



A G E N D A

National Collegiate Athletic Association Division II Management Council

Lone Star Ballroom F
Grand Hyatt San Antonio River Walk

January 11, 2023
8 a.m. to 3 p.m.

1. Welcome and announcements. [Supplement No. 1] (Jim Johnson)
2. Review of previous minutes. (Johnson)
 - a. Division II Management Council and Division II Presidents Council. [Supplement No. 2]
 - b. NCAA Board of Governors.
 - (1) August 2 videoconference. [Supplement No. 3]
 - (2) October 25 in-person meeting. [Supplement No. 4]
 - (3) December 2 electronic vote. [Supplement No. 5]
 - (4) December 5 videoconference. [Supplement No. 6]
 - (5) November 9 Board of Governors Committee to Promote Cultural Diversity and Equity videoconference. [Supplement No. 7]
 - (6) Board of Governors Subcommittee on Congressional Engagement and Action. (Michael Driscoll)
 - c. Administrative Committee. [Supplement No. 8]
3. 2022-23 Division II Priorities. [Supplement No. 9] (Maritza Jones)
4. NCAA Convention and legislation.
 - a. 2023 NCAA Convention schedule. [Supplement No. 10] (M. Jones)
 - b. Proposed legislation for the 2023 Convention. [Supplement No. 11] (Chelsea Hooks)
 - Feedback on Convention proposals for the business session.
 - c. Review Management Council assignments (with positions of FARA and SAAC) for the Division II legislative proposals. [Supplement No. 12] (Hooks)

- d. Procedural issues document. [Supplement No. 13] (Hooks)
 - e. Question and answer guide related to the 2023 Convention proposals. [Supplement No. 14] (Jordan Lysiak)
 - f. Noncontroversial legislation. [Supplement No. 15] (Lysiak)
5. Review of committee recommendations affecting Division II.
- a. Division II committees.
 - (1) Academic Requirements Committee. [Supplement No. 16] (Danny McCabe)
 - (2) Championships Committee. (Courtney Lovely Evans)
 - (a) November 3 videoconference. [Supplement No. 17]
 - (b) December 8 videoconference. [Supplement No. 18]
 - (3) Legislation Committee.
 - (a) November 1-2 in person meeting. [Supplement No. 19] (Brenda Cates)
 - (b) December 13 videoconference. [Supplement No. 20] (Cates)
 - (c) Update on Division I transfer legislation. [Supplement No. 21] (Hooks)
 - (4) Membership Committee. [Supplement No. 22] (Bob Dranoff)
 - (5) Nominating Committee. (Sandee Mott)
 - (a) November 8 videoconference. [Supplement No. 23]
 - (b) December 13 videoconference. [Supplement No. 24]
 - (6) Planning and Finance Committee. (Mark Corino)
 - (a) December 9 videoconference. [Supplement No. 25]
 - (b) 2022-23 year-to-date budget to actual. [Supplement No. 26]
 - (7) Student-Athlete Advisory Committee. [Supplement No. 27] (Grace Martin and Corbin Thaete)

- (8) Committee on Student-Athlete Reinstatement. [Supplement No. 28]
(Teresa Clark)
 - b. Association-wide committees.
 - (1) Committee on Competitive Safeguards and Medical Aspects of Sports. (Julie Rochester)
 - (a) September 26-27 meeting. [Supplement No. 29]
 - (b) December 12 videoconference. [Supplement No. 30]
 - (2) Honors Committee. [Supplement No. 31] (M. Jones)
 - (3) Minority Opportunities and Interests Committee. [Supplement No. 32]
(Carrie Michaels)
 - (4) Joint Minority Opportunities and Interests Committee and Committee on Women's Athletics. [Supplement No. 33] (David B. Kuhlmeier and Michaels)
 - (5) Committee on Women's Athletics. (Kuhlmeier)
 - (a) September 27 videoconference. [Supplement No. 34]
 - (b) December 16 videoconference. [Supplement No. 35]
 - (6) Research Committee. [Supplement No. 36] (Kristi Kiefer)
- 6. Management Council issues and updates. (Johnson)
 - a. Election to fill vacancies from the California Collegiate Athletic Association and the Great Lakes Intercollegiate Athletic Conference. [Supplement No. 37]
 - b. 2023 Management Council committee and project team assignments. [Supplement No. 38]
 - c. Management Council Policies and Procedures. [Supplement No. 39]
- 7. National office updates.
 - a. Legal. (Jared Tidemann)
 - b. Sports Science Institute. (Brian Hainline, John Parsons and Anne Rohlman)

- c. Division II Academic Success Rate and Federal Graduation Rates. [Supplement No. 40] (Robert Turick)
 - d. Coaches' Wellbeing Survey. (Lydia Bell)
 - e. Make Game Day Yours initiative. (M. Jones)
 - f. Division II Festival. (Karen Kirsch)
 - g. Joint women's basketball championships in Dallas. (Kirsch)
 - h. Federated playing rules. [Supplement No. 41] (M. Jones and Angela Red)
- 8. Affiliated association updates.
 - a. Division II Athletics Directors Association. (Theresa Hanson)
 - b. Division II Conference Commissioners Association. (Dranoff)
 - c. College Sports Communicators. (Jerry Wollmering)
 - d. Faculty Athletics Representative Association. (Rochester)
 - e. Minority Opportunity Athletics Administrators Association. (M. Jones)
 - f. National Association for Athletics Compliance. (Laura Clayton Eady)
 - g. Women Leaders in College Sports. (Michaels)
- 9. Other business. (Johnson)
- 10. Meeting recap/things to report back to conferences. (Johnson)
- 11. Recognize outgoing Management Council members. (Johnson and Wollmering)
- 12. Future meetings.
 - a. January 30, 2023, Management Council post-Convention meeting; videoconference.
 - b. April 17-18, 2023, Management Council meeting; Indianapolis, Indiana.
 - c. July 15-16, 2023, Management Council/Student-Athlete Advisory Committee Summit; Indianapolis, Indiana.

- d. July 17-18, 2023, Management Council meeting; Indianapolis, Indiana.
 - e. October 16-17, 2023, Management Council meeting; videoconference.
 - f. January 10-13, 2024, in conjunction with the 2024 NCAA Convention; Phoenix, Arizona.
13. Adjournment. (Johnson)

2023 NCAA Division II Management Council Roster

Curtis Campbell Director of Athletics Morehouse College 830 Westview Drive SW Atlanta, Georgia 30314	Telephone: 470-639-0819 Email: curtis.campbell@morehouse.edu Term: January 2027
Brenda Cates Faculty Athletics Representative University of Mount Olive 634 Henderson Street Mount Olive, North Carolina 28365	Telephone: 919-658-2502 Email: bcates@umo.edu Cell Phone: 910-935-0046 Term: January 2024
Teresa Clark Faculty Athletics Representative Cedarville University 251 North Main Street Cedarville, Ohio 45314	Telephone: 937-766-7763 Email: clarkt@cedarville.edu Cell Phone: 937-532-0075 Term: January 2023
Marcus Clarke Senior Associate Commissioner Central Intercollegiate Athletic Association 4725 Piedmont Row Drive, Suite 200 Charlotte, North Carolina 28210	Telephone: 704-910-2133 Email: mclarke@theciaa.com Cell Phone: 757-298-4503 Term: January 2025
Mark A. Corino Assistance Vice President/Director of Athletics Caldwell University 120 Bloomfield Avenue Caldwell, New Jersey 07009	Telephone: 973-865-4936 Email: mcorino@caldwell.edu Term: January 2024
Robert Dranoff Commissioner East Coast Conference 300 Carleton Avenue Central Islip, New York 11722	Telephone: 631-348-3451 Email: rdranoff@eccsports.org Term: January 2023
Laura Clayton Eady Associate Athletics Director/SWA University of West Georgia 1601 Maple Street Carrollton, Georgia 30116	Telephone: 678-839-3964 Email: lclayton@westga.edu Term: January 2023

