



SUMMARY OF SUMMER 2020 QUARTERLY MEETINGS

National Collegiate Athletic Association

**June 18, 2020, Division II Management Council and Division II Presidents Council
July 20-21, 2020, Management Council and August 5, 2020, Presidents Council, and
July 31, 2020, Management Council**

JUNE 18, 2020, MANAGEMENT COUNCIL AND PRESIDENTS COUNCIL MEETING.

- 1. First Permissible Dates for Practice and Competition for the Fall 2020 Playing and Practice Seasons.** The Presidents Council and Management Council received an update from the June 17 NCAA Division II Administrative Committee meeting and noted that the committee affirmed no changes to the first permissible dates for practice and competition for the playing and practice seasons in fall 2020. In addition, the committee affirmed no changes to the Division II championship start dates, format or timelines for fall 2020 championships. The councils were informed that if the local or national landscape change as a result of COVID-19, the Administrative Committee is supportive of potential revisions to championships schedules or formats in fall 2020, as needed. The councils were also informed that the Administrative Committee approved a blanket waiver to permit conferences and institutions that do not participate in the traditional fall championship segment, including the NCAA Division II Championship, to determine an alternate playing and practice season for Division II fall championship sports during the 2020-21 academic year.
- 2. Feedback Regarding Name, Image and Likeness Concepts.** The Presidents Council and Management Council were provided an overview of the results of a membership survey on name, image and likeness concepts. The councils also provided feedback on the concepts to guide the Legislation Committee's final discussions and recommendations on this issue.

JULY 20-21, 2020, DIVISION II MANAGEMENT COUNCIL, AND AUGUST 5, 2020, DIVISION II PRESIDENTS COUNCIL MEETINGS.

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The Management Council convened its quarterly virtual meeting at 11 a.m. Eastern time Monday, July 20. The chair thanked the Council for their attendance at the Friday, July 17 Management Council/Student-Athlete Advisory Committee Summit.

The chair welcomed those in attendance, acknowledging staff who were present. He recognized that this was the first quarterly meeting attended by Amy Henkelman, director of athletics at Dominican University of California, as the new representative from the Pacific West Conference. He also noted that John Lewis from Bluefield State College had resigned as the Council's independent representative.

Finally, the chair highlighted the schedule for the meeting, after which the Council proceeded with its agenda.

Presidents Council. The Presidents Council convened its quarterly virtual meeting at 10:03 a.m. Eastern time Wednesday, August 5.

The chair welcomed those in attendance, acknowledging staff who were present. The chair highlighted the schedule for the meeting, after which the Council proceeded with its agenda.

2. *REVIEW OF PREVIOUS MEETINGS.*

a. April 20-21 Management Council and April 29 Presidents Council.

Management Council. The Management Council approved the summary of actions from its April meeting.

Presidents Council. The Presidents Council approved the summary of actions from its April meeting.

b. May 15 Management Council and May 19 Presidents Council.

Management Council. The Management Council approved the summary of actions from its May meeting.

Presidents Council. The Presidents Council approved the summary of actions from its May meeting.

c. April 28 Board of Governors.

Management Council. The Management Council reviewed the Board of Governors report from the April 28 videoconference. The report was informational in nature.

Presidents Council. The Presidents Council reviewed the report from the Board of Governors' April 28 videoconference.

d. Administrative Committee.

Management Council. The Management Council approved the interim actions by the committee.

Presidents Council. The Presidents Council approved the interim actions by the committee.

3. *REVIEW AND APPROVAL OF THE 2020-21 DIVISION II PRIORITIES.*

Management Council. The Management Council approved the priorities for 2020-21, as distributed.

Presidents Council. The Presidents Council approved the priorities for 2020-21, as distributed.

4. *NCAA CONVENTION AND LEGISLATION.*

a. Presidents Council-Sponsored Proposals for the 2021 NCAA Convention.

- **Eligibility -- Freshman Academic Requirements and Two-Year College Transfers -- Nonqualifiers -- Access to Athletics Aid**, which permits a nonqualifier to receive athletics aid during their first academic year in residence; further, it specifies that a two-year college transfer who does not meet requirements for practice and competition may receive athletics aid immediately on transfer from a two-year college, effective August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

Management Council. The Management Council recommended that the Presidents Council approve the proposal in legislative format.

Presidents Council. The Presidents Council approved the proposal in legislative format.

b. Proposed Legislation for the 2021 Convention Submitted by the Division II Membership.

Management Council. The Management Council received an update that there were no properly submitted proposals by the Division II membership for the 2021 Convention.

Presidents Council. No action was necessary.

c. Emergency Legislation.

Management Council. The Management Council reviewed the emergency proposals, which were previously adopted in legislative form. No action was necessary.

Presidents Council. No action was necessary.

d. Noncontroversial Legislation.

Management Council. The Management Council adopted in legislative form five noncontroversial proposals that had previously been approved in concept (Proposal Nos. NC-2021-8 through NC-2021-12), as presented. Proposal Nos. NC-2021-13 through NC-2021-15 were previously approved in legislative form. The five proposals are listed below.

