



REPORT OF THE  
NCAA DIVISION II LEGISLATION COMMITTEE  
JUNE 28-29, 2023, IN-PERSON MEETING

ACTION ITEMS.

1. Legislative Items.

a. **Noncontroversial Legislation -- NCAA Division II Bylaw 12.5 -- Amateurism -- Use of Logos on Equipment, Uniforms and Apparel -- Incorporating into Playing and Practice Seasons Legislation.**

- (1) Recommendation. Adopt noncontroversial legislation to move NCAA Division II Bylaw 12.5 (use of logos on equipment, uniforms and apparel) into Bylaw 17 (playing and practice seasons).
- (2) Effective date. Immediate.
- (3) Rationale. As part of the work of the NCAA Division II Implementation Committee, the Legislative Process and Compliance Subcommittee of the Implementation Committee determined that the location of Bylaw 12.5 was no longer the appropriate bylaw to house the legislation. Upon review, the NCAA Division II Legislation Committee determined that eliminating Bylaw 12.5 would diminish the importance of the restrictions surrounding manufacturing logos. Therefore, keeping Bylaw 12.5 in the Manual and incorporating into Bylaw 17 will maintain the importance of the restrictions surrounding manufacturing logos, while placing it in a more appropriate location in the Division II Manual as the restrictions in Bylaw 12.5 better align with the regulations set forth in Bylaw 17.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

b. **Noncontroversial Legislation -- Division II Bylaw 13.1.1.2 -- Recruiting -- Contacts and Evaluations -- Contactable Prospective Student-Athletes -- Four-Year College Prospective Student-Athletes -- Removal of Notification of Recruitment Requirement.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.1.1.2 (four-year college prospective student-athletes) to eliminate the requirement that a Division II institution's director of athletics (or an individual designated by the director of athletics) must send written notification of recruitment to a National Association of Intercollegiate Athletics (NAIA) institution prior to having contact with an NAIA student-athlete. [Attachment]

- (2) Effective date. August 1, 2023.
- (3) Rationale. Current legislation requires that a Division II institution's director of athletics, or their designee, provide an NAIA institution with written notification of recruitment prior to contacting a prospective student-athlete at an NAIA institution. Further, prior to having contact with a student-athlete from an NCAA institution, NAIA legislation required that the student-athlete needed to be placed into the NCAA Transfer Portal. However, due to a recent change in the NAIA's legislation, a student-athlete from an NCAA institution no longer has to be placed into the NCAA Transfer Portal in order for an NAIA institution to have contact. Eliminating the written notification of recruitment requirement will ease the burden on compliance administrators.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

## 2. Nonlegislative Items.

- **Request for Feedback from NCAA Division II Conference Commissioners Association Compliance Administrators -- Bylaw 13 (Recruiting) and Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes) -- Membership Survey.**
  - (1) Recommendation. That the Division II Management Council request the Division II Conference Commissioners Association Compliance Administrators review the proposed membership survey seeking feedback on the recommended concepts from Bylaw 13 (recruiting) and Bylaw 16 (awards, benefits and expenses for enrolled student-athletes) and provide feedback on whether the structure of the survey is manageable for the Division II membership.
  - (2) Effective date. Immediate.
  - (3) Rationale. As part of the work of the Division II Implementation Committee, the Legislation Committee was charged with reviewing Bylaw 13 (recruiting) and Bylaw 16 (awards, benefits and expenses for enrolled student-athletes). The committee completed the review during its June 28-29, 2023, in-person meeting and recommended that the Division II Conference Commissioners Association Compliance Administrators review the proposed membership survey and provide feedback on whether the

structure of the survey is appropriate and manageable for the Division II membership.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

### **INFORMATIONAL ITEMS.**

1. **Discussion regarding the Legislative Process and Compliance Subcommittee of the Division II Implementation Committee priority two and three items.** The committee continued its discussion on the Implementation Committee's Legislative Process and Compliance Subcommittee's priority two and three items. Specifically, the committee discussed the incorporation of Bylaw 12 (amateurism) into Bylaw 14 (eligibility: academic and general requirements). The committee provided feedback on renaming Bylaw 14 (eligibility: academic and general requirements) due to the incorporation and reorganization of the bylaw. The committee will review an updated draft at its next meeting.

Further, the committee concluded its discussion regarding Bylaw 16 (awards, benefits and expenses for enrolled student-athletes). The committee also discussed next steps regarding membership feedback and recommended the Division II Conference Commissioners Association Compliance Administrators review the proposed membership survey and provide feedback on whether the structure of the survey is appropriate and manageable for the Division II membership [see Nonlegislative Action Item]. Finally, the committee began its initial discussion regarding Bylaw 14 (eligibility: academic and general requirements) and Bylaw 17 (playing and practice seasons).