Courtney Lovely Evans Director of Athletics Palm Beach Atlantic University 901 S. Flagler Drive West Palm Beach, Florida 33401	Telephone: 561-803-2337 Email: courtney_lovely@pba.edu Term: January 2023
Marty Gilbert Associate Professor of Computer Science/FAR Mars Hill University P.O. Box 6691 Mars Hill, North Carolina 27854	Telephone: 828-689-1195 Email: mgilbert@mhu.edu Cell Phone: 828-506-8111 Term: January 2023
David Hansburg Director of Athletics Colorado School of Mines 1500 Illinois Street Golden, Colorado 80401	Telephone: 303-273-3300 Email: hansburg@mines.edu Cell Phone: 303-601-8702 Term: January 2026
Theresa Hanson Director of Athletics Simon Fraser University 8888 University Drive Burnaby, British Columbia Canada V5A 1S6	Telephone: 778-782-4080 Email: theresa_hanson@sfu.ca Cell Phone: 604-209-2242 Term: January 2027
Amy Henkelman Director of Athletics Dominican University of California 50 Acacia Avenue San Rafael, California 94901	Telephone: 415-257-1304 Email: amy.henkelman@dominican.edu Term: January 2025
Jim Johnson, chair Director of Athletics Pittsburg State University 1701 S. Broadway Pittsburg, Kansas 66762	Telephone: 620-435-4510 Email: jjohnson@pittstate.edu Term: January 2023
Kristi Kiefer Associate Athletics Director/SWA Fairmont State University 310 Feaster Center 1201 Locust Avenue Fairmont, West Virginia 26554	Telephone: 304-367-4265 Email: kkiefer@fairmontstate.edu Cell Phone: 304-476-6541 Term: January 2024

David B. Kuhlmeier Professor of International Marketing and International Business/FAR Valdosta State University 1500 North Patterson Valdosta, Georgia 31698-0075	Telephone: 229-245-3823 Email: dbkuhlmeier@valdosta.edu Cell Phone: 850-459-5881 Term: January 2023
Erin Lind Commissioner Northern Sun Intercollegiate Conference 2999 CR 42 West, Suite 136 Burnsville, Minnesota 55306	Telephone: 952-500-8053 Email: lind@northernsun.org Term: January 2026
Grace Martin Student-Athlete West Virginia State University P.O. Box 1001 Keith Hall, Room 308 Institute, West Virginia 25112-1001	Telephone: 740-645-7635 Email: gmartin4@wvstateu.edu Term: January 2023
Danny McCabe Director of Athletics Adelphi University 1 South Avenue Garden City, New York 11530	Telephone: 516-877-4231 Email: dmccabe@adelphi.edu Cell Phone: 516-779-0019 Term: January 2025
Carrie Michaels Senior Associate Director of Athletics/SWA Shippensburg University of Pennsylvania 1871 Old Main Drive Shippensburg, Pennsylvania 17257	Telephone: 717-477-1711 Email: camichaels@ship.edu Cell Phone: 717-262-3116 Term: January 2024
Sandee Mott Director of Athletics Texas Woman's University 1200 Frame Street P.O. Box 425349 Denton, Texas 76204-5349	Telephone: 940-898-2381 Email: smott3@twu.edu Term: January 2026
Roberta Page Director of Athletics Slippery Rock University of Pennsylvania 101 Field House Road, Suite 102 Slippery Rock, Pennsylvania 16057	Telephone: 724-738-2767 Email: roberta.page@sru.edu Term: January 2027

Bo Pagliasotti Faculty Athletics Representative Southwestern Oklahoma State University 100 Campus Drive Weatherford, Oklahoma 73096	Telephone: 580-774-7089 Email: bo.pagliasotti@swosu.edu Term: January 2026
Julie Rochester Faculty Athletics Representative Northern Michigan University 1401 Presque Isle Avenue Marquette, Michigan 49855	Telephone: 906-235-5713 Email: jrochest@nmu.edu Term: January 2023
Corbin Thaete Student-Athlete California State University, San Marcos 5390 Crescent Drive Yorba Linda, California 92887	Telephone: 714-273-3008 Email: thaet001@cougars.csusm.edu Term: January 2023
Christina Whetsel Assistant Athletics Director for Compliance and Academic Services/SWA Augusta University 1120 Fifteenth Street, CFH 214 Augusta, Georgia 30912	Telephone: 706-729-2450 Email: cwhetsel@augusta.edu Cell Phone: 325-245-9939 Term: January 2026
Jerry Wollmering Director of Athletics Truman State University 100 East Normal Street Kirksville, Missouri 63501	Telephone: 660-341-8933 Email: jerryw@truman.edu Term: January 2024

NCAA Staff Liaisons

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SUMMARY OF FALL 2022 QUARTERLY MEETINGS

National Collegiate Athletic Association

October 17-18, 2022, Division II Management Council and October 25-26, 2022, Division II Presidents Council

1. **WELCOME AND ANNOUNCEMENTS.**

Management Council. The Management Council convened its quarterly meeting at 11:01 a.m. Eastern time Monday, October 17.

The chair welcomed those in attendance, acknowledging staff who were present. The chair welcomed new member Curtis Campbell, director of athletics at Morehouse College, representing the Southern Intercollegiate Athletic Conference. He also welcomed Carol Rivera representing the California Collegiate Athletic Association, as an observer, due to the resignation of Shawn Chin-Farrell. The chair also acknowledged the three Pathways members who were attending the Council meeting.

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 meeting at 6:23 p.m. Eastern time Tuesday, October 25.

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. **July 18-19 Division II Management Council and August 3 Presidents Council.**

Management Council. The Management Council approved the summary of actions from its summer meetings.

Presidents Council. The Presidents Council approved the summary of actions from its summer meetings.

b. **NCAA Board of Governors.**

(1) **July 18 Videoconference.**

Management Council. The Management Council reviewed the Board of Governors report from its July 18 videoconference.

Presidents Council. The Presidents Council reviewed the Board of Governors report from its July 18 videoconference.

(2) August 18 Committee to Promote Cultural Diversity and Equity Videoconference.

Management Council. The Management Council reviewed the committee's August 18 videoconference report.

Presidents Council. The Presidents Council reviewed the committee's August 18 videoconference report.

c. 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. 2022-23 DIVISION II PRIORITIES.

Management Council. The Management Council reviewed the 2022-23 Division II Priorities, which had been approved at the summer series of meetings.

Presidents Council. The Presidents Council reviewed the 2022-23 Division II Priorities.

4. NCAA CONVENTION AND LEGISLATION.

a. 2023 NCAA Convention Schedule.

Management Council. The Management Council reviewed the core schedule of events for the 2023 Convention.

Presidents Council. The Presidents Council reviewed the core schedule of events for the 2023 Convention.

b. Discuss Possible Topics for the Joint Student-Athlete Advisory Committee, Management Council and Presidents Council Breakfast and Meeting.

Management Council. The Management Council reviewed and discussed possible topics for the joint breakfast and meeting with the Student-Athlete Advisory Committee and Presidents Council during the 2023 Convention.

Presidents Council. No action was necessary.

c. Proposed Legislation for the 2023 Convention.

Management Council. The Management Council reviewed the 12 proposals that will be voted on at the 2023 Convention, eight sponsored by the Presidents Council and four that are membership sponsored. The Council discussed and provided feedback on the legislation.

Presidents Council. The Presidents Council reviewed the proposals for the Convention.

- **Noncontroversial Legislation to Amend Proposal No. 2023-7 (Division II Organizational Structure – Presidents Council – Management Council – Administrative Committee – Planning and Finance Committee).**

Management Council. The Management Council recommended the Presidents Council adopt noncontroversial legislation to amend the effective date of Part C of Proposal No. 2023-7 from August 1, 2023, to February 1, 2024. The Management Council believes that delaying the effective date for the change in composition and the duties for the Management Council will provide an opportunity for an expanded pool of candidates to meet the new requirements in the proposal.

Presidents Council. The Presidents Council adopted the noncontroversial legislation, as recommended.

d. Committee's Review of Membership-Sponsored Proposals and Management Council Positions.

