



**REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
MARCH 26-27, 2024, IN-PERSON MEETING**

ACTION ITEMS.

1. Legislative Items.

a. Noncontroversial Legislation -- NCAA Division II Bylaw 13 -- Recruiting -- Modernization and Deregulation.

- (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Division II Bylaw 13 (recruiting), as specified. [Attachment A]
- (2) Effective Date. August 1, 2024.
- (3) Rationale. Following the adoption of the new constitution at the 2022 NCAA Convention, the NCAA Division II President's Council, now named the NCAA Division II Executive Board, established the NCAA Division II Implementation Committee that included 28 voting members who were charged with starting and leading the division's work. The Implementation Committee reviewed the division's rules and policies and made recommendations to ensure that changes were consistent with the principles agreed upon in the new constitution. The NCAA Division II Legislation Committee was tasked with reviewing various bylaws, which included Bylaw 13. After reviewing feedback from the Division II membership, NCAA Division II Management Council and other affiliate groups, the Legislation Committee determined that amending Bylaw 13 as recommended will simplify the application and provide Division II institutions with more autonomy.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

b. Noncontroversial Legislation -- Bylaw 17.11.4 -- Playing and Practice Seasons -- Football -- First Contest -- Championship Segment.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 17.11.4 (first contest -- championship segment) to specify that an institution shall not participate in its first contest with outside competition in the championship segment before the Thursday preceding August 30.
- (2) Effective date. August 1, 2024.
- (3) Rationale. NCAA Division II Proposal No. 2024-1 states that an institution shall not participate in its first contest with outside competition in the

championship segment before the week prior to the Thursday preceding September 6. Amending the language to specify that an institution shall not participate in its first contest with outside competition in the championship segment before the Thursday preceding August 30 will alleviate potential confusion amongst the membership. The amendment will clarify the language of the legislation without altering the application.

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

2. Nonlegislative Items.

a. Legislative Referral to the NCAA Division II Academic Requirements Committee.

- (1) Recommendation. That the Management Council request that the NCAA Division II Academic Requirements Committee review NCAA Division I Proposal No. I-2023-1 (academic eligibility -- full-time enrollment -- requirement for practice and competition -- exception -- final semester/quarter -- final term before experiential learning requirement -- postbaccalaureate students) for consideration of a potential legislative change in Division II:

Whether Division II Bylaw 14.1.7.1.7.4 (final term before experiential learning requirement) should be amended to clarify that a student-athlete may practice while enrolled less than full time in their final semester or quarter of their postbaccalaureate degree program before participating in an experiential learning requirement (e.g., student teaching, internship, clinical, capstone project, etc.).

- (2) Effective date. Immediate.
- (3) Rationale. Currently, the legislation permits a Division II student-athlete to continue to practice and compete while enrolled less than full time if they are in the final semester or quarter of their baccalaureate degree program before participating in an experiential learning requirement in the following term. Interpretively, this exception has been extended to student-athletes pursuing a postbaccalaureate degree. Amending the legislation to explicitly state that the exception applies to a student-athlete pursuing a postbaccalaureate degree will clarify the current application of the legislation.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

b. Legislative Referral to the NCAA Division II Committee for Legislative Relief.

(1) Recommendation. That the Management Council request that the Division II Committee for Legislative Relief review Division II Bylaw 16.12 (expense waivers) and determine whether the legislation should be added to the committee's policies and procedures.

(2) Effective date. Immediate.

(3) Rationale. During the committee's review of potential concepts to modernize Bylaw 16 (awards, benefits and expenses for enrolled student-athletes), the committee recommended eliminating Bylaw 16.12 (expense waivers) and referred the bylaw to the Division II Committee for Legislative Relief to determine whether it would be more appropriate to add the legislation to its policies and procedures.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

c. Legislative Referral to the NCAA Division II Committee on Infractions.

(1) Recommendation. That the Management Council request the Division II Committee on Infractions review Division I Proposal No. 2023-55 (infractions program -- penalties -- individual accountability measures) for consideration of a potential legislative change in Division II:

Whether Division II Bylaw 19 (infractions program) should be amended to focus meaningful infractions penalties on the individuals responsible for the underlying rules violations.

(2) Effective date. Immediate.

(3) Rationale. Amending the infractions process to better focus meaningful penalties on the individuals responsible for the underlying wrongdoing will better align the infractions program's penalty structure with today's collegiate athletics environment. Further, the changes will ensure that the Division II Committee on Infractions has the necessary tools and authority to effectively hold individuals accountable by expanding upon existing

penalty authority and also establishing new approaches to individual accountability, such as publicizing the names of culpable individuals in public infractions decisions.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

d. Request to Approve the 2024-25 Amateurism Fact-Finding Policies and Procedures.

(1) Recommendation. That the Management Council approve the 2024-25 Fact-Finding policies and procedures. [Attachment B]

(2) Effective date. Immediate.