- (1) **Playing and Practice Seasons -- General Playing-Season Regulations -- Time Limits for Athletically Related Activities -- Weekly Hour Limitations -- Outside of Playing Season -- Sports Other Than Football -- Elite Athlete Training**, which specifies that a student-athlete who has been designated by the U.S. Olympic and Paralympic Committee and the sport-affiliated national governing body (or the international equivalent) as an elite athlete may participate in an individual workout session conducted by a coaching staff member without such activity being considered countable athletically related activity, provided the student-athlete initiates the request to participate in the workout session and does not miss class time.
- (2) **Recruiting -- Unofficial (Nonpaid) Visit -- Entertainment/Tickets -- Visit Unrelated to Recruitment -- Admitted Student Meeting with Coach**, which specifies that during a visit to campus for reasons unrelated to athletics recruitment and for which expenses are provided by a department other than athletics, an institution may arrange a meeting between a prospective student-athlete who is admitted to the institution and the institution's coaching staff without such an arrangement constituting an official visit.
- (3) **Playing and Practice Seasons -- Golf -- Number of Dates of Competition -- Annual Exemptions -- Augusta National Women's Amateur**, which in women's golf, exempts the Augusta National Women's Amateur from the maximum dates of competition.
- (4) **Division II Membership -- Membership Requirements -- Sports Sponsorship -- Minimum Contests and Participants Requirements for Sports Sponsorship -- Men's and Women's Wrestling**, which reduces in the sports of men's and women's wrestling, the minimum number of contests and participants for sports sponsorship to nine contests with six participants.
- (5) **Awards and Benefits -- Awards -- Purchase Restrictions -- Elimination of Student-Athlete Contribution to Cost of Awards**, which eliminates the restriction on a student-athlete contributing to the purchase of an award.

Presidents Council. No action was necessary.

5. REVIEW OF COMMITTEE RECOMMENDATIONS AFFECTING DIVISION II.

a. Division II Committees.

(1) Academic Requirements Committee.

(a) April 10 and 23 Videoconferences.

Management Council. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(c) June 4 Videoconference.

- **2021 Convention Legislation -- Division II Bylaws 14.3.1.6.1 and 14.5.4.3.4 - Eligibility -- Freshman Academic Requirements and Two-Year College Transfer Regulations -- Nonqualifiers -- Access to Practice.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2021 Convention to amend Division II Bylaws 14.3.1.6.1 (eligibility for aid, practice and competition – nonqualifier) and 14.5.4.3.4 (practice and receipt of athletics aid - nonqualifier) to permit nonqualifiers to practice in the first academic year of residence, effective August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

This proposal would allow access to practice to all incoming student-athletes and two-year college transfers in their first year of enrollment, regardless of their initial-eligibility status. During the last six certification cycles, 97 percent of all initial-eligibility waivers for nonqualifiers were granted access to athletics aid, at a minimum. This legislative change would allow an institution to make the determination as to whether to permit nonqualifiers to practice in their first year of enrollment. Access to practice may help institutions with

retention, enrollment management and a feeling of belonging for student-athletes.

[Note: The Management Council recommended two separate proposals: one for nonqualifier access to athletics aid and practice, and one for nonqualifier access to athletics aid only (which would only be voted on if the first proposal is defeated).]

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2021 Convention, as recommended.

(2) Championships Committee.

(a) April 23 Videoconference.

- **Sport Committee Appointments.**

Management Council. The Management Council ratified the following sports and rules committee appointments, effective September 1, 2020:

- i. Men's Basketball. Rick Costello**, director of athletics director, Purdue University Northwest, to replace Jon Mark Hall, director of athletics, University of Southern Indiana, due to term expiration.
- ii. Women's Basketball. Joshua Prock**, head women's basketball coach, Eastern New Mexico University, to replace Jason Martens, head women's basketball coach, St. Mary's University (Texas), due to term expiration.
- iii. Women's Basketball Rules. Tara Owens**, director of athletics and recreation, Central State University, to replace Dean Walsh, head women's basketball coach, Converse College, who had been appointed earlier to replace Terry Rollins, director of athletics, Slippery Rock University of Pennsylvania, due to term expiration, but has since left the institution.

- iv. **Men's and Women's Cross Country. Amelia Maher**, director of external operations and administration, South Atlantic Conference, to replace Lee Glenn, associate director of athletics, University of North Georgia, due to term expiration.
- v. **Football. Jon Anderson**, head football coach, University of Sioux Falls, to replace John Wristen, head football coach, Colorado State University-Pueblo, due to term expiration.
- vi. **Men's Golf. Sara Higley**, associate director of athletics, Ferris State University, to replace Jon Vogl, head men's golf coach, Saginaw Valley State University, due to term expiration.
- vii. **Women's Ice Hockey. Josh Berlo**, director of athletics, University of Minnesota Duluth, to replace Abbey Strong, assistant director of athletics, University of Minnesota Duluth, due to term expiration.
- viii. **Men's and Women's Ice Hockey Rules. Matt Curley**, head men's ice hockey coach, University of Alaska Anchorage, to replace Thomas Wilkins, associate director of athletics, Southern New Hampshire University, due to term expiration.
- ix. **Men's Soccer. Amanda Snodgrass**, assistant director of athletics, Midwestern State University, to replace Claudio Arias, head men's soccer coach/director of soccer operations, Texas A&M International University, due to term expiration.
- x. **Women's Soccer. Stephen Fitzgerald**, senior associate director of athletics, Stonehill College, to replace James Moore, head women's soccer coach, University of North Georgia, due to term expiration.
- xi. **Softball. Jason Anderson**, head softball coach, Southern Arkansas University, to replace Kristy Bayer, deputy director of athletics/senior woman

administrator, Emporia State University, due to term expiration.

xiii. Men's and Women's Swimming and Diving. D.J. Bevevino, associate director of athletics, Clarion University of Pennsylvania, to replace Barbara Parker, head diving coach, University of West Florida, due to term expiration.

xiv. Women's Volleyball. Leanne Piscotty, head women's volleyball coach, Shippensburg University of Pennsylvania, to replace Karen Hjerpe, director of athletics, California University of Pennsylvania; **Jim Boos**, head women's volleyball coach, University of Minnesota Duluth, to replace Josh Collins, head women's volleyball coach, Southwestern Oklahoma State University; and **Joel List**, head women's volleyball coach, Regis University (Colorado), to replace Melanie Robotham, assistant commissioner, Lone Star Conference, all due to term expiration.

