Planning Subcommittee reported, and the Management Council endorsed, the following Convention education session topics:

- COVID-19. This session will discuss the impact of COVID-19 on higher education and more specifically athletics departments and student-athletes. (anticipate NADIIIAA sponsored session)
- Social/Racial Injustices. With the recent racial injustice and Black Lives Matter movement, this session will discuss action steps institutions and conferences can take to address racial inequality.
- Sexual Violence Assault Prevention. With the Board of Governors recent action to expand the existing Association-wide campus sexual violence prevention policy, this session will discuss the new disclosure requirements effective in the 2021-22 academic year.

The Council also received an update that the NCAA is researching virtual opportunities for the 2021 Convention due to the pandemic creating substantial financial challenges and delegates having more pressing matters on their campuses that could make participation in Washington, DC difficult. A virtual Convention would take place the week of January 11, as scheduled, and divisional business would be conducted (including voting on NIL).

- 5. 2021 Proposed Legislation.** With the impact of COVID-19, there were no membership sponsored legislative proposals for the 2021 cycle. The Council tabled the Committee on Women Athletics' legislative proposal to sponsor STUNT as an emerging sport for women. It will revisit and discuss inclusion with the 2022 legislative package: a similar action taken by Division I and II. It also decided to approve the following governance-sponsored Convention legislation as noncontroversial.
- 6. Donations to Nonathletic Bona Fide Youth Organizations.** Legislation that permits member institutions to make monetary donations to nonathletic bona fide youth organizations and to remove the mileage restriction for any permissible donation to a high school, bona fide youth organization and nonathletic bona fide youth organization.
- 7. Organized Competition Before Initial Collegiate Enrollment -- Service Exception.** 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 approved the following noncontroversial legislation recommended by the Interpretations and Legislation Committee:

- Permit a local civic organization (e.g., Rotary Club, Touchdown Club) to provide an award to individual student-athletes.
- Eliminate the current 100-mile radius restriction on an institution's athletics booster club recognition banquet.
- Eliminate the 30-mile radius restriction for student-athlete's receipt of transportation and meal expenses in conjunction with participation in a meeting of a booster club or civic organization.
- Permit a student-athlete to retain used equipment at the end of the individual's collegiate participation.
- Permit an institution to pay expenses for a student-athlete to attend the funeral of an institutional staff member or former teammate and for a student-athlete to be present when a student-athlete from any team at the institution suffers an injury or illness or death.

The Council approved an official interpretation that confirms a student-athlete does not qualify for a hardship waiver if the individual engages in any outside competition during the second half of the institution's traditional season, including competition while not representing the institution.

8. **NCAA Transfer Portal.** The Council received an update on the division's use of the Transfer Portal. As of May 31, there were approximately 700 Division III student-athletes' entries with 30% indicating a desire to participate as graduate student-athletes. While both Division I and II have adopted legislation to mandate the use of the portal, the Council determined that, at this time, it would not propose legislation mandating the use of the Transfer Portal. Instead, the Council agreed that the portal should continue to be used on a voluntary basis for the 2020-21 academic year. Some Council members voiced concerns with coaches accessing the portal for recruiting purposes and noted that it should be used solely as a compliance resource. The Council suggested a survey of Division III students in the portal to evaluate their experience, which could influence future next steps (e.g., access restriction). The Council also discussed the benefits of making its use mandatory.

9. **Championships Committee.** The Council received an update on the following:

- The administration of fall sport championships, specifying the need to develop contingency plans to manage fall championship sites and travel to ensure the delivery of health and safety protocols, including plans to move to predetermine fall preliminary round sites and reduce the overall total number of sites.
- Minimum sport sponsorship thresholds and the related need and method to adjust championship access (i.e., determining how many schools are sponsoring the sport and then applying the access ratio) in order to conduct championships.
NCAA championships staff is exploring feasibility of moving fall championships to another season if fall championships are canceled due to the impact of COVID-19. Staff and the Council noted that there are significant hurdles (e.g., timing and overlap with existing winter and spring sport seasons, lack of campus facility and personnel resources) with moving fall championships to another season.

The new regional alignments will be effective with the 2021-22 academic year. Sport committee openings based on standard turnover and increased number of representatives (to coincide with the expansion of the number of regions) will be advertised in October to follow the normal committee appointment timeline. Changes to sport committee composition bylaws will be handled through legislative approval process.

