

MINUTES OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
EXECUTIVE COMMITTEE

NCAA National Office
Indianapolis, Indiana

April 26, 2007

Participants:

Michael Adams, University of Georgia
Charles Ambrose, Pfeiffer University
Philip Austin, University of Connecticut
David Brunk, Northeast-10 Conference
Valerie Cushman, Randolph College
Robert Fisher, Belmont University
John Fry, Franklin & Marshall College
Walter Harrison, University of Hartford, chair
Kate Hickey, Rutgers University, The State University of New Jersey, New Brunswick
Michael McFarland, College of the Holy Cross
Sydney McPhee, Middle Tennessee State University
Shirley Raines, University of Memphis
Sidney Ribeau, Bowling Green State University
Paul Tribble, Christopher Newport University
Steve Weber, San Diego State University
John Welty, Fresno State University
Myles Brand, NCAA
Bernard Franklin, NCAA
Delise O'Meally, NCAA, recording secretary

Philip Austin, University of Connecticut; Daniel Curran, University of Dayton; and Eddie Moore, Virginia State University, were not able to participate.

Also in attendance were: Gary Brown, director of The NCAA News; Erik Christianson, director of public and media relations; Elsa Cole, NCAA general counsel; Joni Comstock, senior vice president for championships and education services/senior woman administrator (SWA); Dennis Cryder, senior vice president for branding and communications; Jim Isch, senior vice president for administration/chief financial officer (CFO); Tom Jernstedt, executive vice president; Kevin Lennon, vice president for membership services; Todd Leyden, Eligibility Center LLC president; Wallace Renfro, senior advisor to the NCAA president; Wendy Walters, director of membership services; Charlotte Westerhaus, vice president for diversity and inclusion; Bob Williams, managing director of public and media relations; David Berst, Daniel Dutcher and Mike Racy, NCAA governance vice presidents; and Beth DeBauche, Leah Nilsson and Terri Steeb, NCAA governance directors.

Gary Cunningham, University of California, Santa Barbara, attended a portion of the meeting.

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

The meeting was called to order at 3:20 p.m. by the chair, President Harrison. All members were present as noted above.

1. Welcome and announcements. Harrison welcomed all attendees. He specifically welcomed incoming NCAA Division III Presidents Council vice chair Paul Tribble, president at Christopher Newport University. Harrison also thanked departing Division I Management Council chair Kate Hickey for her service.

2. Approval of January 8, 2006, meeting minutes.

It was VOTED

“To approve the Executive Committee minutes of the January 8, 2007, meeting as distributed.”

3. Executive Committee chair selection.

With the term of President Harrison, Executive Committee chair, scheduled to expire after the April 2007 meeting, nominations were sought for a new NCAA Executive Committee chair.

It was VOTED

“That Executive Committee member Michael Adams, president of the University of Georgia, representing the Southeastern Conference, shall be the new chair of the NCAA Executive Committee at the conclusion of the April 26, 2007, meeting.”

The Executive Committee also recognized the service of Harrison, Austin, Fisher, McPhee and Welty, whose terms end at the conclusion of the meeting.

4. NCAA President's report.

- a. World University Games. Brand called on Gary Cunningham, director of athletics at the University of California, Santa Barbara, to present information related to the World University Games. Cunningham serves as president of the U.S. International University Sports Federation (USA-IUSF), the official representative to the International University Sports Federation. He discussed the benefits of international competition for student-athletes and noted that, since the inclusion of professional athletes in Olympic competition, the World University Games provides the only opportunity for many student-athletes to participate in elite international competition. Cunningham requested Executive Committee approval to submit a budget request for the 2008-10 biennium. This funding would help support NCAA student-athletes and coaches who participate in the World University Games.

The committee approved USA-IUSF's request to submit a budget item during the next budget cycle. No commitment was made to fund the request.

- b. NCAA Internal Review Committee legislative proposals. Franklin provided a brief overview of the internal review process, and Wendy Walters provided a detailed description of eight legislative proposals designed to enhance the Association's enforcement policies and add consistency to the procedural relationship between the infractions and appeals committees.

Many of the proposals codify current procedures regarding the infractions committee and appellate groups, but some are more expansive, such as precluding an institution or individual from appearing in person before an infractions appeals committee if that institution or person did not appear before the infractions committee. Other provisions would preclude a penalty from the infractions committee from being overturned by the appellate group unless the appealing party can prove the penalty was excessive such that it constituted an abuse of discretion.

It was VOTED

“To instruct NCAA President Brand to move the proposals into each of the three divisions' legislative cycles.”

- c. Native American mascot policy. Franklin provided an update on the Native American mascot policy, noting that the Association is currently in litigation with an institution that is subject to the provisions of the policy.