- (1) **NCAA Division II Proposal No. 2023-9 [2-7 (1-1)] Recruiting and Playing and Practice Seasons – General Playing-Season Regulations – Time Limits for Athletically Related Activities – Weekly Hour Limitations – Outside of Playing Season – Summer Access – Voluntary Workouts for Team Sports.**

Management Council. The Management Council agreed to oppose this proposal due to the proposal being contrary to the Life in the Balance Division II philosophy. The council noted concerns of student-athletes feeling pressured to take advantage of the opportunity or returning to the institution early to participate in voluntary workouts. The council also voiced concerns that some student-athletes may be "volun-told" to attend. It was noted that student-athletes may feel compelled to forgo participating in activities, such as study abroad programs, internships or summer jobs. Further, if adopted, the council noted the potential impact on the mental health of coaching staff members, athletic trainers and student-athletes. Finally, the council noted that although this proposal is similar to the relief

provided during COVID-19, that relief was specific to that timeframe since, at that time, many Division II institutions implemented remote learning and canceled sport seasons, making it impossible for institutions and student-athletes to participate in anything else.

Presidents Council. The Presidents Council agree to oppose this proposal for the same reasons as the Management Council.

- (2) **Proposal No. 2023-10 [(2-8) (1-2)] Eligibility and Playing and Practice Seasons – Seasons of Competition: 10-Semester/15-Quarter Rule and Football – Criteria for Determining Season of Eligibility and Out-of-Season Athletically Related Activities – Exception – Competition in the Nonchampionship Segment and Spring Practice – Scrimmage Against a Four-Year Collegiate Institution.**

Management Council. The Management Council agreed to take no position on this proposal.

Presidents Council. The Presidents Council agree to take no position on this proposal. In taking no position, the Presidents Council cited a lack of injury-related data or information on the timing of the scrimmage and the benefits of the scrimmage against another four-year college.

- (3) **Proposal 2023-11 [2-9 (1-3)] Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Minimum Amount of Competition – Up to Three Contests – Football.**

Management Council. The Management Council agreed to take no position on this proposal.

Presidents Council. The Presidents Council agree to support this proposal. The Council noted that allowing student-athletes the opportunity to participate in up to three contests without utilizing a season of competition in their initial year of collegiate enrollment will permit student-athletes to get acclimated on the field. The Council also noted that allowing student-athletes to participate in minimal competition during their initial year without being charged a season of competition may possibly help with student-athlete retention.

- (4) **Proposal No. 2023-12 [2-11 (1-4)] Playing and Practice Seasons -- General Playing-Season Regulations and Basketball – Basketball First Permissible Practice Date.**

Management Council. The Management Council agreed to take no position on this proposal.

Presidents Council. The Presidents Council agree to take no position on this proposal.

e. Proposed Grouping of Proposals and Roll-Call Votes.

Management Council. The Management Council recommended to the Presidents Council the proposed groupings of legislative proposals and the designated roll-call votes for the purpose of production of the 2023 NCAA Convention Division II Official Notice and the order of business for the Division II business session at the 2023 Convention.

There is a total of 12 proposals sponsored for the 2023 Convention. The first five proposals will be voted on as part of the consent package. The remaining seven proposals are divided by subject matter. Proposal No. 2023-6 will be voted on by paddle. Proposal Nos. 2023-7 through 2023-12 will be voted on by roll-call vote. Two proposals have an immediate effective date and will require two votes on the Convention floor; and two proposals are football only votes.

Presidents Council. The Presidents Council approved the proposed grouping of legislative proposals and the designated roll-call votes for the purpose of production of the 2023 Convention Official Notice and the order of business for the Division II business session at the 2023 Convention, as recommended.

f. Suggested Speakers for the 2023 Convention Proposals.

Management Council. The Management Council reviewed the speakers' chart for the Division II business session at the 2023 Convention. The Council was informed of the duties that go along with being a designated or back-up speaker and was asked to advise staff of any changes individuals would like to make.

Presidents Council. The Presidents Council reviewed the speakers' chart for the 2023 business session.

g. Noncontroversial Legislation.

Management Council. The Management Council adopted in legislative form 11 noncontroversial proposals that had previously been approved in concept (Proposal Nos. NC-2023-24 through NC-2023-32 and NC-2023-35 through NC-2023-36), as presented. The 11 proposals are listed below.

- (1) **Proposal No. NC-2023-24: Playing and Practice Seasons -- Football -- Out-of-Season Athletically Related Activities -- Spring Practice --**

Contact Restrictions. In football, to specify that during spring practice: (1) An institution shall not conduct more than two consecutive days of full contact (tackling to the ground) practices; and (b) An institution shall not conduct more than a total of 75 minutes of full contact (tackling to the ground) within any one on-field practice session other than the three tackling sessions devoted primarily to 11-on-11 scrimmages.

- (2) **Proposal No. NC-2023-25: Division II Organizational Structure -- Division II Presidents Council and Division II Management Council -- Election/Term of Office -- Elimination of Staggered Terms -- Chair and Vice Chair.** To specify that the chair and vice chair terms for the NCAA Division II Presidents Council and Management Council shall not expire on staggered terms.
- (3) **Proposal No. NC-2023-26: Division II Organizational Structure -- Presidents Council -- Management Council -- Election/Term of Office and Operating Rules -- Elimination of Staggered Terms of Members and Quorum Requirements.** To eliminate and move to policy the requirement of staggered terms of members serving on the Division II Presidents Council and Division II Management Council; further, to eliminate the requirement for a quorum of the Division II Presidents Council and Division II Management Council for the transaction of business.
- (4) **Proposal No. NC-2023-27: NCAA Division II Membership and Institutional Control -- Active Membership -- Institutions and Conferences -- Sports Sponsorship and Three-Season Requirement -- Requirements for Active Member Institutions and Conferences -- Minimum of 10 Sports -- Elimination of Five-Sport/Three-Season Requirement.** To specify that an active member institution or conference in Division II shall sponsor a minimum of 10 sports; further, to eliminate the five-sport/three-season requirement, as specified.
- (5) **Proposal No. NC-2023-28: NCAA Division II Membership and Institutional Control -- Active Membership -- Institutions -- Elimination of Audit of Membership Requirements.** To eliminate the audit of membership requirements legislation.
- (6) **Proposal No. NC-2023-29: Legislative Process -- Other Legislative and Amendment Procedures -- Interpretations of Bylaws -- Division II Interpretations Process -- Review of Legislation Committee or Academic Requirements Committee Decision -- Decision Final.** To amend the appeals of interpretations process to specify that the Division II Legislation Committee and the Division II Academic Requirements Committee shall be the final authority of appealed interpretations.

- (7) **Proposal No. NC-2023-30: Amateurism and Financial Aid -- Various Bylaws -- Student-Athlete Name, Image and Likeness Activities.** To amend the amateurism and financial aid legislation to align with and address the goals of the NCAA Interim Name, Image and Likeness (NIL) Policy, as follows: (1) Remove duplicative language; (2) Define a professional service provider; (3) Eliminate regulations regarding activities prior to initial full-time collegiate enrollment; (4) Codify the NCAA Interim NIL Policy; (5) Amend permissible and impermissible activities following initial full-time collegiate enrollment, as specified; (6) Specify that an employer may not use a student-athlete's reputation to promote a product or service unless the student-athlete has entered into an NIL agreement with the employer; and (7) Eliminate the promotional activities legislation.
- (8) **Proposal No. NC-2023-31: Infractions Program and Enforcement Policies and Procedures -- Merge, Reorganize and Update Bylaws 19 and 32.** To merge, update and reorganize Bylaws 19 and 32 into Bylaw 19; further, to remove duplicative provisions.
- (9) **Proposal No. NC-2023-32: NCAA Division II Membership and Institutional Control -- Active Membership -- Elimination of Discipline of Members.** To eliminate references to the discipline of members.
- (10) **Proposal No. NC-2023-35: Recruiting -- Publicity -- Media Release Regarding Signing.** To eliminate the requirement that, prior to an institution publicly commenting on a prospective student-athlete's commitment, a prospective student-athlete must provide the institution with their financial deposit in response to the institution's offer of admission; further, to specify that after an institution receives a prospective student-athlete's signed written offer of admission and/or financial aid, an institution may publicly comment on a prospective student-athlete's commitment.
- (11) **Proposal No. NC-2023-36: Recruiting -- Publicity -- Comments Prior to Signing -- Announcer for High School Broadcast.** To permit conference office personnel to serve as an announcer or commentator for high school, college-preparatory school or two-year college contest or appear on a radio or television broadcast of such a contest.

Presidents Council. No action was necessary.

5. **REVIEW OF COMMITTEE RECOMMENDATIONS AFFECTING DIVISION II.**

a. **Division II Committees.**

(1) **Academic Requirements Committee.**

Management Council. The Management Council reviewed the committee's September 20 in-person meeting report.

