



**REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
NOVEMBER 4-5, 2019, IN-PERSON MEETING**

ACTION ITEMS.

1. Legislative Items.

- **Noncontroversial Legislation – NCAA Division II Bylaws 13.1.1.2.1 and 14.5.5.3.9.1 – Recruiting and Eligibility – Permission to Contact and One-Time Transfer Exception – Hearing Opportunity – Failure to Provide Appeal Policies and Procedures – Default Grant.**

- (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Division II Bylaws 13.1.1.2.1 (hearing opportunity) and 14.5.5.3.9.1 (hearing opportunity) to specify that a student-athlete's written request for permission to contact or a release in conjunction with the use of the one-time transfer exception shall be granted by default if the institution fails to provide its appeal policies and procedures within 14-consecutive calendar days from the receipt of the student-athlete's written request for the hearing.
- (2) Effective date. Immediate.
- (3) Rationale. Current legislation requires an institution to provide the student-athlete with written notification of an appeal opportunity as well as a copy of the institution's policies and procedures associated with the hearing if a student-athlete's written request for permission to contact is denied, or a written request for a release in conjunction with the application of the one-time transfer exception is denied; however, the legislation is silent on whether the failure to provide the policies and procedures to the student-athlete within 14-consecutive calendar days will also result in a default grant of the request. Requiring an institution to provide a student-athlete with written notification of an appeal opportunity along with their appeal policies and procedures within 14-consecutive calendar days or the request is granted by default, will promote student-athlete well-being by giving a timely resolution to the request.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

2. Nonlegislative Items.

- **None.**

INFORMATIONAL ITEMS.

- 1. Review of 2020 NCAA Convention Division II Second Publication of Proposed Legislation and the Legislative Proposals Question and Answer Guide.** The committee reviewed the 2020 Convention proposals and the Legislative Proposals Question and Answer Guide to resolve all possible questions and procedural issues prior to the 2020 Convention Division II business session January 25, 2020. The Question and Answer Guide was approved as amended. Staff also provided the committee with an update on the release of the Question and Answer Guide. Staff noted that the final version of the guide for the 2020 Convention will be available in early December.
- 2. Review of 2020 Convention Membership-Sponsored Proposals Not Properly Co-Sponsored.** The committee reviewed two membership-sponsored proposals that did not receive proper co-sponsorship for the 2020 Convention. The first proposal would have amended the eligibility legislation by specifying that a Division I football transfer student-athlete who has not used a season of competition per Division I legislation shall not be charged with the use of a season of competition upon transfer to a Division II institution. The second proposal would have amended the playing and practice seasons legislation in football by eliminating the restriction on the number of student-athletes that may participate in skill instruction outside of the playing season during the academic year. The committee took no further action on any of the two proposals.
- 3. Discussion Regarding Division II Agent Legislation.** The committee discussed recent pre- and post-enrollment issues regarding agents specifically, whether Division II legislation related to agents remained appropriate or whether the committee should seek membership feedback on potential legislative changes. The committee agreed to continue the review of the agent legislation concurrently with the review of the legislation related to name, image and likeness. Additionally, the committee recommended staff provide additional education related to agents in Division I men's basketball to the Division II Men's Basketball Coaches Connection, National Association of Basketball Coaches and the Conference Commissioners Association Compliance Administrators in advance of the 2020 NBA Draft to clarify that the Division I legislation does not apply to Division II student-athletes.
- 4. NCAA Division II University Update.** The committee reviewed the test questions and results from the 2019-20 required educational modules. The committee also discussed the selection of educational modules for coaches certification for the 2020-21 certification year. The committee selected six educational modules that will be required for certification in 2020-21 as follows: (a) Health and Safety: Sleep; (b) Eligibility: Progress-Toward-Degree; (c) Eligibility: Two-Year College Transfers; (d) Recruiting: Official Visits; (e) Recruiting: Publicity; and (f) Bylaw 17 and Life in the Balance. The committee will review and approve test questions for the six modules at its March 9-10, 2020, in-person meeting.