The Council also approved noncontroversial legislation to amend Figure 21.1 within Bylaw 21.9.6.2 to adjust the representation of the Division III Men's Volleyball Committee in a manner that accommodates the change in regional alignment from two to three regions.

10. Active and Provisional/Reclassifying Membership. The Management Council noted that the Membership Committee elected the following institutions to active Division III membership:

- Brevard College.
- Dean College.
- Pfeiffer University.

The Membership Committee also approved the advancement of the following provisional and reclassifying institutions currently in the provisional/reclassifying process as follows, effective September 1, 2020:

a. Year one to year two:

- (1) Mississippi University for Women.
- (2) Pratt Institute.
- (3) St. Thomas University (Texas).

b. Year two to year three:

- (1) State University of New York at Delhi.
- (2) Johnson & Wales University (Denver). [The institution subsequently announced it is closing effective with the 2021-22 academic year and discontinuation of athletics immediately.]

For the 2020-21 academic year, there will be 439 active members and six provisional/reclassifying members for a total of 445 members.

11. SAAC Updates. SAAC has established its working groups for the coming year: (1) Social justice – support Black Lives Matter, mentorship programs, civic engagement, LGBTQ support; (2) Mental and physical health with a focus on the impact of COVID-19; and (3) Special Olympics partnership. SAAC also has closely reviewed and supports, the Name, Image and Likeness legislative proposal.

12. **Officiating Update.** The Council an initial report from the Pictor Group, a consultant secured by both the Division III Commissioners Association and the NCAA, on the existing officiating crisis. The report noted some key results: (1) 45% of officials report that they have less than six years remaining in their career. (2) Fifty percent are 55 years or older. (3) 12% are under the age of 34. The Pictor Group will provide additional analysis on key drivers, trends and areas of concern.
13. **Governance Scorecard** (See Supplement No. 08). Staff provided the results of the 2019-20 governance scorecard. The scorecard is a tool that allows Division III committee members to evaluate how well NCAA staff liaisons performed specific tasks and how important those tasks were to committee members. It also aids staff in managing the performance of governance structure committee liaisons. Based on a five-point scale, the overall performance rating was 4.7.
14. **LGBTQ Working Group.** The Council heard that the working group successfully launched the inaugural LGBTQ OneTeam recognition award program. There was an average of 10 nominations for each category (LGBTQ Student-Athlete, LGBTQ Coach/Administrator/Staff, Conference/Institution). A subgroup of the working group has selected the inaugural recipients that will be announced in conjunction with the 2021 NCAA Convention.
15. **Diversity and Inclusion Working Group.** The Council approved a research study of the 2013 Division III football cohort using data from the National Student Clearinghouse (NSC) to better define the Division III student-athlete graduation rates data issue. The working group recommends focusing the study on football due to the student-athlete voluntary graduation rate reports indicating African American football players have the lowest graduation/retention rates. This research study would allow the working group to determine the “true” graduation rate for Division III football student-athletes and allow the working group to narrow down the reasons for the low graduation rates and examine the issue by race/ethnicity.
16. **NCAA Transgender Student-Athlete Participation Policy.** The Council received an update regarding the Transgender Student-Athlete Participation Policy. Several governance committees (CWA, MOIC and CSMAS) are reviewing the 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 continues to: (1) Provide fair, inclusive and dignified participation opportunities for all student-athletes; (2) Ensures competitive equity for all student-athletes; and (3) Be supported by evidence-and-consensus-based research. The committees engaged in a discussion regarding potential updates to the policy and implications to student-athletes and member institutions and conferences. Committee members discussed social, legal and scientific developments since adopting the current policy and noted the need for the policy to maintain a balance between inclusion and equity. Staff also is tracking evolving state legislation concerning transgender athletes that may impact future policy considerations.
17. **Management Council Chair and Vice Chair Election - 2021.** The Council elected Jason Fein, director of athletics at Bates College, as chair and Michelle Morgan, director of athletics at John Carroll University, as vice-chair for 2021.



**Division III Management Council Playing and Practice Season Subcommittee
Proposed Alternative Playing Seasons for 2020-21 Academic Year**

When reviewing potential amendments to playing season regulations for the 2020-21 academic year, the subcommittee endorsed the following principles:

1. Any amendments should not compromise the health and safety of student-athletes specifically, and the campus community more generally.
2. Any amendments should foster a positive student-athlete experience.
3. Any amendments should maintain the guiding principle that the playing seasons are regulated to minimize interference with the academic programs of student-athletes.
4. Institutional viability issues (e.g. enrollment management, personnel limitations, resources) should be evaluated as part of proposed changes.

