

## **GUIDANCE FOR COMMITTEE MEMBERS REGARDING MEETING MINUTES, NOTES AND E-MAIL**

Committee members' notes of meetings are subject to discovery if litigation ensues regarding the committee's work. The following guidelines will assist in determining what is appropriate and what is not appropriate to include in meeting minutes and notes.

### ***Meeting minutes and notes should...***

- Be taken if needed.
- Include information regarding the historical development of programs.
- Synopsise the committee discussion along with whether the committee supported the proposed action or not.
- Clearly express the rationale and reasoning behind policy decisions and recommendations (including obvious reasons, e.g., the action was taken "to preserve the integrity of the game").

### ***Meeting minutes and notes should not...***

- Contain extraneous matters or personal comments.
- Identify what individual committee members said or how they voted.
- Include "attorney-client privileged" materials that were shared during a meeting (instead, the minutes should reflect that the committee reviewed and discussed recommendations of legal counsel in executive session without revealing specific recommendations and whether the committee chose to adopt them).

### ***Retention of notes...***

- Committee members should routinely discard their notes from committee meetings when they are no longer needed. However, in the event of litigation, committee members may be directed NOT to discard their notes. From that point until instructed otherwise by NCAA legal counsel, no material from past or present meetings may be discarded.

### ***E-mail communications...***

- E-mail communications between committee members and a staff liaison and other NCAA staff members are also discoverable in litigation. Care and discretion therefore should be exercised in committing to writing sensitive matters that might better be dealt with in person or by telephone.
- Committee members are advised to routinely discard e-mail that is no longer needed, with the exception that should litigation ensue, they may be directed NOT to discard their e-mail.