(3) Rationale. The Legislative Review Subcommittee is charged with making factual determinations as part of the amateurism certification process. The policies and procedures outline that any revisions must be approved by the Management Council.

(4) Estimated budget impact. None.

(5) Student-athlete well-being. None.

INFORMATIONAL ITEMS.

1. Discussion regarding Division II legislation adopted at the 2024 Convention.

a. Proposal No. 2024-1 (playing and practice seasons -- football -- preseason practice and first contest -- first permissible contest). The committee discussed whether Bylaw 17.11.4 (first contest -- championship segment) should be amended to alleviate potential confusion amongst the membership regarding the language used in Proposal No. 2024-1 to identify the first permissible contest date in football. The committee recommended noncontroversial legislation to amend Bylaw 17.11.4, to clarify that an institution may participate in its first contest in football on the Thursday preceding August 30 [see Legislative Action Item No. 1b].

b. Feedback on the educational resources associated with the governance-sponsored and membership-sponsored proposals. The committee reviewed feedback on the educational resources provided to the membership regarding governance-sponsored and membership-sponsored proposals for the 2024 Convention and discussed whether additional resources are necessary for the 2025

Convention and thereafter. The committee determined that the NCAA Division II Student-Athlete Advisory Committee electronic grid, along with the Convention voiceover video were sufficient in educating the membership. The committee recommended that staff also release the PowerPoint presentation used in the Convention voiceover video. The committee will continue to evaluate the educational materials and/or resources provided on an annual basis.

2. **Discussion regarding the recommended concepts of Bylaw 13 (recruiting).** The committee received an update on its referral to the Committee for Legislative Relief regarding Bylaw 13.5.4 (transportation to enroll) and elected not to move their recommended concept forward to eliminate Bylaw 13.5.4. The committee also reviewed membership feedback on the concept to amend Bylaw 13.2.8 (fundraisers for a prospective student-athlete) and determined that the recommended concept was still appropriate and should be moved forward. Finally, the committee reviewed feedback from the Management Council and Division II Conference Commissioners Association Compliance Administrators (CCACA) and recommended noncontroversial legislation to amend Bylaw 13, as specified [see Legislative Action Item No. 1a].
3. **Review of the membership survey feedback on the recommended concepts of Bylaw 16 (awards, benefits and expenses for enrolled student-athletes).** The committee reviewed feedback from the membership survey regarding the recommended concepts of Bylaw 16. The committee determined whether, based on the feedback, the recommended concepts were still appropriate, should be amended, or not moved forward [see Attachment C]. The committee also agreed to refer Bylaw 16.12 (expense waivers) to the Committee for Legislative Relief to consider adding the legislation to its policies and procedures [see Nonlegislative Action Item No. 2b]. The committee will seek feedback from the Management Council and CCACA before making final recommendations during its June videoconference.
4. **Discussion regarding Bylaw 14.5.5.1 (general rule).** The committee continued its discussion on the three concepts being considered by the Academic Requirements Committee regarding Bylaw 14.5.5.1 (general rule). The committee determined that Option No. 3, with the removal of (a) and (b) under prong three, was the best option for the new transfer academic standard. The committee also continued its discussion regarding the June 15 written notification of transfer date and whether a transfer student-athlete should be required to provide written notification of transfer by June 15 prior to being immediately eligible under the new transfer standard(s). The committee determined that a written notification of transfer date is still appropriate, however, recommended that the Academic Requirements Committee discuss the penalty for a transfer student-athlete that does not provide written notification of transfer by the established deadline.
5. **Discussion regarding name, image and likeness (NIL).**

- a. **Division I Proposal No. 2023-58 (name, image and likeness activities -- student-athlete protections) and recent legislative action in Division III.** The committee reviewed Division I Proposal No. 2023-58 and discussed whether the recommendations made during its November 29-30, 2023, in-person meeting were still appropriate. The committee determined that Division II student-athletes should have access to educational materials and/or resources regarding NIL that student-athletes may use on a voluntary basis. Additionally, the committee determined that access to a professional service provider registry would be beneficial for Division II student-athletes, but that student-athletes should not be required to use the registry. The committee also determined that disclosure of a student-athlete's NIL deal(s) to campus administrators should be left to institutional policy and state law. Finally, the committee received an update on recent action in Division III regarding NIL legislation.
 - b. **Update on the continued work of the NCAA Division I Council Working Group on Name, Image and Likeness.** The committee received an update on the recent work of the Division I Council Working Group on Name, Image and Likeness and potential recommendations regarding institutional involvement in NIL activities and NIL recruiting legislation. The committee will receive an update on any potential NIL legislation passed in Division I during its June videoconference.
6. **Discussion regarding the 2024-25 coaches certification learning plan.** The committee discussed the upcoming launch of the 2024-25 coaches certification learning plan and decided to amend the list of courses approved during its November 29-30, 2023, in-person meeting. Due to the committee's Bylaw 13 (recruiting) review and potential legislative changes, the committee recommended removing the following courses: (1) Recruiting: Benefits for Coaches of Prospective Student-Athletes; and (2) Recruiting: Local Spots Clubs. The committee decided to add NCAA Coaches Assist for Mental Health to the learning plan and delay its launch. The learning plan will be released by the end of April.
7. **Discussion regarding components of triathlon and use of a season of competition.** The committee discussed whether bicycle road racing is considered the same sport as triathlon for purposes of the organized-competition legislation. After considering the playing rules, mechanics, skill set and equipment used in each sport, the committee determined that bicycle road races could not be separated from the sport of cycling which is a component of triathlon. The committee agreed to issue an official interpretation to confirm that triathlon and bicycle road racing are considered the same sport for purposes of Bylaw 14.2.4.2 (participation in organized competition before initial collegiate enrollment), as follows:

Triathlon and Bicycle Road Racing are Considered the Same Sport (II).

The Division II Legislation Committee confirmed that triathlon and bicycle road racing are considered the same sport for purposes of the organized competition legislation.

[References: NCAA Division II Bylaw 14.2.4.2 (participation in organized competition before initial collegiate enrollment)].

8. **Discussion regarding the Implementation Committee's Legislative Process and Compliance Subcommittee priority two and three items.** The committee completed its review on Bylaw 14 (eligibility: academic and general requirements) and will determine appropriate steps to gather feedback on its recommended concepts during its June videoconference. Additionally, the committee began its review of Bylaw 17 (playing and practice seasons). The committee will continue its discussion at its June videoconference.
9. **Discussion regarding the Division II Operating Plan.** The committee reviewed and discussed the draft 2026-32 Division II Operating Plan. Specifically, the committee provided feedback on each of the identified strategic priority areas. This feedback will assist in the full implementation of the division's operating plan.
10. **Discussion regarding Division I institutions contacting Division II student-athletes outside of the Division I transfer window.** During the committee's November meeting, the committee discussed a legislative change to limit Division I institutions from contacting Division II student-athletes outside of the applicable Division I sport transfer window. Since then, some questions about the application of the recommendation have been posed that need to be further discussed by the committee. The committee will continue this conversation during their June meeting.
11. **Update on the NCAA Division I Transformation Committee report.** The committee reviewed items outlined in the Division I Transformation Committee report, specifically, those areas that fall within the committee's purview.
12. **Update from the NCAA Board of Governors.** The committee received an update from the most recent Board of Governors meeting.
13. **Update from the Presidents Council and Management Council 2024 winter meetings.** The committee received an update on the action taken at the 2024 winter meetings of the Presidents Council, now named the Executive Board and Management Council.

14. **Review of the 2024-25 NCAA Eligibility Center Amateurism Certification Process Policies and Procedures and the 2024-25 Amateurism Fact-Finding Policies and Procedures.** The committee reviewed and approved updates to the 2024-25 NCAA Eligibility Center Amateurism Certification Process policies and procedures. The committee also approved the 2024-25 Amateurism Fact-Finding policies and procedures [See Nonlegislative Action Item No. 2d].
15. **Review of the Legislation Committee policies and procedures.** The committee reviewed and approved updates to its policies and procedures.
16. **Review of the February 26, 2024, videoconference report of the Division II Legislation Committee Legislative Review Subcommittee.** The committee reviewed and approved the Legislative Review Subcommittee report from its February 26, 2024, videoconference. The committee approved the subcommittee's referral of one nonlegislative concept to the Academic Requirements Committee [see Nonlegislative Action Item No. 2a] and the referral of one nonlegislative concept to the Committee on Infractions [see Nonlegislative Action Item No. 2b].
17. **Review of the November 29-30, 2023, in-person meeting report of the Legislation Committee.** The committee reviewed and approved its November 29-30, 2023, in-person meeting report.
18. **Subcommittee appointments.** The committee appointed Kristina Ortiz, assistant director of athletics for compliance and senior woman administrator, Georgian Court University, to the Interpretations Subcommittee, effective immediately.
19. **Future meeting dates.**
 - a. June 25-26, videoconference; timing to be determined.
 - b. November 18-19, in-person meeting; Indianapolis.
 - c. March 2025, videoconference; date and time to be determined.