The following proposal was approved by the Management Council on July 21, 2020, subject to ratification by the Presidents Council, to allow flexibility to conduct athletically related activity outside the current Division III Bylaw 17 parameters. The **bold** font below represents the changes from the current bylaws. The primary proposed changes are that: (1) The playing season is defined by days (which do not have to occur in consecutive weeks) as opposed to weeks to allow for more flexibility to conduct athletically related activities with student-athletes; and (2) The distinction between traditional and non-traditional segments is eliminated.

Fall sports.

1. Start date: August 10 or first day of classes, whichever is earlier. (Per waiver issued by the NCAA Division III Administrative Committee on June 10, 2020.)
2. End date: **Five weekdays before the first day of the institution's final examinations for the regular academic year.**
3. First competition date: No change.
4. **Length of playing season: 114 days (waive the weeks calculation)**
 - a. A "day" is any day in which athletically related activity (Bylaw 17.02.1.1) occurs, including but not limited to:
 - (1) In person or virtual team meetings.
 - (2) Required workouts or conditioning sessions.
 - (3) Practice.
 - (4) Competition.

- b. A "day" shall be treated as "in-season" under current analysis.
 - c. The exceptions to athletically related activities set forth in Bylaw 17.02.1.1.1 would not constitute a day.
 - d. A "day" is team specific and not student-athlete specific.
 - e. A team is required a day off once per calendar week: ~~Monday through Sunday~~ **as defined by the institution [clarification per Playing and Practice Seasons Subcommittee meeting July 28, 2020]** (except for existing sport specific exceptions). Multi-sport student-athletes will still be required a day off per week of all athletically related activity.
 - f. The 114 days do not have to occur in consecutive weeks.
5. Maximum contests: Apply traditional segment limits.
6. **Outside competition: Deference to institution.** (Would not allow participation with a professional team)

Winter sports.

- 1. Start date: No change. (September 7 or the institution's first day of classes whichever is earlier for most winter sports.)
 - **Exceptions: Basketball, ice hockey and wrestling which would be October 1 for practice only.** (Bowling currently has an October 1 start date.)
- 2. End date: No change. (Five weekdays before the first day of the institution's final examinations for the regular academic year.)
- 3. First competition date: No change.
- 4. **Length of playing season: 114 days (waive the weeks calculation).**
 - See "day" analysis above.
 - Exception: an institution that sponsors both indoor and outdoor track and field, the season would be 144 days. (*Clarification per Playing and Practice Seasons Subcommittee meeting July 28, 2020*)

5. Maximum Contests: No change.
6. **Outside competition: Deference to institution.** (Would not allow competition with a professional team)

Spring sports.

1. Start date: No change. (September 7 or the institution's first day of classes whichever is earlier.)
 - Exceptions.
 - Golf, rowing and tennis: August 10 or the first day of classes, whichever is earlier (per waiver issued by the Administrative Committee on June 10, 2020)
2. End date: No change. (Conclusion of NCAA championship.)
 - Institutions shall not conduct athletically related activity five weekday before the first day of the institution's final examinations for the fall semester/quarter through the end of the examination period.
3. First competition date. No change. (September 7 or the institution's first day of classes whichever is earlier.)
4. **Length of playing season: 114 days (waive the weeks calculation).**
 - See "day" analysis above.
 - Exception: an institution that sponsors both indoor and outdoor track and field, the season would be 144 days. (*Clarification per Playing and Practice Seasons Subcommittee meeting July 28, 2020*)
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- Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and it should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process.
- A student-athlete should be able to use their name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

These principles are applied to accommodate student-athletes to benefit from the NIL opportunities that are available through technology, innovation, and entrepreneurial spirit, but with appropriate regulation that allows for this greater flexibility. In addition to these principles, the committee reviewed input from the membership obtained during the Division III Issues Forum at the annual 2020 NCAA Convention, as well as from various committees and a June survey of the division's presidents, athletics directors, commissioners and National SAAC. The concepts put forward reflect these deliberations and comments.

- d. Budget Impact. None.
- e. Student-Athlete Impact. Provides more flexibility to use their athletic status for educational and business opportunities.

