



**REPORT OF THE
NCAA DIVISION I LEGISLATIVE COMMITTEE
MAY 4, 2023, VIDEOCONFERENCE**

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Report From the NCAA Division I Legislative Committee Modernization of the Rules Subcommittee.** The NCAA Division I Legislative Committee received an update from the Modernization of the Rules Subcommittee on its review of the decentralization items identified in the NCAA Division I Transformation Committee's final report that were referred to the Legislative Committee by the NCAA Division I Council Coordination Committee.
2. **Division I Transformation Committee Recommendations.** The Legislative Committee received an update from the subgroups managing the Transformation Committee's recommendations related to new membership expectations regarding compliance and the legislative processes needed to support the new decision-making structure.
 - a. **Compliance Review and Education Requirements:** The NCAA Division I Legislative Committee Compliance Audit and Education Subgroup recommends that institutions be required to conduct a periodic compliance review (at least once every four years) to confirm that compliance programs are appropriately serving and supporting student-athletes. The subgroup supports the development of a compliance review framework resource to assist Division I institutions with performing this review in a meaningful way. Further, the subgroup recommends that existing rules education requirements be expanded to all institutional staff who support athletics compliance, directly or indirectly (e.g., registrar, admissions, financial aid, etc.) due to the important role they play in a shared responsibility model. The Legislative Committee will consider making a legislative recommendation to the NCAA Division I Council during its June meeting.
 - b. **Legislative Process:** The NCAA Division I Legislative Committee Legislative Process Subgroup has prioritized developing a legislative process which allows the division to adopt legislation in a timely and efficient manner while ensuring adequate membership notice of legislative proposals. The subgroup is considering a potential pilot program for the sport management committee legislative process utilizing the NCAA Division I Men's and Women's Basketball Oversight Committee and Football Oversight Committee. In addition, the subgroup is developing a recommendation for a legislative process that would allow the council to consider legislation during each of its three in-person meetings. More information will be provided and feedback sought during the May council meeting. Based on the feedback received a recommendation could be made for the council to consider during its June meeting.

3. **Application Issues Associated with Recently Adopted Four-Year College Transfer Legislation.** The Legislative Committee continued to discuss various application issues associated with the institutional accountability measures related to four-year college transfers established with the adoption of NCAA Proposal No. 2022-20 (Recruiting, Academic Eligibility and Financial Aid -- Undergraduate Four-Year Transfer Regulations), including those related to multiyear aid agreements and counter status. [See Attachment for additional details.]
4. **Approval of Legislative Committee March Report.** The Legislative Committee approved the report of its March 27 videoconference.

Committee Chair: Alex Ricker-Gilbert, Jacksonville University, ASUN Conference

*Staff Liaisons: Emily Capehart, Academic and Membership Affairs
Leeland Zeller, Division I Governance*

NCAA Division I Legislative Committee May 4, 2023, Videoconference
Attendees:
Lisa Archbald, Northeast Conference.
Brady Barke, Southeast Missouri State University.
Jackie Blackett, Columbia University-Barnard College (vice chair).
Matt Boyer, NCAA Division I Interpretations Committee chair.
Matt Burgemeister, Atlantic Coast Conference.
Jeremiah Carter, University of Minnesota.
Ashely Cozad, NCAA Division I Student-Athlete Advisory Committee.
Daniel Feig, University of South Carolina Upstate.
Jennifer Heppel, NCAA Division I Committee on Academics.
Jeremy Jordan, Temple University.
Jessica Kumke, Horizon League.
Stephen LaPorta, NCAA Division I Committee for Legislative Relief chair.
Julie Owen, Kansas State University.
Alex Ricker-Gilbert, Jacksonville University.
Thomas Samuel, Southland Conference.
Shalini Shanker, Colorado State University.
Molly Sullivan, Butler University.
Absentees:
Rick Christensen, NCAA Division I Committee on Student-Athlete Reinstatement chair.
NCAA Staff Liaisons in Attendance:
Emily Capehart and Leeland Zeller.
Other NCAA Staff Members in Attendance:
Michele Forte-Osborne, Karen Metzger and Ty Medd.

**Review of Select Applications of NCAA Proposal No. 2022-20 for
Four-Year Undergraduate Transfer Student-Athletes**

In January, the NCAA Division I Council adopted NCAA Division I Proposal Nos. 2023-1 and 2023-4 as noncontroversial changes that were identified and recommended by the NCAA Division I Legislative Committee. The Legislative Committee committed to monitor the implementation of other aspects of the new legislation that applies to four-year undergraduate transfer student-athletes and recommend, where necessary, applications that warrant further Division I Council review. The following topics remain under active review and could result in recommendations for potential legislative changes.