Presidents Council. No action was necessary.

(b) April 30, May 7, June 1, and June 10 Videoconferences.

Management Council. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(c) June 24-25 Videoconference.

i. Noncontroversial Legislation -- Bylaw 20.10.3.3 -- Division Membership -- Sports Sponsorship -- Minimum Contests and Participants Requirements for Sports Sponsorship -- Reduce Cross Country Minimum Contest Requirement and Eliminate Ability to Count Regional Qualifying Meets Toward Sports Sponsorship.

Management Council. The Management Council adopted noncontroversial legislation to eliminate Bylaw 20.3.3.3.2 (regional cross country qualifying meets), which, in cross country, allows regional qualifying meets to count toward

the minimum contest requirement for sports sponsorship, further, to reduce the number of minimum contests required for sports sponsorship from five to four, effective August 1, 2021.

Presidents Council. No action was necessary.

ii. Course Length for Minimum Contest Requirements and Selections in Cross Country.

Management Council. The Management Council approved eliminating the minimum course length requirements for championship selection purposes (6,000 meters for men and 4,000 meters for women) and instead using the minimum distance requirements for sports sponsorship, as outlined in the NCAA Track and Field and Cross Country Rules.

Presidents Council. No action was necessary.

iii. Misconduct Penalty in Football.

Management Council. The Management Council approved the Division II Football Committee assessing a \$3,000 fine (which is greater than what is permissible under Bylaw 31.1.8.3) for a misconduct violation that occurred during the 2019 Division II Football Championship. Also, the Council approved the Football Committee requiring the institution to provide additional sexual assault prevention training to its entire football team beyond what is currently required by the institution. This additional training would consist of two activities that are coordinated between the athletics department and the Title IX office on campus, and both activities must be concluded by the end of the regular season. The institution should submit to the chair of the Division II Football Committee the activities that the football team will participate in, as well as verification that all members of the team have completed the training by the end of the regular season.

Presidents Council. No action was necessary.

iv. Regional Alignment in Wrestling.

Management Council. The Management Council approved placing two institutions that have initiated sponsorship in wrestling (Glenville State College and Wheeling University) in Super Region Three.

Presidents Council. No action was necessary.

v. Nullification Penalties.

Management Council. The Management Council recommended the Presidents Council modify the nullification policy in all sports to assess a "two-for-one" penalty (i.e., the violating team would lose two contests for every one in which an ineligible student-athlete participated).

Presidents Council. The Presidents Council approved the modification to the nullification policy in all sports to assess a "two-for-one" penalty (i.e., the violating team would lose two contests for every one in which an ineligible student-athlete participated), as presented.

vi. Extension of the Neutrality Pilot.

Management Council. The Management Council approved extending the pilot program for neutrality in select championships for one more year through 2020-21.

Presidents Council. No action was necessary.

vii. Sport Committee Appointments.

Management Council. The Management Council ratified the following sports and rules committee appointments, effective September 1, 2020:

- (a) Women's Basketball. Appoint Danelle Bishop,** head women's basketball coach, California State Polytechnic University, Pomona, to replace Krista Montague, director of athletics, Montana State University Billings, due to term expiration.

- (b) **Men's Golf. Renee Yuen**, head men's golf coach, Chaminade University, to replace Craig Stensgaard, head men's golf coach, Northwest Nazarene University, due to term expiration. (*Christopher Hill of St. Edward's University had been previously appointed but St. Edward's has since dropped the sport.*)
- (c) **Women's Golf. Brent Nicoson**, head men's and women's golf coach, University of Indianapolis, to replace Susan Vail, head women's golf coach, Wheeling University, due to term expiration.
- (d) **Men's Lacrosse. Vince Smith**, head men's lacrosse coach, Colorado Mesa University, to replace Drew Howard, director of athletics, Florida Southern College, due to term expiration.
- (e) **Women's Soccer (immediate vacancy). Ben Schlesselman**, assistant commissioner, Great Midwest Athletic Conference, to replace Kelley Kish, director of athletics, Lake Erie College, who resigned.
- (f) **Men's and Women's Track and Field. Brock Hime**, head cross country and track and field coach, Arkansas Tech University, to replace Steve Blocker, head track and field coach, Emporia State University, due to term expiration.
- (g) **Wrestling. Adam Bracken**, assistant director of athletics, Ashland University, to replace Jackie Paquette, associate director of athletics, University of Indianapolis, due to term expiration.

Presidents Council. No action was necessary.

(3) **Degree-Completion Award Committee.**

Management Council. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(4) Legislation Committee.

(a) April 30, May 11, June 3, June 9 and June 16 Videoconferences.

Management Council. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(b) June 22-23 Videoconference.

• 2021 Convention Legislation – Various Bylaws – Student-Athlete Use of Name, Image and Likeness.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2021 Convention to permit Division II student-athletes to utilize their name, image and likeness, effective August 1, 2021, as follows:

- i. Permit student-athletes to use their name, image and likeness to promote their own athletically related work product (e.g., athletics apparel, athletics equipment, writing a book about the impact of athletics on their life);
- ii. Permit student-athletes to promote athletically or nonathletically related products or services, including, but not limited to, modeling noninstitutional athletics apparel and equipment, and establishing a monetized media platform, subject to institutional policies;
- iii. Permit student-athletes to be paid for autographs while not representing their institution, either in conjunction with an endorsement opportunity or otherwise independent of their institution;
- iv. Permit student-athletes to be paid for appearances at commercial businesses and charitable, educational or nonprofit agencies, subject to institutional policies, and permit student-athletes to include their athletics status and ability in any such promotions;