NO ACTION REQUIRED

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

1. **Playing and Practice Seasons.** The Council also approved an amended alternate playing seasons model for the 2020-21 academic year proposed by the Playing and Practice Seasons Subcommittee. The proposal eliminates defined segments and weeks of the playing season and allows institutions to conduct their season at any time during the academic year provided they do not exceed 114 days of athletically related activity. The 114 days do not have to occur in consecutive weeks. The sports of basketball, bowling, ice hockey and wrestling would maintain their current first competition dates but could start practice as early as October 1. See the Attachment for additional details.
2. **COVID-19 Impact and Sport Science Institute (SSI) Updates.** The Council received several updates on the impact of COVID-19 on higher education, Division III institutions and athletics departments. The Council ratified several Administrative Committee action items to provide maximum flexibility to the membership.

The new regional alignments will be effective with the 2021-22 academic year. Sport committee openings based on standard turnover and increased number of representatives (to coincide with the expansion of the number of regions) will be advertised in October to follow the normal committee appointment timeline. Changes to sport committee composition bylaws will be handled through legislative approval process.

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- 3. First competition date: No change.
- 4. **Length of playing season: 114 days (waive the weeks calculation).**
 - See "day" analysis above.

Division III Governance Scorecard - 2020

Methods

- Survey items were replicated from previous iterations of the Governance Scorecard
- Online survey link was provided to each member of Division III Governance and Sport committees
- Respondents were asked to evaluate how well their liaisons performed specific tasks and how important those tasks were to the committee members
- Survey responses were on a 5 point scale with 1=extremely poorly and 5=extremely well
- Respondents were asked to select the three tasks that they believe were most important

Respondent Demographics

Responses were received from:		<u>2019</u>	<u>2020</u>
President/CEO	=	14	17
Vice-President/Chancellor/Dean	=	N/A	6
Directors of Athletics	=	38	47
Other Athletics Administrator	=	25	28
Coaches	=	59	63
Student-athletes	=	16	36
Faculty Athletics Representative	=	5	6
Conference Commissioners	=	14	13
Other Conference Staff	=	4	3
Athletics Direct Report	=	3	1
Other/Not Provided	=	27	12
Total valid responses	=	207*	232*

**Note: Not all respondents answered all questions.
Some respondents served on more than one committee.*

Respondent Demographics

How many NCAA councils or committees have you served on in the past?

None	=	112 (48%)
1	=	44 (19%)
2	=	30 (13%)
3	=	19 (8%)
4 or more	=	26 (12%)

How long have you served on the council or committee that you are currently a part of?

6 months or less	=	53 (21%)
7-12 months	=	42 (17%)
13-24 months	=	78 (31%)
25-36	=	36 (14%)
37 months +	=	41 (16%)

**Note: not all respondents answered all questions*

Respondent Appointment and Preparation

Which of the following BEST describes how you were nominated to be a part of this council or committee:

Self-nominated	=	148 (59%)
Conference nominated	=	34 (14%)
Nominated by someone else	=	48 (19%)
Appointed through another position	=	20 (8%)

Indicate how true the statement is regarding your preparation to be part of this council or committee: *I was provided with enough training and information prior to my first meeting to be able to effectively participate at all council or committee meetings.*

True	=	207 (82%)
Somewhat true/untrue	=	42 (17%)
Untrue	=	2 (1%)

Committee Name	Members	Responses	Response Rate
Baseball Committee	8	6	75%
Championships Committee	8	9	113%
Convention Planning Subcommittee	16	9	56%
Ethnic Minority and Women's Internship Grant Selection Committee	5	5	100%
Field Hockey Committee	6	6	100%
Financial Aid Committee	12	9	75%
Football Committee	8	4	50%
Interpretations and Legislation Committee	8	9	113%
Management Council	21	17	81%
Management Council Legislative Relief Subcommittee	8	2	25%
Management Council Playing and Practice Seasons Subcommittee	7	1	14%
Membership Committee	10	9	90%
Men's and Women's Swimming and Diving Committee	8	4	50%
Men's and Women's Track and Field and Cross Country Committee	8	8	100%
Men's Basketball Committee	8	9	113%
Men's Golf Committee	6	6	100%
Men's Ice Hockey Committee	4	3	75%
Men's Lacrosse Committee	4	6	150%
Men's Soccer Committee	8	5	63%
Men's Tennis Committee	4	3	75%
Men's Volleyball Committee	4	4	100%
Nominating Committee	8	7	88%
Presidents Council	18	13	72%
Softball Committee	8	6	75%
Strategic Alliance Matching Grant Selection Committee	5	2	40%
Strategic Planning & Finance Committee	15	5	33%
Student-Athlete Advisory Committee	24	32	133%
Student-Athlete Reinstatement Committee	6	3	50%
Women's Basketball Committee	8	8	100%
Women's Golf Committee	5	4	80%
Women's Ice Hockey Committee	5	4	80%
Women's Lacrosse Committee	5	1	20%
Women's Rowing Committee	6	4	67%
Women's Soccer Committee	8	6	75%
Women's Tennis Committee	4	4	100%
Women's Volleyball Committee	8	7	88%
Wrestling Committee	6	2	33%
Total	295	242	82%

