



VIA ELECTRONIC MAIL

MEMORANDUM

March 12, 2014

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TO: NCAA Division I Presidential Advisory Group (PAG)
Conference Commissioners Association.

FROM: President Nathan Hatch
Chair, NCAA Division I Board of Directors' Steering Committee on
Governance and chair, Division I Board of Directors

Chancellor Rita Cheng
Chair, NCAA Division I Presidential Advisory Group and
member of Division I Board of Directors

President Mark Emmert
NCAA President.

SUBJECT: Division I Governance Redesign.

Recently, a Division I governance redesign status report was sent to the Division I membership. We thought a more complete review would be useful to you based upon your past input on these matters.

We hope that all conferences will continue serious discussion of a structure that offers authority for five conferences (i.e., ACC, Big 12, Big Ten, Pac-12 and SEC) to adopt rule changes on specified topics and that permits all conferences to participate in a "shared" legislative process on other matters. Such autonomy to act on matters affecting the interests of student-athletes, along with the transition of policy and voting authority to a "Council" that includes representatives from all conferences and stewardship by athletics directors, are considered key elements of possible change. Please note that such a structure would continue revenue distributions as they currently exist, ensure the needs of all conferences are addressed regarding championships and continue to provide the overall benefits of a Division I brand. While a fully federated and distinct group of five conferences can be designed, the Steering Committee's understanding is that is not the membership's desired model at this time.

On March 18, the Steering Committee will meet by teleconference to complete work on a possible governance model, that subject to Board approval, will be circulated to the membership for reactions during conference spring meetings. Thereafter, if membership consensus and preferences are clear, legislation and necessary modifications will be prepared for adoption of a redesigned structure by the Board of Directors in August.

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Regarding past PAG discussions, please note that the Steering Committee elected to continue the current Board representation structure, which as currently configured would provide for 17 positions for presidents/chancellors. It was understood that both the five-conference group and PAG favored a small Board, but the Steering Committee neither favored a five-conference majority on the Board, nor supported the requested 51 percent majority to the five conferences in areas of “shared” governance. The Steering Committee tentatively has agreed to add at least one director of athletics and a student-athlete as voting or nonvoting members of the Board. The Steering Committee has abandoned discussion of adding outside prominent individuals and will discuss further whether a faculty athletic representative (FAR) should be included.

An annual meeting that would include a president/chancellor from each conference and the Board of Directors is planned for the purpose of engaging presidents/chancellors from all conferences directly in agenda setting and Division I strategy discussions. This is envisioned to replace PAG as recommended by that group.

Please note that the Steering Committee has agreed in concept that authority for the five conferences to adopt legislation for the permissive use of resources to benefit student-athletes appears appropriate, and a legislative process that is transparent and that includes a supermajority of institutions within the five conferences to pass such legislation is under consideration by them. The five also have indicated that without majority Board representation and 51 percent in shared governance voting that additional ability for the group to act on matters that impact the interests of student-athletes is necessary (see attached autonomy list being considered). The Steering Committee will consider this list on its March 18 call and we expect that for this, or any other list, adopted as part of the Steering Committee model, the five-conference members of the Board would be expected to monitor such legislation to ensure that proposed legislation addresses the stated goals related to student-athletes, and does not for example adversely impact fair competition in Division I. The full Board or its five-conference representatives would have oversight responsibility to interpret and consider additions to the list of “autonomous” legislation.

It is likely that the new Board of Directors will be expected to delegate voting responsibility for shared governance legislation to a 32 to 38 member group (Council) representing all conferences that is made up of at least 60 percent directors of athletics. It is anticipated that two student-athlete representatives also will have a vote. Weighted voting would occur with the five conferences being provided approximately 38 to 40 percent. Discussion continues concerning methods for the full Board to continue its oversight of academic study and issues.

Please note that your commissioners have been encouraged to contact you regarding these matters and the careful consideration of these items by presidents is essential to a successful outcome in August. Your questions and comments are welcome.

