



**REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
MARCH 11-12, 2019, IN-PERSON MEETING**

ACTION ITEMS.

1. Legislative Items.

a. 2020 NCAA Convention Legislation – NCAA Bylaw 13.1.1.2 – Recruiting – Four-Year College Prospective Student-Athletes – Notification of Transfer.

- (1) Recommendation. Sponsor legislation for the 2020 NCAA Convention to amend NCAA Bylaw 13.1.1.2 (four-year college prospective student-athletes), as follows: (1) To replace "permission to contact" legislation related to four-year college transfer student-athletes with a "notification of transfer" model; and (2) To specify that an institution must place a student-athlete's written request for transfer in the transfer database within seven-consecutive calendar days of receipt of written notification of transfer.
- (2) Effective date. Immediate, for any four-year college transfer student-athlete during the 2020-21 academic year, and thereafter.
- (3) Rationale. This proposal presents a notification-based alternative to replace the existing permission to contact model and improve the recruiting environment associated with four-year college transfer student-athletes. Pursuant to a notification model, a student-athlete would be permitted to explore transfer opportunities at another institution once written notification is provided. Once a notification of transfer has been submitted, the student-athlete would be entered into a database of student-athletes who have provided notification of their interest in transferring. Such a system would provide more transparency for coaches and student-athletes. Separating access to athletics aid from a permission to contact or notification model enhances student-athlete well-being because a student-athlete's eligibility for financial aid at a new institution would be based on the general legislative requirements applicable to all student-athletes.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. An institution would not be able to prevent a transfer student-athlete from receiving athletics aid at a new institution by refusing to grant permission to contact.

b. Noncontroversial Legislation – NCAA Constitution 3.3.4 and Bylaw 18.4.1.2 – Membership and Championships and Postseason Football – Eligibility for Championships – Attestation and Certification of Compliance Obligations.

- (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Constitution 3.3.4 (conditions and obligations of membership) and Bylaw 18.4.1.2 (institutional eligibility) to require that (a) An institution's president or chancellor shall attest, annually by October 15, that he or she understands the institutional obligations and personal responsibilities imposed by Constitution 2.1 (principle of institutional control and responsibility) and Constitution 2.8 (principle of rules compliance); and (b) An institution's director of athletics shall certify, annually by October 15, that specified conditions for entry of individuals and teams in NCAA championship competition have been satisfied, including an attestation that he or she understands the institutional obligations and personal responsibilities imposed by Constitution 2.1 and 2.8 and that all athletics department staff members (full time, part time, clerical, volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and 2.8. [See Attachment A.]
- (2) Effective date. August 1, 2019.
- (3) Rationale. The Commission on College Basketball recommended a significant expansion in individual accountability for NCAA rules violations for presidents, chancellors and directors of athletics. In response, new legislation was adopted to specify that, in order to enter a team or individual in an NCAA championship or for an individual to serve on an NCAA committee, presidents and chancellors, directors of athletics and all other athletics department staff members must attest annually that the obligations to control and monitor athletics programs have been met. The proposal appropriately shifts some certification requirements related to the athletics program from the president to the director of athletics. In addition, this proposal maintains the emphasis on the principle of institutional control and responsibility and the principle of rules compliance without the undue administrative requirement to have each individual staff member provide an attestation. Institutions will have the discretion to determine the best way to ensure its staff is aware of its obligations. Finally, this proposal recognizes that it is impossible for presidents and directors of athletics to know and, therefore, honestly attest that the institution is in complete compliance with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics program.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

c. Noncontroversial Legislation – Bylaws 11.5 and 13.8.3.2 – Personnel and Recruiting – Employment of High School, College-Preparatory School or Two-Year College Coaches and Employment Conditions – High School, College-Preparatory School or Two-Year College Coach and Conditions – Elimination of Contract or Binding Agreement Period.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaws 11.5.3 (high school, college-preparatory school or two-year college coach) and 13.8.3.2 (conditions) to eliminate the requirement that a high school, college-preparatory school or two-year college coach must be under contract or other binding agreement for a period of not less than one academic year.
- (2) Effective date. Immediate.
- (3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Currently, if a volunteer coach from a high school, college-preparatory school or two-year college wants to be employed by a Division II institution, the coach must perform actual, on-the-field coaching duties, be involved in recruiting only to the same extent as other institutional on-the-field coaches and be under contract or other binding agreement with the institution for a period of not less than one academic year; however, the institution may confine its compensation to such a coach to a shorter period of time, such as a sport season. Requiring an institution to place a volunteer coach under a contract or other binding agreement for a period of not less than one academic year, hinders those coaches who are looking for a brief experience in intercollegiate athletics for a period shorter than one academic year. Amending the legislation to eliminate the length of the agreement will allow institutions to determine how long a volunteer coach should be employed.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

d. Noncontroversial Legislation – Bylaw 13.5.3 – Recruiting – Transportation – Transportation on Unofficial Visit – Elimination of Requirement Regarding Institutional Staff Member Accompanying Prospect on Unofficial Visit.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.5.3 (transportation on unofficial visit) to eliminate the requirement that an institutional staff member must accompany a

prospective student-athlete to view practice or competition sites in the prospective student-athlete's sport, other institutional facilities and to attend an institution's home athletics contest (on or off campus); further, to clarify that an institution may provide transportation for a prospective student-athlete to attend an institution's home athletics contest even if transportation is not available to prospective students.