Committee Chair: Audra Kedy, Great American Conference
Staff Liaison(s): Chelsea Hooks, Academic and Membership Affairs
Rachel Denton, Academic and Membership Affairs
Megan McDonald, Academic and Membership Affairs

NCAA Division II Legislation Committee March 26-27, 2024, In-Person Meeting	
Attendees:	
Matt Green, Flagler College.	
Audra Kedy, Great American Conference.	
Dawn Makofski, University of Montevallo.	
Kristina Ortiz, Georgian Court University.	
Roberta Page, Slippery Rock University of Pennsylvania (Management Council chair).	
Christopher Ratcliff, Rogers State University.	
Deborah Rodgers, Tuskegee University.	
Kevin Schriver, Southwest Baptist University.	
Melissa Thacker, Cameron University.	
Vaughn Williams, Bentley University.	
Absentees:	
Suzanne Sanregret, Michigan Technological University.	
Kara Amos, Missouri Southern State University.	
Guests in Attendance:	
Cullen Dore, Francis Marion University.	
NCAA Staff Liaisons in Attendance:	
Rachel Denton, Chelsea Hooks and Megan McDonald.	
Other NCAA Staff Members in Attendance:	
Mike DeCesare, Terri Steeb Gronau, Maritza Jones, Angela Red, Drea Rog, Jared Tidemann and Robert Turick.	



NCAA Division II Legislation Committee
Bylaw 13 (Recruiting)
Priority Two and Three Items

Noncontroversial Legislation

DIVISION II BYLAW	ACTION	RECOMMENDATION
13.02.1 (community engagement activity)	Amend	To amend the community engagement legislation to specify that an institution and/or conference shall make the determination of what constitutes community engagement.
13.02.4 (contact and evaluation periods)	Eliminate	To eliminate the evaluation, quiet and dead period legislation, making everything a contact period. [Note: The National Letter of Intent (NLI) dead period will remain.]
13.1.2.2 (general exception)	Amend	To amend the legislation to specify that individuals (significant other of prospective student-athlete’s coach, established family friend/neighbor, and other family members and significant other of staff member) who have a pre-established relationship with a prospective student-athlete shall not be subject to the restrictions under the recruiting contact legislation.
13.1.3 (telephone calls to prospective student-athletes)	Amend	To permit telephone calls with prospective student-athletes at any time.
13.1.6 (contact restrictions at specified sites)	Amend	To permit an institutional staff member to have on-campus contact prior to any athletics competition provided the competition is taking place on the institutional staff member’s campus.
13.2.2 (institutional pre-enrollment fees)	Amend	To amend the institutional pre-enrollment fees legislation to permit an institution to use their discretion in determining what constitutes pre-enrollment fees.
13.2.4 (awards to prospective student-athletes)	Amend	To permit an institution to provide awards to prospective student-athletes for outstanding athletic achievement and awards that are in the name of an NCAA member institution.
13.2.5 (employment of prospective student-athletes)	Amend	To permit a prospective student-athlete to be employed at any time provided they are treated like current student-athletes (e.g., paid for the work performed).
13.2.8 (fundraisers for a prospective student-athlete)	Amend	To permit institutions to fundraise for prospective student-athletes during extreme circumstances beyond the control of the prospective student-athlete (e.g., natural disaster, life threatening emergency).
13.4 (recruiting materials)	Amend	To permit an institution to provide athletically related recruiting material at any time.
13.5.2.1 (general restrictions)	Amend	To permit an institution to pay the prospective student-athlete’s round trip cost for an official visit to its campus.
13.6.1 (limitations on official visit)	Amend	To permit an institution to finance one additional official visit for a prospective student-athlete after a new head coach is hired when the prospective student-athlete previously received an official visit to the institution.
13.6.5 (accommodations on official visit)	Amend	To permit an institution to provide a prospective student-athlete on an official visit with lodging similar to accommodations provided to student-athletes; further, to specify that the lodging must be located in the locale of the institution.
13.6.6.2 (complimentary admissions)	Eliminate	To eliminate the limit of complimentary admissions an institution may provide a prospective student-athlete, on an official visit, to a campus athletics event.
13.6.6.2.1 (off-campus home competition)	Eliminate	To eliminate the 30-mile radius requirement.