- v. Permit student-athletes to sell athletics apparel, used equipment and awards provided by the institution at any time in their career;
- vi. Permit student-athletes, their families and friends to organize fundraisers for student-athletes or their family members in extreme circumstances beyond the control of the student-athlete (e.g., house fire, medical needs), while maintaining current restrictions on fundraising for education-related items of need (e.g., tuition, laptop);
- vii. Permit student-athletes to promote their availability for private lessons. If institutional facilities are used, student-athletes must follow all applicable institutional processes for renting facility space in a manner consistent with that used by the general public;
- viii. Permit student-athletes to operate their own camps and clinics. If institutional facilities are used, student-athletes must follow all applicable institutional processes for renting facility space in a manner consistent with that used by the general public;
- ix. Permit a commercial business to advertise the presence of student-athletes at the establishment for an institutional fundraiser; and
- x. Permit student-athletes to license their name, image and likeness for commercial products unrelated to their work product (e.g., student-athlete would be allowed to license their nickname on commercial products sold by a third party).

Further, consistent with the Board of Governors' principles that any legislative changes be transparent and enforceable, the Management Council recommended the following administrative framework for the concepts above:

- i. Permit institutions to assist student-athletes on name, image and likeness activities, but not arrange such

- opportunities (e.g., providing education on applicable NCAA rules, helping a student-athlete evaluate any compliance concerns with a particular opportunity, assisting with reporting expectations, offering resource materials to help the student-athlete evaluate and select professional service providers). An institution would be permitted, but not required, to establish a name, image and likeness counseling panel similar to the currently permissible professional sports counseling panel. Business activities that are developed as a result of a student-athlete's coursework would be exempt from the restrictions on institutional involvement;
- ii. Require student-athletes to obtain approval to use institutional marks for any commercial purposes through the normal process used by any potential license;
 - iii. Prohibit student-athletes from using their name, image or likeness to promote products or services not permitted by NCAA legislation, including sports wagering and banned substances;
 - iv. Prohibit student-athletes from missing class to participate in activities related to use of their name, image and likeness;
 - v. Permit institutions to determine how to appropriately educate their student-athletes, boosters and other constituent groups on name, image and likeness rules;
 - vii. Require reporting of name, image and likeness activities on an annual basis. (Note: The committee recommends that a template form be created, but institutions would be permitted to establish their own forms based on institutional needs and applicable state laws. Institutions may choose to require reporting on a more frequent basis. The committee also expressed support for exploration of a potential third-party administrator to oversee reporting to

reduce the burden on Division II athletics departments);

- viii. Permit prospective student-athletes to retain professional service providers (e.g., agents, tax advisors, marketing consultants) for name, image and likeness activities, as well as professional athletics opportunities, prior to initial full-time enrollment at a Division II institution. Any agreement related to professional sports opportunities must be terminated upon enrollment at a Division II institution. Institutional employees would not be permitted to serve in a professional service role for a prospective student-athlete; and
- ix. Permit student-athletes to retain professional service providers needed for name, image and likeness activities. Student-athletes; however, would be prohibited from hiring an agent for the purpose of a professional athletics opportunity. These service providers would be prohibited from providing anything that would constitute an extra benefit.

Following the referral from the NCAA Board of Governors for all divisions to immediately consider legislative changes consistent with the collegiate model, the Administrative Committee charged the Legislation Committee with the review of issues related to name, image and likeness.

This proposal would permit Division II student-athletes to benefit from the use of their name, image and likeness in a manner that is consistent with the Board's guiding principles and with the Board's direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. The committee's recommendations fall into two categories: (1) activities related to student-athlete business activities; and (2) promotion/endorsement of third-party products and services. The council believes student-athletes should have full use of their name, image and likeness related to their own business activities, including autographs and appearances, noting the direct tie between these activities and a student-athlete's identity.

Importantly, the council believes these opportunities can occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, in line with the Board's principles. Institutions will have the discretion to determine how to appropriately educate their student-athletes, boosters and other constituent groups on name, image and likeness rules.

The process of developing these changes included vast membership review and input. Additional individuals (e.g., athletics directors, coaches, student-athletes) were added to the Legislation Committee meetings during its name, image and likeness discussions to provide further input for the review. A survey taken by more than 1,000 representatives of member institutions and conferences, including student-athletes, helped gather feedback on ways to modernize legislation to allow for student-athletes to receive compensation for their name, image and likeness. Student-athlete voices also were prioritized throughout the process, with three national Division II Student-Athlete Advisory Committee members joining Legislation Committee members during its discussions. Issues related to name, image and likeness were a standing agenda item for the national SAAC throughout the 2019-20 academic year.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2021 Convention.

(5) Committee for Legislative Relief.

(a) May 12 Videoconference.

- **Guidelines for Review of Requests Seeking Relief of Bylaw 14.5 – Assertions that a Student-Athlete was "Run Off" by Previous Institution – COVID-19 Impact.**

Management Council. The Management Council approved new guidelines for review of requests seeking relief of Bylaw 14.5.5 (four-year college transfer) for assertions of

"run off" by previous institution due to the impact of COVID-19.

President Council. No action was necessary.

(b) May 27 Videoconference.

- **Guidelines for Review of Requests Seeking Relief of Bylaw 14.5 – Transfer-Residency Requirement Due to Institutional Denial of Transfer Release.**

Management Council. The Management Council approved the updated guideline for requests involving institutional denial of transfer release.

President Council. No action was necessary.

(6) Membership Committee.

(a) April 24, May 5, June 1 and 9 Videoconferences.

Management Council. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(b) July 8-9 Videoconference.

- **Institutions in the Membership Process.**

Management Council. The Management Council noted that the Membership Committee had taken the following actions with regard to institutions in the membership process.