(2) Effective date. Immediate.

(3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. NCAA Division II Proposal No. NC-2007-18 (recruiting – unofficial visit – transportation to home athletics contest) allowed an institution to provide transportation to attend the institution's home athletics contest (on or off campus) during an unofficial visit if transportation was available to prospective students generally; however, it was still impermissible for an institution to provide a prospective student-athlete with transportation expenses to attend one of the institution's home contests (on or off campus). With the adoption of Proposal No. NC-2008-14 (recruiting – transportation – unofficial), it became permissible for an institution to provide transportation for a prospective student-athlete to attend a home athletics contest (on or off campus). Eliminating the last sentence of Bylaw 13.5.3 (transportation on unofficial visit) will alleviate confusion and make it permissible for an institution to provide transportation expenses to a prospective student-athlete to attend an institution's home athletics contest even if transportation is not available to prospective student-athletes.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

e. Noncontroversial Legislation – Bylaws 13.6.2.1 and 13.6.2.2 – Recruiting – Official (Paid) Visit – Requirements for Official Visit – Elimination of Current Transcript Requirement.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaws 13.6.2.1 (high school or preparatory school prospective student-athlete) and 13.6.2.2 (two-year or four-year college prospective student-athlete) to eliminate the requirement that prior to an official visit the prospective student-athlete's transcript provided to the institution must be current.

- (2) Effective date. Immediate.
- (3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Under current legislation, an institution may not provide a prospective student-athlete with an official visit until the prospective student-athlete presents the institution with a current transcript. Eliminating the requirement that the transcript be current will alleviate confusion on what constitutes a current transcript and reduce burden on coaches and compliance administrators.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

f. Noncontroversial Legislation – Bylaw 13.6.8 – Recruiting – Official (Paid) Visit – Lodging for Additional Persons – Relatives and Legal Guardians.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.6.8 (lodging for additional persons) to clarify that additional occupants lodging with a prospective student-athlete during an official (paid) visit must be relatives and legal guardians; further, to specify that the sibling of a prospective student-athlete, who is also a prospective student-athlete being recruited by an institution, may stay in the same room as the prospective student-athlete.
- (2) Effective date. Immediate.
- (3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Under current legislation, a sibling of a prospective student-athlete may stay in the same room as the prospective student-athlete or relatives or legal guardians of the prospective student-athlete during an official (paid) visit; however, if the sibling is also a prospective student-athlete being recruited by the institution, it is impermissible for the sibling to be an additional occupant. With the family structure constantly evolving, it is possible that a sibling could also be a prospective student-athlete that is being recruited by the institution. Amending the legislation to allow a sibling, who is also a prospective student-athlete being recruited by the institution, to stay in the same room as the prospective student-athlete will reduce confusion. Additionally, this recommendation eliminates the opportunity for a

prospective student-athlete's friend(s) to accompany them on an official visit.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

g. Noncontroversial Legislation – Bylaw 14.1.10 – Eligibility – General Eligibility Requirements – Eligibility for Male Students or Male Student-Athletes to Practice with Women's Teams.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.1.10 (eligibility for male students or male student-athletes to practice with women's teams) to eliminate the requirement that a male student who practices with an institution's women's team on a regular basis must be certified by the NCAA Eligibility Center; further, to permit a nonrecruited, male student who is serving an academic year of residence as a nonqualifier to participate in practice sessions with a women's team.

(2) Effective date. Immediate.

(3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. This proposal seeks to provide institutions greater discretion regarding the management of the eligibility of male students who practice with women's teams. Removing these administrative burdens but maintaining requirements for full-time enrollment and the medical examination will reduce the burden on compliance administrators. An institution will still need to certify eligibility of male students but will have greater discretion in how it manages the certification process. Additionally, there should be no concern with allowing a nonrecruited, male student who is a nonqualifier in his first year of collegiate enrollment to practice with a women's team. Allowing such students to engage in practice activities on campus on an occasional or regular basis does not undermine the intent of the nonqualifier practice restriction, namely, that such students need to focus on their studies during the initial year on campus. Such students can voluntarily choose to engage in other recreational activities that are unrelated to academics. Practicing with a women's team during the initial year of enrollment should be a similar voluntary recreational choice.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

h. Noncontroversial Legislation – Bylaw 14.2.4 – Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Transfer from a Two-Year College or NAIA Institution.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.2.4 (criteria for determining season of eligibility) to specify that a two-year college or National Association of Intercollegiate Athletics transfer student-athlete is subject to the legislation that applied at the previous institution during the term(s) of participation.