2. **Discussion regarding Division II Bylaw 12.5 (use of logos on equipment, uniforms and apparel).** The committee continued its discussion on Bylaw 12.5 (use of logos on equipment, uniforms and apparel) and whether the legislation should be removed from the Division II Manual and placed into the playing rules. Staff provided the committee with a recap of the discussion and recommendation from the NCAA Playing Rules Oversight Panel's January 11, 2023, in-person meeting surrounding Bylaw 12.5 and its removal from the Division II Manual. The committee recommended noncontroversial legislation to move Bylaw 12.5 into Bylaw 17 (playing and practice seasons). [See Legislation Action Item No. 1a]
3. **Update regarding Division I Name, Image and Likeness Working Group.** The committee received an update on the recent work of the Division I Name, Image and Likeness Working Group. The committee also reviewed the guidance sent to the Division I membership regarding the application of NCAA legislation and the name, image and likeness interim policy. The committee will continue to receive updates on the discussions

in Division I at future meetings and discuss whether any changes in Division II are necessary.

4. **Discussion regarding recent change to the NAIA permission to contact legislation.** The committee received an update on the recent change to the NAIA permission to contact legislation which permits NAIA institutions to initiate contact with student-athletes at NCAA institutions without the student-athletes being placed in the NCAA Transfer Portal. The committee recommended noncontroversial legislation to eliminate the requirement that an institution's director of athletics (or an individual designated by the director of athletics) must send written notification of recruitment to the NAIA institution prior to having contact with an NAIA student-athlete. [See Legislative Action Item No. 1b]
5. **Discussion regarding a student-athlete serving as a graduate assistant one semester and retaining future athletics eligibility.** The committee discussed whether an individual who triggered student-athlete status at a Division II institution may serve as a coach and retain their athletics eligibility. Further, the committee discussed the sport of track and field and its application when a student-athlete triggers Bylaw 12.02.8 (student-athlete), serves as a coach and wants to retain athletics eligibility. Specifically, whether the sports of track and field and cross country should be considered the same sport when a student-athlete triggers Bylaw 12.02.8 in track and field, serves as a coach in cross country and wants to retain athletics eligibility in the sport of cross country. The committee confirmed that track and field and cross country should be considered different sports when determining whether the student-athlete may retain their athletics eligibility. The committee recommended archiving the October 9, 1991, staff interpretation and issuing the following official interpretation to clarify that an individual who triggers student-athlete status at the certifying institution may serve as a coach in subsequent term(s) and retain their athletics eligibility:

Student-Athlete Serving as a Coach During Enrollment at a Four-Year Institution (II).

The Legislation Committee determined that an individual who triggers student-athlete status at the certifying institution may serve as a coach and retain their athletics eligibility at the certifying institution, provided the individual is academically and athletically eligible while serving as a coach. Further, if the individual participates as a student-athlete, any athletics aid received while serving as a coach must count towards the individual and team equivalency limit. If the individual is not academically and athletically eligible and subsequently serves as a coach after triggering student-athlete status, they will forfeit their remaining athletics eligibility.

[References: Division II Bylaw 12.02.8 (student-athlete)]

6. **2024 NCAA Convention membership-sponsored proposals update.** The committee received an update on potential membership-sponsored proposals for the 2024 NCAA

Convention. Staff will provide the committee with an update, electronically, regarding the recommended committees that will provide committee positions, after the July 15 deadline.

7. **Division II University update.** The committee received an update on the six required courses for the 2023-24 coaches certification. As of June 29, 2023, over 3,200 users completed the required curriculum while over 9,600 users were enrolled.
8. **Update from the NCAA Board of Governors.** The committee received an update from the NCAA Board of Governors most recent meeting, specifically highlighting the work of the Board of Governors Subcommittee on Congressional Engagement and Action. Further, staff led the committee through a review of the May report from the Division I Transformation Committee, specifically highlighting items that fall under the committee's purview. The committee will continue to receive updates during future meetings and discuss whether any changes in Division II are necessary.
9. **Update from the NCAA Division II Presidents Council and Management Council spring 2023 meetings.** The committee received an update on the actions taken at the spring 2023 Division II Presidents Council and Management Council quarterly meetings.
10. **Update on the National Letter of Intent policy.** The committee received an update on the recent National Letter of Intent (NLI) policy change. Specifically, that the NLI program will expand to permit four-year college transfers to sign an NLI provided they have entered the NCAA Transfer Portal.
11. **Update on the Division II 50<sup>th</sup> Anniversary Celebration.** The committee received an update regarding the plan to celebrate the 50<sup>th</sup> anniversary for the 2023-24 academic year.
12. **Review of the NCAA Division II Legislation Committee Policies and Procedures.** The committee reviewed and approved updates to its policies and procedures.
13. **Review of March 21-22, 2023, videoconference report.** The committee reviewed and approved its March 21-22, 2023, videoconference report.
14. **Review of the May 16, 2023, NCAA Legislative Review Subcommittee of the Division II Legislation Committee electronic voting report.** The committee reviewed the Legislative Review Subcommittee's May 16, 2023, electronic voting report.
15. **Discussion regarding providing the Legislative Review Subcommittee with final authority to approve the annual Division II compliance forms.** The committee discussed the Legislative Review Subcommittee of the Division II Legislation Committee's current role in its review of the Division II compliance forms. The committee determined that the Legislative Review Subcommittee should have final authority to approve the annual

compliance forms without additional approval from the Legislation Committee, effective immediately.