Presidents Council. No action was necessary.

(2) **Championships Committee.**

(a) **August 4 Videoconference.**

- **Sport Committee Appointments.**

Management Council. The Management Council received an update that the Division II Administrative Committee approved the following sport and rules committee appointments, effective September 1, 2022, unless otherwise noted:

- i. **Men's and Women's Cross Country (immediate appointment).** **Elizabeth Hoge**, assistant director of athletics and senior woman administrator at Ashland University, to replace Desmond Pierce, director of compliance at Trevecca Nazarene University, who resigned from the committee.
- ii. **Women's Lacrosse (immediate appointment).** **Dawn Sachs**, associate director of athletics and head women's lacrosse coach at Mercy College, to replace Tom Campolettano, head women's lacrosse coach at Molloy College, who resigned from the committee.
- iii. **Women's Rowing (immediate appointment).** **John Adkison**, associate director of athletics at Embry-Riddle Aeronautical University (Florida), to replace Amanda Knight, associate director of athletics and senior woman administrator at Barry University, who resigned from the committee.
- iv. **Men's Soccer (immediate appointment).** **Jamie Joss**, director of athletics at Florida Institute of Technology, to replace Brian McMahon, head men's soccer coach at Palm Beach Atlantic University, who resigned from the committee.
- v. **Men's and Women's Tennis (September 1, 2022, appointment).** **Hendrik Bode**, head men's tennis

coach at Hawaii Pacific University, to replace Jared Pine, director of sports information at the Pacific West Conference, who is no longer with the conference.

[Note: The sport committee appointments noted above were approved August 31 by the Administrative Committee. They are included in the document for ease of reference.]

Presidents Council. No action was necessary.

(b) September 12-13 In-Person Meeting.

i. Alcohol Sales at the 2023 Division II Men's and Women's Tennis Championships.

Management Council. The Management Council approved a waiver of Bylaw 31.1.12 (availability of alcoholic beverages) to permit alcohol sales at the 2023 Division II Men's and Women's Tennis Championships in Orlando as part of the joint championship with Divisions I and III.

Presidents Council. No action was necessary.

ii. Automatic Qualification Grace Period.

Management Council. The Management Council approved a waiver of Bylaw 31.3.4.5 (grace period) to extend for one additional year the automatic qualification three-year grace period (for a conference that falls below the minimum number of institutions required for active membership) for any conferences that were in the three-year period during an academic year in which sports sponsorship requirements were waived due to COVID-19.

Presidents Council. No action was necessary.

iii. Softball Championship Format.

Management Council. The Management Council recommended that the Presidents Council approve a change to the finals site format for the Softball Championship from six days to seven days.

Presidents Council. The Presidents Council approved a change to the finals site format for the Softball Championship from six days to seven days, as recommended.

iv. Access Ratios for Select Sports.

Management Council. The Management Council approved regional berth allocations for baseball, women's soccer, and men's and women's tennis.

Presidents Council. No action was necessary.

v. Performance Indicator Scale Adjustment for Baseball.

Management Council. The Management Council approved adjusting the calculation for the Performance Indicator for baseball.

Presidents Council. No action was necessary.

vi. Preliminary-Round Host Microsites.

Management Council. The Management Council approved requiring preliminary-round hosts for Division II championships to provide a microsite (i.e., a single page for the event and a link to it from the school's main athletics website) that includes information about the event and ways in which fans can better experience it.

Presidents Council. The Presidents Council was provided an update that the Management Council approved requiring preliminary-round hosts for Division II championships to provide a microsite that includes information about the event and ways in which fans can better experience it.

vii. Referral to the Division II Nominating Committee – Sport Committee Member Temporary Replacement Policy.

Management Council. The Management Council referred to the Nominating Committee a recommendation to adopt a policy for temporary replacement (e.g., maternity/paternity leave, medical leave) of national sport committee members in situations in which the individual will not be able to participate in ranking calls and the selection call, as follows:

- The committee member should recommend a current Regional Advisory Committee (RAC) member to serve as the temporary chair for the region. The temporary chair will lead the weekly RAC calls and participate on the weekly national committee ranking calls and selection call.
- The sport committee chair should be consulted as needed.
- The individual's conference office should elect a temporary member to the Regional Advisory Committee (RAC).

Presidents Council. No action was necessary.

viii. Team Sport Replacement Policy.

Management Council. The Management Council adopted the team sport replacement policy for teams not able to compete after selections.

Presidents Council. No action was necessary.

ix. Sport Committee Appointments.

Management Council. The Management Council ratified the following sport committee appointments, effective immediately.

- (a) **Women's Lacrosse.** Jennifer Rushton, director of athletics at Young Harris College, to replace Casey Petrusic, assistant director of athletics and senior woman administrator at Newberry College, who resigned from the committee.
- (b) **Men's and Women's Swimming and Diving.** Gregg Petcoff, assistant athletics director for athletics communications at Western Colorado University, to replace Bethany Hobbs-Helmus, assistant director of athletics and senior woman administrator at California State University, East Bay, who resigned from the committee.

- (c) **Wrestling. Shawn Nelson**, head wrestling coach at the University of Findlay, to replace Adam Bracken, assistant director of athletics at Ashland University, who resigned from the committee.

Presidents Council. No action was necessary.

(c) **September 16 Electronic Vote.**

Management Council. The Management Council reviewed the committee's September 16 electronic vote report.

Presidents Council. No action was necessary.

(d) **September 19 Electronic Vote.**

- **Sport Committee Appointments.**

Management Council. The Management Council received an update that the Division II Administrative Committee approved the following sport committee appointments, effective immediately.

- i. **Men's Golf. Jimmy Wilson**, head men's golf coach, Georgia College, to replace Jimmy Stobs, head men's golf coach, Barry University, who declined the appointment.
- ii. **Women's Soccer. Mike White**, head women's soccer coach, Oklahoma Baptist University, to replace Brittany Lauritsen, director of athletics, Bemidji State University, who resigned from the committee.
- iii. **Softball. Dixie Cirillo**, associate director of athletics and senior woman administrator, Colorado School of Mines, to replace Christie Ward, senior associate director of athletics and senior woman administrator, Colorado State University Pueblo, who resigned from the committee.
- iv. **Men's and Women's Tennis. Troy Katen**, deputy director of athletics, Northwest Missouri State University, to replace Jeremy Christoffels, assistant commissioner, Northern Sun Intercollegiate Conference, who declined the appointment.

Presidents Council. No action was necessary.

[Note: The appointments noted above were approved September 29 by the Administrative Committee. They are included in the document for ease of reference.]

(e) October 6 Videoconference.

Management Council. The Management Council reviewed the committee's October 6 videoconference report.

Presidents Council. No action was necessary.

(f) October 14 Electronic Vote.

- **Sport Committee Appointments.**

Management Council. The Management Council ratified the following sport and rules committee appointments, effective immediately.

- i. **Women's Basketball Rules (Division II representative). Christopher Cross**, director of athletics, Cedarville University, to replace Tara Owens, director of athletics, Central State University, who left the institution.
- ii. **Men's Lacrosse. Ed Langham**, associate director of athletics, University of Montevallo, to replace Vince Smith, head men's lacrosse coach, Colorado Mesa University, who left the institution.
- iii. **Wrestling. Ryan Courtney**, deputy director of athletics, Fairmont State University, to replace Maura Donovan, assistant director of athletics for athletics giving and engagement, American International College.

Presidents Council. No action was necessary.

(3) Committee on Infractions.

(a) Enforcement Internal Operating Procedures (IOPs) Reflecting Recent Bylaw Changes and Updates.

Management Council. The Management Council approved the Enforcement IOPs reflecting Bylaw 19 changes.

Presidents Council. No action was necessary.

(b) Committee on Infractions IOPs 5-9 (Hearing Procedures).

Management Council. The Management Council approved the additions of COI IOPs 5-9, 5-9-1, 5-9-2, 5-9-3, 5-9-4 and 5-9-5 regarding hearing procedures.

Presidents Council. No action was necessary.

(4) Implementation Committee.

(a) August 8 Videoconference.