(2) Effective date. Immediate, for a student-athlete who transfers to a Division II institution during the 2018-19 academic year, and thereafter.

(3) Rationale. Current Division II legislation requires institutions to reassess a transfer student-athlete's participation history prior to his or her enrollment at the Division II institution to determine if the transfer student-athlete used a season of competition based on Division II legislation. A student-athlete's participation should be assessed based on the legislation at the two-year institution or NAIA institution where the participation occurred. This change is consistent with the philosophy of the division and will reduce a burden on Division II compliance administrators, who must independently verify that a transfer student-athlete's participation at a two-year institution or NAIA institution does not trigger a season of competition under Division II legislation.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

i. Noncontroversial Legislation – Bylaw 14.2.4.1.1 – Eligibility – Seasons of Competition: 10-semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Minimum Amount of Competition – Two-Year College Scrimmages – Definition of a Scrimmage.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.2.4.1.1 (two-year college scrimmages) to align the definition of a two-year college scrimmage with the definition of an official scrimmage in Bylaw 17 (playing and practice seasons).

(2) Effective date. Immediate.

- (3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Currently, the definition of what constitutes a two-year college scrimmage as outlined in Bylaw 14.2.4.1.1 and the definition of an official scrimmage in Bylaw 17 differ. Aligning the definition of a two-year college scrimmage and official scrimmage will reduce confusion and simplify the application of the two-year college scrimmage legislation.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

j. Noncontroversial Legislation – Bylaw 14.2.4.2 – Eligibility – Seasons of Competition:10-Semester/15-Quarter – Criteria for Determining Season of Eligibility – Participation in Organized Competition Before Initial Collegiate Enrollment – Exceptions to Participation in Organized Competition – Service Exceptions – Period Between Service Commitment and Enrollment.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.2.4.2.2.1 (service exceptions) to specify that participation in organized competition during the period between the completion of time spent in the armed services, on an official mission or with a recognized foreign aid service of the U.S. government and the first opportunity to enroll as a full-time student in a regular academic term is exempt from the application of the organized competition before initial collegiate enrollment legislation. [See Attachment B.]
- (2) Effective date. April 1, 2019, for a student-athlete enrolling during the 2019-20 academic year, and thereafter.
- (3) Rationale. Currently, time spent in the armed services, on an official religious mission or with a recognized foreign aid service of the U.S. government is exempted from the organized competition before initial collegiate enrollment legislation. However, the service exception to the organized competition legislation does not extend to the time between completion of the service commitment and the student-athlete's first opportunity to enroll. A student-athlete who delays enrollment due to a service exception but enrolls in a collegiate institution at the next opportunity is adversely impacted because he or she is not permitted to participate in organized competition during the time between completion of the commitment and the next opportunity for enrollment. [See Attachment B.]

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

k. Noncontroversial Legislation – Bylaws 15.3.2.2.1 and 15.3.2.2.1.6 – Financial Aid – Maximum Limit on Financial Aid – Institutional – Elements of Financial Aid – Room and Board – Off-Campus Room and Board Stipend – Elimination of References to Training Table Meals.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaws 15.3.2.2.1 (off-campus room and board stipend) and 15.3.2.2.1.6 (training table meals) to eliminate references to training table meals.

(2) Effective date. Immediate.

(3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Due to the deregulation of legislation regarding meals and snacks incidental to participation, separate rules for training table meals are unnecessary. A meal provided by the athletics department (other than an occasional meal or pre- or postgame meals) can be classified as a meal incidental to participation or a meal provided by athletics that is not intended to replace a meal that is normally provided through a dining plan or off-campus board stipend. Given the varying institutional resources devoted to meals (frequency, facilities, timing), it should be within each institution's discretion to determine whether a meal is considered incidental to participation or is subject to institutional financial aid policies, regardless of how the meal is titled. The rationale of the legislation that established meals incidental to participation included a statement that "meals and snacks provided as benefits incidental to participation in intercollegiate athletics are not intended to replace meals that would normally be provided through a dining plan or off-campus board stipend." Institutions should already be consulting their financial aid offices to determine the proper classification of meals to ensure compliance with federal and institutional financial aid guidelines and should continue to do so if the training table meals legislation is eliminated.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

l. Noncontroversial Legislation – Bylaw 15.3.2.2.6 – Maximum Limit on Financial Aid – Individual – Elements of Financial Aid – Room and Board – Food Stamps.

