



**REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
NOVEMBER 29-30, 2023, IN-PERSON MEETING**

ACTION ITEMS.

1. Legislative Items.

a. Noncontroversial Legislation -- NCAA Division II Bylaw 12.2.1.1 – Amateurism -- Involvement with Professional Teams -- Tryouts -- Tryout after Enrollment -- Eliminate 48-hour Limit.

(1) Recommendation. Adopt noncontroversial legislation to amend NCAA Division II Bylaw 12.2.2.1 (tryout after enrollment) to permit a student-athlete to accept actual and necessary expenses from a professional sports organization or the national governing body to participate in a tryout or combine with a professional team, beyond the current 48-hour limit; further, to permit a student-athlete to miss class time to participate in a tryout or combine with a professional team.

(2) Effective date. Immediate.

(3) Rationale. Currently, a student-athlete may only accept actual and necessary expenses to participate in one 48-hour tryout or combine with a professional team. If the tryout or combine extends beyond 48 hours, the student-athlete must finance any additional expenses incurred. Extending the permissible time a student-athlete may participate in a tryout or combine and receive actual and necessary expenses supports student-athlete well-being by providing the requisite time to engage in the necessary activities to inform the draft process and adequately explore the professional opportunity. Further, allowing a student-athlete to miss class time to participate in a professional team tryout or combine is appropriate given the current technology available to make up any missed class work, and is best governed by institutional policy regarding missed class time.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

b. Noncontroversial Legislation -- Bylaw 13.1.1.2 -- Recruiting -- Contacts and Evaluations -- Contactable Prospective Student-Athletes -- Four-Year College Prospective Student-Athletes -- NCAA Division I Contact with Division II Student-Athletes Outside of Applicable Division I Transfer Window.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.1.1.2 (four-year college prospective student-athletes) to clarify that Division I institutions may not contact a Division II student-athlete outside of the applicable Division I transfer window.

- (2) Effective date. August 1, 2024.
- (3) Rationale. Currently, Division II institutions must comply with Division I legislation that states that a student-athlete currently enrolled at a Division I Institution may only initiate written notification of transfer during an applicable window for their sport, unless an exception applies, regardless of the division the Division I student-athlete is transferring to. However, Division I institutions may permissibly contact a Division II student-athlete outside of the applicable Division I transfer windows. Prohibiting a Division I institution from contacting a Division II student-athlete outside of the applicable transfer window promotes recruiting equity across both Divisions I and II.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. A Division II student-athlete could not be contacted by a Division I institution outside of the applicable Division I transfer window.

c. Noncontroversial Legislation -- Bylaw 13.12.2.5.2 -- Recruiting -- Sports Camps and Clinics -- Employment at Camp or Clinic -- Athletics Staff Member -- Other Noninstitutional Privately Owned Camps/Clinics -- NCAA College Basketball Academy.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.12.2.5.2 (other noninstitutional privately owned camps/clinics) to permit Division II men's and women's basketball coaches to coach participants of the College Basketball Academies.
- (2) Effective date. Immediate.
- (3) Rationale. Current legislation does not allow an institution's athletics department personnel to serve in any capacity in a noninstitutional, privately owned camp or clinic that is not open to the public. The College Basketball Academies are invite-only. However, allowing Division II men's and women's basketball coaches to participate in the College Basketball Academy and coach participants gives coaches the opportunity to increase their institution's exposure. Additionally, removing the specification that a coach must be in the locale of the host site to participate in the College Basketball Academies permits all Division II coaches to accept an invite, regardless of the location of the host site.
- (4) Estimated budget impact. None.

(5) Student-athlete impact. None.

d. Noncontroversial Legislation -- Bylaw 17.22 -- Playing and Practice Seasons -- Stunt.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 17.22 (stunt), as specified.

(2) Effective date. August 1, 2024.

(3) Rationale. Amending Bylaw 17.22 (stunt) will align the playing and practice season for Division II with the Division I playing and practice season legislation for stunt. Division II traditionally aligns playing and practice season legislation with Division I for emerging sports.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

2. Nonlegislative Items.

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

(1) Recommendation. That the NCAA Division II Management Council request that the Committee for Legislative Relief review Bylaw 13.5.4 (transportation to enroll) and determine whether the legislation should be added to the Division II Previously Approved Waiver Checklist.

(2) Effective date. Immediate.

(3) Rationale. Under current legislation, it is impermissible for an institution or its representatives to provide transportation to a prospective student-athlete, directly or indirectly, to the institution's campus to enroll. Allowing an institution to utilize the previously approved waiver checklist to determine whether to provide transportation for prospective student-athletes would assist those prospective student-athletes who are unable to find their own transportation to campus.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

b. Request for Feedback from the NCAA Division II Student-Athlete Advisory Committee.