Management Council. The Management Council reviewed the committee's August 8 videoconference report. The Management Council also received updates from several Division II governance committees regarding their initial discussions on items referred to them from the Implementation Committee. Those committees will continue discussions and seek membership feedback during their upcoming meetings before making any recommendations.

Presidents Council. The Presidents Council reviewed the committee's August 8 videoconference report. It was noted that the Presidents Council will receive regular updates from Division II governance committees regarding the items referred to them from the Implementation Committee.

(b) Comments from Implementation Committee Members.

Management Council. The Management Council was provided an overview of quotes submitted by Implementation Committee members regarding their service on the committee.

Presidents Council. The Presidents Council was provided an overview of quotes submitted by Implementation Committee members regarding their service on the committee.

(c) Update on Division I and Division III Processes.

Management Council. The Management Council received an update on the work being done by Division III and Division I to implement the new constitution.

Presidents Council. The Presidents Council received an update on the work being done by Division III and Division I to implement the new constitution.

(5) Legislation Committee.

Management Council. The Management Council reviewed the committee's September 29 teleconference report.

Presidents Council. No action was necessary.

(6) Committee for Legislative Relief.

(a) August 24 Teleconference.

- **Division II Previously Approved Waiver Checklist -- No Participation Opportunity at Previous Institution.**

Management Council. The Management Council approved the updates to the previously approved waiver checklist.

Presidents Council. No action was necessary.

(b) October 5 Videoconference.

Management Council. The Management Council reviewed the committee's October 5 videoconference report.

Presidents Council. No action was necessary.

(7) Membership Committee.

Management Council. The Management Council reviewed the committee's September 22 videoconference report.

Presidents Council. No action was necessary.

(8) Nominating Committee.

(a) July 27 Videoconference.

Management Council. The Management Council was provided an update that the Administrative Committee approved the following appointment, effective immediately:

- **NCAA Division II Nominating Committee (one immediate vacancy replacing Colleen Cannon). Matthew Pope**, vice president and director of athletics, Carson-Newman University, South Atlantic Conference.

Presidents Council. No action was necessary.

[Note: The appointment noted above was approved August 31 by the Administrative Committee. It is included in the document for ease of reference.]

(b) August 26 Videoconference.

Management Council. The Management Council was provided an update that the Administrative Committee approved the following appointments, effective immediately:

- (1) **NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (one immediate vacancy replacing Tim Singleton). Jack Entriiken**, head athletic trainer and director of sports medicine, Kutztown University of Pennsylvania, Pennsylvania State Athletic Conference.
- (2) **NCAA Division II Committee for Legislative Relief (immediate vacancy replacing Tara Davenport). Marcie Haduca**, assistant athletics director for compliance, California State University, East Bay, California Collegiate Athletic Association.
- (3) **NCAA Division II Membership Committee (one immediate vacancy replacing Curtis Campbell). Melanie Brunsdon**, senior woman administrator, Winona State University, Northern Sun Intercollegiate Conference.

Presidents Council. No action was necessary.

[Note: The appointments noted above were approved August 31 by the Administrative Committee. They are included in the document for ease of reference.]

(c) September 13 Videoconference.

Management Council. The Management Council was provided an update that the Administrative Committee approved the following appointments, effective immediately:

- (1) **NCAA Division II Championship Committee (one immediate vacancy replacing Linda Bell). Cade Smith**, director of athletics, University of Alabama in Huntsville, Gulf South Conference.
- (2) **NCAA Division II Infractions Appeals Committee (immediate vacancy replacing Dixie Cirillo). Chris Snyder**, director of athletics, Seton Hill University, Pennsylvania State Athletic Conference.

Presidents Council. No action was necessary.

[Note: The appointments noted above were approved September 29 by the Administrative Committee. They are included in the document for ease of reference.]

(d) October 11 Videoconference.

Management Council. The Management Council recommended that the Presidents Council approve the appointment noted below, effective immediately:

- **NCAA Division II Academic Requirements Committee (immediate vacancy replacing vacant CEO spot). Cathy Cox**, president, Georgia College, Peach Belt Conference.

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

(9) Planning and Finance Committee.

(a) August 11 Videoconference.

Management Council. The Management Council reviewed the committee's August 11 videoconference report.

Presidents Council. The Presidents Council reviewed the committee's August 11 videoconference report.

(b) September 21 Videoconference.

(1) Ticket and Ancillary Revenue and Media Broadcast Revenue Insurance for the Association and Division II Premium Allocation.

Management Council. The Management Council endorsed Division II's participation in the following Association's policies: (a) ticket and ancillary revenue insurance; and (b) media broadcast revenue insurance; further, it endorsed the Division II premium allocation amount for Fiscal Year 2022-23 (FY23).

Presidents Council. The Presidents Council approved that Division II participate in the following Association's policies: (a) ticket and ancillary revenue insurance; and (b) media broadcast revenue insurance; further, it approved the Division II premium allocation amount for Fiscal Year 2022-23 (FY23).

(2) Division II Softball Championship Final Site Format.

Management Council. The Management Council was provided an update that the Planning and Finance Committee recommended that the Presidents Council approve the use of surplus dollars for the spring 2023 championship and base budget the increase starting with FY24 for a change in the Division II Softball Championship final site format from six to seven days.

Presidents Council. The Presidents Council approved the use of surplus dollars, as recommended.

(3) Division II Long-Range Budget.

Management Council. The Management Council endorsed the revised Division II long-range budget through 2031-32.

The revised long-range budget captures the budget approvals for fiscal year 2022-23, aligns the Division II revenue allocation with the Association's 10-year financial plan, and provides enhancements in championships, distributions to the membership and other strategic initiatives. Specifically:

Championships

- Annual increase:

- Five percent increase to the travel budget to cover travel expenses.
- Triennial increases (FY25, FY28 and FY31):
 - \$10 increase in per diem.
 - One percent increase for committee expenses.
 - Three percent increase for game operations.
 - \$1,050,000 increase for championships enhancements.

Distributions to the Membership

- DII Conference Sports Sponsorship Fund (formerly Enhancement Fund):
 - Two and half percent increase in FY23 and a three percent increase FY24 through FY32.
- DII Institutional Equal Distribution Fund:
 - Two and half percent increase for FY23 and a three percent increase FY24 through FY32.
- DII Conference Strategic Priorities Fund (formerly Conference Grant Fund):
 - \$4,000 to \$6,000 premium amount increase in FY25;
 - \$6,000 to \$8,000 premium amount increase in FY28; and
 - \$110,000 to \$120,000 base amount increase for each conference in FY31.

Other Strategic Initiatives

- \$1,000 purchasing credit in FY25, FY28 and FY31.
- Three percent increase in FY25, FY28 and FY31 for programs with 100 or more participants (e.g., SAAC Super-Region Convention).
- Additional Expenses for Division II:
 - Per new NCAA constitution, current overhead charge ceased with FY22.
 - Starting in FY23, an annual review is conducted to validate additional Association service expenses that Division II pays for directly out of its 4.37 percent allocation.
 - Expenses starting in FY23 are indexed three percent annually.

Presidents Council. The Presidents Council approved the revised Division II long-range budget through 2031-32.

(c) Unaudited 2021-22 Budget Figures.

Management Council. The Management Council reviewed the unaudited 2021-22 budget figures.

Presidents Council. The Presidents Council reviewed the unaudited 2021-22 budget figures.

(10) Student-Athlete Advisory Committee.

(a) July 14 Videoconference.

Management Council. The Management Council reviewed the committee's July 14 videoconference report.

Presidents Council. No action was necessary.

(b) September 25 Videoconference.

Management Council. The Management Council reviewed the committee's September 25 videoconference report.

Presidents Council. No action was necessary.

(11) Committee on Student-Athlete Reinstatement.

Management Council. The Management Council reviewed the committee's September 21 videoconference report.

Presidents Council. No action was necessary.

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

• Management Council Identity Subcommittee.

○ Division II Identity Workshops.

Management Council. The Management Council approved extending head athletic trainers as the audience for the Division II Identity Workshop through 2025; further, it approved the audience of the 2026 through 2029 workshops as sports information directors/athletic communications directors. Finally, it approved to streamline the nomination process.

Presidents Council. The Presidents Council was provided an overview of the future Identity Workshops.

c. Association-Wide Committees.

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

Management Council. The Management Council reviewed the committee's June 21-22 meeting report.

Presidents Council. No action was necessary.