- (1) Recommendation. Adopt noncontroversial legislation to eliminate Bylaw 15.3.2.2.6 (food stamps).
- (2) Effective date. Immediate.
- (3) Rationale. Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Under current legislation, a grant-in-aid recipient who lives off campus may use money provided for his or her room and board to purchase governmental food stamps, provided the stamps are available to the student body in general. Additionally, the student-athlete must be eligible for such stamps without any special arrangement on the part of athletics department personnel or representatives of the institution's athletics interest. Eliminating the food stamp legislation will permit eligible student-athletes to receive food stamps in the same manner as the general public without having to meet additional NCAA requirements.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

m. Noncontroversial Legislation – Bylaw 16.6.1.2 – Expenses for Student-Athlete's Friends and Relatives – Permissible – Injury or Illness – Expenses to Attend the Funeral of a Former Teammate, Student-Athlete from Different Team or Institutional Staff Member.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 16.6.1.2 (injury or illness) to specify that an institution may pay expenses for a student-athlete to attend the funeral of a former teammate or institutional staff member; further, to specify that an institution may provide expenses for a student-athlete to be present in a situation when a student-athlete from another team at the institution suffers an injury or illness or death.
- (2) Effective date. Immediate.
- (3) Rationale. Currently, an institution may pay transportation, housing and meal expenses for relatives (or legal guardians) of a student-athlete and for

the student-athlete's teammates to be present in situations in which a student-athlete suffers an injury or illness or, in the event of a student-athlete's death, to provide these expenses in conjunction with funeral arrangements. The legislation is specific to a situation in which a current student-athlete suffers an injury or illness or in the event of a student-athlete's death. In order for student-athletes to attend a former teammate or institution staff member's funeral, an institution must self-apply an incidental expense waiver per Bylaw 16.12 (expense waivers). Additionally, current legislation only permits an institution to provide expenses to student-athletes from the student-athlete's team to be present in situations which a student-athlete suffers an injury or illness or in the event of a student-athlete's death. Amending the legislation to allow student-athletes to receive transportation expenses to attend the funeral of a former student-athlete, a student-athlete from a different team at the institution or institutional staff member or to receive expenses to be present in situations when a student-athlete from another team suffers an injury or illness, will decrease confusion on whether such expenses are permissible, and eliminate the need to file an urgent legislative relief waiver, which are routinely approved.

(4) Estimated budget impact. Will vary.

(5) Student-athlete impact. None.

n. Noncontroversial Legislation – Bylaw 17 – Playing and Practice Seasons – Individual Sports – Individual Workout Sessions During an Institutional Vacation Period.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 17 (playing and practice seasons) to specify that, in individual sports, a coach may participate in an individual workout session with a student-athlete from the coach's team during an institutional vacation period, provided the request for such assistance is initiated by the student-athlete.

(2) Effective date. Immediate.

(3) Rationale. Currently, in individual sports, a coach may participate in an individual workout session with a student-athlete from the coach's team during the summer vacation period, provided the request for such assistance is initiated by the student-athlete. This proposal will extend the same opportunity to coaches to work with a student-athlete during other institutional vacation periods. Many student-athletes may not be able to return home during a vacation period due to distance (e.g., international

student-athletes), time or budget constraints. Such student-athletes may wish to use vacation periods for athletic improvement. Other student-athletes may simply wish to take advantage of additional opportunities to train with their coach. This proposal will allow a student-athlete in an individual sport the opportunity to request and receive additional instruction and guidance from their coach during a time when there are fewer demands on the student-athlete's time.

(4) Estimated budget impact. None.

(5) Student-athlete impact. Potential additional time spent in voluntary workout sessions during institutional vacation periods.

o. Noncontroversial Legislation – Bylaw 17.29.1.9 – Playing and Practice Seasons – Foreign Tours – Institutional Certified Tours – Per Diem – Increase from \$20 to \$30.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 17.29.1.9 (per diem) to increase, from \$20 to \$30, the amount of cash an institution may provide to a student-athlete per day to cover unitemized incidental expenses incurred in connection with a foreign tour.

(2) Effective date. Immediate.

(3) Rationale. Under current legislation, an institution may provide a student-athlete with \$20 cash per day to cover unitemized incidental expenses incurred in connection with a foreign tour. Increasing the value of the per diem creates consistency with the recent increases in other areas of the Division II legislation.

(4) Estimated budget impact. Potential for increased cost associated with foreign tours.

(5) Student-athlete impact. None.

2. Nonlegislative Items.

a. Legislative Referral to the NCAA Division II Student-Athlete Advisory Committee – Institutional Camp or Clinic Winter Break Restriction for Student-Athletes Who Exhausted Eligibility or Graduated and Exhausted Eligibility After the Fall Term.

- (1) Recommendation. That the NCAA Division II Management Council refer the winter break legislation to the Student-Athlete Advisory Committee for a potential legislative change:

Whether to permit a student-athlete, who has either exhausted eligibility or graduated and exhausted eligibility after the fall term, to work an institutional camp or clinic during the winter break immediately after the fall term.

