

**WHAT TO EXPECT WITH REGARD TO THE STATUS OF
PROPOSAL NOS. 2006-40, 2006-87 and 2007-9.**

1. Override Requests on Proposal Nos. 2006-40, 2006-87 and 2007-9.

Earlier this year Division I member institutions submitted 34 requests to override the Board of Directors' action in adopting Proposal No. 2006-40. This proposal specifies that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles.

Additionally, Division I member institutions submitted 69 override requests with regard to Proposal No. 2006-87, which in the sport of golf, permits an institution to participate in a total of nine three-day tournaments (with a maximum of 54 holes per tournament) or 24 dates of competition.

Last, the Division I membership submitted 72 override requests with regard to Proposal No. 2007-9. This proposal specifies that in the sport of baseball:

- (a) There shall be an annual limit of 11.7 on the value of financial aid awards (equivalencies) to counters and an annual limit of 27 (30 in 2008-09) on the total number of counters in baseball at each institution;
- (b) An institution shall award athletically related financial aid to each counter at a minimum value of 33 percent of an equivalency; and
- (c) An institution shall declare, by the day prior to its first scheduled contest in the championship segment of the playing and practice season, a squad of a maximum of 35 student-athletes who shall be eligible to participate in countable athletically related activities during the remainder of the championship segment.

2. What do these override requests mean?

NCAA Bylaw 5.3.2.3.2 provides that once the required number of override requests have been received (i.e., 30), the Board of Directors must review its earlier legislative decision.

3. August Division I Board of Directors Meeting.

Accordingly, at its August 9, 2007, meeting, the Division I Board of Directors reviewed its earlier legislative actions relative to Proposal Nos. 2006-40, 2006-87 and 2007-9 and reached the following conclusions:

- a. **Proposal No. 2006-40 – Recruiting – Recruiting Materials – Electronic Transmissions.**

BOARD ACTION: The Board discussed both the proposal and its earlier action, noting the Division I Student-Athlete Advisory Committee supported this proposal. The Board determined to take no further action. By taking no further action the membership's override request will be subject to a membership vote at the 2008 NCAA Convention.

b. **Proposal No. 2006-87 – Playing and Practice Seasons – Number of Dates of Competition – Maximum Limitations – Golf.**

BOARD ACTION: The Board briefly discussed the proposal, noting there are a variety of opinions regarding the impact of this proposal on missed class time and scheduling opportunities. The Board determined to take no further action. Accordingly, this override request will also be subject to a membership vote at the 2008 NCAA Convention.

c. **Proposal No. 2007-9 – Financial Aid and Playing and Practice Seasons – Maximum Institutional Grant-In-Aid Limitations by Sport – Squad Size Limitation – Baseball.**

BOARD ACTION: The Board of Directors received a presentation from the Baseball Academic Enhancement Working Group as that group sought to offer possible solutions to the memberships' override concerns. The Board voted to amend Proposal No. 2007-9 to specify that: (1) there shall be an annual limit of 11.7 on the value of financial aid awards (equivalencies) to counters and an annual limit of 27 (30 in 2008-09) on the total number of counters in baseball at each institution; (2) **an institution shall provide each counter athletically related and other countable financial aid that is equal to or greater than 25 percent of an equivalency;** and (3) an institution shall declare, by the day prior to its first scheduled contest in the championship segment of the playing and practice season, a squad of a maximum of 35 student-athletes who shall be eligible to participate in countable athletically related activities during the remainder of the championship segment.

Additionally, the Board directed the Baseball Academic Enhancement Working Group to continue considering other financial aid options such as a dollar figure correlated with the amended minimum percentage requirement.

4. **Proposal No. 2007-09, as amended.** This proposal currently is in a new 60-day override period. At the time of printing, 38 override requests have been received. Accordingly, the Board will be asked to reexamine its previous adoption of Proposal No. 2007-9, as amended, at its November 1, 2007, meeting. The Board has the following options in reexamining the proposal:

- a. Accept the override request, in which case the legislation is rescinded.
- b. Take no action and permit the Division I delegates present and voting at the 2008 NCAA Convention in Nashville to vote on the override request; or
- c. Revise the proposal again which would subject the legislation to a third override period, which in turn could delay final resolution of the issue until the 2009 NCAA Convention.

5. 2008 NCAA Convention.

Since the Division I Board of Directors determined to take no further action with regard to Proposal Nos. 2006-40 and 2006-87, the override requests will be considered by the membership at the 2008 NCAA Convention. This vote will occur during the Division I Business Session scheduled for the afternoon of January 12, 2007, directly after the Division I Legislative Forum. [Note: Depending on the Board of Directors' action at its November 1, 2007, meeting, there may also be a vote on the override request with regard to Proposal No. 2007-9, as amended.]

