INFORMATIONAL ITEMS.

1. Process for Consideration of Autonomy Health/Wellness Legislation by Nonautonomy Conferences. The NCAA Division I Board of Directors approved the following process for identifying and considering autonomy health and safety/wellness legislation that may require a consistent standard for all Division I institutions. The process will be added to the Board of Directors policies and procedures. (Unanimous voice vote.)

   a. Autonomy concepts are submitted by the September 15 deadline. Any concepts in the area of health and safety/wellness are identified by NCAA staff and initially reviewed by the Association’s legal counsel. Legal counsel will make an initial determination whether a concept would:

      (1) Require unified standards of care for Division I student-athletes;

      (2) Pose a legal or reputational risk to the Association; or

      (3) Significantly impact a core value of the Association.

   b. If legal counsel determines that any of the threshold criteria apply to an identified concept, the NCAA Division I Legislative Committee, NCAA Division I Strategic Vision and Planning Committee and NCAA Division I Student-Athlete Experience Committee will review the concept and determine whether to recommend review by the full NCAA Division I Council. The review by the Legislative Committee, Strategic Vision and Planning Committee and Student-Athlete Experience Committee would occur via teleconferences between September 15 and the October Council meeting or a Council teleconference.

   c. The Council will discuss the concept during its October meeting or a teleconference. Council members other than the representatives of the five autonomy conferences and the autonomy conferences Collegiate Commissioners Association representative shall be authorized to vote whether to forward the concept to the Board of Directors for consideration. Voting shall be weighted as set forth in NCAA Constitution 4.3.4 (weighted voting). A determination may be made to delay a vote until the January 2019 Council meeting. A simple majority vote of those present and voting is required to forward a concept to the Board of Directors for consideration. An affirmative vote will result in a recommendation to the Board of Directors to adopt the concept/proposal for the 27 nonautonomy conferences.
d. If an affirmative vote occurs, the identified concept/proposal shall be scheduled for potential action by the Board of Directors either at its January or April 2019 meeting. This determination may depend on the effective date of the autonomy concept/proposal.

e. Notice shall be provided to the Division I membership and the Board of Directors that the Council has identified an autonomy concept/proposal for the Board of Directors consideration. The membership shall have an opportunity to submit comments related to the concept/proposal and the recommendation for adoption.

f. Members of the Board of Directors who represent autonomy conferences shall not participate in the vote. All other Board of Directors members, including the Council chair (representing the Council), are permitted to vote. A simple majority vote of those present and voting is required for adoption. Voting by the Board of Directors is not weighted.

g. If the Board of Directors adopts the proposal, the legislation shall be binding on all Division I members and would be reflected as such in the NCAA Division I Manual.

h. Action by the Board of Directors to defeat a proposal (or no action) shall result in the application of the normal “opt-in” process for the 27 nonautonomy conferences.

2. **NCAA Division I Presidential Forum Update.** The Board of Directors received feedback from the Presidential Forum on the following three key topics:

a. **Independent Members of the NCAA Board of Governors.** The Presidential Forum is generally supportive of the legislative concept to add independent members to the Board of Governors and provided input to assist with the development of educational information that will help inform the vote.

b. **Review of Academic Misconduct.** The Presidential Forum is working on the Board of Directors’ charge regarding the review of academic misconduct. Some noncontroversial matters that clarify current academic misconduct legislation were approved and referred to the Division I Council. The Forum does not support institutional academic policies and procedures for student-athletes that are different than those that apply to students generally. The Forum expressed some overall concern about overregulation in this area, but generally supports providing institutions with guidance and best practices for identifying areas for monitoring and/or periodic review. As feedback for the Forum to consider, the Board of Directors expressed interest in communication with the accrediting agencies to better understand roles and processes and to communicate recent NCAA changes
that now permit importation of decisions by external agencies into the NCAA infractions process. The Board of Directors expressed some support for the concept of an institutional academic oversight committee and noted that many institutions already have such committees. The Board of Directors agreed that it is appropriate to compile examples to share with the membership. The Forum will provide its report on academic misconduct to the Board of Directors in April. It is anticipated there will be broad membership outreach in the spring/summer to gather feedback on the Forum’s concepts and recommendations.

c. Presidential Attestation and Accountability. The Presidential Forum noted some concern with NCAA-driven presidential accountability, given the perspective that presidents are accountable to their institutional governing boards and that such boards have the responsibility for evaluating and potentially holding accountable a president who acts contrary to NCAA regulations. In addition, presidents and chancellors should focus attention on articulating clear and unambiguous expectations for ethical and rules compliance behaviors among athletics staff and student-athletes, and adherence to university and athletics department policies and procedures; and ensure that the director of athletics has working compliance systems in place to monitor compliance with NCAA, conference and institutional requirements. [This feedback is consistent with several elements that are included in the NCAA Division I Enforcement Charging Guidelines. The Division I Charging Guidelines provide a clear outline of specific guidelines the enforcement staff considers when determining whether to bring allegations for four serious breaches of conduct—lack of institutional control, failure to monitor, unethical conduct and head coach responsibility.]

3. Update on College Basketball Reform Initiatives. The Board of Directors received updates related to ongoing College Basketball Reform initiatives, including the work of the Enforcement/Infractions Process Working Group. Work is continuing on the phase one topics of alternative resolution of complex cases, negotiated resolutions, the enhanced obligation to cooperate, and penalties and importation. The working group has recommended adoption of a proposal to clarify elements of negotiated resolutions, which the Division I Council will consider during its October 31 teleconference. Other remaining issues to be addressed are financial penalties, immediate penalties for refusal to cooperate, and leadership accountability.