- (2) Effective Date. Immediate.
- (3) Rationale. The NCAA Division II Legislation Committee requests that the Student-Athlete Advisory Committee review the winter break legislation and determine whether to permit a student-athlete, who has either exhausted eligibility or graduated and exhausted eligibility after the fall term, to work an institutional camp or clinic during the winter break immediately after the fall term.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

b. Legislative Referral to the NCAA Division II Men's Wrestling Committee – Dead Periods.

- (1) Recommendation. That the Management Council refer the review of the recruiting calendar legislation to the Wrestling Committee for a potential legislative change:

Whether the day before the first day of the NCAA Division I Wrestling Championships to noon on the day after the championships and/or the Monday before the National Wrestling Coaches Association Convention through the day of adjournment of the convention should be designated as a dead period.

- (2) Effective Date. Immediate.
- (3) Rationale. The Legislation Committee requests that the Wrestling Committee review the Division II recruiting calendar legislation and determine whether to designate the day before the first day of the NCAA Division I Wrestling Championships to noon on the day after the championships and/or the Monday before the National Wrestling Coaches

Association Convention through the day of adjournment of the convention as a dead period.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

c. Legislative Referral to the NCAA Division II Committee on Student-Athlete Reinstatement – Administration of Hardship Waiver for Injury or Illness Occurring at a Non-NCAA Institution.

(1) Recommendation. That the Management Council refer the review of the medical hardship legislation to the Committee on Student-Athlete Reinstatement for a potential legislative change:

Whether Bylaw 14.2.5.1.1 (nature of injury or illness) should be amended to eliminate the requirement that an NCAA institution must apply for a hardship waiver through its conference office or, in the case of an independent institution, the Committee on Student-Athlete Reinstatement, for a student-athlete who was previously granted a hardship waiver at the non-NCAA institution.

(2) Effective Date. Immediate.

(3) Rationale. The Legislation Committee requests that the Committee on Student-Athlete Reinstatement review the medical hardship waiver legislation and determine whether it is necessary for an NCAA institution to file another medical hardship waiver for injuries or illnesses that occur at a non-NCAA institution. The committee noted that eliminating this requirement may reduce burden on compliance administrators and enhance student-athlete well-being.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

d. Legislative Referral to the NCAA Division II Academic Requirements Committee – Season of Competition for Nonqualifier.

(1) Recommendation. That the Management Council refer the review of Bylaw 14.3.1.6.4 (season of competition – nonqualifier) for a potential legislative change:

Whether Bylaw 14.3.1.6.4 should be eliminated since a Division I transfer student would be required to meet progress-toward-degree requirements at the Division I institution in order to be eligible to transfer to a Division II institution to use their fourth season of competition.

- (2) Effective Date. Immediate.
- (3) Rationale. The Legislation Committee requests that the Academic Requirements Committee review Bylaw 14.3.1.6.4 and determine if the bylaw should be eliminated since a Division I transfer would have to meet progress-toward-degree requirements at the Division I institution in order to be eligible to transfer to a Division II institution to use their fourth season of competition in addition to meeting additional academic requirements in Bylaw 14.5.5.3.9 (one-time transfer exception).
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

e. Legislative Referral to the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports and the Division II Football Committee – Use of a Football During Walk-Throughs During the Five-Day Acclimatization Period.

- (1) Recommendation. That the Management Council refer the five-day acclimatization period legislation in football set forth in Bylaw 17.10.2.3 (five-day acclimatization period) to the Committee on Competitive Safeguards and Medical Aspects of Sports and the Football Committee for a potential legislative change:

Whether to permit the use of a football during a walk-through during the five-day acclimatization period.

- (2) Effective Date. Immediate.
- (3) Rationale. The Legislation Committee requests that the Committee on Competitive Safeguards and Medical Aspects of Sports and the Football Committee review the five-day acclimatization period in football and determine whether to permit the use of a football during a walk-through during the five-day acclimatization period.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

INFORMATIONAL ITEMS.