- (1) Recommendation. That the Management Council request that the Student-Athlete Advisory Committee provide feedback on whether it is appropriate to eliminate Bylaw 13.10 (publicity).
- (2) Effective date. Immediate.
- (3) Rationale. Under current legislation, an institution is limited in what they are allowed to post as it relates to prospective student-athletes during the recruiting process. Based on membership feedback, the Legislation Committee believes that deregulating the publicity legislation would allow institutions and their coaches to publicly comment on the recruitment of prospective student-athletes at any time. This would ease the burden on compliance administrators to regulate permissible publicity regarding prospective student-athletes as social media platforms continue to evolve. However, eliminating the publicity legislation may raise privacy concerns for prospective student-athletes. Therefore, the Legislation Committee is seeking feedback from the Student-Athlete Advisory Committee.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

c. Legislative Referral to the NCAA Division II Football Committee.

- (1) Recommendation. That the Management Council request the Football Committee review NCAA Division I Proposal No. 2023-31 (playing and practice seasons -- football -- spring practice -- use of spider pads) for consideration of a potential legislative change in Division II:

Whether protective equipment used during noncontact spring practice sessions should be restricted to helmets and spider pads, similar to noncontact practice sessions during the preseason acclimatization period.

- (2) Effective date. Immediate.
- (3) Rationale. Current legislation limits protective equipment during noncontact spring practice sessions to headgear. By limiting protective equipment during noncontact spring practice sessions to helmets and spider pads, the legislation would align with other noncontact practice sessions

that occur throughout the football playing and practice season (e.g., the preseason acclimatization period).

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

d. Referral to the Division II Management Council to Discuss Bylaw 9.3.10.2 (Voting on Football Issues).

(1) Recommendation. That the Management Council continue discussions regarding Bylaw 9.3.10.2 (voting on football issues) and whether any legislative changes are warranted.

(2) Effective date. Immediate.

(3) Rationale. Currently, when a legislative proposal affects only the sport of football, only football sponsoring institutions and conferences are eligible to vote on the proposal at the NCAA Convention. This voting procedure is only applicable for football-specific legislation. Equity concerns regarding football only votes have been raised by the membership since no other sports have similar restrictive voting. Further, although a proposal may be specific to the sport of football, other non-football sponsoring member institutions may still be impacted by the legislative amendment.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

INFORMATIONAL ITEMS.

- 1. Review of 2024 NCAA Convention Division II Legislative Grid and the Legislative Proposals Question and Answer Guide.** The committee reviewed the Division II Legislative Grid, as well as the Division II Legislative Proposals Question and Answer Guide to resolve all possible questions and procedural issues prior to the 2024 Convention Division II business session on January 13, 2024. The Question and Answer Guide was approved, as amended. NCAA staff noted that the final version of the guide for the 2024 Convention will be available to the membership no later than December 10, along with the release of the Division II Official Notice.
- 2. Review of the membership survey feedback on the recommended concepts of Division II Bylaw 13 (recruiting) and Division II Bylaw 16 (awards, benefits, expenses for enrolled student-athletes).** The Legislation Committee reviewed feedback from the

membership survey regarding the recommended concepts of Bylaw 13. The Legislation Committee determined whether, based on the feedback, the recommended concepts were still appropriate, should be amended, or not moved forward [see Attachment]. The Legislation Committee also agreed to refer Bylaw 13.5.4 (transportation to enroll) to the Committee for Legislative Relief to consider adding an exception to the Division II Previously Approved Waiver Checklist [see Nonlegislative Action Item No. 2a]. Additionally, the Legislation Committee agreed to seek additional feedback from the Division II Student-Athlete Advisory Committee on Bylaw 13.10 (publicity) [See Nonlegislative Action Item No. 2b]. The Legislation Committee will review this feedback, as well as the membership feedback regarding Bylaw 16 (awards, benefits, expenses for enrolled student-athletes) during its March 2024 meeting.

3. **NCAA Division II University update.** The Legislation Committee reviewed data from the 2023-24 coaches' certification required educational modules. The Legislation Committee also received an update on two new modules that have been released to the membership: sports wagering and officiating. The Legislation Committee discussed and selected six educational modules that will be required for certification in the 2024-25 academic year, as follows: (a) Bylaw 17 and Life in the Balance; (b) Elevating Respect; (c) Eligibility: General Eligibility Requirements; (d) Recruiting: Benefits for Coaches and Prospective Student-Athletes (PSAs); (e) Recruiting: Use of Recruiting Funds; and (f) Recruiting: Local Sports Clubs. The committee will review and approve test questions for the six modules prior to its March 2024 meeting.
4. **Discussion regarding the Division I transfer windows.** The Legislation Committee discussed the Division I transfer windows and its application to Bylaw 13.1.1.2 (four-year college prospective student-athletes). Specifically, whether a Division I institution should be permitted to contact a Division II student-athlete outside of the applicable Division I transfer window. The Legislation Committee recommended sponsoring noncontroversial legislation to amend the contact legislation to clarify that a Division I institution may not contact a Division II student-athlete outside of the applicable Division I transfer window. [see Legislation Action Item No. 1b]
5. **Discussion Regarding the Division I Name, Image and Likeness concepts and feedback.** The Legislation Committee reviewed the concepts developed by the NCAA Division I Council Working Group on Name, Image and Likeness (NIL) in the following areas: (1) Voluntary registration process for professional service providers; (2) Disclosure requirements surrounding NIL activities; (3) Recommended contract terms between student-athletes and NIL entities; and (4) Education to student-athletes and other involved individuals. Additionally, the Legislation Committee reviewed feedback from the Division II Management Council, various Division II committees and affiliate groups regarding the Division I NIL concepts and discussed whether the Division I concepts are necessary in Division II.