4. Board of Governors Updates. The Board of Directors received an update on actions taken and issues reviewed by the Board of Governors at its October 22 meeting.

a. Independent Members of the Board of Governors. The Board of Governors is continuing preparations for Association-wide vote on legislation that would add five independent members to the Board of Governors, including the development
of additional details regarding the definition of “independent” and the process by which independent members would be selected. The Association-wide vote will occur Thursday, January 24, at the 2019 NCAA Convention. A two-thirds majority of delegates present and voting in favor of the proposal is required for adoption. The appointment of delegate process will commence with an email to institutional presidents/chancellors, directors of athletics and conference commissioners on November 13.

b. **Sports Wagering.** The Board of Governors established an ad hoc Association-wide membership committee to address the expansion of legalized sports wagering. The Board of Governors Ad Hoc Committee on Sports Wagering will examine the sports wagering landscape and its potential impact on current NCAA rules, educational efforts, student-athlete availability reporting, and any associated risks as more states legalize sports wagering.

5. **Division I Council Updates.** The Board of Directors received an update on actions taken and issues reviewed by the Council at its October 2-3 meeting, including an update related to legislation introduced into the 2018-19 legislative cycle related to transfers and early recruiting.

6. **NCAA Division I Board of Directors Finance Committee Update.** The Board of Directors received an update from the Finance Committee that a number of clarifying edits to the Division I revenue distribution policy were approved. Additionally, one change relates to a situation in which a Division I conference does not meet membership requirements for two years. In such a case, basketball fund units revert to the schools that earned them (or their new conferences) and do not revert back to the fund. The updated revenue distribution policies are attached to this report (Attachment). Finally, the Finance Committee received Division I championships budgets to actual financials and noted that team travel costs continue to increase.

7. **Board of Governors Strategic Planning Process.** The Board of Directors engaged in a discussion with facilitators from a consulting firm that is leading the Association through a strategic planning process. The consulting firm is gathering information from various sources in the input phase of the process in order to understand perspectives surrounding the NCAA. The development of the strategic plan will continue with the collection and analysis of stakeholder input and the formulation of goals, strategies, actions and measures throughout the next several months. A strategic plan report is scheduled to be provided to the Board of Governors in August 2019.

8. **NCAA President’s Report.** The Board of Directors received a report from NCAA President Mark Emmert, which included an overview of the most significant issues facing the Association and the progress being made to address them.
9. **Legal Update.** The Board of Directors received a privileged and confidential update from Scott Bearby, vice president of legal affairs, related to ongoing legal matters.

10. **Association of Governing Boards of Universities and Colleges Board of Directors’ Statement on Governing Boards’ Responsibilities for Intercollegiate Athletics.** The Board of Directors received the Association of Governing Boards of Universities and Colleges Board of Directors’ Statement on Governing Boards’ Responsibilities for Intercollegiate Athletics.

11. **Report of the August 8 Board of Directors Meeting.** The Board of Directors approved the report of its August 8 meeting. *(Unanimous voice vote.)*

*Board of Directors chair:  Eric Kaler, University of Minnesota, Twin Cities, Big Ten Conference  
Staff Liaisons:  Diane Dickman, Law, Policy and Governance  
Jenn Fraser, Law, Policy and Governance  
Kevin Lennon, Law, Policy and Governance  
Donald Remy, Law, Policy and Governance  
Leeland Zeller, Law, Policy and Governance*
### Division I Board of Directors
#### October 23, 2018, Meeting

**Attendees:**
- Guy Bailey, University of Texas Rio Grande Valley; Western Athletic Conference.
- Frank Bonner, Gardner-Webb University; Big South Conference.
- Dean Bresciani, North Dakota State University; The Summit League.
- Eli Capilouto, University of Kentucky; Southeastern Conference.
- Ted Carter, United States Naval Academy; Patriot League.
- Christine Copper, United States Naval Academy; Faculty Athletics Representatives Association.
- Jack DeGioia, Georgetown University; Big East Conference.
- Phil DiStefano, University of Colorado, Boulder; Pac-12 Conference.
- Phil Dubois, The University of North Carolina at Charlotte; Conference USA.
- Anthony Frank, Colorado State University; Mountain West Conference.
- Burns Hargis, Oklahoma State University; Big 12 Conference.
- Susan Herbst, University of Connecticut; American Athletic Conference.
- Blake James, University of Miami (Florida); Atlantic Coast Conference, Division I Council.
- Eric Kaler, University of Minnesota, Twin Cities; Big Ten Conference, chair.
- Noah Knight, University of Missouri-Kansas City, NCAA Division I Student-Athlete Advisory Committee.
- Ron Machtley, Bryant University; Northeast Conference.
- James Maher, Niagara University; Metro Atlantic Athletic Conference.
- Jane Miller, University of Virginia; Women Leaders in College Sports.
- G.P. “Bud” Peterson, Georgia Institute of Technology; Atlantic Coast Conference.
- Michael Rao, Virginia Commonwealth University; Atlantic 10 Conference.
- Nayef Samhat, Wofford College; Southern Conference.
- Denise Trauth, Texas State University; Sun Belt Conference, vice-chair.
- Satish Tripathi, University at Buffalo, The State University of New York; Mid-American Conference.

**Absentees:**
- Andrew Hugine, Alabama A&M University; Southwestern Athletic Conference.

**Guests in Attendance:**
None.

**NCAA Staff Liaisons in Attendance:**
- Diane Dickman, Jenn Fraser, Kevin Lennon and Leeland Zeller.

**Other NCAA Staff Members in Attendance:**
- Katrice Albert, Scott Bearby, Joni Comstock, Jon Duncan, Mark Emmert, Michelle Hosick, Joel McGormley, Kathleen McNeely, Bridget Rigney, Cari Van Senus, Stan Wilcox and Bob Williams.