1. **Review of Division II Legislation Adopted at the 2019 NCAA Convention.** The committee received an update on the legislation adopted at Convention and agreed no further action is necessary at this time.
 - a. **Discussion of NCAA Proposal No. 2019-3 and the Period Between Service Commitment and Enrollment.** The committee discussed Division II Proposal No. 2019-3 (eligibility – seasons of competition: 10-semester/15-quarter – criteria for determining season of eligibility – participation in organized competition before initial collegiate enrollment – exceptions to participation in organized competition – service exceptions) and Division I Proposal No. 2018-40 (athletics eligibility – seasons of competition: five-year rule – delayed enrollment – service exception – period between service commitment and enrollment). The committee agreed to recommend sponsorship of noncontroversial legislation to amend Bylaw 14.2.4.2.2.1 (service exceptions) to specify that participation in organized competition during the period between the completion of time spent in the armed services, on an official religious mission or with a recognized foreign aid service of the U.S. government and the first opportunity to enroll as a full-time student in a regular academic term should be exempt from the use of a season of competition legislation. [See Legislative Action Item No. 1j.]
 - b. **Discussion of Division II Proposal No. 2019-6 and the Application to Student-Athletes Who Have Exhausted Eligibility.** The committee discussed Proposal No. 2019-6 (recruiting – sports camps and clinics – institution's sports camps and clinics – definition – football and basketball – elimination of timing restrictions – prohibition of student-athlete employment at institutional camps and clinics during the legislated winter break) and the application to a student-athlete that exhausts eligibility after the fall term who wants to work a camp or clinic during the winter break immediately after the fall term. The committee agreed to refer the issue and seek feedback from the Student-Athlete Advisory Committee on whether a student-athlete, who has either exhausted eligibility in the fall or graduated and exhausted eligibility in the fall, is subject to the winter break restriction at the end of that term. [See Nonlegislative Action Item No. 2a.]
2. **Discussion Regarding Attestation of Compliance.** The committee discussed the attestation of compliance legislation adopted in August 2018 that requires presidents and chancellors to annually attest that the obligations of Constitution 2.1 (principle of institutional control and responsibility) and Constitution 2.8 (principle of rules compliance) have been met. Due to the recommended changes by the Commission on College Basketball to significantly expand individual accountability for NCAA rules violations for presidents, chancellors and directors of athletics, the committee agreed to recommend sponsorship of noncontroversial legislation to amend Constitution 3.3.4 (membership) and

Bylaw 18.4.1.2 (championship and postseason football) to clarify that in order to enter a team or individual in an NCAA championship or for an individual to serve on an NCAA committee, a director of athletics must attest annually that he or she understands the institutional obligations and personal responsibilities imposed by Constitution 2.1 and 2.8 and that all athletics department staff members (full time, part time, clerical, volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and 2.8. The president or chancellor would remain responsible for attesting that they understand the institutional obligations and personal responsibilities. [See Legislative Action Item No. 1b.]

3. Update from the NCAA Division II Culture of Compliance Summit.

- a. Update on Tools and Resources, the Professional Development Workshop for Compliance Administrators and Academic Requirements Committee Review of Academic Advising.** The committee received an update on the tools and resources developed as a result of the Culture of Compliance Think Tank as well as an update on the professional development workshop for compliance administrators that will take place in May in conjunction with the Indianapolis NCAA Regional Rules Seminar. The committee also received an update on the Academic Requirements Committee's review of how to enhance Division II academic advising with funding provided by the NCAA Division II Planning and Finance Committee.
- b. Update on Feedback from the Division II Conference Commissioners Association Compliance Administrators Regarding Training Table Legislation.** At its November 2018 meeting, the committee reviewed a recommendation from the think tank to eliminate the training table legislation. Based on feedback from the Division II Conference Commissioners Association Compliance Administrators, the committee agreed to recommend noncontroversial legislation to amend Bylaws 15.3.2.2.1 (off-campus room and board stipend) and 15.3.2.2.1.6 (training table meals) to eliminate references to training table meals. [See Legislative Action Item No. 1k.]
- c. Review of Two-Year College Scrimmage Legislative History.** At its November 2018 meeting, the committee reviewed a recommendation from the December 2017 Culture of Compliance Summit to amend Bylaw 14.2.4.1.1 (exception – two-year college scrimmages) to align with the definition of an official scrimmage in Bylaw 17 (playing and practice seasons). The committee agreed to sponsor noncontroversial legislation to amend Bylaw 14.2.4.1.1 to align the definition of a two-year college scrimmage with the definition of an official scrimmage in Bylaw 17. [See Legislative Action Item No. 1i.]

The committee also recommended that the Management Council modify a legislative recommendation by the Committee on Student-Athlete Reinstatement to amend Bylaw 14.2.4 (criteria for determining season of eligibility) to specify that a two-year college or NAIA transfer student-athlete is subject to the legislation that applied to the previous institution during the term(s) of participation. [See Legislative Action Item No. 1h.]

- d. Discussion Regarding Playing Cards Legislation.** At its March 2018 meeting, the committee reviewed a recommendation from the December 2017 Culture of Compliance Summit to eliminate Bylaw 12.5.1.1.6 (player/trading cards) and requested a legislative history on the restriction on the sale of player/trading cards that bear a student-athlete's name or picture.

At its November 2018 meeting, the committee requested staff seek feedback from the NCAA office of legal affairs regarding a potential deregulation of the current playing cards legislation. Based on the feedback from the office of legal affairs, the committee decided to take no further action.

- e. Review of Legislative History Requests.** The committee reviewed the legislative histories that were prepared at the request of the Culture of Compliance Think Tank Legislative Review Subgroup. The committee recommended six noncontroversial proposals [see Legislative Action Item Nos. 1c through 1g and 1i] and three legislative referrals [see Nonlegislative Action Item Nos. 2b through 2d]. The committee also agreed to issue an official interpretation to clarify that an institution's coach may be employed by a high school, college-preparatory school or two-year college, as follows:

Division II Coaches Employed by a High School, College-Preparatory School or Two-Year College (II).