- i. Moved the following institution to active member status, effective September 1, 2020:
 - Savannah State University.
- ii. Moved the following institution to provisional year three, effective September 1, 2020:
 - University of Texas at Tyler.

- iii. Moved the following institutions to provisional year two, effective September 1, 2020:
 - (a) College of Staten Island; and
 - (b) Frostburg State University.
- iv. Approved the applications of the following institutions to enter provisional year one, effective September 1, 2020:
 - (a) Allen University; and
 - (b) D'Youville College.

Presidents Council. The Presidents Council reviewed the actions taken by the Membership Committee.

(7) Nominating Committee.

(a) April 29 Videoconference.

i. Association-Wide Nomination Subcommittee Process.

Management Council. The Management Council approved a change to the Division II Nominating Committee policies and procedures regarding the process for Division II appointments on Association-wide, National Collegiate Championship Sport and Playing Rules Committees. The process establishes an Association-wide Nomination Subcommittee and the specific role the Nominating Committee has in reviewing nominees for vacancies that occur on these committees.

Presidents Council. No action was necessary.

ii. Committee Reappointment.

Management Council. The Management Council recommended that the Presidents Council approve the following reappointment, effective September 1, 2020:

- **NCAA High School Review Committee. Michael Allison**, principal, Hopewell High School, secondary school member.

Presidents Council. The Presidents Council approved the reappointment, as recommended.

(b) June 23 Teleconference.

- **Committee Appointments.**

Management Council. The Management Council recommended that the Presidents Council approve the following appointments, effective September 1, 2020, unless otherwise noted:

- NCAA Competitive Safeguards and Medical Aspects of Sports. Tim McMurray**, director of athletics, Texas A&M University-Commerce, effective immediately.

[Note: The appointment noted above was approved July 2 by the Division II Administrative Committee. It is included in the document for ease of reference.]

- NCAA Committee on Sportsmanship and Ethical Conduct. Angie Jabir**, deputy athletic director/senior woman administrator, Lynn University.

Presidents Council. The Presidents Council approved the appointment, as recommended.

(8) Planning and Finance Committee.

(a) Budget-to-Actual Report Ending May 31.

Management Council. The Management Council reviewed the budget-to-actual report for the period ending May 31, 2020.

Presidents Council. The Presidents Council reviewed the budget-to-actual report for the period ending May 31, 2020.

(b) April 28 Videoconference.

i. NCAA Division II Long-Range Budget.

Management Council. The Management Council voted to endorse changes to the long-range budget previously approved by the Division II Presidents Council in light of the reduced Division II revenue allocation for the 2019-20 fiscal year due to the cancellation of 2020 winter and spring NCAA championships in response to the COVID-19 public health threat.

Presidents Council. No action was necessary as the Presidents Council approved the changes to the long-range budget during the April 2020 meeting.

ii. Division II Budget Requests for Fiscal Year 2020-21.

Management Council. The Management Council voted to endorse the budget requests for the 2020-21 fiscal year.

Presidents Council. No action was necessary as the Presidents Council approved the 2020-21 fiscal year budget requests during the April 2020 meeting.

iii. Division II Budget Guidelines and Principles.

Management Council. The Management Council approved the Division II Budget Guidelines and Principles, as recommended by the committee.

Presidents Council. The Presidents Council approved the Division II Budget Guidelines and Principles, as presented.

(9) Student-Athlete Advisory Committee.

• April 16, May, June 11 and June 17 Videoconferences.

Management Council. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(10) Committee on Student-Athlete Reinstatement.

- **Noncontroversial Legislation –Bylaw 16.8.2.1 – Awards and Benefits – Expenses Provided by the Institution for Practice and Competition -- Nonpermissible -- Travel Expenses During the Winter Break – De Minimis Violations.**

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 16.8.2.1 (travel expenses during the winter break) to specify that travel expenses received by a student-athlete in conjunction with away-from-home competition during the winter break period shall be considered de minimis violations and do not impact a student-athlete's eligibility.

Presidents Council. No action was necessary.

b. Division II Subcommittees, Project Teams and Task Forces.

(1) Enforcement and Infractions Task Force.

- (a) 2022 NCAA Convention Legislation –Bylaw 32 – Enforcement Policies and Procedures – Responsibility to Cooperate – Tools to Facilitate Cooperation.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2022 Convention to amend Bylaw 32 (enforcement policies and procedures) to: (a) Define full cooperation in the infractions process; (b) Establish that the Committee on Infractions may infer that failure or refusal to produce requested materials supports an alleged violation; (c) Establish that the Committee on Infractions may view the failure or refusal to interview as an admission that an alleged violation occurred; (d) Protect a "whistleblower" who voluntarily reports information about a potential violation; and (e) Confirm that information upon which the Committee on Infractions bases its decision could be information that both directly and circumstantially supports an alleged violation, effective August 1, 2022.

Following the review by the Management Council and Presidents Council of the increase in number of Division II major infractions cases opened and processed by the NCAA enforcement staff in recent years, the Enforcement and Infractions Task Force was created and charged with studying recent changes to the Division I infractions process and recommending any legislative/policy changes that would enhance the infractions process in Division II.

The process of developing these changes has included vast membership review and input, including a survey taken by close to 300 representatives of member institutions and conferences. This proposal is part of Phase One of a three-phase review that is expected to be voted as a comprehensive package at the 2022 Convention.

