



Governance Hot Topics Fall 2019

Agenda

- Board of Governors updates.
 - esports.
 - Name, image and likeness.
 - Sports wagering.
- Championship updates.
 - Joint basketball championships.
 - Championship site selection and bid process.
- Sport Science Institute (SSI) strategic priorities.
- NCAA Injury Surveillance Program.

Agenda

- Attestation and certification of rules compliance.
- 2020 NCAA Convention Legislation.
- NCAA Transfer Portal.
- Division III updates.
 - Division III University.
 - Ice hockey international certification pilot.
- Senior Woman Administrator resources.
- Working group updates.
- Division III Identity Initiative.

esports

- The NCAA explored the current college esports landscape, which is rapidly growing, for more than a year. Research provided participation levels, leadership structure, and potential areas of growth.
- In January, the BOG charged staff to develop a blueprint to evaluate potential NCAA competition and structure within the framework of NCAA values.
- In April, the BOG agreed to formally table the discussion.
- Staff will continue its due diligence research.

Name, Image and Likeness (NIL)

- May, BOG created an Association-wide working group to study name, image and likeness issues.
- Trigger: State (California) and federal draft legislation.
- Review existing NCAA NIL legislation and recent waiver trends.
- Sought membership feedback and will submit final report to BOG in October.
- Division III will determine its best course of action. Possible legislation at 2021 NCAA Convention .

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The BOG created the Federal and State Legislative Working Group (FSLWG). The BOG created the Association-wide FSLWG in response to the introduction of a federal bill and the state of California proposing a law that would allow student-athletes to use their name, image and likeness while competing in college. This allowance is in direct conflict with current NCAA rules and regulations. The proposed California law would go into effect in 2023. The California bill allows for no limits in payments for NIL, thus creating no way to distinguish from “pay for play.” One state’s regulation in this area would, among other things, undermine national rules of competition fundamental to intercollegiate athletics in recruiting and in other important areas of regulation.

The working group is reviewing issues related to NIL including existing NCAA legislation and recent waiver trends. It is important to know that the issue affects Division III because one of the goals is for student-athletes and regular students to be treated similarly in terms of using name, image, and likeness for entrepreneurial and social media purposes. Given the high proportion of student-athletes in the Division III student-body, there is an opportunity to revise current NIL limitations that are unnecessary in today’s environment. It sought feedback from key membership groups (Management and Presidents Councils, Division III Commissioners Association, NADIIIAA). Staff anticipates that after the BOG’s review of the final recommendations, each division will need to determine its best course of action related to NIL. Staff anticipates a 2021 NCAA Convention proposal.

Sports Wagering

- U.S. Supreme Court ruling (Spring 2018).
- NCAA anticipates up to 17 states will approve sports wagering by this summer with up to 30 states total in the next 12-24 months.
- NCAA internal staff working group.
 - Goal is to keep membership informed on sports wagering.
 - Protect student-athletes and integrity of games.
 - Review existing legislation and identify needed changes.

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A spring 2018 U.S. Supreme Court decision cleared the way for states to allow sports betting. Currently, there are approximately 17 states that allow sports wagering and the NCAA anticipates the number will grow to 30 in the next two years. As part of its ongoing efforts to keep the membership informed on sports wagering-related efforts to protect student-athlete well-being and ensure the integrity of competition, the NCAA national office has created an internal staff working group to review issues and develop recommendations related to sports wagering. Areas of focus are:

- a. Education.
- b. Competition integrity.
- c. NCAA legislation and policy.
- d. Information/data management.
- e. Officiating.
- f. Political landscape (state and federal).

Sports Wagering

- At the April meeting, the BOG rescinded the ban on holding championships and events in states with legalized sports betting.
- BOG appointed Association-wide Working Group. Three Division III reps. Provided its final report in August.
- Bi-partisan federal legislation under discussion.
- NCAA Sports Wagering FAQ on NCAA.org.

A year ago, the BOG also created an Association-wide working group to address this issue. The first in-person meeting occurred in January. There are three Division III representatives on the working group (Elsa Nunez, Eastern Connecticut president; Terry Small, NJAC commissioner and Rob Dicks, LaGrange athletics trainer). The working group submitted its final report and recommendation to the BOG at its August meeting.

Bi-partisan legislation proposed in Congress. The initial parameters include:

- a. Precludes athletes, coaches and officials.
- b. Set minimum age at 21.
- c. Establish integrity oversight clearinghouse.
- d. Preclude high school events.
- e. Allow amateur associations to “opt out” of prop bets.