The Legislation Committee confirmed that an institutional coaching staff member may be employed by a high school, college-preparatory school or two-year college provided the employment meets the requirements of Bylaws 11.5.3 (high school, college-preparatory school or two-year college coach) and 13.8.3.2 (conditions).

[References: NCAA Bylaws 11.5.3 (high school, college-preparatory school or two-year college coach) and 13.8.3.2 (conditions)]

- 4. Review of Feedback from the NCAA Division II Presidents Council and Student-Athlete Advisory Committee on Notification of Transfer.** The committee reviewed feedback from the Presidents Council and the Student-Athlete Advisory Committee regarding a potential legislative change from permission to contact for recruiting of a four-year college transfer student to a notification of transfer model. The committee

recommended sponsorship of 2020 Convention legislation to amend Bylaw 13.1.1.2 (four-year college prospective student-athletes) to replace "permission to contact" legislation related to four-year college transfer student-athletes with a "notification of transfer" model; however, the committee did not recommend an amendment to Bylaw 15.5.4.1 (reduction or cancellation permitted). [See Legislative Action Item No. 1a.]

5. **Review of Feedback Regarding Individual Sport Student-Athletes Participating in Individual Workout Sessions During an Institutional Vacation Period.** The committee reviewed feedback from the Division II Coaches Connection groups in individual sports regarding individual sport student-athletes participating in individual workout sessions during an institutional vacation period.

The committee agreed to recommend noncontroversial legislation to amend Bylaw 17 (playing and practice seasons) to specify that in individual sports, a coach may participate in an individual workout session with a student-athlete from the coach's team during an institutional vacation period, provided the request for such assistance is initiated by the student-athlete. [See Legislative Action Item No. 1n.]

6. **Division II University Update.**

- a. **Discussion Regarding Status of Required Courses For 2019-20 Academic Year and Communication Plan.** The committee received an update on the six required courses for 2019-20 coaches certification, which will be grouped together in a curriculum, and the test questions for the courses. The committee provided feedback regarding system functionality and the communication plan to inform the membership of the release of the required courses.

- b. **Update on Courses in Development and Identification of Future Courses.** The committee received an update on the status of the courses in development (affirmation of compliance for presidents and chancellors and directors of athletics; championships and regionalization; and countable athletically related activities/voluntary athletically related activities). The committee also provided feedback on future topics for course development.

7. **Discussion Regarding Official Visit Transportation Legislation and Payment of Expenses for A Prospective Student-Athlete's Relatives, Friends or Legal Guardians.** The committee discussed the transportation on official (paid) visit legislation and paying transportation expenses for a prospective student-athlete's relatives, friends or legal guardians. The committee agreed a legislative recommendation was not needed at this time.
8. **Review of Congratulatory Advertisement Legislation.** The committee discussed the congratulatory advertisement legislation and agreed to issue an official interpretation to clarify that an institution or conference office may repost a congratulatory advertisement

(e.g., player of the week) when the message includes the student-athlete's name or picture and a commercial logo, as follows:

Conference or Institution Reposting a Congratulatory Message That Includes a Student-Athlete's Name or Picture and a Commercial Logo (II).

The Legislation Committee confirmed that a conference or institution may repost a congratulatory advertisement (e.g., player of the week) when the message includes a student-athlete's name or picture and a commercial logo, provided the primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team, the advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark and there is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser. If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a member institution's promotional activities and the advertisement involved the announcement of receipt of the prize, the receipt of the prize must be consistent with the provisions of Bylaw 12.5.2.3.3 (promotional contests).

[References: NCAA Bylaws 12.5.1.1 (institutional, charitable, educational or nonprofit promotions), 12.5.1.3 (congratulatory advertisement) and 12.5.2.3.3 (promotional contests)]

- 9. Discussion Regarding Expenses for Student-Athletes to Attend a Funeral of a Former Teammate or Institutional Staff Member, or Student-Athlete on Another Team.** The committee discussed whether an institution may provide transportation expenses for a student-athlete to attend the funeral of a former teammate or an institutional staff member. The committee also discussed whether an institution may provide transportation, housing and meal expenses for a student-athlete to be present in situations when a student-athlete from a different team suffers an injury or illness. The committee agreed to recommend sponsorship of noncontroversial legislation to amend Bylaw 16.6.1.2 (injury or illness) to specify that an institution may pay transportation expenses for a student-athlete to attend the funeral of a former teammate, student-athlete from a different team or institutional staff member; further to specify that an institution may provide transportation, housing and meal expenses for a student-athlete to be present in situations when a student-athlete from a different team suffers an injury or illness. [See Legislative Action Item No. 1m.]
- 10. Review of an Educational Document on NCAA Rules for Institutional Staff Members.** The committee reviewed and provided feedback on a draft educational document detailing NCAA rules for institutional staff members. The committee agreed to review the final version of the educational document at its June 20-21, 2019, in-person meeting.