- 5. Discussion Regarding the Recommendations from the Board of Governors State and Federal Legislation Working Group.** The committee was provided an overview of the current promotional activities legislation, specifically related to student-athlete use of their name, image and likeness. Further, the committee was provided an update from the State and Federal Legislation Working Group and the charge from the NCAA Board of Governors. Thereafter, the committee discussed potential opportunities to change the current legislation. These scenarios will be shared with the Presidents Council and Management Council at its joint breakfast at the 2020 Convention and feedback will be provided for review and additional discussion at the March 9-10, 2020, in-person meeting.
- 6. Discussion Regarding Maximum Financial Aid Equivalency Limits and Review of Financial Aid Data.** The committee reviewed the financial aid data deriving from the adoption of NCAA Division II Proposal No. 2017-12 (financial aid -- maximum limits on financial aid -- team limits -- institutional financial aid only) and discussed potential next steps. The committee agreed a legislative recommendation was not needed at this time; however, requested staff review data reported through the NCAA Financial Reporting System for further discussion during its June 22-23, 2020, in-person meeting.
- 7. Discussion Regarding the Institutional Timeline for the Policies and Procedures of Appeals for Denial of Permission to Contact or Transfer Requests.** The committee discussed the hearing opportunity legislation related to the permission to contact and one-time transfer exception legislation and an institution's failure to provide its appeal policies and procedures with its written notification of an appeal opportunity within 14-consecutive calendar days. The committee agreed to recommend noncontroversial legislation to amend the hearing opportunity legislation for both the permission to contact and one-time transfer exception legislation to specify that either request shall be granted by default if an institution fails to provide appeal policies and procedures within 14-consecutive calendar days from the receipt of the student-athlete's written request for a hearing [See Legislative Action Item]. The committee noted that, if Division II Proposal No. 2020-6 (recruiting -- contacts and evaluations -- four-year college prospective student-athletes -- notification of transfer) is adopted, the legislative change would only be necessary for the one-time transfer exception legislation.
- 8. Discussion Regarding the Discretion of an Institution to Provide Athletics Aid Beyond the 10-semesters/15-quarters.** The committee reviewed the eligibility for athletics aid legislation and the application to institutions wanting to provide athletics aid beyond the 10 semesters/15 quarters and/or providing athletics aid to a student-athlete who enrolls less than full-time but is not in their final semester/quarter. The committee directed staff to editorially revise the legislation to clarify that any institutional aid awarded beyond the 10 semesters/15 quarters is left to the discretion of the institution consistent with institutional policies and procedures. The committee also directed staff to continue to track legislative relief waivers and bring the issue back for further discussion if there is an increase in waiver requests.

9. **Discussion Regarding an Institutional Request to Review the Overall Limit in Men's Sports Legislation.** The committee reviewed and discussed a request from Lindenwood University regarding the overall equivalency limit for men's sports legislation. The committee requested staff gather data related to the number of equivalencies currently provided in men's and women's sports for review at the March 9-10, 2020, in-person meeting.
10. **2019-20 Division II Priorities.** The committee received an overview of the 2019-20 Division II Priorities.
11. **Update from the NCAA Division II Presidents Council and Management Council October 2019 Meetings.** The committee received an update on the actions taken at the October 2019 Presidents Council and Management Council quarterly meetings.
12. **Review of September 23, 2019, Teleconference Report to the NCAA Division II Management Council.** The committee reviewed and approved the September 23, 2019, teleconference report.
13. **Future Meeting Dates.**
 - a. March 9-10, 2020, in-person meeting; Indianapolis.
 - b. June 22-23, 2020, in-person meeting; Indianapolis.
 - c. November 2-3, 2020, in-person meeting; Indianapolis.

Report of the NCAA Division II Legislation Committee

November 4-5, 2019, In-Person Meeting

Page No. 5

Committee Chair: Cherrie Wilmoth, Southeastern Oklahoma State University
Staff Liaison(s): Karen Wolf, Academic and Membership Affairs
Chelsea Hooks, Academic and Membership Affairs
Michael Woo, Academic and Membership Affairs

NCAA Division II Legislation Committee November 4-5, 2019, In-Person Meeting	
Attendees:	
Carlin Chesick, Pennsylvania State Athletic Conference.	
Diana Kling, Peach Belt Conference.	
Scott Larson, Lubbock Christian University.	
Laura Liesman, Georgian Court University.	
Christine Lowthert, Assumption College.	
David Marsh, Northwood University.	
Kristina Ortiz, Georgia Court University.	
Darnell Smith, University of Central Oklahoma.	
Jason Stock, California State University, San Marcos.	
Brian Summers, Christian Brothers University.	
Keith Vitense, Cameron University.	
Cherrie Wilmoth, Southeastern Oklahoma State University.	
Scott Young, University of Indianapolis.	
Absentees:	
Deiontae Nicholas, Wayne State University.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Chelsea Hooks, Karen Wolf and Michael Woo.	
Other NCAA Staff Members in Attendance:	
Ashley Beaton, Elizabeth Conte, Markie Cook, Maritza Jones, Ryan Jones, Jordan Lysiak, Jobrina Marques, Jeff Myers, Stephanie Quigg, Dave Schnase, Rachel Stark-Mason and Greg Summers.	