



REPORT OF THE  
NCAA DIVISION II LEGISLATION COMMITTEE  
MARCH 1, 2021, VIDEOCONFERENCE

**ACTION ITEMS.**

**1. Legislative Items.**

**a. Noncontroversial Legislation – NCAA Division II Bylaws 13.1.2.4, 13.1.3.4.1 and 13.4.4 – Recruiting – Contacts and Evaluations and Recruiting Materials – Permissible Recruiters and Electronic Transmissions – Student-Athlete and Nonpermissible Callers – Student-Athlete Participation in Recruiting Correspondence at the Direction and/or Expense of a Coaching Staff Member.**

- (1) Recommendation. That the NCAA Division II Management Council adopt noncontroversial legislation to amend NCAA Division II Bylaws 13.1.2.4 (student-athlete), 13.1.3.4.1 (enrolled students and student-athletes) and 13.4.4 (electronic transmissions) to specify that student-athletes may participate in recruiting correspondence (written or electronically transmitted correspondence, telephone calls, videoconferences) at the direction and/or expense of a coaching staff member and with multiple prospective student-athletes at a time, provided the activity is voluntary.
- (2) Effective date. Immediate.
- (3) Rationale. Current legislation does not permit student-athletes to participate in written or electronically transmitted correspondence or telephone calls with prospective student-athletes at the direction and/or expense of a coaching staff member. In response to the impact of COVID-19, the NCAA Division II Administrative Committee approved a blanket waiver on April 15, 2020, to permit student-athletes to participate on a telephone/video call with any number of contactable uncommitted prospective student-athletes (and their family members) through the 2020-21 academic year. This proposal would permit student-athletes to participate in recruiting correspondence at the direction and/or expense of a coaching staff member, provided the activity is voluntary.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Student-athletes will be permitted to participate in recruiting correspondence with contactable prospective student-athletes on a voluntary basis.

**b. Noncontroversial Legislation – Bylaw 13.15.2.2.1 – Recruiting – Financial Assistance to a Prospective Student-Athlete or Prospective Student-Athlete’s High School – Permissible Expenses – Donation of Equipment – Athletics Equipment and Apparel – Monetary Donations to Nonathletic Bona Fide Youth Organizations.**

- (1) Recommendation. That the Management Council adopt noncontroversial legislation to amend Bylaw 13.15.2.2.1 (athletics equipment and apparel) to permit an institution or conference to make monetary donations to nonathletic bona fide youth organizations (e.g., YMCA, YWCA, Boys and Girls Club).
- (2) Effective date. Immediate.
- (3) Rationale. Currently, an institution or conference is permitted to donate equipment and apparel to bona fide youth organizations and nonprofit organizations that consist of prospective student-athletes. However, the legislation does not permit an institution or conference to make a monetary donation to a nonprofit organization that may benefit a prospective student-athlete but does not primarily involve athletics participation as part of its mission or programming. By permitting institutions or conferences to make monetary donations to nonathletic bona fide youth organizations, institutions, its student-athletes or conference will be able to raise and donate funds to support the work of organizations with a mission to help youth that are unrelated to athletics.
- (4) Estimated budget impact. Varying by institution or conference.
- (5) Student-athlete impact. None.

**c. Noncontroversial Legislation – Bylaw 16.8.1.2 – Awards, Benefits, and Expenses – Expenses Provided by the Institution for Practice and Competition – Permissible – Other Competition.**

- (1) Recommendation. That the Management Council adopt noncontroversial legislation to amend Bylaw 16.8.1.2 (other competition) to permit an institution to provide, during an academic year in which a student-athlete is eligible to represent an institution in athletics competition (or in the following summer), actual and necessary expenses related to a student-athlete’s participation in established national championship events, or the junior-level equivalent of such events (e.g., Youth Olympic Games, Junior World Championships, U19 World University Games); and

established regional championship events (e.g., North American Championships, European Championships).

- (2) Effective date. Immediate.
- (3) Rationale. Consistent with efforts to enhance student-athlete success and well-being, this proposal would permit institutions to provide actual and necessary expenses for student-athletes to participate in additional elite national and international competition by including junior-level equivalent, as well as select elite regional events to the list of permissible events. Allowing institutions the discretion to provide such expenses would ease the financial burden placed on student-athletes who wish to participate in such elite events, particularly in the Olympic sports, and help alleviate situations in which student-athletes may have to choose between future NCAA eligibility and raising funds for a potential once in a lifetime event.
- (4) Estimated budget impact. Varies depending on institution.
- (5) Student-athlete impact. Student-athletes selected to participate in these events would be permitted to receive expenses from their institutions.