Joint Basketball Championships

- Based on recommendations that originated from the men's and women's Division III basketball committees and endorsed by the Championships Committee, the Councils approved one joint championship, per gender, before 2024-25.
 - 2020 – men in Atlanta.
 - 2023 – women in Dallas.
- Primary rationale: unequaled opportunity to promote the division.
- Championship season extended for two weeks for 2 teams.
- Cost is approx. \$250K per championship. SPFC approved funds from Division III Identity Initiative budget.

Championships Site Selection and Bid Process

- NCAA is currently seeking bids for 86 of its 90 national championships for 2022-26.
- Bids accepted at ncaa.org/bids.
- Timeline:
 - Feb. 3 – bid responses due.
 - March to Sept. – committee deliberations, recommendations and approvals.
 - Oct. 23 – hosts/sites announced.

Sport Science Institute

- NCAA Catastrophic Injury and Death Interassociation Guidelines.
 - Sportsmanship.
 - Protective equipment.
 - Acclimatization and conditioning.
 - Emergency action plan.
 - Strength and conditioning personnel guidelines.
- Independent health care: athletic trainer coverage.
- Health and Safety Survey. (Pilot in 2019-20)

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Sport Science Institute (SSI) Updates. Current initiatives and priority areas:

This summer, SSI released the Catastrophic Injury and Death Interassociation Guidelines, including a checklist and Frequently Asked Question document. The guidelines have a sportsmanship focus and address protective equipment; acclimatization and conditioning. At this time, CSMAS is looking if there is a need for any additional proposed acclimatization legislation. Any proposals would be subject to a membership vote at the 2021 Convention.

The Sport Science Institute received approval from the BOG to create a white paper and internal task force to examine athletics trainer coverage and in particular, liability issues with coverage for visiting teams. Two primary concerns: 1.) If a home ATC provides care and determines the best course of action and the visiting team isn't traveling with an ATC, does the home ATC have the final authority? and 2.) Does the home ATC have the liability insurance to care for the visiting players, coaches and officials?

Management Council approved the administration of the SSI health and safety survey as a Division III pilot for 2019-20. At the recommendation of the Interpretations and Legislation Committee, the Council believes there is merit in having a better understanding of the care that is provided to student-athletes. There is a belief that administering the survey as a pilot would be useful in determining whether the survey instrument was suitable and beneficial for Division III institutions in assessing the medical care they provide to their student-athletes. Participating institutions may access and benchmark their responses to other institutions via the NCAA's Institutional Performance Program. The survey will be distributed to athletics healthcare administrators and ATCs on Dec. 1 and responses are due mid-January. It will be available in the IPP by the spring.

Injury Surveillance Program

- What is the NCAA ISP? Benefits in participating.
- Perceived obstacles, current and potential participation rates.
- In 2018-19, increased participation from 10% to 23%.
- Next steps include:
 - Continue to enhance communication.
 - Encourage institutions to submit data on two sports, of their choosing.
 - Quarterly reports to conference commissioners.

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The ISP is a data collection initiative designed to protect the health and safety of student-athletes. Since 1982, athletic trainers have collaborated with the NCAA to create the largest collegiate sports injury database program in the world. Today, the NCAA partners with the Datalys Center to manage the ISP and to inform injury prevention policies and practices at all levels of sport. Your help, through participation, is critical to the success of the ISP and to enhancing student-athlete care.

How will I benefit from participating in the ISP?

- Receive regular access to data that can inform injury prevention practices, risk and personnel management, and medical decision-making.
- Free continuing education credits for athletic trainers who submit the data. (10 – one time credit)
- Contribute to national health and safety policy and sport rules changes.

Obstacles and participation rates: Participation requires a time commitment of approximately 20 additional minutes of data submission per week, per sport. Currently 75% of Division III institutions have the technology to submit the data, but less than 10 percent are participating in the program.

For the second consecutive year, staff is encouraging participation in the NCAA Injury Surveillance Program (ISP). The ISP is a data collection initiative designed to protect the health and safety of student-athletes. Last year, Division III increased its participation from less than 10% to 23%. With 75% of Division III institutions having a compatible software system, staff would like participation rates to continue trending upward. The NCAA partners with the Datalys Center to manage the ISP and to inform injury prevention policies and practices at all levels of sport. The membership's help, through participation, is critical to the success of the ISP and to enhancing student-athlete care.