5. NCAA Eligibility Center.

Leyden gave a brief update on the new NCAA Eligibility Center, which was created in January 2007 to determine the initial academic and amateurism eligibility of all Division I and II prospective student-athletes. He updated the Committee on the projected timeline for operations, as well as plans to enhance overall customer service.

6. LLC structure update.

Isch reported on the establishment of an umbrella LLC (Collegiate Sports) to house the National Invitational Tournament LLC, the NCAA Eligibility Center LLC and any future LLCs the Association may establish. He noted that the benefits of forming LLCs include additional legal protection. Isch further noted that the Executive Committee would maintain oversight of the LLCs.

The committee supported a resolution regarding the establishment of Collegiate Sports LLC and the process for creating other LLCs.

It was VOTED

“That the following resolution be adopted:

“Whereas, the NCAA President has previously been given authority through the NCAA Bylaws and governance structure to conduct and manage the business of the association; and

“Whereas, the NCAA President has determined, upon advice and counsel of senior NCAA staff, that the creation of an umbrella limited liability company (LLC) affords advantages to the NCAA; and

“Whereas, the NCAA President will consult with the Executive Committee or appropriate presidential bodies when forming new LLCs and will provide full disclosure of all financials to the Executive Committee Finance Committee; and

“Whereas, the umbrella LLC is being created for the purpose of creating other entities to house various existing and new assets of the NCAA and for the NCAA to partner with entities with similar philosophies and objectives to better serve the NCAA’s membership;

“Therefore, be it resolved, that the Executive Committee hereby ratifies the creation of the NCAA’s umbrella LLC, and authorizes the Board of Managers in consultation with

the Executive Committee or appropriate presidential bodies to create other LLCs in the Board's reasonable business judgment.”

7. NCAA Executive Committee Finance Committee report.

- a. Second quarter budget-to-actual. The Finance Committee reviewed the second quarter budget-to-actual statement and is satisfied that the Association is on target with its revenues and expenses.
- b. Projected FY 2007-08 revenues and expenditures. The Executive Committee Finance Committee met March 20 to consider the president's budget recommendation for fiscal year 2007-08. Division I distributions will increase almost \$26.5 million for an eight percent increase; Divisions II and III will receive in excess of a seven percent increase. The allocation for maintaining existing Division I and Association-wide programming represents a 4.25 percent increase.
- c. FY 2007-08 budget requests. The Executive Committee Finance Committee recommended the following fiscal year 2007-08 budget initiatives:
 - (1) Contract increases to maintain the current service levels of various programs, for example graphics and publications, property management, insurance and legal fees. Additionally, the pilot study for drug testing will be jointly funded by Division III and Association-wide budgets.
 - (2) Increases for technology and rules seminars that will maintain the current program levels.
 - (3) A \$70,000 a year increase for the next two years to return drug testing levels to previously agreed upon levels. The drug-testing procedures provide for “repeat testing” to increase the deterrent effect of testing.
 - (3) Travel and per diem increases in the amount of \$2.3 million dollars. Per diem increases range from 2.4 to 4.5 percent to help defray the increasing costs of food, lodging and local transportation. Another \$1.8 million is recommended for championships travel to offset increased airline costs.
 - (4) \$75,000 for new employee relocation to pay for the traditional costs of hiring a new employee. Also, the Finance Committee is recommending a 3.75 percent merit pool for salary and benefits of NCAA employees. In addition, a \$150,000 equity and retention pool was provided in accordance with the NCAA's compensation program.

- (5) The allocation of \$400,000 per year for the next three years to assist with the Eligibility Center start-up costs and \$1 million to support the January 10, 2005, Executive Committee action that allocated all interest earnings to the quasi-endowment. The Executive Committee's action, at that time, contemplated the backfill of the base operating budget occurring over the several years as funds were available.

It was VOTED

“To approve the fiscal year 2007-08 budget requests.”

8. Litigation update. The Committee received a report from the NCAA general counsel regarding litigation and settlement actions.
9. Report from Executive Committee working group on membership issues. The Committee received a report on the work of the expanded Executive Committee Working Group on Membership. This is an Association-wide group, chaired by Curran, president of the University of Dayton. The working group includes representation from varying administrative levels, including presidents, athletics directors and conference commissioners. The group held its first meeting April 25 and reviewed data related to the current membership structure, including concerns surrounding membership growth in Division III, and reclassification trends from Division II to Division I. From a timeline perspective, the working group will meet in conjunction with the August and October presidential meetings with additional teleconferences as necessary. The goal is to develop structural models for discussion during the 2008 NCAA Convention and for possible vote in 2009. A membership survey is likely in spring 2008.
10. NCAA Executive Committee Subcommittee on Gender and Diversity Issues.