## 2. Nonlegislative Items.

### a. **Legislative Referral to the NCAA Division II Academic Requirements Committee – Full-Time Enrollment – Practice or Competition – Final Semester/Quarter – Designated Minor or Undergraduate Certificate Program.**

- (1) Recommendation. That the Management Council refer Bylaw 14.1.7.1.7.3 (practice or competition – final semester/quarter) to the Academic Requirements Committee for a potential legislative change in Division II:

Whether a student-athlete with athletics eligibility remaining may utilize Bylaw 14.1.7.1.7.3 (practice or competition – final semester/quarter) to participate in intercollegiate competition or practice while enrolled less than full time, in the final semester or quarter of a minor or undergraduate certificate program, provided the minor or undergraduate certificate program is designated before the beginning of the applicable term and the institution certifies that the student-athlete is carrying (for credit) the courses necessary to complete the minor or undergraduate certificate requirements.

- (2) Effective date. Immediate.
- (3) Rationale. Currently, a student-athlete with eligibility remaining may participate in practice or competition while enrolled less than full time, provided the student-athlete is enrolled in the final semester or quarter of their baccalaureate program and the institution certifies that the student-athlete is carrying, for credit, the courses necessary to complete their degree requirements. However, it is impermissible for a student-athlete to use credits earned in a minor to meet the exception for full-time enrollment unless the minor is required to complete the baccalaureate degree requirements and would be required for all students enrolled in the program. The same applies to undergraduate certificate programs.

The Legislation Committee requests that the Academic Requirements Committee review the final semester or quarter exception of the full-time enrollment legislation and determine whether a student-athlete with athletics eligibility remaining may utilize Bylaw 14.1.7.1.7.3 (practice or competition – final semester/quarter) to participate in intercollegiate competition or practice while enrolled less than full time, in the final semester or quarter of a minor or undergraduate certificate program, provided the minor or undergraduate certificate program is designated before the beginning of the applicable term and the institution certifies that the student-athlete is carrying (for credit) the courses necessary to complete the minor or undergraduate certificate requirements.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Student-athletes would be permitted to enroll less than full time and participate in intercollegiate practice or competition in their final semester or quarter of a minor or undergraduate certificate program, as specified.

**b. Request for Feedback from the Academic Requirements Committee and NCAA Division II Student-Athlete Advisory Committee – Eligibility – Transfer Regulations – Four-Year College Transfers – One-Time Transfer Exception.**

- (1) Recommendation. That the Management Council request the Academic Requirements Committee and Student-Athlete Advisory Committee provide feedback on the current application of the one-time transfer exception (Bylaw 14.5.5.3.9) and whether Division II should consider any of the components of Division I Proposal No. 2020-11 (academic eligibility – exceptions for transfers from four-year colleges –

one-time transfer – uniform application) for a possible legislative change in Division II.

- (2) Effective date. Immediate.
- (3) Rationale. Division I Proposal No. 2020-11 creates a uniform standard for the one-time transfer exception and would require a student-athlete to complete a mandatory educational module before a notification of transfer may be entered into the NCAA Transfer Portal. In addition, the proposal would eliminate the ability for a student-athlete's previous institution to object to the student being granted an exception to the transfer residence requirement. Instead, an institution's head coach and the student-athlete will be required to certify that no contact occurred prior to the student-athlete's entry into the NCAA Transfer Portal. To provide stability and finality to those impacted by transfer decisions, the proposal includes notification of transfer dates by which a student-athlete must indicate intent to transfer in order to qualify for the proposed exception: May 1 for fall and winter sports and July 1 for spring sports. Division I Proposal No. 2020-11 is currently tabled after a vote at the 2021 NCAA Convention was delayed; however, the Division I Council has adopted a blanket waiver in the interim.