NH/RC/ME:sdb/vlm

Attachment

cc: Division I Board of Directors
Ms. Jean Frankel, Ideas for Action LLC
Selected NCAA Staff Members

Enhanced List of Policies Subject to Group of Five Autonomous Decision-Making

The Group of Five Conferences' "Vision for College Athletics in the 21st Century," previously identified the following items for Legislative Autonomy to be allocated to the Five Conferences:

- a. Define the full grant-in-aid as meeting a student-athlete's cost of attendance (Bylaws 15.1 and 15.2.4)
- b. Provide a lifetime opportunity to fund the undergraduate education of current and former student-athletes (Bylaws 15.01.5 and 15.01.5.2)
- c. Enhance benefits provided to student-athletes for the purpose of supporting their needs based on available resources rather than competitive equity (Bylaw 20.9.1.3)
- d. Meet the health, safety and nutritional needs for student-athletes (*modified to include nutrition*) (Bylaws 15.2.2 and 16.5.2)
- e. Create "athletic dead periods" for student-athletes to access opportunities outside of intercollegiate athletics (Bylaws 17.02.13, 17.02.14, and sports specific schedules in Bylaw 17)
- f. Provide comprehensive support for academically at-risk student-athletes (Bylaw 16.3)
- g. Redefine rules governing agents and advisors to assist student-athletes with career planning (Bylaw 12.3)
- h. Personnel limits (Bylaws 11.7.1, 11.7.2, and 11.7.4)

In addition, the Group of Five seeks to include these issues for autonomous decision-making if future circumstances warrant revision:

- a. Financial-aid rules related to an institution's ability to reduce, cancel, or non-renew athletics aid (Bylaw 15.3.4 and 15.3.5)
- b. Award and benefit rules, which would include rules related to a student-athlete's ability to receive awards (and expenses associated with receiving an award) and/or benefits not contemplated in the Vision document (e.g., ticket benefits, campus parking, incidental expenses at postseason events, benefits to a student-athlete's family and friends) (Bylaws 16.1, 16.2, 16.6, 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12)
- c. Provide transportation expenses for family members to attend events (e.g., official visits, championship events) (Bylaws 13.5, 13.6, and 16.6)
- d. Deregulate pre-enrollment expenses provided by someone other than a booster (Bylaw 12.1.2.1)
- e. Rules that hinder a student-athlete's career pursuits unrelated to athletics (e.g., restrictions on a student-athlete promoting his or her musical career) (Bylaws 12.5.2.1 and 12.5.3)
- f. Rules related to a student-athlete's ability to secure loans for the purpose of purchasing career-related insurance products (e.g., loss-of-value insurance) or permit institutions to provide these expenses (Bylaw 12.1.2.4.4 and 16.11)
- g. Policies governing athletically-related time demands (Bylaw 17.1.6)

- h. Management of the recruiting process (e.g., recruiting calendar, visit policies, permissible events for coaches to attend) to address concerns related to infringement of recruiting activities on prospective student-athletes' academic preparation (Bylaws 13.1.1, 13.1.4, 13.1.5, 13.1.6, 13.1.7, 13.1.8, and 13.17)
- i. Outside competition governing student-athlete activities and funding of outside competition by an institution (i.e., rules related to competition during the academic year or summer while the student-athlete is not representing his/her institution) (Bylaws 14.02.9, 14.6, 16.8.1.1, 17.02.8, and each sport's outside competition regulations in Bylaw 17)
- j. Seasons-of-competition rules as they relate to a student-athlete's ability to either regain a season of competition or receive an extension of the 5-year clock (Bylaw 14.2)
- k. Ability of transfer rules to more effectively consider the circumstances of individual student-athletes, which may permit more flexible policies governing:
 - Communication with another institution (Bylaw 13.1.1.3);
 - Receipt of athletics aid following transfer (Bylaw 13.1.1.3), and
 - Competition following transfer. (Bylaw 14.5)