Multiyear Aid Agreements for Undergraduate 4-4 transfers	
Adopted Rule	Athletics aid issued to an undergraduate four-year transfer shall be awarded (and cannot be reduced or canceled) for the duration of the student-athlete's eligibility or until graduation, whichever occurs earlier. This principle extends to the application of multiyear aid agreements.
Practical Application	<p>Athletics aid issued to an undergraduate four-year transfer must be awarded during every regular academic term during the period of award at the same or higher amount. In effect, an athletics aid agreement may <u>not</u> include years in which zero aid is provided or have years in which a lesser equivalency amount than the initial year is guaranteed.</p> <p>Example: An institution offers a multiyear aid agreement for an incoming undergraduate four-year transfer with three years left in the five-year period of eligibility:</p> <ul style="list-style-type: none"> • Permissible Offer: Year 1: 0.25, Year 2: 0.25, Year 3: Full. • Impermissible Offer: Year 1: 0.50, Year 2: 0.25, Year 3: Zero. <p>Further, it is practically challenging to write aid agreements for transfers specifying academic years because such aid must be awarded through graduation or exhaustion of the period of eligibility.</p>
Points to Consider	<p>Requiring an unchanging amount of financial aid promotes transparency in the recruitment process and stability through the period of award.</p> <p>Multiyear aid agreements written for nontransfers may include years of zero or lesser amounts of athletics aid.</p> <p>Multiyear aid agreements clearly indicate to prospective transfer student-athletes the amount of financial aid that will be provided during enrollment, regardless of whether the amount stays constant, increases, or decreases. Further, student-athletes are not required to accept/sign a multiyear aid agreement that includes years in which less or no athletics aid will be guaranteed.</p> <p>Institutions are permitted to increase a transfer student-athlete's aid agreement at any time. As a result, some institutions have offered lesser amounts of financial aid at the point of signing while planning to increase the agreement over time. Note: Permitting years of zero or lesser amounts of athletics aid does not restrict use of the increase legislation.</p> <p>Example:</p> <ul style="list-style-type: none"> • Year One: Full Scholarship. Years 2-3: No athletics aid. <p>Increase legislation would allow the institution to increase the transfer's scholarship when a counter spot is available (e.g., midyear replacement).</p>

<p>Options for Consideration.</p>	<ul style="list-style-type: none"> • Revise the legislation to: <ul style="list-style-type: none"> ○ Permit multiyear aid agreements for undergraduate four-year transfers to include years that fluctuate in amount, provided athletics aid is received (in any amount) during every year of the agreement. ○ Modify the requirement that athletics aid will be provided through the period of award to a requirement to renew, thereby facilitating an institution’s ability to specify academic years within the athletics aid agreement.
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Counter Status for Undergraduate Four-Year Transfers

<p>Adopted Rule</p>	<p>An undergraduate four-year transfer student who is awarded or issued athletically related financial aid during their first academic year at a Division I institution shall be a counter for a period no less than the five-year period of eligibility or until graduation, whichever occurs earlier.</p>
<p>Practical Application</p>	<p>If an undergraduate four-year transfer is provided or issued an athletics aid agreement during their first academic year at a Division I institution, the full athletics accountability provisions apply to that student-athlete until graduation or the five-year period of eligibility expires, whichever occurs earlier. Unless an undergraduate four-year transfer subsequently transfers, becomes medically disqualified or loses amateur status, the student-athlete remains a counter for the period of award even if not enrolled as a student or is otherwise ineligible to receive athletics aid.</p> <p>Example: An international student-athlete transfers to a Division I institution (School 2) after their freshman year and receives athletics aid. After one semester at School 2, the student-athlete withdraws and returns to their home country, where they do not enroll in another collegiate institution or professionalize.</p> <p>School 2 must count the aid received by former student-athlete within the program’s scholarship limits for the remainder of the student-athlete’s five-year period of eligibility. During this period, the student-athlete’s athletics aid may not be re-awarded to another enrolled student-athlete, who is otherwise eligible to receive athletics aid.</p> <p>There is no mechanism to cancel athletics aid of prospective transfers who never enroll at the institution, generally requiring the institution to be held accountable for that aid agreement.</p>
<p>Points to Consider</p>	<p>Traditionally, financial aid legislation only counts athletics aid actually provided to a student-athlete. The only exception is initial counter limits in football.</p> <p>Signing an aid agreement does not stop the prospective transfer student-athlete’s recruitment by other institutions. Further, it is very difficult to monitor whether a transfer PSA signs aid agreements with multiple institutions.</p> <p>Factors outside of an institution’s control may impact a student’s opportunity/decision to remain matriculated.</p> <p>Historically, Title IX only gives credit for athletics aid that is provided. Accounting for athletics aid that cannot be dispersed because an individual is not enrolled may add additional complexity to institutional Title IX management.</p>

<p>Options for Consideration.</p>	<ul style="list-style-type: none"> • PRIORITY: Permit institutions to cancel the athletics aid of transfers who do not ever enroll at the institution, regardless of reason. • Revise the legislation to address “ghost counters”: <ul style="list-style-type: none"> ○ Maintain the provision that athletics aid be guaranteed for an undergraduate four-year transfer for the duration of the five-year period of eligibility or until graduation occurs, whichever is earlier; AND ○ Permit institutions to <u>replace</u> (in the ensuing term) a transfer that: (1) quits the team; (2) voluntarily withdraws from the institution; or (3) is removed from the roster. This continues to obligate the institution to provide aid to a transfer who remains at the institution (or re-enrolls) but does not require the institution to account for that aid within the team financial aid limits. ○ <u>NOTE:</u> Financial aid legislation generally permits institutions to cancel the athletics aid of nontransfers under these circumstances; however, if an institution continues to provide the aid, such aid continues to count. This recommendation could be extended to all student-athletes, thereby allowing institutions to continue to provide aid to students no longer on the roster without it counting against team financial aid limits.
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Departure of Head Coach	
<p>Adopted Rule</p>	<p>Financial aid legislation permits institutions to exempt the athletics aid of a student-athlete no longer participating with the program after the departure of a head coach, provided certain provisions are met. However, this exception does not extend to undergraduate four-year transfers.</p>
<p>Points to Consider</p>	<p>Extending the departure of head coach exception to transfers would not allow institutions to cancel the aid of a transfer student- only to exempt it.</p> <p>Institutional accountability measures associated with transfers should commit institutions to providing athletics aid to student-athletes, but not to guaranteed participation opportunities.</p> <p>Prohibiting the use of this exception may incentivize coaching staffs to “run off” transfers that may have otherwise remained enrolled at the institution to complete their degree.</p>
<p>Option for Consideration.</p>	<ul style="list-style-type: none"> • Permit the departure of head coach exception to extend to undergraduate four-year transfers.