At the Convention, at least a five-eighths majority vote of individual active members present and voting (including conference members in the governance structure) shall be required to override the legislative action taken by the Board of Directors. The vote shall be based on the principle of one institution, one vote and the vote shall be taken by roll call.

An override of the Board's legislative action by vote of the membership shall be effective upon adjournment of the voting session in which the vote occurs.

PROPOSAL NO. 2006-40 – RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS

Status: Board Reviews Legislation

Intent: To specify that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles.

A. Bylaws: Amend 13.02.14, as follows:

13.02.14 Telephone Calls. All electronically transmitted human voice exchange (including videoconferencing and videophones) shall be considered telephone calls. All electronically transmitted correspondence (e.g., electronic mail, *Instant Messenger*, facsimiles, *pages*, *text messaging*) shall not be considered telephone calls (see Bylaw 13.4.1).

B. Bylaws: Amend 13.4.1.2, as follows:

"13.4.1.2 Electronic Transmissions. Electronically transmitted correspondence (*e.g., electronic mail, Instant Messenger, facsimiles, pages, text messaging*) **that** may be sent to a prospective student-athlete **is limited to electronic mail and facsimiles. All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited.** Color attachments may be included with electronic mail correspondence sent to a prospective student-athlete, provided the attachment does not include any animation, audio or video clips and there is no cost (e.g., subscription fee) associated with sending the item attached to the electronic mail correspondence."

Source: The Ivy Group.

Effective Date: August 1, 2007

Proposal Category: Amendment

Topical Area: Recruiting

Rationale: The unlimited use of certain forms of electronic communication, such as instant and text messaging, to contact prospects has become problematic. Coaches feel compelled to contact prospects constantly; prospects are distracted at all hours of the day and night and prospects and their parents are bearing the significant costs involved with receiving text messages. In addition, instant and text messaging further removes the parents and the high school coaches from the recruiting process. Prohibiting institutions from sending these intrusive and impersonal forms of electronic communication to prospects and returning to the use of weekly telephone conversations, electronic mail sent to computers, and written correspondence will reduce the burdens that have been created with the overuse of text messaging sent to cell phones and other portable electronic communication devices.

Estimated Budget Impact: Potential for savings of time and money on text messaging.

Impact on Student Athlete's Time: Prospects will not be disrupted by multiple text messages.

Position Statement(s)

Academics/Eligibility/Compliance Cabinet: The cabinet unanimously opposes Proposal No. 2006-40. Limiting the use of electronic communication to electronic mail and facsimiles eliminates other very efficient and cost effective methods of communicating with prospective student-athletes (e.g., text messaging, instant messenger). Although a certain level of intrusion exists in permitting these other forms of communication, a better approach is to adopt reasonable restrictions that will promote efficiency in the recruiting process and control the intrusion factor. The WBCA has expressed strong opposition to the proposal.

Football Issues Committee: The committee opposes the proposal.

Men's Basketball Issues Committee: The committee opposes the proposal, noting concerns about limiting accepted modes of communication used in today's culture and defining exactly what constitutes electronic mail.

Women's Basketball Issues Committee: While the committee noted the WBCA originally sponsored a similar proposal as part of its Recruiting and Access Legislative Package, the committee opposes the legislation finding it too restrictive given recent advances in technology. It was noted that both prospects and coaches regularly communicate via electronic means beyond e-mail and facsimiles within their day-to-day lives and restricting those forms of communication within the recruiting process does not seem efficient or productive.

Primary Contact Person:

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History

Jul 15, 2006 Submit; Submitted for consideration.
Aug 22, 2006 Women's Basketball Issues Committee, Recommends Defeat; See position statement.
Aug 25, 2006 Men's Basketball Issues Committee, Recommends Defeat; See position statement.
Sep 05, 2006 Football Issues Committee, Recommends Defeat
Sep 08, 2006 Academics/Eligibility/Compliance Cabinet, Recommends Defeat; See position statement.
Jan 07, 2007 Mgmt Council 1st Review, Forwarded for Membership Comment
Jan 09, 2007 Comment Period; Start of Comment Period
Mar 09, 2007 Comment Period; End of Comment Period; (Official Comment Totals: Support = 11, Oppose = 17, Abstain = 2)
Apr 16, 2007 Mgmt Council 2nd Review - (Yea=32, Nay=17, Abstain=0, Not Present=0)
Apr 26, 2007 Board Consideration, Adopted - (Yea=13, Nay=3, Abstain=0, Not Present=0)
Apr 27, 2007 Adopted, Override Period; Start of Override Period

Jun 25, 2007 Adopted, Override Period; End of Override Period; (Number of Override Request = 34)

Jun 26, 2007 Board Review; Based on the number of override requests received, the Board of Directors will review its action on the proposal at its August 2007 meeting.