The Committee received the subcommittee's report, which included updates from the NCAA Committee on Women's Athletics and the NCAA Minority Opportunities and Interests Committee. The subcommittee discussed recommendations from the Diversity Leadership Strategic Planning Committee. Also, it received a presentation on the Division I Academic Progress Rate and its impact on limited-resource institutions, including many historically black colleges and universities. The staff provided an update on the establishment of the Division I Academic Performance Program Supplemental Support Fund, which is designed to support campus-based initiatives to foster student-athlete academic success at limited-resource institutions. Finally, the subcommittee reviewed campus survey results related to the male practice player issue and looks forward to receiving additional information in the future.

In other business, subcommittee chair McPhee noted that his term ends at the conclusion of the April meeting, and Ribeau, president of Bowling Green State University, will assume leadership of the subcommittee.

11. NCAA Division I Board of Directors and Divisions II and III Presidents Councils reports.

a. Division I Board of Directors. The Committee received an update on the actions of the Division I Board of Directors that included the following:

- (1) Committee on Infractions. Received a presentation from the chair of the Division I Committee on Infractions regarding the recommendations of the Duff report relative to the relationship between the Committee on Infractions and the Infractions Appeals Committee.
- (2) Legislative action. Considered 29 proposals supported by the Management Council and adopted 26 of the proposals including Proposal No. 2006-40, which eliminates text messaging in the recruiting process with the understanding the Division will continue to look at the issue in the future; additionally, tabled Proposal No. 2006-17B, which included fantasy leagues in the definition of sports wagering.
- (3) Division I governance structure. Received an overview of the Governance Subcommittee's work over the past two years as it has examined the Division I governance structure to find ways to assist the Board in leading Division I.
- (4) Presidential Task Force. Approved the establishment of a subcommittee charged with overseeing and monitoring considerations of the initiatives included in the report of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. Board of Directors member Shirley Raines will serve as the chair of the group.
- (5) Initial eligibility. Approved as a pilot, an automatic initial-eligibility waiver provision for the class of 2007 provided the PSA meets one of the following two criteria:
 - (a) Achieves a test score equal to or greater than 1100 SAT or 95 ACT Sum.
 - (b) Has a preliminary certification report, which indicates the student has achieved a minimum of 12 core course of a core grade-point

average of 3.00 or higher and a test score of at least 1000 SAT or 85 ACT Sum.

- (6) Academic Performance Program. Approved the establishment of the Academic Performance Program Supplemental Support Fund to assist low resource institutions.
 - (7) Baseball Enhancement Working Group. Received the final report from the Baseball Enhancement Working Group and adopted the recommended package.
- b. Division II Presidents Council. The Committee received an update on the actions of the Division II Presidents Council that included the following:
- (1) Initial eligibility. Endorsed the recommendations made by the NCAA and Eligibility Center staff concerning early certification of initial eligibility in Divisions I and II.
 - (2) Convention legislation – 2008 Convention. Approved, in concept, three proposals of primary importance to the Division II membership:
 - (a) To increase the number of high school core academic courses required for initial eligibility from 14 to 16;
 - (b) To permit the number of starters on a team to be included in individual skill instruction; to permit more than one group of student-athletes to participate in skill instruction in the same facility or in different facilities at the same time, provided there is no comingling between the groups; and to prohibit all countable athletically related activities outside the playing season one week prior to the beginning of the final examination period through the conclusion of each student-athlete's final examinations; and
 - (c) To specify that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles.
 - (3) Division II Community Engagement Initiative. Previewed the Division II Community Engagement Web site, which was rolled out at the Community Engagement Workshop April 20. The community engagement

workshop provided tools and resources on ways to implement the community engagement initiative at the local level. Additionally, in May, every Division II institution and conference will receive a six-book toolkit that outlines the ways to active the Division II strategic positioning platform and the new Division II images and theme.

- c. Division III Presidents Council. The Committee received an update on the actions of the Division III Presidents Council that included the following:
- (1) Male practice players. Received a report on the status of ongoing discussions in all three divisions about the use of male practice players in women's sports. The Council discussed in particular the extent to which male practice players are used in Division III and the apparent willingness of the Division III membership to limit the number and frequency of male practice players. The Council will receive a recommendation from the Division III Student-Athlete Advisory Committee and Management Council at its next meeting.
 - (2) Membership issues. Received an update on the work of two groups that are discussing the membership structure – the Association-wide Executive Committee Membership Working Group and the Division III Working Group on Membership Issues. Both groups are studying ways of accommodating the future growth of the Association and addressing related membership issues. The Council noted the need to better educate the membership on this subject in the very near future, especially at the presidential level, and endorsed the distribution of a question-and-answer document as well as a "white paper."
 - (3) Drug education and testing pilot program. Received an update regarding the pilot drug education and testing program, which will begin for 115 Division III schools this summer. During the next two academic years, the program will measure the deterrent effect of a comprehensive education and testing program on the use of performance-enhancing drugs and street drugs.

11. Future meetings. The Committee reviewed its future meetings schedule.

12. Adjournment. President Harrison adjourned the meeting at 5:20 p.m.

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