DIVISION II BYLAW	ACTION	RECOMMENDATION
13.6.6.5 (student host)	Amend	To increase the amount of funds provided to the student host from \$30 to \$50.
13.6.7 (lodging for additional persons)	Amend	To permit an institution to pay the cost of lodging for relative(s) or legal guardian(s) who are accompanying a prospective student-athlete during an official visit.
13.7 (unofficial (nonpaid) visit)	Eliminate	To eliminate the limit of complimentary admissions an institution may provide a prospective student-athlete, on an unofficial visit, to a home athletics event.
13.7.2.1.1 (meals)	Eliminate	To eliminate the restriction on the number of meals an institution may provide a prospective student-athlete during an unofficial visit.
13.8 (entertainment reimbursement and employment on high school/college-preparatory school/two-year college coaches)	Amend	To permit an institution to provide meals and/or the cost of transportation to and from the campus to coaches that accompany a prospective student-athlete on an official visit and meals for coaches that accompany a prospective student-athlete on an unofficial visit.
13.8.1.1 (transportation reimbursement)	Amend	To permit an institution to reimburse transportation expenses to a high school, college-preparatory school or two-year college coach for transportation expenses for official visits.
13.11.1.4 (nonscholastic-based basketball)	Eliminate	To eliminate the nonscholastic-based basketball legislation.
13.11.1.5 (tryout camps)	Eliminate	To eliminate the tryouts camps legislation.
13.11.2.1 (tryouts)	Amend	To permit an institution to conduct a tryout for a high school, preparatory school or two-year college transfer at any time.
13.11.2.4 (local sports club)	Amend	To amend the local sports club’s legislation, as followed: (1) Rename the bylaw to sports club; (2) Remove the restriction on the sport of basketball; and (3) Eliminate the 100-mile radius requirement.
13.11.3.7 (permissible facility usage)	Amend	To amend the permissible facility usage legislation to specify that an institution may permit a group that includes prospective student-athletes to utilize the institution’s facilities provided institutional involvement is consistent with institutional policies for hosting outside organizations; further, to specify that athletic departments and representatives of athletics interests remain subject to all applicable NCAA recruiting legislation during the event.
13.12.2.2.1.1 (self-employment)	Amend	To permit a student-athlete to conduct their own camp or clinic at any time.
13.14.3 (recruiting services)	Eliminate	To eliminate Bylaw 13.14.3, further, to specify that coaches are still prohibited from being employed by recruiting and scouting services.
13.15.2.2.1 (athletics equipment, apparel and monetary donations) and 13.15.2.2.2 (nonathletics equipment)	Amend	To permit an institution or conference to provide athletics and nonathletics equipment, apparel and a monetary donation to all organizations that include prospect-aged individuals.
13.17 (recruiting calendars)	Eliminate	To eliminate the recruiting calendars.



**NCAA DIVISION I
PREENROLLMENT AMATEURISM
CERTIFICATION COMMITTEE**

**NCAA DIVISION II
LEGISLATION COMMITTEE
LEGISLATIVE REVIEW SUBCOMMITTEE**

**NCAA DIVISION III
INTERPRETATIONS AND LEGISLATION COMMITTEE
SUBCOMMITTEE FOR AMATEURISM FACT-FINDING**

**2024-25 AMATEURISM FACT-FINDING
POLICIES AND PROCEDURES**

1. Legislated Duties. The NCAA Division I Preenrollment Amateurism Certification Committee (Division I Bylaw 21.10.6.8.1), Division II Legislation Committee Legislative Review Subcommittee (Division II Bylaw 21.8.5.6.2) and Division III Interpretations and Legislation Committee Subcommittee for Amateurism Fact-Finding (Bylaw 21.9.5.8.2 [international prospective student-athletes only]) shall be responsible for making a determination of facts related to a PSA's amateurism certification, per the policies and procedures set forth herein.

2. Responsibilities.

- a. Develop policies and procedures regarding the amateurism fact-finding process.
- b. Determine fact-finding requests related to a PSA's amateurism certification.
 - Adhere to amateurism fact-finding policies and procedures.
- c. Provide annual fact-finding statistics to the Division I Student-Athlete Experience Committee, Division II Legislation Committee and Division III Interpretations and Legislation Committee.

3. Composition and Reporting Lines. The Division I Preenrollment Amateurism Certification Committee consists of seven members (Division I Bylaw 21.10.6.8.1.1), including four members from autonomy conferences (Division I Bylaw 9.2.2.1.1) and one member of the Student-Athlete Advisory Committee. The committee reports to the Division I Student-Athlete Experience Committee, which approves amateurism fact-finding policies and procedures.

The Division II Legislative Review Subcommittee consists of five members from the Division II Legislation Committee, and the Division II Management Council approves amateurism fact-finding policies and procedures.

The Division III Subcommittee for Amateurism Fact-Finding consists of five members from the Division III Interpretations and Legislation Committee, which approves amateurism fact-finding policies and procedures.

4. Terms. Division I Preenrollment Amateurism Certification Committee members are appointed to one four-year term, which generally commences on September 1 after appointment. A committee member may be appointed to an additional term after three years have elapsed. An individual who has served two terms on the committee may not serve further. Service on the Division II Legislative Review Subcommittee runs concurrently with Division II Legislation Committee terms. Service on the Division III Subcommittee for Amateurism Fact-Finding runs concurrently with Division III Interpretations and Legislation Committee terms.

5. Resignation. If a committee member resigns, the individual must provide written notice to the staff liaison. Thereafter, procedures to solicit a new member will be initiated, and a new committee member will be appointed.

6. Chair Selection. The staff liaison solicits nominations from committee members, and the committee appoints a chair and vice chair based on majority vote. The committee chair and vice chair serve in such capacity for the remainder of each individual's term.

7. Duties.

a. Chair.

- (1) Review materials before each videoconference.
- (2) Conduct committee videoconferences (e.g., identify conflicts of interest, lead discussion and deliberation).
- (3) Determine whether to hear a fact-finding request submitted after the deadline.
- (4) Provide notice of inability to participate in a videoconference.
- (5) Recuse from fact-finding requests, as appropriate (e.g., conflict of interest).
- (6) Adhere to policies and procedures.