The Management Council recommends that investigators and adjudicators have the necessary tools and authority to effectively investigate and adjudicate violations, the failure to promptly respond to investigators' requests have significant consequences and "whistleblowers" be protected. Enhancing the tools available to the enforcement staff through defining full cooperation, extending the authority in decision-making available to the Committee on Infractions, and protecting whistleblowers will create efficiency in the investigation and adjudication of cases and strengthen the process. For instance, defining full cooperation educates parties on the enforcement staff's expectations during an investigation and what satisfies the responsibility to cooperate. Permitting the Committee on Infractions to make inferences based on a party's noncooperation will promote cooperation. Clarifying that the committee may rely on both direct and circumstantial information provides more transparency. Finally, protecting individuals with information about potential violations may prompt them to come forward. The whistleblower protection will only make institutions answer to the NCAA for retaliating against whistleblowers and does not protect individuals from actions that may be taken by an institution against them nor does it supersede any state or federal regulations regarding whistleblowers.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2022 Convention.

(b) 2022 Convention Legislation – Bylaw 32 – Enforcement Policies and Procedures – Committee on Infractions Hearings – Basis of Decision – Importation.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2022 Convention to amend Bylaw 32 (enforcement policies and procedures) to specify that: (a) Facts established by a decision or judgment of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a

commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees, may be accepted as true in concluding whether an institution or individual violated NCAA legislation; and (b) Evidence submitted and positions taken in such a matter may be considered in the infractions process, effective August 1, 2022.

The Management Council recommends that the legislation expressly authorize the Committee on Infractions to import adjudicated facts, or consider evidence submitted and positions taken in judicial and other administrative proceedings. Current legislation does not expressly permit the Committee on Infractions to accept as true facts established by decisions or judgments from courts, agencies, accrediting bodies or other administrative tribunals, or by a commission, or similar review of comparable independence, authorized by an institution or the institution's university system's board of trustees. Likewise, the legislation does not expressly permit the Committee on Infractions to consider evidence submitted and positions taken in such matters. Investigators and adjudicators should be authorized to rely on such facts and information in their review of an infractions case. These modifications will clarify the acceptable use of such information and increase efficiency in the infractions process by saving the process time and resources. In addition, the modifications will help the enforcement staff close the gap between known and processed violations of legislation.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2022 Convention.

(c) **2022 Convention Legislation – Bylaw 32 – Enforcement Policies and Procedures – Negotiated Resolution.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2022 Convention to amend Bylaw 32 (enforcement policies and procedures) to establish a negotiated resolution process to allow the enforcement staff to negotiate resolution of a case with an institution or involved individual, subject to the review and approval of the Committee on Infractions, effective August 1, 2022.

The Management Council recommends an additional means to resolve infractions cases to create efficiencies in the investigation

and resolution of cases. Presently, there is no mechanism for the enforcement staff to resolve a matter with an institution or involved individual beyond a contested hearing or summary disposition. The staff has and exercises discretion in alleging violations, but does not negotiate with parties or recommend penalties. This often frustrates cooperating member institutions that seek to negotiate a resolution in favor of a more expeditious investigative process. Beyond membership frustration, the inability to negotiate resolutions may tax the resources of the infractions process and forgo an opportunity to secure assistance from institutions or individuals who have useful information. This proposal would establish a process by which the enforcement staff may negotiate a resolution of a case with an institution or involved individual by agreeing to the facts, violations and penalties, subject to Committee on Infractions review and approval. Under the process, the committee will only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable under the legislation. Negotiated resolutions are final, not subject to appeal and have no precedential value.

Division I adopted a negotiated resolution process in August 2018. As of July 2020, the Division I Committee on Infractions has reviewed and approved approximately 20 cases through negotiated resolution. These cases have been processed in an expeditious manner with just days between final committee review and public release of the agreement. The negotiated resolution track has created efficiencies in the Division I process and met the membership's desire for a way to resolve cases more quickly.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2022 Convention.

(2) Identity Subcommittee.

Management Council. The Management Council received an update on the discussions by the Identity Subcommittee, including proceeding with the 2021 Award of Excellence; the expiration of the regular-season media agreement; ideas to promote Division II branding; and social media analytics.

Presidents Council. No action was necessary.

c. Association-Wide and Common Committees.

(1) **Committee on Competitive Safeguards and Medical Aspects of Sports.**

• **March 6, 17 and 27 Teleconferences.**

Management Council. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(2) **Committee on Women's Athletics.**

• **Division Membership, Personnel, Amateurism, Financial Aid and Playing and Practice Seasons -- Emerging Sports for Women -- STUNT.**

Management Council. The Management Council discussed the committee's recommendation to add STUNT as an emerging sport for women and establish legislation related to athletics personnel, amateurism, recruiting, financial aid, playing and practice seasons and membership. The Management Council noted some concerns with the recommendation and referred it back to the committee to discuss the following concerns:

- Acrobatics and tumbling was recently added as an emerging sport for women and the Association is working to increase participation in this sport, according to the emerging sport for women process. Adding STUNT this soon could hinder the growth of sponsorship for acrobatics and tumbling.
- Would adding STUNT as an emerging sport for women add opportunities for women to compete? Or are most athletes who would compete in STUNT already competing in other NCAA sports?
- Adding an emerging sport during a pandemic could be hard for institutions.

Presidents Council. No action was necessary.

(3) **Joint CWA and Minority Opportunities and Interests Committee.**

Management Council. The Management Council reviewed the committees' report. No action was necessary.

Presidents Council. No action was necessary.

(4) Minority Opportunities and Interests Committee.

Management Council. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(5) Playing Rule Oversight Panel.

- **April 20 and 29 Teleconferences.**

Management Council. The Management Council reviewed the panel's reports. No action was necessary.

Presidents Council. No action was necessary.

(6) Postgraduate Scholarship Committee.

Management Council. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(7) Walter Byers Scholarship Committee.

Management Council. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

6. OPEN FORUM AND REPORTING OUT.

Management Council. The Management Council participated in breakout sessions Monday afternoon, which gave members the opportunity to discuss strategies for addressing social injustice, as well as any other concerns that the Management Council members wanted to discuss with their peers. No formal action was taken.