Note: Some respondents serve on more than one committee. Some respondents did not specify a committee.

All Committees	How well did the staff liaison meet your needs?	
	2019	2020
- Provided direction, guidance and leadership	4.61	4.68
- Encouraged, enabled and facilitated collaboration and discussion	4.61	4.77
- Developed substantive and relevant agendas	4.63	4.76
- Tracked, researched and synthesized pertinent/relevant and high-priority topics and issues	4.53	4.65
- Developed insights and strategies and recommended solutions	4.49	4.57
- Provided appropriate data and information to support decision-making	4.55	4.67
- Effectively and appropriately influenced outcomes in the best interest of intercollegiate athletics	4.59	4.65
- Demonstrated good communication skills including listening	4.63	4.75
- Coordinated logistics including meetings, conference calls, presentation equipment and meeting materials	4.68	4.79
- Produced informative reports and communications in a timely manner	4.58	4.71
Overall	4.59	4.70

Total respondents (2020) = 242 out of 295 members = 82% response rate (2019 rate 67%)

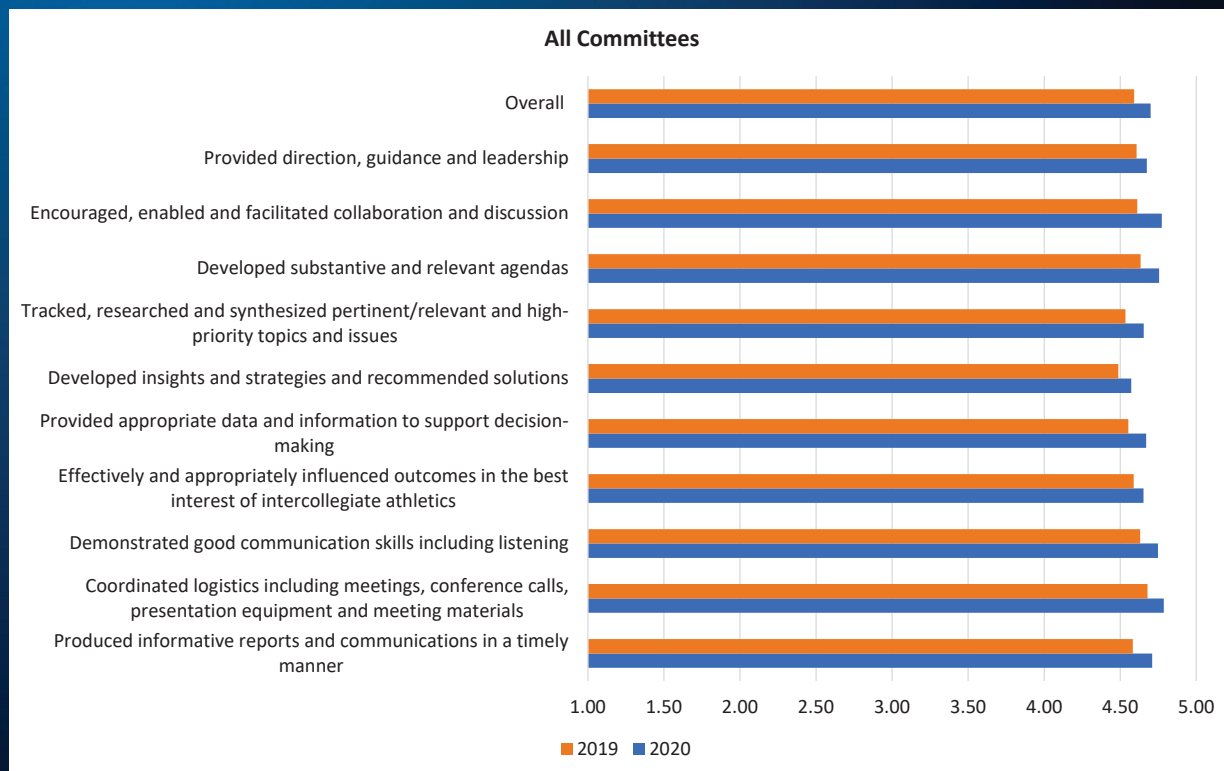
Importance of services provided by liaisons