Based on the feedback, the Legislation Committee discussed whether a registry would be beneficial to Division II. The committee believed that a national registry may be beneficial and agreed that it would be beneficial for Division II institutions to be able to direct student-athletes to such a resource as the NIL environment evolves. The committee also discussed whether student-athletes should be required to disclose their NIL deals to campus administrators and determined that disclosure should be left to institutional policy and state law. Additionally, the committee noted the lack of knowledge for both student-athletes and administrators regarding the topic of NIL. The committee discussed ideas to educate Division II student-athletes and administrators regarding NIL. Staff will continue providing updates to the Legislation Committee on development of the registry and other resources once Division I adopts legislation regarding these concepts to determine what may be used as resources in Division II.

6. **Discussion regarding the College Basketball Academies.** The committee discussed the College Basketball Academies and whether legislation should permit Division II men's and women's basketball coaches to coach participants of the Academies. The committee recommended sponsoring noncontroversial legislation to amend Bylaw 13.12.2.5.2 (other noninstitutional privately owned camps/clinics) to permit Division II men's and women's basketball coaches to coach participants of the College Basketball Academies [see Legislative Action Item No. 1c].
7. **Discussion regarding Bylaw 13.6.2.1 (high school or preparatory school prospective student-athletes), Bylaw 13.9.1 (NCAA Eligibility Center registration and institutional request list) and profile accounts with the NCAA Eligibility Center.** The committee discussed the profile accounts with the Eligibility Center and its application to Bylaws 13.6.2.1 (high school or preparatory school prospective student-athletes) and 13.9.1 (NCAA Eligibility Center registration and institutional request list). The committee agreed to issue an official interpretation to confirm that a profile account may be used to satisfy Bylaw 13.6.2.1 but may not be used to satisfy Bylaw 13.9.1, as follows:

Profile Accounts with the NCAA Eligibility Center (II).

The Legislation Committee confirmed that a profile account with the Eligibility Center may be used to permit an institution to provide a prospective student-athlete with an official visit per NCAA Division II Bylaw 13.6.2.1 (high school or preparatory school prospective student-athlete). However, the Legislation Committee confirmed that a profile account with the Eligibility Center may not be used to issue a written offer of athletically related financial aid per Division II Bylaw 13.9.1 (NCAA Eligibility Center registration and institutional request list).

[References: NCAA Division II Bylaws 13.6.2.1 (high school or preparatory school prospective student-athlete) and 13.9.1 (NCAA Eligibility Center registration and institutional request list)].

8. **Discussion regarding Bylaw 9.3.10.2 (voting on football issues).** The committee discussed Bylaw 9.3.10.2 (voting on football issues) and whether the legislation is still appropriate. The committee raised concerns that allowing football only voting creates inequities for other sports. The committee also noted that all other sport specific legislation can be voted on by all Division II voting members, even if that sport is not sponsored by the voting member's institution. The committee agreed to request that the Management Council discuss Bylaw 9.3.10.2 (voting on football issues) at their January meeting [see Nonlegislative Action Item No. 2d].
9. **Discussion regarding Division II Proposal No. 2023-6 (NCAA Division II membership and institutional control, financial aid and playing and practice seasons -- emerging sports for women -- stunt).** The Legislation Committee discussed whether Bylaw 17.22 (playing and practice seasons -- stunt) should be amended to mirror Division I Proposal No. 2022-38 (division membership, personnel, financial aid and playing and practice seasons -- emerging sports for women -- women's stunt). The committee recommended sponsoring noncontroversial legislation to amend Bylaw 17.22 (playing and practice seasons -- stunt), as specified [see Legislative Action Item No. 1d].
10. **Discussion regarding the Legislative Process and Compliance Subcommittee priority two and three items.** The Legislation Committee began its discussion on Bylaw 14 (eligibility: academic and general requirements). Additionally, the committee provided staff with feedback on the best way to complete the review of Bylaw 17 (playing and practice seasons). The Legislation Committee will continue its discussion at its March in-person meeting.
11. **Review of the 2023-24 Division II Priorities.** Staff provided an overview of the 2023-24 Division II Priorities.
12. **Update from the NCAA Division II Presidents Council and Management Council October 2023 meetings.** The committee received an update on the actions taken at the October 2023 Presidents Council and Management Council quarterly meetings.
13. **Review of the August 28, 2023, teleconference and September 25, 2023, videoconference reports of the Interpretations Subcommittee of the Division II Legislation Committee.** The committee reviewed and approved the Interpretations Subcommittee reports from the August 28, 2023, teleconference and the September 25, 2023, videoconference.
14. **Review of the November 14, 2023, videoconference report of the Legislative Review Subcommittee of the Division II Legislation Committee.** The committee reviewed and approved the Legislative Review Subcommittee report from the November 14, 2023, videoconference. The committee approved the subcommittee's recommendation for sponsorship of one noncontroversial proposal [see Legislative Action