Presidents Council. No action was necessary.

7. DIVISION II MANAGEMENT COUNCIL.

a. Management Council Committee and Project Team Assignments.

Management Council. The Management Council reviewed its committee and project team assignments.

Presidents Council. No action was necessary.

b. Independent/At-Large Election.

Management Council. The Management Council elected Harry Stinson III, director of athletics, Lincoln University (Pennsylvania), as the independent/at-large representative. Mr. Stinson replaces John Lewis, who took another position at his institution. He will begin his term immediately for a four-year period of time, ending January 2025.

Presidents Council. The Presidents Council ratified the election, as recommended.

c. Management Council Vice Chair Election.

Management Council. The Management Council elected Courtney Lovely, director of athletics, Palm Beach Atlantic University, as the new vice chair of the Council, effective September 1, 2020, for a one-year period of time.

Presidents Council. The Presidents Council ratified the election, as recommended.

d. Management Council Chair Notice.

Management Council. The Management Council was informed that an election for a new chair would take place at the October meeting, with the term beginning at the conclusion of the 2021 Convention. Interested members should notify staff or the Council chair of their desire to chair the Council.

Presidents Council. No action was necessary.

e. Management Council/Student-Athlete Advisory Committee Summit.

Management Council. The Management Council discussed the positive feedback on the Summit that was held July 17.

Presidents Council. No action was necessary.

8. DIVISION II PRESIDENTS COUNCIL.

- a. **Region 4 Vacancy Election.** The Presidents Council elected John Y. Gotanda, president, Hawaii Pacific University, as the Region 4 representative to the Presidents Council. President Gotanda will begin his term on the council immediately, with his term expiring at the conclusion of the 2026 Convention.
- b. **Vice Chair Election.** The Presidents Council re-elected Allison Garrett, president, Emporia State University, to serve as vice chair of the Council, from September 1, 2020, through August 31, 2021.
- c. **Chair Election in October.** The Presidents Council was advised that a chair would be elected at the October meeting to serve from January 2021 to January 2022. President Council members who wish to serve should contact the chair or the vice president of Division II.

9. **NATIONAL OFFICE UPDATES.**

a. **Executive.**

Management Council. The Management Council received an update from the NCAA president.

Presidents Council. The Presidents Council received an update from the NCAA president as well as the NCAA chief legal officer and chief operating officer on issues surrounding the NCAA, which included the actions taken by the Board of Governors at its August 4 meeting, the impact that the COVID-19 pandemic has had on college sports; federal government interest in name, image and likeness; NCAA action items to address racial justice and equity; and amendments to the Policy to Prevent Campus Sexual Violence .

b. **Legal.**

Management Council. The Management Council received a legal update from the director of law, policy and governance.

Presidents Council. The Presidents Council received an update from the NCAA chief operating officer and chief legal officer.

c. **Sport Science Institute.**

Management Council. The Management Council received an update from Sport Science Institute staff on some initiatives that the office is working on, including the Association's response to the COVID-19 pandemic, including the Core Principles for Resocialization in Sports and Developing Standards for Practice and

Competition; student-athlete mental health; the Injury Surveillance Program; concussion reporting process; and Medical Care and Coverage for Student-Athletes at Away Events.

Presidents Council. The Presidents Council received an update from Sport Science Institute staff on the Association's response to the COVID-19 pandemic, including the Core Principles for Resocialization in Sports and Developing Standards for Practice and Competition.

d. Health and Safety Survey.

Management Council. The Management Council was provided an overview of the results from the Division II Health and Safety Survey.

Presidents Council. The Presidents Council was provided an overview of the results from the Division II Health and Safety Survey.

e. 2019 APPLE Training Institute Final Report.

Management Council. The Management Council received an update regarding the final report from the 2019 APPLE Training Institute.

Presidents Council. No action was necessary.

f. 2021 Inclusion Forum.

Management Council. The Management Council received an update regarding the initial plans for the 2021 Inclusion Forum.

Presidents Council. No action was necessary.

g. Division II ADA Mentor Program.

Management Council. The Management Council was updated on the ADA Mentor Program.

Presidents Council. No action was necessary.

h. Division II Community Engagement.

Management Council. The Management Council was updated on the community engagements efforts of the division at Division II national championships.

Presidents Council. No action was necessary.

i. Division II Identity Workshop.

Management Council. The Management Council was updated on the virtual professional development programming that was offered to the 2020 Identity Workshop participants.

Presidents Council. No action was necessary.

j. Division II Coaches Connection Program.

Management Council. The Management Council was updated on the coaches connection program.

Presidents Council. No action was necessary.

k. Division II Diversity Grants.

Management Council. The Management Council was provided information on the division's diversity grants, including the Coaches' Enhancement Grant, the Ethnic Minority and Women's Internship Grant and the Strategic Alliance Matching Grant.

Presidents Council. No action was necessary.

l. Division II University.

Management Council. The Management Council was reminded that the deadline for coaches to complete the annual certification has been extended to August 31, 2020. Coaches must complete the 2020-21 required coaches curriculum by September 1, 2020, in order to recruit off campus and participate in countable athletically related activities.

Presidents Council. No action was necessary.

m. NCAA Convention.

Management Council. The Management Council was provided an update that the Convention management staff is exploring virtual options for the 2021 Convention.

Presidents Council. The Presidents Council was provided an update on the decision by the Board of Governors that the 2021 Convention will be held virtually January 11-15 and was provided a draft schedule. No action was necessary.

10. *AFFILIATED ASSOCIATION UPDATES.*

Management Council. The Management Council was updated on the activities of the following affiliated associations.