There were four services that committee members thought most important

Rate the importance of these services provided by liaisons	Division III
- Provided direction, guidance and leadership	55%
- Coordinated logistics including meetings, conference calls, presentation equipment and meeting materials	39%
- Provided appropriate data and information to support decision-making	39%
- Encouraged, enabled and facilitated collaboration and discussion	36%

Respondents asked to rate the three services they thought most important. Percentage shown indicates the proportion of respondents who rated a service among the three most important.

Other services were mentioned as among the three most important on 25% or less of the surveys.



2020 respondents = 242 out of 295 members = 82% (2019 response rate = 67%)

Summary of Comments

There were a total of 62 comments.

Of the 62 comments:

- 40 were positive, generally lauding the liaison for their performance. Several other comments explained they were too new to the committee or their committee did not convene.
- Of the remaining comments most offered specific criticisms of particular activities or incidents of the committees. Among the issues cited:
 - The learning curve and relative inexperience of new liaisons
 - Communication and timing of the consideration of issues
 - Over-involvement of the liaison in the activities of the committee
 - New members should have better onboarding with veteran members
- There were also a number of comments directly related to specific issues that had come before the various committees.

Governance Committees



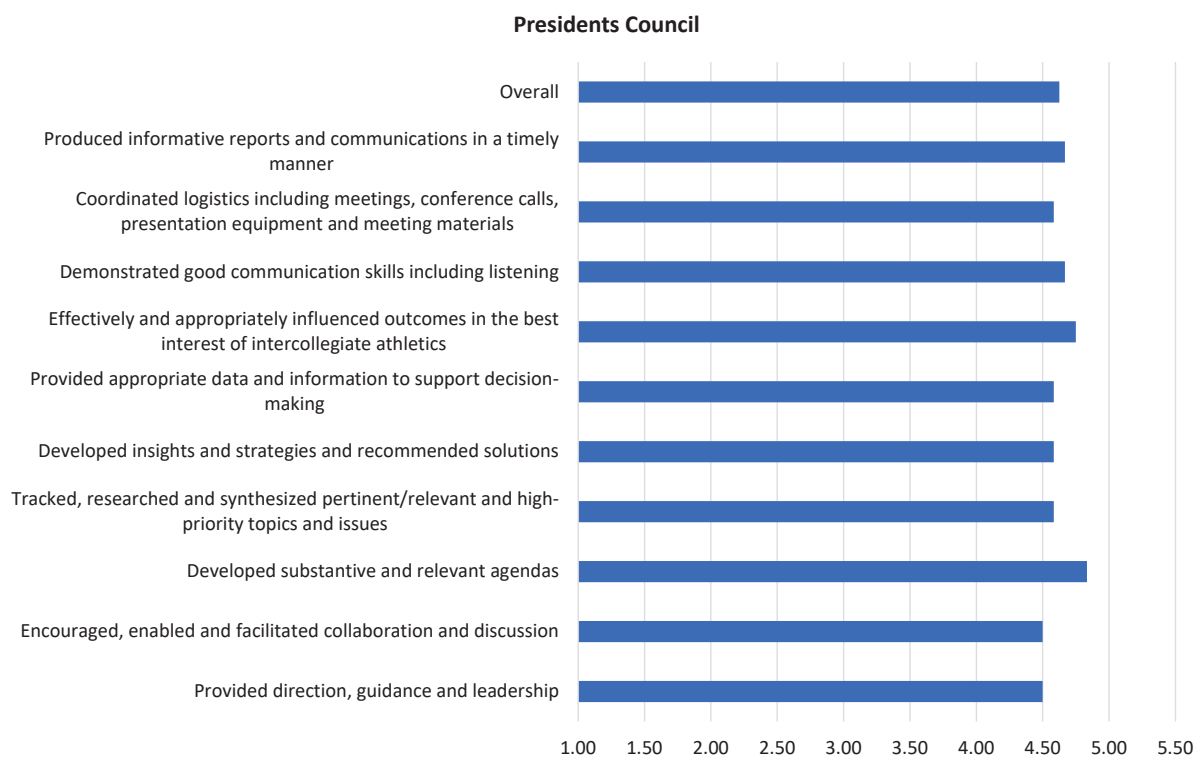
2020 respondents = 132 out of 171 members = 77% (2019 response rate = 65%)