Item No. 1a]. Additionally, the committee reviewed and approved the referral of one legislative concept to the Division II Football Committee [see Nonlegislative Action Item No. 2c]. Finally, the committee agreed to review Division I Proposal No. 2022-36 (playing and practice seasons -- women's beach volleyball -- nonchampionship segment competition -- eliminate institutional limitation) and Division I Proposal No. ER-2023-8 (playing and practice seasons -- foreign tours -- eligibility for competition, practice, and travel expenses) during its review of Bylaw 17 (playing and practice seasons) at its March 2024 meeting.

15. **Review of September 13, 2023, videoconference report of the Division II Legislation Committee.** The Legislation Committee reviewed and approved its September 13, 2023, videoconference report.
16. **Recognition of outgoing members.** The Legislation Committee recognized the service of two outgoing Legislation Committee members: Brenda Cates, University of Mount Olive, and Molly Hansen, University of Montevallo. Additionally, the Legislation Committee recognized Carrie Michaels, Shippensburg University of Pennsylvania, whose term as the chair of the Division II Management Council expires at the conclusion of the 2024 Convention.
17. **Future meeting dates.**
 - a. March 26-27, 2024, in-person meeting; Indianapolis.
 - b. June 25-26, 2024, videoconference; timing to be determined.
 - c. November 6-7, 2024, in-person; Indianapolis.

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 November 29-30, 2023, In-Person Meeting
Attendees:
Brenda Cates, University of Mount Olive.
Matt Green, Flagler College.
Molly Hansen, University of Montevallo.
Audra Kedy, Great American Conference.
Kayla Lothian, Dominican University of California.
Dawn Makofski, University of Montevallo.
Carrie Michaels, Shippensburg University of Pennsylvania. (Management Council Chair)
Christopher Ratcliff, Rogers State University.
Deborah Rodgers, Tuskegee University.
Suzanne Sanregret, Michigan Technological University.
Kevin Schriver, Southwest Baptist University.
Melissa Thacker, Cameron University.
Vaughn Williams, Bentley University.
Absentees:
None.
Guests in Attendance:
None.
NCAA Staff Liaisons in Attendance:
Rachel Denton, Chelsea Hooks and Megan McDonald.
Other NCAA Staff Members in Attendance:
Michele Forte-Osborne, Terri Steeb Gronau, Doug Healey, Kendee Hilliard, Maritza Jones, Angela Red, Drea Rog and Robert Turick.



NCAA Division II Legislation Committee
Priority Two and Three Items

Deregulation Concepts

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.
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	Amend the institutional pre-enrollment fees legislation to permit an institution to use their discretion in determining what constitutes pre-enrollment fees.
13.4 (recruiting materials)	Amend	To permit an institution to provide athletically related recruiting material at any time.
13.4.4 (electronic transmission)	No Change	N/A
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.
13.5.4 (transportation to enroll)	Referral to the Division II Committee for Legislative Relief	To permit an institution to provide a prospective student-athlete with transportation to enroll or to attend the first day of classes.
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.
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.

DIVISION II BYLAW	ACTION	RECOMMENDATION
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.
13.8.2.2 (gifts at coaches' clinic)	No change	N/A
13.10 (publicity)	Referral to the Division II Student-Athlete Advisory Committee	To eliminate the publicity legislation.
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.
13.11.2.4 (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.
13.15.2.2.1 (athletics equipment, apparel and monetary donations) 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.

Modernization/Streamlining Concepts

DIVISION II BYLAW	ACTION	RECOMMENDATION
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.
13.2.4 (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).
13.6.1 (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.
13.6.6.5 (student host)	Amend	To increase the amount of funds provided to 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.
13.11.2.1 (tryouts)	Amend	To permit an institution to conduct a tryout for a high school, preparatory school or two-year college transfer at any time.
13.12.2.2.1.1 (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.