16. **Chair elections.** The committee elected Audra Kedy, senior associate commissioner for compliance, Great American Conference, as the chair, effective September 1, 2023. The committee elected Kevin Schriver, faculty athletics representative, Southwest Baptist University, as chair of the Legislative Review Subcommittee, effective September 1, 2023. The committee also elected Christopher Ratcliff, director of athletics, Roger State University, as chair of the Interpretations Subcommittee, effective September 1, 2023.
17. **Recognition of outgoing members.** The committee recognized the service of three outgoing members: Carlin Chesick, Pennsylvania State Athletic Conference; Pennie Parker, Rollins College; and Jason Stock, California State University, San Marcos.
18. **Future meeting dates.**
  - a. September 2023, videoconference; date to be determined.
  - b. November 29-30, 2023, in-person meeting; Indianapolis.
  - c. March 26-27, 2024, in-person meeting; Indianapolis.
  - d. June 2024, videoconference; date to be determined.

*Committee Chair: Carlin Chesick, Pennsylvania State Athletic Conference*  
*Staff Liaison(s): Susan Britsch, Academic and Membership Affairs*  
*Rachel Denton, Academic and Membership Affairs*  
*Chelsea Hooks, Academic and Membership Affairs*

Report of the NCAA Division II Legislation Committee

June 28-29, 2023, In-Person Meeting

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<b>NCAA Division II Legislation Committee June 28-29, 2023, In-Person Meeting</b>	
<b>Attendees:</b>	
Brenda Cates, University of Mount Olive.	
Carlin Chesick, Pennsylvania State Athletic Conference.	
Molly Hansen, University of Montevallo.	
Matt Green, Flagler College.	
Audra Kedy, Great American Conference.	
Carrie Michaels, Shippensburg University of Pennsylvania (Management Council chair)	
Pennie Parker, Rollins College.	
Christopher Ratcliff, Rogers State University.	
Kevin Schriver, Southwest Baptist University.	
Jason Stock, California State University, San Marcos.	
Vaughn Williams, Bentley University (via videoconference).	
<b>Absentees:</b>	
None.	
<b>NCAA Staff Support in Attendance:</b>	
Susan Britsch, Rachel Denton and Chelsea Hooks.	
<b>Other NCAA Staff Members in Attendance:</b>	
Becca Burchette, Terri Steeb Gronau, Kendee Hilliard, Jordan Lysiak, Maritza Jones, Angela Red, Drea Rog, Rachel Seewald (via videoconference) and Jared Tidemann.	

**Title:** RECRUITING -- CONTACTS AND EVALUATIONS -- CONTACTABLE PROSPECTIVE STUDENT-ATHLETES -- FOUR-YEAR COLLEGE PROSPECTIVE STUDENT-ATHLETES -- REMOVAL OF NOTIFICATION OF RECRUITMENT REQUIREMENT

**Convention Year:** 2024

**Effective Date:** August 1, 2023

**Proposal Number:** NC-2024-14

**Source:** NCAA Division II Management Council (Legislation Committee).

**Category:** Noncontroversial

**Topical Area:** Recruiting

**Status:** Ready for Consideration by Management Council

**Intent:** To eliminate the requirement that a Division II institution's director of athletics (or an individual designated by the director of athletics) must send written notification of recruitment to an NAIA institution prior to having contact with an NAIA student-athlete.

**Bylaws:** Amend 13.1.1.2, as follows:

13.1.1.2 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution's athletics interests shall not communicate or make contact with the student-athlete of an NCAA Division II institution, or any individual associated with the student-athlete (e.g., family member scholastic or nonscholastic coach, advisor), directly or indirectly, without first obtaining authorization through the notification of transfer process. Before making contact, directly or indirectly, with a student-athlete of an NCAA Division I or Division III institution, an athletics staff member or other representative of the institution's interest shall comply with the rule of the applicable division for making contact with a student-athlete. *Before making contact, directly or indirectly, with a student-athlete at an NAIA institution, the Division II institution's director of athletics (or an individual designated by the director of athletics) must send notification of recruitment to the NAIA institution.* [D]

[13.1.1.2.1 through 13.1.1.2.5 unchanged.]

**Additional Information:**

Current legislation requires that a Division II institution's director of athletics, or their designee, provide an NAIA institution with written notification of recruitment prior to contacting a prospective student-athlete at an NAIA institution. Eliminating the written notification of recruitment requirement will ease the burden on compliance administrators.

**Review History:**

Jun 29, 2023: Recommends Approval - NCAA Division II Legislation Committee

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