Attestation of Compliance

- In April, the Management and Presidents Councils approved noncontroversial legislation regarding annual certification of rules compliance.
- Annually by October 15, presidents/chancellors shall attest to understanding the institutional obligations and personal responsibilities. Athletics directors shall certify student-athletes have met specified conditions for NCAA competition.
- The attestation will be accessed via the NCAA's Learning Portal.
- Failure to attest results in individual students and teams being ineligible to compete in national championships and institutional members may not serve on a committee or Council for the year.

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Management and Presidents Councils approved noncontroversial legislation amending Constitution 3.3.4 (conditions and obligation of member-ship) and Bylaw 31.2.1 (institutional eligibility) clarifying that:

(1) An institution's chancellor or president shall attest, annually by October 15, to understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 (principle of institutional control and responsibility) and Constitution 2.8 (principle of rules compliance); and

(2) An institution's director of athletics shall certify, annually by October 15, that specified conditions for entry of individuals and teams in NCAA championship competition have been satisfied, including an attestation of understanding the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8 and that all athletics department staff members (full-time, part-time, clerical, and volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8.

Specifically, the proposal shifts some compliance certification requirements related to the athletics program from the chancellor or president to the athletics director while maintaining that the chancellor or president affirms understanding the institutional and personal obligations.

Effective Aug. 1 and due no later than Oct. 15, an institution's president/chancellor and athletics director will be required to attest (via video and electronic form) to certain compliance obligations via the NCAA Learning Portal. The school's Single-Source Sign-On administrator will give the president or chancellor and director of athletics access to the Learning Portal and assign the course. Staff held a series of webinars to show how to set up a school's president or chancellor and director of athletics in the Learning Portal, assign the courses and highlight the system features. Additional information in the upper right blue box titled "Attestation of Compliance Obligations" is on ncaa.org.

The penalty for failing to attest is no individual student-athlete or team may compete in championships and no institutional member may serve on a committee or Council for the 2019-20 academic year.

2020 Key Governance Convention Legislation

- Allow the use of provisional institutions in year three and four of the new member process to establish the seven institutions necessary to be granted conference status. Four of the seven must be active members.
- Specify that all active member institutions and conference offices shall designate an Athletics Diversity and Inclusion Designee. Sponsored by MOIC.
- Add women's wrestling and acrobatics and tumbling as emerging sports for women.

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Conference Composition. Recommendation. 2020 Convention legislation to allow the use of provisional institutions in years three and four of the new member process to establish the seven institutions required to comprise a conference. Of the minimum seven institutions necessary to be granted conference status, at least four shall be active Division III member institutions. **Effective Date.** August 1, 2020.

Rationale. Proposal No. 2016-9 modified how provisional schools can be utilized towards earning a conference's automatic qualification bid. That proposal was narrowly focused and did not modify the language related to years three and four provisionals in Constitution 3.3.1.2 (composition of conference). The result is that a provisional/reclass school in year three or year four of the new member process can count for the automatic qualification waiting period, but not for the seven core members needed to form a conference from the start. Conference instability may be lessened if provisional schools are able to be used by a conference in meeting its minimum number of member institutions.

Athletics Diversity and Inclusion Designation. Recommendation. 2020 Convention legislation to amend Constitution 3.3.4 (Conditions and Obligations of Membership) to specify that all active member institutions and conference offices shall designate an Athletics Diversity and Inclusion Designee to be the primary contact and conduit for diversity and inclusion-related information. **Effective date.** August 1, 2020.

Acrobatics and Tumbling as an emerging sport. To add acrobatics and tumbling as an emerging sport for women and establish legislation related to playing and practice season and membership.

Women's Wrestling as an emerging sport. To add women's wrestling as an emerging sport for women and establish legislation related to playing and practice seasons and membership.

2020 Key Membership Convention Legislation

- Reduction in provisional and reclassifying membership process.
- Allowance of out-of-season leadership programming.
- Provide snacks and nutritional supplements incidental to participation.

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

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

Out-of-season leadership programming. To allow student-athletes serving in a team leadership capacity to voluntarily participate in leadership programming involving general, athletics-related content/information outside of the declared playing season with any member of an institution's coaching staff, provided the content of the programming does not include any: a) Field, floor, or on-court activity; b) Setting up offensive or defensive alignment; c) Chalk talk; d) Lecture on or discussion of strategy related to the specific-sport of the student-athlete(s); e) Activities using equipment related to the sport; f) Discussion or review of game films, motion pictures or videotapes related to the sport; or g) Any other athletically related activity.

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

NCAA Transfer Portal

- At its April meeting, the Management Council approved including Division III student-athletes in the transfer portal, on a voluntary basis.
- The portal includes:
 - Student-athlete information.
 - Permission to contact.
 - Student-athlete transfer tracer.
- Compliance benefits:
 - Maintains the Division III self-release.
 - Creates a standard transfer tracer.