Current Division II legislation gives institutions the ability to object to a student-athlete being granted an exception to the transfer residence requirement upon transfer to another institution. However, if Division I Proposal No. 2020-11 is adopted, Division II institutions would not have the ability to deny a student-athlete access to the one-time transfer exception if they are transferring to a Division I institution. Additionally, Division II institutions would still be required to seek consent to use the one-time transfer exception for a student-athlete transferring from a Division I institution.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

### **INFORMATIONAL ITEMS.**

1. **Discussion of Division II legislation adopted at the 2021 Convention and update on the name, image and likeness proposal, including third-party administrator.** Staff provided an update on Division II Proposal No. 2021-1 (various bylaws – student-athlete use of name, image and likeness), which is currently tabled. Additionally, the committee discussed the potential use of a third-party administrator to

assist with the administration of activities related to the use of a student-athlete's name, image or likeness. The committee noted that additional details (e.g., cost of the service, who is responsible for the cost) need to be finalized before the committee seeks membership feedback on such a requirement and potentially make a legislative recommendation. Finally, the committee discussed ideas to educate the Division II membership regarding changes to the legislation pertaining to name, image and likeness including a resource under development by the Student-Athlete Advisory Committee directed at Division II student-athletes as the target audience.

2. **Discussion regarding NCAA Division I Proposal No. 2020-11 (academic eligibility – exceptions for transfers from four-year colleges – one-time transfer – uniform application).** The committee received an update on Division I Proposal No. 2020-11 and its impact on student-athletes transferring from Division II to Division I and provided feedback on how to educate the Division II membership on that impact if it is adopted. The committee discussed potential legislative changes to the one-time transfer exception in Division II and directed staff to seek feedback from the Academic Requirements Committee and Student-Athlete Advisory Committee for review on the June 29-30 videoconference [see Nonlegislative Action Item No. 2b].
3. **Approval of Division II University test bank for required courses, policies and procedures and communication plan for the 2021-22 academic year.** The committee received an update on the six required courses for the 2021-22 coaches certification, which will be grouped together in a curriculum. The committee reviewed and approved the test questions to be included in the 2021-22 coaches certification as amended, the 2021-22 Division II University policies and procedures and the Division II University communication plan to inform the membership of the release of the required courses in early April 2021.
4. **Review of COVID-19 impact on Division II legislation.** The committee reviewed the actions taken by the Division II Administrative Committee and Division II Presidents Council in response to the impact of COVID-19 and discussed whether any permanent legislative changes were necessary. The committee reviewed feedback from the Division II Student-Athlete Advisory Committee and Division II Coaches Connection groups regarding student-athlete involvement in recruiting and voluntary individual workouts in team sports during vacation periods. The committee agreed to recommend the adoption of noncontroversial legislation to permit student-athletes to participate in recruiting correspondence (written or electronically transmitted correspondence, telephone calls, videoconferences) at the direction and/or expense of a coaching staff member [See Legislative Action Item No. 1-a]. The committee did not recommend legislation to permit student-athletes in team sports to participate in individual workout-sessions with a member of the coaching staff during any institutional vacation period and/or the summer, noting the concept conflicts with the division's Life in the Balance philosophy.

5. **Review and approval of the 2021-22 NCAA Eligibility Center Amateurism Certification Process policies and procedures.** The committee reviewed and approved the 2021-22 NCAA Eligibility Center Amateurism Certification Process policies and procedures. Additionally, the committee referred the approval of the ACP policies and procedures to the Legislative Review Subcommittee permanently, to review annually during its February meetings.
  
6. **Discussion regarding competition in year of transfer legislation and NCAA championship segment.** The committee discussed the application of the competition in year of transfer legislation in relation to the NCAA championship segment and reviewed feedback from the Academic Requirements Committee on the two-year college transfer legislation. The committee agreed to maintain the current application for a student-athlete who competes during the nonchampionship segment at the previous institution when the contest(s) count toward championships selection or if a transfer student-athlete's previous institution declares the alternate playing season.

The committee agreed to issue an official interpretation and incorporate the following into the Division II Manual:

Competition in Year of Transfer Application to Competition During the Nonchampionship Segment and Alternate Playing Season (II)

The Division II Legislation Committee confirmed that a student-athlete who competes during the nonchampionship segment in a sport where the contest(s) count toward championships selection criteria (e.g., golf, tennis) may be immediately eligible for competition during the segment that concludes with the NCAA championship upon transfer during the same academic year; further, a student-athlete who competes at an institution where the institution and/or conference declares the alternate playing season in baseball, golf or tennis during the fall term may not be immediately eligible for competition upon transfer to an institution that does not declare the alternate playing season during the same academic year.

[References: NCAA Division II Bylaws 14.5.4.5.8 (competition in year of transfer), 14.5.5.4 (competition in year of transfer), 17.3.5.1 (exception – alternate playing season for institutions located in Puerto Rico), 17.12.5.1 (exception – alternate playing season) and 17.23.5.1 (exception – alternate playing season).]