Note: The vice chair may assume such duties if the chair is unavailable or has a conflict of interest.

b. Committee members.

- (1) Review materials before each videoconference.
- (2) Participate in all videoconferences.
- (3) Provide notice of inability to participate in a videoconference.
- (4) Recuse from fact-finding requests, as appropriate (e.g., conflict of interest).

Note: Student-athlete members may not participate in making a determination of facts.

- (5) Adhere to policies and procedures.

c. NCAA staff.

- (1) Review and process amateurism certifications.
- (2) Provide complete materials for fact-finding requests.

(3) Objectively present information related to fact-finding requests.

(4) Notify the institution of the fact-finding determination.

8. Authority. The committee only has authority to make factual determinations related to a PSA's amateurism certification, per the policies and procedures set forth herein. Accordingly, it may not interpret legislation, determine whether a violation occurred, issue or waive amateurism certification conditions, certify the PSA's amateur status or amend the PSA's review summary outside the scope of the fact-finding request.

9. Fact-Finding Requests.

- a. Precluded.** By requesting an interpretation (or seeking a joint interpretation), submitting a legislative relief waiver or seeking student-athlete reinstatement, the institution acknowledges agreement with the facts in the review summary and is precluded from submitting a fact-finding request. In addition, a PSA's expected date of high school graduation (determined by the Eligibility Center), the expense methodology used to evaluate benefits from a professional team, relevance, editorial revisions, additional facts, context and/or mitigation may not be the subject of a fact-finding request.
- b. Permitted.** An institution may request fact finding if it disagrees with one or more facts specified in the PSA's posted amateurism review summary (one fact-finding request may be submitted per posted review summary). Staff may request a factual determination if there is conflicting documentation regarding an essential fact that would preclude a final amateurism certification from being issued.
- c. Timing.** The institution has 30 calendar days after a review summary has been posted to the PSA's Eligibility Center account (or a custodial site) to provide written notice of its intent to seek a factual determination. A fact-finding request submitted after 30 calendar days must include a letter of explanation, and the chair has discretion to determine whether the request will be heard. If the chair has a conflict of interest or is unavailable, the vice chair (or the remaining committee members by majority vote if the vice chair has a conflict of interest or is unavailable) shall determine whether to hear such a request.

Staff may request a factual determination at any time if conflicting documentation regarding an essential fact precludes a final amateurism certification from being issued.

- d. Written Notice – Intent to Seek Factual Determination.** The institution may initiate a fact-finding request by providing written notice to the committee's staff liaison. Such notice must identify the specific fact(s) at issue in the posted review summary (one fact-finding request may be submitted per posted review summary).

Staff may initiate a fact-finding request by providing written notice to the institution's primary contact for the PSA's amateurism certification. Such notice must specify the conflicting documentation and the essential fact(s) at issue.

- e. **Request Form.** After written notice has been provided, staff will complete the Amateurism Fact-Finding Request Form and send it to the institution, which must provide required signatures (athletics director, senior compliance administrator and PSA) on the Form and submit written statements from the institution and the PSA. The institution may also submit information and/or documentation that has been provided to the Eligibility Center as part of the PSA's amateurism certification. If new information and/or documentation is submitted, the fact-finding process is tabled, and the information and/or documentation will be reviewed in accordance with the amateurism certification policies and procedures.

The Amateurism Fact-Finding Request Form must also specify whether the institution and PSA elect to participate on the fact-finding videoconference. If so, each must identify one representative who may present to the committee (the institution's representative must be an institutional employee or a non-staff representative retained by the institution).

- f. **Scheduling.** After the committee's staff liaison has received a complete Amateurism Fact-Finding Request Form, the materials will be posted on a secure website. The applicable fact-finding committee for the division will review the request during its next regularly scheduled videoconference, as follows:

Committee	Videoconference	Submission Deadline (EST)
Division I Preenrollment Amateurism Certification Committee	Thursday (Biweekly)	Prior Thursday (3 p.m.)
Division II Legislation Committee Legislative Review Subcommittee	Tuesday (Monthly)	Prior Tuesday (3 p.m.)
Division III Interpretations and Legislation Committee Subcommittee for Amateurism Fact-Finding	Thursday (Biweekly)	Prior Thursday (3 p.m.)

10. Fact-Finding Videoconferences.

- a. **Participants.** Attendance will be limited to the PSA, the PSA's designated representative (if applicable), an individual from the institution's compliance office, the institution's representative (if applicable), committee members and NCAA staff.
- b. **Conflicts/Quorum.** At the beginning of the videoconference, the committee chair must identify any conflicts of interest and ensure minimum quorum requirements (over half of voting committee members) are met. The committee's staff liaison will permit the institution, PSA and representatives to join the videoconference once the committee chair has called the institution's fact-finding request.