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Not a recruiting portal – it is a compliance tool.

Management and Presidents Councils approved Division III using the portal in 2019-20. What does the mean?

1. Students will still have the opportunity to use the self-release.
2. Once a student determines that they want to transfer, the compliance director may enter them into the portal, providing permission to contact. It is a voluntary decision by the compliance officer.
3. Initial information includes:
 - NCAA ID number – can get with the completion of the FREE Profile page on the Eligibility Center webpage.
 - Enter the student's name, email, and sport.
4. If the compliance officer chooses, they may use the standard transfer tracer associated with the portal.

Benefits with the system – standardized transfer tracer, centralized information, greater transparency, efficiency and consistency, repository of transfers and greater access to the information.

Division III will begin entering names after Oct. 15. Staff held a webinar in August, and the PowerPoint is housed on ncaa.org, Division III webinar page. A second webinar will be held in early November.

Division III University

- “Division III University” – an online, web-based education portal launched in January.
- The modules include existing resources, such as:
 - Overview of NCAA Division III.
 - Student-athlete well-being.
 - Compliance.
 - Gameday the DIII Way.
- In August, access expanded to associate/assistant ADs, FARs, athletic trainers and compliance directors.

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Student-athlete well-being modules include two SSI developed modules: mental health and sexual violence prevention. Also includes 360 Proof alcohol prevention modules and Gameday the DIII Way – the Division’s sportsmanship and game environment initiative.

DIII University initially available to commissioners, ADs, SWAs and head coaches. In August, provided access to associate and assistant ADs, FARs, athletic trainers and compliance directors.

Ice Hockey International Pilot

- Management Council endorsed a second year of the pilot with modifications.
- Student-athletes will complete the Eligibility Center's certification application. A review will be triggered by an institution submitting an IRL on or after August 1.
- Student-athletes will pay the standard certification fee with their initial registration, and the NCAA will reimburse 50% at the conclusion of the review.
- In April, the Council will review the pilot feedback.

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In coordination with the NCAA Eligibility Center (EC), the SPFC and Management Council approved a pilot in 2018-19 for men's and women's international ice hockey student-athlete certification. The EC conducted a sports participation review history of all international, first year men's and women's ice hockey players (approximately 200). The NCAA paid the \$135 fee to conduct each review, normally paid by the prospective student-athlete. Staff solicited feedback from pilot participants and 80% endorsed a second year of the pilot.

In April, Management Council approved a second-year pilot with the following parameters:

- a. Student-athletes will complete the EC's certification application. A review will be triggered by an institution submitting an IRL on or after August 1.
- b. Student-athletes will pay the standard \$150 certification fee with their initial registration, and the NCAA will reimburse \$75 at the conclusion of the review.

At the conclusion of the pilot, Management Council will review the feedback at its April 2020 meeting. The Council will not fund another pilot year. The membership will determine if it wants to move forward with a more permanent process.

Senior Woman Administrator (SWA) Resources

- NCAA Office of Inclusion released two resources, located on NCAA.org, as part of an action plan developed based on the findings of an Association-wide study of the SWA.
 - The first [resource](#) clarifies the designation and why it's important.
 - The second [resource](#) provides discussion questions about the designation that include commentary on what success looks like. The designation is to be used by ADs, conference commissioners, SWAs and other relevant campus leaders.
- Still confusion around the designation.
- 70% of Division III institutions have zero to one female administrator(s).

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SWA new resources: The office of inclusion recently released two new resources as part of an action plan that was developed based on the findings in the Optimizing the Senior Woman Administrator Research Report (2018). The first [resource](#) clarifies what exactly the designation is and why it's important. The second [resource](#) provides discussion questions about the designation that include commentary on what success looks like for the designation to be used by athletics directors, conference commissioners, senior woman administrators and other relevant campus leaders.

The NCAA office of inclusion's findings of an Association-wide study of the SWA designation. Sixty-one (61) percent of SWAs, 42 percent of athletics directors and 67 percent of conference commissioners completed the survey. The survey revealed that there is still a lot of confusion around the designation. Only half of SWA respondents understand their role and a significant perception gap exists between athletics directors and SWAs. While 92 percent of athletics directors reported that they understand the SWA role, just 45 percent of SWAs reported having an athletics director who understands it. Further, the survey showed that 70 percent of Division III institutions had zero to one female administrator(s). The key findings as well as the full report are on NCAA.org.