- a. **Division II Athletics Directors Association.**
- b. **Division II Conference Commissioners Association.**
- c. **CoSIDA.**
- d. **Faculty Athletics Representative Association.**
- e. **Minority Opportunities Athletics Administrators Association.**
- f. **National Association for Athletics Compliance.**
- g. **Women Leaders in College Sports.**

Presidents Council. No action was necessary.

11. *OTHER BUSINESS.*

Management Council. No action was necessary.

Presidents Council. No action was necessary.

12. *MEETING RECAP/THINGS TO REPORT BACK TO CONFERENCES.*

Management Council. The Management Council was provided with a list of topics/issues to report to its member institutions. These topics included: legislation for the 2021 and 2022 Conventions; COVID-19 Resources; Strategies Addressing Racial Injustice resource; Division II University; Division II Health and Safety Survey results; and the feedback from the Management Council/Student-Athlete Advisory Committee Life on Campus roundtable session.

Presidents Council. No action was necessary.

13. *FUTURE MEETINGS.*

Management Council. The Management Council reviewed the upcoming meetings for 2020 through January 2022.

Presidents Council. The Presidents Council reviewed the upcoming meetings for 2020 through 2022.

14. ADJOURNMENT.

Management Council. The Management Council adjourned at 3:56 p.m. Eastern time July 21.

Presidents Council. The Presidents Council adjourned at 3:04 p.m. Eastern time August 5.

JULY 31, 2020, DIVISION II MANAGEMENT COUNCIL MEETING.

1. Overview of Financial Scenarios for 2020 Division II Fall Championships.

Management Council. During its July 31 meeting, the Management Council received an overview of financial scenarios for hosting fall championship in the fall, as well as hosting fall championships in the spring.

Presidents Council. During its August 5 meeting, the Presidents Council received an overview of the financial scenarios for hosting fall championships in the fall, hosting fall championships in the spring and hosting only winter and spring championships.

2. Recommendation from the Division II Championships Committee Regarding 2020 Division II Fall Championships.

Management Council. During its July 31 meeting, the Management Council recommended that the Presidents Council postpone conducting the seven 2020 Division II fall sport championships until the spring semester, so long as health and safety conditions allow, and it is viable to do so in a financially responsible manner.

Presidents Council. During its August 5 meeting, the Presidents Council canceled Division II championships in fall sports for the 2020-21 academic year due to the continuing COVID-19 pandemic and the related administrative and financial challenges of hosting the fall championships at any point in the upcoming academic year.

NCAA Division II Management Council and Presidents Council June 18, 2020, Videoconference July 20-21, 2020, Videoconference July 31, 2020, Videoconference August 5, 2020, Videoconference	
Attendees:	
Management Council	Presidents Council
Brenda Cates, University of Mount Olive	M. Christopher Brown II, Kentucky State University
Jessica Chapin, American International College	Carlos Campo, Ashland University
Teresa Clark, Cedarville University	John Denning, Stonehill College
Laura Clayton Eady, University of West Georgia	Michael Driscoll, Indiana University of Pennsylvania
Mark Corino, Caldwell University	Rex Fuller, Western Oregon University
J. Lin Dawson, Clark Atlanta University	Allison Garrett, Emporia State University
Robert Dranoff, East Coast Conference	Chris Graham, Rocky Mountain Athletic Conference
Amy Foster, Seattle Pacific University	Donna Henry, University of Virginia's College at Wise
Marty Gilbert, Mars Hill University	Gayle Hutchinson, California State University, Chico
Christopher Graham, Rocky Mountain Athletic Conference	Sandra Jordan, University of South Carolina Aiken
Amy Henkelman, Dominican University of California	T. Dwayne McCay, Florida Institute of Technology
Felicia M. Johnson, Virginia Union University	Bruce McLarty, Harding University
Jim Johnson, Pittsburg State University	Colleen Perry Keith, Goldey-Beacom College
Kristi Kiefer, Fairmont State University	Elwood Robinson, Winston-Salem State University
Braydon Kubat, University of Minnesota Duluth	Steven Shirley, Minot State University
David B. Kuhlmeier, Valdosta State University	William Thierfelder, Belmont Abbey College
Courtney Lovely, Palm Beach Atlantic University	
David Marsh, Northwood University	
Madeleine McKenna, California University of Pennsylvania	
Carrie Michaels, Shippensburg University of Pennsylvania	
Doug Peters, Minnesota State University Moorhead	
Julie Rochester, Northern Michigan University	

Attendees:	
Management Council	Presidents Council
Judy Sackfield, Texas A&M University-Commerce	
Christie Ward, Georgia Southwestern State University	
Jeff Williams, East Central University	
Steven Winter, Sonoma State University	
Jerry Wollmering, Truman State University	
Absentees:	
Management Council	Presidents Council
Braydon Kubat, University of Minnesota Duluth (<i>June 18, 2020</i>)	Allison Garrett, Emporia State University (<i>June 18, 2020</i>)
Steven Winter, Sonoma State University (<i>July 31, 2020</i>)	
Guests in Attendance:	
Jill Willson, Double L Consulting (<i>July 20-21, 2020</i>)	
NCAA Staff Members in Attendance:	
Markie Cook, Mark Emmert (<i>July 20-21, 2020, and August 5, 2020</i>), Haydyn Gibson (<i>July 20-21, 2020, July 31, 2020, and August 5, 2020</i>), Terri Steeb Gronau, Brian Hainline (<i>July 20-21, 2020, and August 5, 2020</i>), Liz Homrig, Chelsea Hooks, Maritza Jones, Ryan Jones, Jessica Kerr (<i>July 20-21, 2020</i>), Corbin McGuire, Roberta Page, John Parsons (<i>July 20-21, 2020, and August 5, 2020</i>), Stephanie Quigg, Donald Remy (<i>August 5, 2020</i>), Jill Waddell and Karen Wolf	