(2) Honors Committee.

Management Council. The Management Council reviewed the committee's July 14 videoconference report.

Presidents Council. No action was necessary.

(3) Minority Opportunities and Interests Committee.

Management Council. The Management Council reviewed the committee's July 19 videoconference report.

Presidents Council. No action was necessary.

(4) Playing Rules Oversight Panel.

Management Council. The Management Council reviewed the panel's July 20, August 11 and September 8 videoconference reports.

Presidents Council. No action was necessary.

(5) Postgraduate Scholarship Committee.

Management Council. The Management Council reviewed the committee's July 11-12 meeting report.

Presidents Council. No action was necessary.

6. DIVISION II MANAGEMENT COUNCIL.

- a. Elections to Fill Vacancies from the East Coast Conference, Great Midwest Athletic Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association, South Atlantic Conference, Sunshine State Conference and Two At-Large Representatives.**

Management Council. The Management Council elected the following individuals to become new representatives on the Council, effective at the adjournment of the 2023 Division II Business Session, unless otherwise noted.

- (1) East Coast Conference. **Femi Alao**, senior woman administrator, Roberts Wesleyan University.
- (2) Great Midwest Athletic Conference. **Cindy McKnight**, director of athletics/senior woman administrator, Ursuline College.
- (3) Gulf South Conference. **Jeremy Elliott**, faculty athletics representative, University of Alabama in Huntsville.
- (4) Mid-America Intercollegiate Athletics Association. **Theresa Grosbach**, senior woman administrator, Missouri Western State University.
- (5) South Atlantic University. **Patrick Britz**, commissioner, South Atlantic Conference.
- (6) Sunshine State Conference. **Katherine Loh**, faculty athletics representative, Florida Southern College.
- (7) At-Large Representative. **Sarah Ramey**, senior woman administrator, West Texas A&M University.
- (8) At-Large Representative. **Roberta Page**, director of athletics, Slippery Rock University of Pennsylvania, effective immediately.

Presidents Council. The Presidents Council ratified the elections.

b. Election of Management Council Chair.

Management Council. The Management Council elected **Carrie Michaels**, senior associate director of athletics and senior woman administrator, Shippensburg University of Pennsylvania, as the chair of the Management Council, effective at the adjournment of the 2023 Division II Business Session, for a one-year term.

Presidents Council. The Presidents Council ratified the election.

c. Election of Management Council Vice Chair.

Management Council. The Management Council elected **Jerry Wollmering**, director of athletics, Truman State University, as the vice chair of the Management Council, effective immediately and concluding, at the adjournment of the 2024 Division II Business Session.

Presidents Council. The Presidents Council ratified the election.

d. Management Council Committee and Project Team Assignments.

Management Council. The Management Council reviewed committee and project team assignments, noting those assignments that are open with the turnover in Council representation. The Council was informed that if anyone was interested in being assigned to a specific committee or project team, they should inform the chair or one of the Division II staff members.

Presidents Council. No action was necessary.

7. DIVISION II PRESIDENTS COUNCIL.

- a. Chair Election.** The Presidents Council re-elected Steven Shirley, president, Minot State University, as chair of the Council, for a one-year period, starting at the conclusion of the 2023 business session and concluding January 2024.
- b. Vice Chair Election.** The Presidents Council was advised that a vice chair would be elected at the January meeting to serve from January 2023 to January 2024. President Council members who wish to serve should contact the chair or the vice president of Division II.
- c. Presidents Council Transition to Executive Board.** The Presidents Council approved the composition for the presidents and chancellors of the Division II Executive Board, effective February 1, 2024, if Proposal No. 2023-7 is adopted at the 2023 Convention.

8. NATIONAL OFFICE UPDATES.

a. Executive and Legal.

Management Council. The Management Council received an update from the NCAA president, as well as the NCAA director of legal affairs on issues surrounding the NCAA.

Presidents Council. The Presidents Council received an update on issues surrounding the NCAA from the NCAA president and the NCAA director of legal affairs, which included an update on the Board of Governors Subcommittee on Congressional Engagement; the landscape of college athletics and membership discussions in Division I; and concussion litigation.

b. 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 NCAA health, safety and performance strategic priorities; mental health; the Cannabinoids and Cannabis Summit; NCAA Transgender Student-Athlete Participation Policy; and the Injury Surveillance Program.

Presidents Council. The Presidents Council received an update from Sport Science Institute staff regarding NCAA health, safety and performance strategic priorities; mental health; the Cannabinoids and Cannabis Summit; NCAA Transgender Student-Athlete Participation Policy; and the Injury Surveillance Program.

c. Introduction of Mario Morris, NCAA Senior Vice President of Administrations and Chief Financial Officer.

Management Council. The Management Council was introduced to Mario Morris, the new NCAA senior vice president of administrations and chief financial officer.

Presidents Council. The Presidents Council was introduced to Mario Morris, the new NCAA senior vice president of administrations and chief financial officer.

d. Division II Award of Excellence.

Management Council. The Management Council was informed that nominations for the award will be accepted through November 18. The overall winner of the award will be recognized at the Division II business session during the 2023 Convention.

Presidents Council. No action was necessary.

e. Division II FAR Advanced Institute.

Management Council. The Management Council was provided with an update regarding the September 30 through October 2 Division II FAR Advanced Institute.

Presidents Council. No action was necessary.

f. 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.

g. Division II Festival.

Management Council. The Management Council was provided an overview of the Division II Festival, which is scheduled for November 29 through December 3 in Seattle, Washington. The council also received an update on recent membership inquiries related to the host institution's hiring policies. Since the NCAA consists of a diverse membership of about 1,100 schools with various missions, there are times when a divide is created when it comes to social issues. One of the areas that falls outside of the purview of NCAA policy is membership schools' hiring policies. The NCAA Board of Governors anti-discrimination policy requires sites hosting NCAA championship events to provide an environment that is safe, healthy and safeguards the dignity of everyone involved within the venues of competition. Seattle Pacific University has reconfirmed its commitment to hosting the 2022 Division II Fall Festival championship events consistent with the NCAA Board of Governors anti-discrimination policy within the venues of competition.

Presidents Council. The Presidents Council was provided an overview of the Division II Festival, which is scheduled for November 29 through December 3 in Seattle, Washington; and also received an update on recent inquiries related to the host institution's hiring practices and commitment to hosting the Festival events consistent with the Board of Governors anti-discrimination policy.

h. Division II Make Game Day Yours.

Management Council. The Management Council was provided an update on the Make Game Day Yours initiative, as well as an overview of one of the modules being developed for Division II University.

Presidents Council. No action was necessary.

i. Division II SAAC Super Region Convention.

Management Council. The Management Council was provided an overview of the SAAC Super Region Convention that is scheduled for April 14-16, 2023, in Pittsburgh, Pennsylvania for the East region.

Presidents Council. No action was necessary.

j. NCAA Transfer Portal.

Management Council. The Management Council received information on the trends in the Transfer Portal regarding Division II student-athletes.

Presidents Council. The Presidents Council received information on the trends in the Transfer Portal regarding Division II student-athletes.

9. *AFFILIATED ASSOCIATION UPDATES.*

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

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

Presidents Council. No action was necessary.

10. *OTHER BUSINESS.*

Management Council. No action was necessary.

Presidents Council. No action was necessary.

11. *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: 2023 Convention information; legislation for the 2023 Convention; Championship Committee updates, including the Softball Championship format change and preliminary-round host microsites; Division II long-range budget; the Award of Excellence; diversity grants; and the Management Council meeting article.

Presidents Council. No action was necessary.

12. *FUTURE MEETINGS.*

Management Council. The Management Council reviewed the upcoming meetings through January 2024.

Presidents Council. The Presidents Council reviewed the upcoming meetings through January 2024.

13. *ADJOURNMENT.*

Management Council. The Management Council adjourned at 2:18 p.m. Eastern time October 18.

Presidents Council. The Presidents Council adjourned at 11:38 a.m. Eastern time October 26.