- c. **Presentations/Questions.** The committee chair provides 10 minutes for the staff to present to the committee, followed by 10 minutes for the institution and/or PSA's designated representatives to present to the committee (such representatives may allocate the 10 minutes between them). The committee chair may end a presentation or the videoconference at any time if new information and/or documentation is presented.

After presentations, the committee may ask questions to the designated representatives and/or the PSA. When the committee has obtained all information necessary for deliberation, the committee chair will direct all participants except the committee's staff liaison to depart from the videoconference.

- d. **Deliberation.** The committee chair will lead the deliberation, during which the staff liaison may answer procedural questions. The committee may not consider or discuss any information or documentation outside of the posted materials and the information presented on the videoconference. Also, it may not consider or discuss potential interpretations or outcomes (e.g., violations, penalties) based on its factual determination(s).

The committee may decline to proceed with a vote if it believes missing information or documentation is essential and should reasonably be provided.

- e. **Decision.** Factual requests are decided by majority vote of all committee members present and voting. Committee voting is private (specific votes and vote counts will not be shared).
- f. **Communication/Certification.** After the committee renders a decision, staff provides the decision to the institution as soon as reasonably possible. The committee's factual determination shall be used, along with all other facts in the review summary, as the basis for completing the PSA's amateurism certification.

- 11. **Reconsiderations.** The institution may request reconsideration after the committee's fact-finding determination (via the Decision Inquiry Process) based on new relevant information (supported by contemporaneous documentation) that was not reasonably available to any involved individual at the time of the previous fact-finding determination (threshold). The reconsideration request must include a decision inquiry form (obtained via the committee's staff liaison), a statement on letterhead that explains why the institution believes the information meets the threshold and supporting documentation.

Staff has discretion to determine whether the institution's reconsideration request meets the threshold and may consult the committee chair as part of its review. If the request meets the threshold, staff will validate the new information, review any facts that may be affected and reevaluate the certification. If the review summary is updated, the institution has 30 calendar days (after it has been reposted) to request fact finding regarding the updated facts in the review summary.

- 12. Appeals.** The Division I Preenrollment Amateurism Certification Committee's factual determination shall be final, binding and conclusive and shall not be subject to further review by any other authority (Division I Bylaw 21.10.6.8.1.3).

The Division II Legislative Review Subcommittee's factual determination may be appealed to the Division II Management Council Subcommittee.

The Division III Subcommittee for Amateurism Fact-Finding's factual determination shall be final, binding and conclusive and shall not be subject to further review by any other authority.

- 13. Conflict of Interest.** The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and governed through a membership-led committee structure. Within the governance structure, committee members must carefully balance their responsibilities to their respective institutions and/or conferences with the obligation to advance the interests of the Association, the division or the sport, and ultimately enhance the student-athlete experience. While the fiduciary obligations of committee members to their own institution, their conference and to the Association ordinarily are not in conflict, it is recognized that as a representative membership organization, committee members' fiduciary obligations are first to their institution, second to their conference and third to the Association. NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. NCAA committee members shall disclose any conflict or potential conflict between their respective personal, professional, institutional, conference or business interests and the interests of the Association that may affect or otherwise threaten such integrity, in any and all actions taken by them on behalf of the Association, for committee evaluation under this statement. When considering disclosures, keep in mind those may result in an "excess benefit transaction" under Section 4958 of the Internal Revenue Code of 1986, as amended (the "Code") or other tax or other laws that may apply.

In addition to any fiduciary obligation to their institution and conference, committee members also have a fiduciary duty to the Association not to use knowledge or information obtained solely due to service on that committee to the disadvantage of the Association during the term of committee service. Further, a committee member shall not participate in the committee's discussion or vote on any action that might bring direct or indirect personal financial benefit to the member or any organization (other than the member's institution or conference) in which the member is financially interested. A committee member should also not participate in a discussion or vote for which the member's institution or conference is to be accorded a special benefit beyond benefits shared with other institutions or conferences or is to receive a penalty or disqualification. A violation of either of the above rules by a member of the committee shall not invalidate the action taken by the committee if, following disclosure of the conflict of interest, the committee authorizes, ratifies or approves the action by a vote sufficient for the purpose, without counting the vote of the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of any actual or potential conflicts of interest or obligations which he/she may have hereunder and should recuse him/herself from participating in proceedings, as may be warranted by this policy. Abuse of one's position as a member of a committee may result in dismissal from that position. Where such abuse appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation.

- 14. Confidentiality.** Committee members may not communicate any information regarding a specific fact-finding request to anyone other than NCAA staff or other committee members. This includes, but is not limited to, communication with institutional staff members or non-staff representatives. Also, fact-finding videoconferences may not be recorded.

Staff must maintain confidentiality in all fact-finding requests. However, if the institution, PSA or an involved individual comments publicly, staff may confirm such information and/or address erroneous or incomplete information.