Sport Committees



2020 respondents = 110 out of 139 members = 79% (2019 response rate = 68%)

Governance Committees



18 members – 13 responses

NCAA Government Relations Report
(July 2020)

Congressional Overview

The global health crisis has demanded much of Congress' attention throughout the spring and early summer of 2020. In March and April, Congress passed four legislative proposals designed to address the extensive economic and public health impact COVID-19 has had on a wide range of stakeholders, including the higher education community. Congressional operations have also been impacted as both chambers have limited access to Congressional buildings and adjusted proceedings to permit virtual participation in meetings and hearings. The House of Representatives also passed rule changes to allow for proxy voting for the duration of the pandemic.

Congressional focus on the health crisis has extended to college sports as Members of Congress and their staffs have demonstrated an increasing interest in the safe return of student-athletes to practice and competition. Additionally, Members from the House and Senate have continued to engage on the issue of student-athlete name, image, and likeness.

Federal Issues

Name, Image, and Likeness

While COVID-19 continues to impact legislative priorities and the congressional calendar, a bipartisan group of policymakers in the U.S. House of Representatives and Senate continue to discuss the complex issues surrounding name, image, and likeness and the prospects of federal legislation to establish a national policy on NIL. Key voices in these discussions include Rep. Anthony Gonzalez (R-OH) and Senators Roger Wicker (R-MS), Jerry Moran (R-KS), Maria Cantwell (D-WA), Richard Blumenthal (D-CT) and Marco Rubio (R-FL).

As an extension of these discussions, the Senate Committee on Commerce, Science and Transportation conducted a hearing on July 1, 2020, titled "Exploring a Compensation Framework for Intercollegiate Athletes." The hearing examined the NCAA Board of Governors recent actions on NIL and how these new opportunities could be provided to student-athletes without compromising the integrity of institutions and the amateurism model. Additionally, the topic of safely returning student-athletes to practice and competition during this global pandemic was discussed. Witnesses included, Dr. Michael Drake, Chair, NCAA Board of Governors; Greg Sankey, Commissioner, Southeastern Conference; Keith Carter, Vice Chancellor for Intercollegiate Athletics, the University of Mississippi; Dionne Koller, Law Professor, University of Baltimore; and Eric Winston, former National Football League Players Association president, NFL player and collegiate athlete.

Prior to the hearing, Sen. Marco Rubio (R-FL) introduced S. 4004, the Fairness in Collegiate Athletics Act. The proposal, which was introduced on June 18, 2020, would require the NCAA to implement rules allowing student-athletes to be compensated for use of their NIL by June 30, 2021. The bill would preempt state NIL laws and provide safe harbor protections for the Association as it modernizes rules in this area. Finally, the Act would be enforced by the Federal Trade Commission. S. 4004 has been referred to the Senate Committee on Commerce, Science and Transportation and currently has no cosponsors. It is expected that Rep. Anthony Gonzalez (R-OH) will introduce NIL legislation prior to Congress' August recess and discussions will continue in the Senate where additional legislation may be introduced in the near future.

NCAA government relations staff has continued its broad outreach to congressional offices to share information on Association efforts to modernize rules related to NIL. Significant attention has been given to the Board of Governors' approval of the Federal and State Legislation Working Group final report, with a focus on the kind of assistance the Association may need from Congress to support efforts to modernize rules in college sports. While most Members have been encouraged by the progress made to date, they have expressed a desire to better understand what guardrails and enforcement mechanisms will need to be implemented to allow student-athletes to be compensated for use of their NIL.