7. **Discussion regarding the Division II Presidents Council legislative authority.** The committee discussed the current legislative authority of the Division II Presidents Council, specifically NCAA Division II Constitution 5.3.1.1.2 (emergency legislation), Constitution 5.3.5 (submission deadline) and Constitution 5.4.2 (resolutions) and provided feedback regarding possible legislative changes which would assist in expanding legislative options for the Presidents Council when immediate changes to divisional

legislation is necessary. Presidents Council will review feedback from the governance structure at its April 28, 2021, videoconference. Staff noted that any changes to the legislative process would likely move forward as 2022 Convention legislation.

8. **2024-2029 Division II Strategic Plan.** The committee participated in a Division II SWOT analysis as part of the initial development of the 2024-2029 Division II Strategic Plan.
9. **Review of the February 9, 2021, Legislative Review Subcommittee of the Division II Legislation Committee teleconference report.** The committee reviewed and approved the February 9, 2021, teleconference report. The committee approved the subcommittee's recommendation of two pieces of noncontroversial legislation [see Legislative Action Item Nos. 1b and 1c] and referral of one nonlegislative concept to the Academic Requirements Committee [see Nonlegislative Action Item No. 2a].

The committee also agreed to elevate the May 24, 2006, Division II staff interpretation to an official interpretation and incorporate the following into the Division II Manual:

Attendance Restriction at Institutional Camps/Clinics (II)

The Division II Legislation Committee confirmed that attendance at institutional camps/clinics may be limited by grade level or gender or both.

[References: NCAA Division II Bylaw 13.12.1.2 (attendance restriction) and a staff interpretation (05/24/06, Item Ref. 1), which has been archived.]

10. **Review of the December 21, 2020, Interpretations Subcommittee of the Division II Legislation Committee teleconference report.** The committee reviewed and approved the December 21, 2020, teleconference report.
11. **Update from the NCAA Division II Presidents Council and Management Council January/February 2021 Meetings.** The committee received an update on the actions taken at the January/February 2021 Presidents Council and Management Council quarterly meetings.
12. **Review of November 2, 2020, videoconference and December 4, 2020, electronic communication NCAA Division II Legislation Committee reports.** The committee reviewed and approved the November 2, 2020, videoconference and December 4, 2020, electronic communication reports.
13. **Other business.** The committee discussed whether additional COVID-19 season-of-competition waiver flexibility should be provided to 2021 spring sport student-athletes. The NCAA Division II Committee on Student-Athlete Reinstatement declined to support additional flexibility beyond what has already been approved by the Division II Administrative



Committee, noting that spring competition has not been significantly impacted at this point. The Legislation Committee agreed the current flexibility remains appropriate.

**14. Future Meeting Dates.**

- a. June 29-30, 2021; videoconference.
- b. September 2021, date to be determined; videoconference.
- c. November 3-4, 2021; Indianapolis (tentative).
- d. March 2022, date to be determined; Indianapolis (tentative).

*Committee Chair:* Scott Larson, Lubbock Christian University  
*Staff Liaison(s):* Karen Wolf, Academic and Membership Affairs  
 Chelsea Hooks, Academic and Membership Affairs  
 Michael Woo, Academic and Membership Affairs

<b>NCAA Division II Legislation Committee March 1, 2021, Videoconference</b>
<b>Attendees:</b>
Brenda Cates, University of Mount Olive.
Carlin Chesick, Pennsylvania State Athletic Conference.
John Michael Etheridge, Kentucky State University.
Jim Johnson, Pittsburg State University (Management Council chair).
Diana Kling, Peach Belt Conference.
Scott Larson, Lubbock Christian University.
Kara Lindaman, Winona State University.
Christine Lowthert, Assumption College.
David Marsh, Northwood University.
Pennie Parker, Rollins College.
Jason Stock, California State University, San Marcos.
Brian Summers, Christian Brothers University.
Scott Young, University of Indianapolis.
<b>Absentees:</b>
None.
<b>Guests in Attendance:</b>
Gary Brown, NCAA Contractor.
<b>NCAA Staff Liaisons in Attendance:</b>
Chelsea Hooks, Karen Wolf and Michael Woo.
<b>Other NCAA Staff Members in Attendance:</b>

Emily Capehart, Roxann Frankel, Terri Steeb Gronau, Maritza Jones, Ryan Jones, Mckenzie Maneggia, Jobrina Marques, Corbin McGuire, Jeff Myers, Stephanie Quigg, Angela Red and Ashley Thornburg.