Any information and/or documentation submitted as part of a fact-finding request may be shared with other national office staff members (e.g., enforcement).

- 15. Speaking Agent.** The president of the Association and the chair of the NCAA Board of Governors are the only individuals authorized to speak on behalf of the Association except as outlined below. An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Board of Governors of the Association as a speaking agent of the Association on that issue. Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the Board of Governors or the president of the Association. The president of the Association is hereby granted authority to designate additional speaking agents of the Association.



NCAA Division II Legislation Committee
Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes)
Priority Two and Three Items

Deregulation Concepts

DIVISION II BYLAW	ACTION	RECOMMENDATION
16.01 (general principles)	Amend	To permit institutions to use institutional discretion to provide reasonable benefits and expenses in limited extenuating circumstances to support a student-athlete's personal health, safety and well-being.
16.1 (awards)	Eliminate	To eliminate the awards legislation and allow Division II institutions and conferences to use institutional discretion to provide student-athletes with awards.
16.1.6 (expenses to receive noninstitutional awards)	Eliminate	To eliminate the restriction that only two of the student-athlete's relatives or legal guardians may receive expenses to attend the recognition event or awards presentation.
16.2 (complimentary admissions and ticket benefits)	Eliminate	To eliminate the restriction on the number of complimentary admissions an institution may provide student-athletes for home or away contests in their sport (Bylaw 16.2.1.1), partial qualifiers for home contests in their sport (Bylaw 16.2.1.1.1) and student-athletes participating in an NCAA championship or bowl game (Bylaw 16.2.1.1.2).
16.3 (academic, career and other support services)	Amend	To permit an institution to finance academic, career and other support services for student-athletes at the institution's discretion.
16.5.1-(a) through (d) (permissible) and 16.5.1.1 (effect of violation -- preseason practice expenses)	Eliminate	To eliminate the current restrictions on meals, housing and vacation period expenses; further, to permit an institution to provide meals, housing and vacation period expenses to student-athletes, incidental to their participation in intercollegiate athletics at their discretion.
16.5.1-(f) (permissible -- occasional meals)	Amend	To permit an institution, representatives of athletics interests and other individuals to provide student-athletes with meals and snacks at any time on an occasional basis per institutional policy.
16.6 (expenses for student-athlete's friends and relatives)	No Change	N/A.
16.7 (entertainment incidental to participation in intercollegiate athletics)	Amend	To permit an institution to provide reasonable entertainment to student-athletes at any time.
16.8.1 (permissible)	Amend	To permit an institution to provide travel expenses for ineligible student-athletes to attend away-from-home competition in their sport.

DIVISION II BYLAW	ACTION	RECOMMENDATION
16.8.1.2 (other competition)	Amend	To permit an institution to provide actual and necessary expenses to student-athletes to participate in any competition where they are not representing the institution during an academic year in which the student-athlete is eligible to represent the institution in athletics competition (or in the next summer) at their discretion.
16.11.1.8 (miscellaneous benefits)	Amend	To permit an institution to provide student-athletes with benefits under extreme circumstances beyond the control of the prospective student-athlete (e.g., natural disaster, life threatening emergency).

Institutional Autonomy Concepts

DIVISION II BYLAW	ACTION	RECOMMENDATION
16.2.1.2 (general regulations)	Amend	To permit an institution to provide complimentary admissions in any manner as determined by institutional policy.
16.8.1.3 (incidental expenses at NCAA Championships, National Governing Body Championships in Emerging Sports and Bowl Games)	Amend	To permit an institution to cover student-athletes' unitemized incidental expenses during travel and practice for NCAA championship events or national governing body championship events in emerging sports per institutional policy.
16.9 (permissible travel expenses)	Amend	To permit an institution to provide student-athletes with reasonable transportation per institutional policy.

Additional Concepts

DIVISION II BYLAW	ACTION	RECOMMENDATION
16.11 (benefits, gifts and services)	Amend	To combine Bylaw 16.11.1 (general rule) and Bylaw 16.11.2 (nonpermissible) and its subsections and amend the legislation to specify that a student-athlete (or their relatives or friends) shall not receive a benefit not expressly authorized by NCAA legislation or receive a benefit from the institution or representatives of the institution's athletics interest unless it is demonstrated that the same benefit is generally available to the institution's students (or their relatives or friends).

DIVISION II BYLAW	ACTION	RECOMMENDATION
16.11.2.5 (athletics equipment)	Amend	To permit student-athletes to accept free of charge or at a discounted or reduced price, athletics equipment, supplies or clothing (e.g., tennis racquets, golf clubs, hockey sticks, balls, shirts) from a manufacturer or commercial enterprise regardless of whether the items are necessary for practice or competition.
16.12 (expenses waivers)	Referral to the NCAA Division II Committee for Legislative Relief	To eliminate the legislation and its subsections and move it into the NCAA Division II Committee for Legislative Relief's policies and procedures.