October 17-18, 2022, Division II Management Council and October 25-26, 2022, Division II Presidents Council	
Attendees:	
Management Council	Presidents Council
Curtis Campbell, Morehouse College	Roslyn Artis, Benedict College
Brenda Cates, University of Mount Olive	Carlos Campo, Ashland University
Teresa Clark, Cedarville University	Davaris Cheeks, Concordia University, St. Paul
Marcus Clarke, Central Intercollegiate Athletic Association	Michael Driscoll, Indiana University of Pennsylvania
Mark Corino, Caldwell University	John Y. Gotanda, Hawaii Pacific University
Robert Dranoff, East Coast Conference	Donna Henry, University of Virginia's College at Wise (via videoconference; October 25 only)
Laura Clayton Eady, University of West Georgia	Jim Johnson, Pittsburg State University
Courtney Lovely Evans, Palm Beach Atlantic University	Colleen Perry Keith, Goldey-Beacom College
Marty Gilbert, Mars Hill University	Steven Shirley, Minot State University
David Hansburg, Colorado School of Mines	William Thierfelder, Belmont Abbey College
Theresa Hanson, Simon Fraser University	Blake Thompson, Mississippi College
Amy Henkelman, Dominican University of California	Sandra Woodley, University of Texas Permian Basin
Jim Johnson, Pittsburg State University	Frank Wu, Queen College (New York)
Kristi Kiefer Fairmont State University	
David B. Kuhlmeier, Valdosta State University	
Erin Lind, Northern Sun Intercollegiate Conference	
Grace Martin, West Virginia State University	
Daniel McCabe, Adelphi University	
Carrie Michaels, Shippensburg University of Pennsylvania	
Sandee Mott, Texas Woman's University	
Bo Pagliasotti, Southwestern Oklahoma State University	
Julie Rochester, Northern Michigan University	

Corbin Thaete, California State university, San Marcos	
Cam Trudell, Great Lakes Intercollegiate Athletic Conference	
Christina Whetsel, Augusta University	
Jerry Wollmering, Truman State University	
Absentees:	
None.	Michaela Boyd, Palm Beach Atlantic University
	Gayle Hutchinson, California State University, Chico
	Dwaun Warmack, Claflin University
Guests in Attendance	
Amber Feldman, Mid-America Intercollegiate Athletics Association	
Melanie Robotham, Lone Star Conference	
Carol Rivera, California Collegiate Athletic Association	
Wendy Wilson, Grand Valley State University	
NCAA Staff Members in Attendance:	
Mark Emmert, Haydyn Gibson, Terri Steeb Gronau, Chelsea Hooks, Maritza Jones, Ryan Jones, Karen Kirsch, David Lafiosca (<i>October 25-26</i>), Micaela Liddane (<i>October 17-18</i>), Jordan Lysiak, Corbin McGuire, Mario Morris, David Pajak (<i>October 25-26</i>), Susan Peal, Lamarr Pottinger (<i>October 17-18</i>), Angela Red, Anne Rohlman, Olivia Sappington, Rachel Seewald (<i>October 17-18</i>), Jared Tidemann, Robert Turick and Jill Waddell.	



REPORT OF THE
NCAA BOARD OF GOVERNORS
AUGUST 2, 2022, VIDEOCONFERENCE

ACTION ITEMS:

- In its approval of the NCAA Convention Policies, the NCAA Board of Governors directed the divisional governance bodies to review the Convention Policies to determine if any policies should reside in the divisional NCAA Manuals and whether the divisions have any recommended changes to the Association-wide Convention policies.

INFORMATIONAL ITEMS:

1. **Welcome and announcements.** President John DeGioia, NCAA Board of Governors member and chair of the previous Board of Governors, convened the videoconference at approximately 1 p.m. Eastern time and welcomed the Governors. President DeGioia noted that this was the first official meeting of the newly constituted board of Governors and asked board members to briefly introduce themselves. Lastly, President DeGioia informed the board that Jackie Campbell, NCAA managing director of policy and governance and Board of Governors liaison, recently accepted a position with the Big East Conference and this would be her last meeting with the board. President DeGioia thanked her for all her work with the board and wished her well in her new position.
2. **NCAA Board of Governors elections.** The Board of Governors elected President Linda Livingstone as chair and approved the graduated student-athlete members' selection of Madeleine McKenna to serve as the graduated student-athlete voting member. McKenna is a former Division II student-athlete and the rotation for future graduated student-athlete voting members will next move to Division III and then Division I as recommended by the former student-athletes.
3. **Board of Governors chair overview.** Newly elected chair President Livingstone thanked board members for their willingness to serve and for their support for her serving as chair. President Livingstone reminded board members of the intent in designing a smaller Board of Governors, which was to streamline decision-making authority on Association-wide issues. President Livingstone also emphasized the fiduciary responsibilities of board members as they work to make decisions that are in the best interest of the Association as a whole.
4. **NCAA president's report.** President Mark Emmert thanked President DeGioia for his service as chair of the Board of Governors for the previous two years. He noted the significant increase in the number of meetings and the required time commitment as chair. Dr. Emmert also thanked President Livingstone for agreeing to serve as chair of the new Board of Governors during this critical time when the Association continues to face a myriad of challenges. Lastly, President Emmert provided a brief summary of his views on key issues facing the Association.

5. **Review and discussion of Board of Governors Policies and Procedures.** NCAA Managing Director of Policy and Governance Jackie Campbell reviewed the draft Board of Governors operating policies and procedures. The board approved the draft policies with the following recommended revisions:

- Added language in the Conflict of Interest Policy.
- Composition of the Board of Governors Committee to Promote Cultural Diversity and Equity.
- Composition of the Board of Governors Student-Athlete Engagement Committee.
- Composition of the Board of Governors Finance and Audit Committee as recommended by the Finance and Audit Committee.

The board approved the NCAA Convention Policies and approved in concept the Institutional and Conference Delegates section, which included revised language regarding delegates with voting privileges as recommended by the NCAA Minority Opportunities and Interests Committee and the NCAA Committee on Women's Athletics. The board requested that staff better clarify the revised language in the Institutional and Conference Delegates section. The board also directed the divisional governance bodies to review the NCAA Convention Policies to determine if any should reside in the divisional NCAA Manuals and whether the divisions have any recommended changes to the Association-wide Convention policies.

Further, the board paused on determining whether it will have an executive committee and asked that staff bring back to the board in October options that include composition and duties based on the board's discussion.

Lastly, the board deferred until 2023 discussion about the authority it wishes to delegate to the NCAA president and agreed to keep the current policy in place.

6. **NCAA Board of Governors Finance and Audit Committee report.** President Linda Livingstone, chair of the Finance and Audit Committee, presented the committee's report. President Livingstone began the report by providing a brief overview of the responsibilities of the committee.
- a. **FY 2021-22 external audit plan presented by Crowe.** The Crowe external financial audit plan for fiscal year 2021-22 was shared with the board, noting the committee had no concerns with the material presented.
 - b. **FY 2022-23 NCAA Enterprise Risk Management risk assessment and internal audit plan.** The board received information about the internal audit plan for the 2022-23 fiscal year, which is based on a risk assessment that is performed annually by staff. A change made this year was to provide a survey to the Board of Governors Executive and Finance and Audit Committees to identify risks.

- c. **FY2023 event cancellation insurance renewal.** The committee noted how fortunate the NCAA was to have event cancellation insurance in place, including COVID-19 coverage for the cancelled 2020 NCAA Division I Men's Basketball Championship and the 2021 championship that was successfully conducted but with limited attendance. In the two years since the cancelled championship, the commercial insurance market capacity has begun to open up. For the 2023 men's basketball championship, staff has procured a combination of the \$121 million ticket revenue coverage, as well as \$220 million media broadcast revenue for full cancellation coverage, totaling \$341 million coverage at a total premium rate of 0.9%, or \$3 million annually. Additionally, staff has been able to bind terms for both the 2023 and 2024 basketball championships, noting that COVID or pandemic coverage is excluded.
- d. **1910 Collective, LLC captive insurance overview.** Last year, as a result of changes in the commercial insurance market, the previous Board of Governors approved the NCAA creating a captive insurance company to be a wholly owned NCAA legal entity that would include insurance for directors and officers, and event cancellation difference-in-coverage and excess. The committee noted that based on the last several months of operation and actuarial study, the captive reserves projected for fiscal year end 2022 are in line with prior expectations. The board also was informed of fiscal year 2023 proposed insurance policies and premiums.

The committee recommended that the Board of Governors approve the four recommendations in items 6 –(a-d) above.