11. **Review of the 2019-20 NCAA Eligibility Center Amateurism Certification Process Policies and Procedures.** The committee reviewed and approved the 2019-20 NCAA Eligibility Center Amateurism Certification Process policies and procedures.
12. **Discussion Regarding the Number of Hard Copies of the Division II Manual and Official Notice Mailed to Division II Institutions and Conferences.** The committee discussed whether to reduce the number of hard copies of the Division II Manual and Division II Official Notice mailed to Division II institutions and conferences. The committee agreed that Division II institutions should receive four hard copies of the Division II Manual and Division II Official Notice, and that the copies should be mailed to the compliance administrator at Division II institutions. Further, the committee agreed that Division II conferences should receive two hard copies of the Division II Manual and Division II Official Notice.
13. **Discussion Regarding the 2019-20 Compliance Forms.** The committee agreed that the NCAA Legislative Review Subcommittee of the Division II Legislation Committee will review and approve the 2019-20 required compliance forms during its May 6, 2019, teleconference.
14. **Approval of the November 5-6, 2018, Legislation Committee In-Person Meeting Report.** The committee reviewed and approved its November 5-6, 2018, in-person meeting report.
15. **Review of the Interpretations Subcommittee of the NCAA Division II Legislation Committee Reports.** The committee reviewed and approved the November 12 and 26, 2018, December 10, 2018, and February 4, 2019, Interpretations Subcommittee teleconference reports. The committee recommended that an official interpretation from the subcommittee's February 4, 2019, teleconference be issued:

Living Learning Communities for Student-Athletes (II).

The Legislation Committee determined that it would be impermissible for a Division II institution to arrange for a block of rooms (e.g., living learning community) for student-athletes based on their student-athlete status.

[References: NCAA Bylaws 15.3.2.2.2 (material housing benefit), 16.02.3 (extra benefit) and 16.5.2.1 (housing benefits)]

16. **Review of the Legislative Review Subcommittee Teleconference Reports.** The committee reviewed and approved the Legislative Review Subcommittee teleconference reports from January 15 and February 8, 2019. The committee approved the subcommittee's recommendation for sponsorship of one noncontroversial proposal [see Legislative Action Item No. 1o], the referral of one legislative concept to the Wrestling

Committee [see Nonlegislative Action Item No. 2b], and a second legislative concept to the Committee on Competitive Safeguards and Medical Aspects of Sports and the Football Committee [see Nonlegislative Action Item No. 2e].

- 17. Review of the January 2019 Presidents Council and Management Council Summary of Actions.** The committee received an update on the actions taken at the January 2019 Presidents Council and Management Council quarterly meetings.
- 18. Review of the NCAA Conflict of Interest Policy.** The committee reviewed the NCAA Conflict of Interest Policy.
- 19. Review of the Midterm Assessment of the Division II 2015-21 Strategic Plan.** The committee received an update on the midterm assessment of the 2015-21 strategic plan.
- 20. Subcommittee Appointments.** The committee appointed Dave Marsh, director of athletics, Northwood University, to the Legislative Review Subcommittee, effective immediately.
- 21. Future Meeting Dates.**
 - a. June 20-21, 2019, in-person meeting; Indianapolis.
 - b. November 4-5, 2019, in-person meeting; Indianapolis.
 - c. March 9-10, 2020, in-person meeting; Indianapolis.

Committee Chair: Cherrie Wilmoth, Southeastern Oklahoma University

*Staff Liaison(s): Karen Wolf, Academic and Membership Affairs
Geoff Bentzel, Academic and Membership Affairs
Chelsea Hooks, Academic and Membership Affairs*

NCAA Division II Legislation Committee March 11-12, 2019, In-Person Meeting	
Attendees:	
Molly Belden, Northeast-10 Conference.	
Chris Gregor, Saint Martin's University.	
Brent Heaberlin, Lenoir-Rhyne University.	
Diana Kling, Peach Belt Conference.	
Scott Larson, Lubbock Christian University.	
Laura Liesman, Georgian Court University.	
Darnell Smith, University of Central Oklahoma.	
Keith Vitense, Cameron University.	
Cherrie Wilmoth, Southeastern Oklahoma State University.	
Scott Young, University of Indianapolis.	
Absentees:	
Peggy Davis, Virginia State University.	
David Marsh, Northwood University.	
Deiontae Nicholas, Wayne State University (Michigan).	
Guests in Attendance:	
Jake Renie, University of Indianapolis.	
NCAA Staff Support in Attendance:	
Geoff Bentzel, Chelsea Hooks and Karen Wolf.	
Other NCAA Staff Members in Attendance:	
Jennifer Beasley, Maritza Jones, Stephanie Quigg Smith, Rachel Stark-Mason, Terri Steeb Gronau, and Ashley Thornburg.	