Gameday the DIII Way

- Gameday the DIII Way is a Division III-specific game environment standard to improve fan behavior and overall game environment and experience.
- Resources are available on the Division III Sportsmanship page. Online modules available in Division III University.
- Goals for 2019-20:
 - Encourage campuses and conference offices to invite a facilitator to conduct the training.
 - Hold two Ambassador trainings (Dec. and June).
 - Create NCAA championship public service announcements.
 - Request RACs and sport committees watch the online module.

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Gameday the DIII Way is the outcome of a collaboration between the Division III Sportsmanship and Game Environment Working Group and the Disney Institute, a global leader in the development of customer service standards. Gameday the DIII Way provides Division III-specific game environment standards focused on improving parental and fan behavior. A list of trained facilitators can be found on ncaa.org, and over a hundred Division III administrators have been trained to facilitate the 90-minute training program. There are resources available on ncaa.org on the Division III sportsmanship webpage. The training also is available in Division III University.

For 2019-20, staff continues to encourage campuses and conferences to invite a trained facilitator to provide the in-person trainings. Staff also is working with championships to incorporate Gameday into the Division III national championships. Action steps include producing a Gameday public service announcement to be read at all championships; requesting Regional Advisory Committee members and sport committee members to watch the on-line training as many serve as on-site representatives. In 2020-21, staff anticipates including the Gameday principles in all of the championship manuals (e.g. participant, host operations, etc.).

LGBTQ Working Group

- Last year, distributed LGBTQ nondiscrimination policy guide, LGBTQ identity kit that includes a banner, posters, and stickers with the ONETEAM logo and distributed lapel pins at Convention.
- Developed a facilitator training program and trained 30 individuals (May 2019). Holding a second facilitator training in December.
- Creating an LGBTQ celebration/recognition event (2020 and 2021 NCAA Conventions).



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In Sept., the Division III LGBTQ Working Group released the LGBTQ Nondiscrimination Policy Guide and mailed an LGBTQ-inclusion promotion kit to every institution and conference office to help member institutions and conferences establish and maintain welcoming environments on their campuses. The promotion kit included the initiative's "ONETEAM" logo. Institutions and conference offices are encouraged to use the #d3oneteam hashtag when posting photos and comments on their social media platforms.

The working group developed a facilitator training program. The first training occurred May 22-23 and involved 29 participants. A second training will occur Dec. 17-19 in Indianapolis. The facilitator program has four objectives:

- a. To understand the involvement of the NCAA and Division III in LGBTQ inclusion;
- b. To recognize the importance of LGBTQ inclusion in college athletics; learn common LGBTQ terms, definitions and concepts;
- c. To identify strategies and best practices for institutions and conferences to ensure all individuals may participate in an athletics climate of respect and inclusion, regardless of sexual orientation, gender identity or gender expression; and
- d. To develop facilitation and presentation skills. The program is designed to provide peer-driven LGBTQ educational programming directly to Division III institutions and conferences. Facilitators will oversee the two-hour OneTeam Program on campuses and in conferences. Institutions and conference offices may request a facilitator. Details are on ncaa.org.

The working group is also planning a reception for the 2020 NCAA Convention and the inaugural LGBTQ recognition awards (LGBTQ student-athlete, LGBTQ coach/staff or administrator award and institution/conference award) for the 2021 Convention.

Identity Initiative

- Division III Week - April 13-19, 2020.
- Launched a Division III Instagram account. (Nov. 2018)
- Purchasing website.
- Special Olympics partnership.
- D3SIDA recognition award.
 - Three awards each year (\$1,500).
- Strategic Communications guide.

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DIII Week. The ninth annual Division III Week was April 13-19, 2020

Instagram account. Staff launched an Instagram account in November 2018. It now has more than 8,000 followers.

Purchasing Website. On September 10, all institutions and conference offices received a new \$500 credit to purchase items on the Division III purchasing website by August 31, 2020. Gameday the DIII Way and LGBTQ ONETEAM items, also are available.

Special Olympics. Staff continues to request that institutions report its Special Olympics activity. This partnership continues to be a priority of national SAAC and the division.

D3SIDA recognition. For the fourth consecutive year, in October, February and May, SIDs can submit stories and videos for the D3SIDA recognition award for best work. Winning submissions received \$1,500 to attend the annual CoSIDA Convention that includes Division III Day.

Strategic Communications Guide. A working group updated the existing 2012 Strategic Communications Guide that provides data regarding sports information directors and best practices. The guide was distributed to the membership in June and also is on ncaa.org.

Questions