PROPOSAL NO. 2006-87 – PLAYING AND PRACTICE SEASONS -- NUMBER OF DATES OF COMPETITION -- MAXIMUM LIMITATIONS -- GOLF

Status: Board Reviews Legislation

Intent: In golf, to permit an institution to participate in a total of nine three-day tournaments (with a maximum of 54 holes per tournament) or 24 dates of competition.

A. Bylaws: Amend 17.12.5, as follows:

"17.12.5 Number of Dates of Competition

"17.12.5.1 Maximum Limitations -- Institutional. A **In men's golf**, a member institution shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to **nine three-day tournaments (with a maximum of 54 holes per tournament) or 24 dates of competition.** **In women's golf a member institution shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to 24 dates of competition.** *except for those* **Those dates of competition or tournaments excluded** under Bylaw 17.12.5.2, 17.12.5.3 and 17.12.5.4 **are excluded from the limitations** (see Bylaw 20.9.4.3 for minimum contests and participants requirements).

[17.12.5.1.1 through 17.12.5.1.3 unchanged.]

"17.12.5.1.4 Maximum Limitations -- Student-Athlete. *An* **In men's golf**, an individual student-athlete may participate in each academic year in not more than **nine three-day tournaments (with a maximum of 54 holes per tournament) or 24 dates of competition.** **In women's golf, an individual student-athlete may participate in each academic year in not more than 24 dates of competition.** *in golf (this* **This** limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.)."

[Remainder of 17.12.5 unchanged.]

B. Bylaws: Amend 17.12.5, as follows:

"17.12.5 Number of Dates of Competition

"17.12.5.1 Maximum Limitations -- Institutional. A **In women's golf**, a member institution shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to **nine three-day tournaments (with a maximum of 54 holes per tournament) or 24 dates of competition.** **In men's golf a member institution shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to 24**

dates of competition. *except for those* **Those** dates of competition **or tournaments** *excluded* under Bylaw 17.12.5.2, 17.12.5.3 and 17.12.5.4 **are excluded from the limitations** (see Bylaw 20.9.4.3 for minimum contests and participants requirements).

[17.12.5.1.1 through 17.12.5.1.3 unchanged.]

"17.12.5.1.4 Maximum Limitations -- Student-Athlete. *An* **In women's golf, an** individual student-athlete may participate in each academic year in not more than **nine three-day tournaments (with a maximum of 54 holes per tournament) or** 24 dates of competition. **In men's golf, an individual student-athlete may participate in each academic year in not more than 24 dates of competition.** *in golf (this* **This** limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.)."

[Remainder of 17.12.5 unchanged.]

Source: Atlantic Coast Conference and Southeastern Conference.

Effective Date: August 1, 2007

Proposal Category: Amendment

Topical Area: Playing and Practice Seasons

Rationale: The dates of competition in golf were reduced in 1991 from 30 to 24. Since that time, many tournaments changed from three-day events (54 holes with 18 holes per day) to two-day events (54 holes with 36 holes on day one; 18 holes on day two). The change to two-day events has had negative effects on student-athlete well-being, tournament administration and budgetary issues. In order to play 36 holes in one day, a 14-hour day is usually required. More tournaments are being played during the weekdays, rather than weekends, because a golf club is required to dedicate its entire course to the tournament on the first day. Another consequence is additional missed class time. Playing in 12 two-day tournaments rather than nine three-day tournaments typically results in more travel expenses. Under this proposal, many teams would reduce their tournaments by one, and thereby reduce their costs by one event. In addition, student-athlete experience would be enhanced by reducing the fatigue of playing 36 holes on one day. More golf courses would potentially consider hosting events on weekends, since they would not have to close the course for an entire day, thus resulting in less missed class time for the student-athletes.

Estimated Budget Impact: Nine tournaments will result in one to three fewer events during the season.

Impact on Student Athlete's Time: May result in fewer events and less missed class time.

Position Statement(s)

Championships/Competition Cabinet: The cabinet supports Proposal No. 2006-87.

Primary Contact Person:

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History

Jul 06, 2006 Submit; Submitted for consideration.
Sep 21, 2006 Championships/Competition Cabinet, Recommends Approval
Jan 07, 2007 Mgmt Council 1st Review, Forwarded for Membership Comment
Jan 09, 2007 Comment Period; Start of Comment Period
Mar 09, 2007 Comment Period; End of Comment Period; (Official Comment Totals: Support = 7, Oppose = 30, Abstain = 2)
Apr 16, 2007 Mgmt Council 2nd Review, Approved - (Yea=34.5, Nay=12.5, Abstain=0, Not Present=2)
Apr 26, 2007 Board Consideration, Adopted
Apr 27, 2007 Adopted, Override Period; Start of Override Period
Jun 25, 2007 Adopted, Override Period; End of Override Period; (Number of Override Request = 69)
Jun 26, 2007 Board Review; Based on the number of override requests received, the Board of Directors will review its action on the proposal at its August 2007 meeting.