Return to Practice and Competition

As Congress continues to evaluate the impacts of COVID-19 and identify policy solutions to guide the country through this pandemic, there has been increased interest in how campuses can safely reopen in the fall. While some Members of Congress have strongly encouraged the NCAA and its member schools to conduct fall competitions as scheduled, others have cautioned against the return of college sports without uniform protocols and testing procedures.

Members of Congress have also raised questions about the use of liability waivers by some schools as student-athletes return to campus for voluntary workouts. On June 24, 2020, Senators Richard Blumenthal (D-CT) and Cory Booker (D-NJ) sent a letter to NCAA President Mark Emmert, expressing their concern with the use of COVID related liability waivers and urging this practice to be prohibited. Shortly after sending this letter, Senators Blumenthal and Booker introduced S. 4102, the College Athlete Pandemic Safety Act. The proposal would prohibit institutions of higher education from using COVID-19 related liability waivers for any sporting activity and allow student-athletes to retain their athletic scholarship if they decide not to compete due to concerns about contracting or transmitting COVID-19. The bill would also require the Centers for Disease Control and Prevention to establish COVID-19 related health and safety guidelines for college sports. S. 4102 has been referred to the Health, Education, Labor and Pensions Committee and currently has no additional cosponsors.

State Issues

Name, Image and Likeness

The issue of student-athlete name, image and likeness continues to be of interest for many state legislators across the country. Three states have passed legislation which prohibit schools, conferences or the NCAA from preventing student-athletes to be compensated for the use of their NIL (CA, CO, FL). The California and Colorado laws take effect January 1, 2023 and include provisions which permit student-athletes to obtain professional representation and that prohibit student-athletes from entering into contracts which conflict with team contracts. The Florida law has an earlier effective date of July 1, 2021 and includes more restrictive provisions related to amateurism, booster activity and recruiting. Thirty-three additional states have introduced legislation related to student-athlete NIL (AL, AZ, CT, GA, HI, IA, IL, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NE, NH, NJ, NM, NY, OK, OR, PA, RI, SC, TN, VA, VT, WA, WI, WV). NIL proposals in seven of these states have been passed by one chamber (AZ, HI, IL, KS, MI, NJ, OR). While the vast majority of state legislatures have adjourned, several states have suspended or postponed their legislative calendars due to the pandemic, so there is a possibility that activity related to this issue could resume at a later point this year.

Sports Wagering

Efforts to legalize sports betting continue in states throughout the country. Currently, 19 jurisdictions are accepting wagers on athletic competitions (AR, CO, DC, DE, IA, IL, IN, MI, MS, MT, NH, NJ,

NM, NV, NY, OR, PA, RI, WV) and four additional states (NC, TN, VA, WA) have legalized sports betting and are in the process of developing regulations. Twenty-four additional states have introduced sports wagering legislation this session (AK, AL, AZ, CA, CT, FL, GA, HI, KS, KY, LA, MA, MD, ME, MN, MO, ND, NE, OH, SC, SD, TX, VT, WY). Of these, three states will hold ballot measures in November that could legalize sports betting in those states (LA, MD, SD).

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 within women's sports. In March, Idaho HB 500 - which prohibits college athletes who are born biologically male from competing in women's athletics events - was signed into law by Governor Little. Twenty-one additional states have introduced legislation related to the athletic participation of transgender athletes and seven of these states have bills which apply to college athletics (AZ, KY, LA, MS, NH, OH, WA). While the vast majority of state legislatures have adjourned this year, many states have suspended or postponed their legislative calendars due to the pandemic, so there is a possibility that activity related to this issue could resume.

Impact of COVID-19 on State Legislatures

The legislative landscape for all policy issues remain fluid as state legislative priorities and session calendars continue to fluctuate in response to the global pandemic. NCAA government relations staff will continue to closely monitor how these changes impact legislative activity and continue to work with member schools to educate state legislators on relevant issues.

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, including emerging COVID-related matters which impact students and student-athletes. Most recently, the NCAA partnered with ACE in response to guidance provided by the Department of Homeland Security and Immigration and Customs Enforcement which prohibits international students from returning to or remaining in the U.S. if their colleges adopt online-only instruction models. With ACE's leadership, the NCAA signed on to a letter voicing concern for the guidance and joined an amicus brief in support of a lawsuit filed by Harvard University and the Massachusetts Institute of Technology in response to the new federal restrictions. The NCAA government relations office looks forward to continuing these mutually beneficial relationships to better formulate and further the NCAA's legislative goals.