PROPOSAL NO. 2007-9 FINANCIAL AID AND PLAYING AND PRACTICE SEASONS -- MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT -- SQUAD SIZE LIMITATION -- BASEBALL (As Amended)

Status: Adopted, 60-Day Override Period

Intent: To specify that: (a) there shall be an annual limit of 11.7 on the value of financial aid awards (equivalencies) to counters and an annual limit of 27 (30 in 2008-09) on the total number of counters in baseball at each institution; (b) an institution shall provide each counter athletically related and other countable financial aid that is equal to or greater than 25 percent of an equivalency; and (c) an institution shall declare, by the day prior to its first scheduled contest in the championship segment of the playing and practice season, a squad of a maximum of 35 student-athletes who shall be eligible to participate in countable athletically related activities during the remainder of the championship segment.

A. Bylaws: Amend 15.5, as follows:

15.5 MAXIMUM INSTITUTIONAL GRANT-IN-AID LIMITATIONS BY SPORT

[15.5.1 through 15.5.2, unchanged.]

15.5.3 Equivalency Sports.

15.5.3.1 Maximum Equivalency Limits

15.5.3.1.1 Men's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in the following men's sports:

Baseball *11.7*

[All other sports unchanged.]

[Remainder of 15.5.3 unchanged.]

15.5.4 Baseball Limitations. During the 2008-09 academic year, there shall be a limit of 11.7 on the value of financial aid awards (equivalencies) to counters and a limit of 30 on the total number of counters, in baseball at each institution. During the 2009-10 academic year and thereafter, there shall be an annual limit of 11.7 on the value of financial aid awards (equivalencies) to counters and an annual limit of 27 on the total number of counters in baseball at each institution.

15.5.4.1 Minimum Equivalency Value. An institution shall provide each counter athletically related and other countable financial aid that is equal to or greater than 25 percent of an equivalency.

[15.5.4 through 15.5.11 renumbered as 15.5.5 through 15.5.12, unchanged.]

B. Bylaws: Amend 17.4.8, as follows:

17.4.8 Other Restrictions.

[17.4.8.1 through 17.4.8.2 unchanged.]

17.4.8.3 Squad Size Limitation -- Championship Segment. An institution shall declare a squad of a maximum of 35 student-athletes by the day prior to its first scheduled contest in the championship segment of the playing and practice season. Only those student-athletes who are declared as squad members at that time shall be eligible to participate in countable athletically related activities during the remainder of the championship segment.

Source: NCAA Division I Board of Directors.

Effective Date: August 1, 2008 (25 percent minimum equivalency requirement effective for student-athletes who initially enroll full time at the certifying institution on or after August 1, 2008).

Proposal Category: Amendment

Topical Area: Financial Aid

Rationale: The average number of baseball student-athletes receiving athletics aid among Division I baseball programs is 27, however, there are some programs that annually exceed as many as 40 baseball student-athletes receiving some portion of aid. A minimum award of athletically related and other countable financial aid at 25% of an equivalency ensures an appropriate balance between addressing student-athlete well-being for those reluctant to serve a year of transfer residence and the ability of baseball coaches to effectively and efficiently manage distribution of 11.7 equivalencies. Requiring the 25% minimum helps ensure the baseball program is truly committed to the student-athlete, thereby encouraging more responsible recruiting and making it less likely for coaches to facilitate transfers of student-athletes to whom they are significantly committed financially. Coaches will be less likely to employ a "run-off" strategy of squad size maintenance after having what amounts to a fall term tryout if the number of counters is limited at the outset. Encouraging a student-athlete who is one of 27 counters to transfer during the academic year will not only cost that institution NCAA Division I Academic Progress Rate points, but the institution will not be able to replace that student-athlete with another counter.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.
Primary Contact Person:
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History

Apr 25, 2007 Submit; Submitted for consideration.
Apr 26, 2007 Board Consideration, Adopted
Apr 27, 2007 Adopted, Override Period; Start of Override Period
Jun 25, 2007 Adopted, Override Period; End of Override Period; (Number of Override Request = 72)
Jun 26, 2007 Board Review; Based on the number of override requests received, the Board of Directors will review its action on the proposal at its August 2007 meeting.
Aug 09, 2007 Board Review, Adopted; The Board amended the proposal to specify that an institution shall provide each counter athletically related and other countable financial aid that is equal to or greater than 25 percent of an equivalency. The Board then adopted the proposal as amended. Previously, the proposal required a 33 percent minimum value base only on athletically related financial aid.
Aug 10, 2007 Adopted, Override Period; Start of Override Period
Oct 08, 2007 Adopted, Override Period; End of Override Period; (Number of Override Request = 43)