It was VOTED

“That the Board of Governors approve the four recommendations above from the Finance and Audit Committee.” **Approved** (Unanimous voice vote)

- e. **Third quarter fiscal year 2021-22 budget-to-actual review.** The committee reviewed a comparison of actual revenues and expenses versus budgeted revenues and expenses during the third quarter of this fiscal year. The NCAA is slightly positive on budget compared to actual expenses; however, the committee has seen a large unrealized loss on investments to date which could lead to a year-end net income loss.
7. **NCAA Financial Update.** NCAA Chief Financial Officer Kathleen McNeely provided the board with additional detail on NCAA finances including increases in various expenses and projected end-of-year net income and unrealized losses. President Livingstone noted McNeely's upcoming retirement and thanked her for the great work she has done for the Association over the past 11 years.

8. NCAA Sport Science Institute/NCAA Committee on Competitive Safeguards and Medical Aspects of Sports update.

- a. Update on NCAA Transgender Student-Athlete Participation Policy and implementation.** NCAA Chief Medical Officer Dr. Brian Hainline reviewed the 2022 updates to the NCAA Transgender Student-Athlete Participation Policy as recommended by the Committee on Competitive Safeguards and Medical Aspects of Sports. Dr. Hainline also shared the timeline of policy and operational work, Phase 2 policy clarifications and membership guidance for Phase 3 of policy implementation.
- b. Follow up on identifying standards of care for NCAA strategic priorities of mental and physical health, safety and performance.** Dr. Hainline noted the Committee on Competitive Safeguards and Medical Aspects of Sports is working on operationalizing the methodology for identifying best practices and recommendations for physical and mental health, safety and performance. CSMAS is also exploring a recommendation that the Association's strategic priorities become more thematic rather than condition specific.

9. Government relations report.

- a. NCAA Board of Governors Subcommittee on Congressional Engagement and Action.** President DeGioia reminded the board of the previous NCAA Board of Governors Executive Committee's action last month to create the NCAA Board of Governors Subcommittee on Congressional Engagement and Action. President DeGioia reviewed the charge of the subcommittee and informed the board of the following individuals who agreed to serve on this subcommittee:
 - Javaune Adams-Gaston, president, Norfolk State University (Division I).
 - Bryce Choate, graduated NCAA Division I student-athlete
 - Mary-Beth Cooper, president, Springfield College (Division III).
 - John DeGioia, president, Georgetown University (Division I)(chair).
 - Michael Driscoll, president, Indiana University at Pennsylvania (Division II).
 - Greg Sankey, commissioner, Southeastern Conference (Division I).
 - Nadja West, retired United States Army lieutenant general and 44th U.S. Army Surgeon General (Independent).
 - Randy Woodson, chancellor, North Carolina State University (Division I).
- b. Government relations report.** NCAA Director of Government Relations Dawn Buth informed the board of the role of the NCAA government relations office located in Washington, D.C. Buth shared information about the legislative activity at the state and federal level regarding name, image and likeness and transgender athlete participation.

10. **Legal and litigation update.** NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.
11. **Update on search for new NCAA president.** The board was informed about activity to date in the search for the new NCAA president, as well as the following Board of Governors members who will serve as the search committee:
 - Mary-Beth Cooper, Springfield College (Division III).
 - Beth DeBauche, Ohio Valley Conference (Division I).
 - Grant Hill, CBS/Warner Media/Atlanta Hawks (Independent).
 - Linda Livingstone, Baylor University (Division I)(chair).
 - Jeri Morehead, University of Georgia (Division I).
 - Steven Shirley, Minot State University (Division II).
 - Isaiah Swann, NCAA Division III graduated student-athlete.

It was noted that the search committee will receive updates from the search firm, direct any additional information gathering and finalize the position description. The Board of Governors will make the final selection of a chosen candidate guided by the recommendations and feedback from the search committee.

12. **Executive session.** The board convened in executive session with representatives from TurnkeyZRG to discuss the search process for the new NCAA president.
13. **Adjournment.** The videoconference was adjourned at approximately 5:09 p.m. Eastern time.

Board of Governors chair: John DeGioia, Georgetown University

*Staff liaisons: Jacqueline Campbell, Governance and Policy
Cari Van Senus, Governance and Policy*

NCAA Board of Governors August 2, 2022, Meeting	
Attendees:	
Javaune Adams-Gaston, Norfolk State University.	
Bryce Choate, Graduated Division I student-athlete.	
Mary-Beth Cooper, Springfield College.	
Beth DeBauche, Ohio Valley Conference.	
John DeGioia, Georgetown University.	
Mark Emmert, NCAA.	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Jim Johnson, Pittsburg State University.	
Linda Livingstone, Baylor University.	
Shane Lyons, West Virginia University.	
Madeline McKenna, Graduated Division II student-athlete.	
Jere Morehead, University of Georgia.	
Michelle Morgan, John Carroll University.	
Steven Shirley, Minot State University.	
Isaiah Swann, Graduated Division III student-athlete.	
Nadja West, MD, retired United States Army lieutenant general and 44 th U.S. Army Surgeon General.	
Absentees:	
None	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Jacqueline Campbell and Cari Van Senus.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Dawn Buth, Kelly Dodds, Terri Gronau, Brian Hainline, Charlie Henry, Gina Lehe, Kevin Lennon, Louise McCleary, Kathleen McNeely and Bob Williams.	



REPORT OF THE
NCAA BOARD OF GOVERNORS
OCTOBER 25, 2022, MEETING

ACTION ITEMS.

1. The NCAA Board of Governors approved a consultative process, which is a new requirement set forth in NCAA Constitution Article 2-A-3-d. The process focuses on providing visibility to divisional presidential leadership bodies on Board of Governors meetings, and issues including but not limited to evaluation of the NCAA president, legal strategy and risk mitigation, and government and policy matters that affect the Association. The consultative process also includes a process for Association contracts involving media rights and revenue producing agreements.
2. The Board of Governors voted to eliminate the NCAA Research Committee and directed the divisional governance bodies to pursue appropriate legislative actions necessary to remove the NCAA Research Committee.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** President Linda Livingstone, chair of the NCAA Board of Governors, convened the meeting at approximately 1 p.m. Eastern time and welcomed the Governors. President Livingstone also introduced Stephanie Quigg, the new NCAA managing director of governance and policy and Board of Governors liaison.
2. **NCAA Board of Governors August 2, 2022, videoconference report.** The Board of Governors reviewed and approved its August 2, 2022, videoconference report.
3. **NCAA president's report.** President Mark Emmert introduced and welcomed Mario Morris, the new NCAA Chief Financial Officer. President Emmert also provided a summary of his views on key issues facing the Association.
4. **Board of Governors vice chair election.** The Board of Governors unanimously voted to appoint President Steven Shirley as vice chair, effective upon adjournment of the meeting.
5. **Board of Governors Processes and Procedures.**
 - a. **Review and discussion of Board of Governors Consultative Process.** The board received an update on the consultative process that will be used with each division's Board of Directors or Presidents Councils, which is a new requirement set forth in NCAA Constitution Article 2-A-3-d. The consultative process focuses on providing visibility to divisional presidential leadership bodies on Board of Governors meetings to solicit comment in advance and reporting out on board action and

discussion. The consultative process may also be used to solicit feedback on matters pertaining to the evaluation of the NCAA president, legal strategy and risk mitigation, and government relations and policy matters that affect the Association as a whole. The consultative process also includes a process for Association contracts involving media rights and revenue producing agreements [see NCAA Constitution Article 2-A-3-d-(iii)].

It was VOTED

“That the Board of Governors approve the consultative process, including the process regarding Association contracts involving media rights and revenue producing agreements.”

- b. **Update on Association-wide committees.** The board received an update on a preliminary review of NCAA Association-wide committees and potential changes to better align the committees’ work with the new NCAA Constitution. The result of the preliminary review was a recommendation to eliminate the NCAA Research Committee; as over time the work in this area changed and did not appear to be necessary to serve the membership.

It was VOTED

“That the Board of Governors approve the elimination of the NCAA Research Committee and direct the divisional governance bodies to pursue the appropriate legislative actions necessary to remove the Research Committee.”

- 6. **Update on Board of Governors Subcommittee on Congressional Engagement and Action.** President John DeGioia, Board of Governors member and the NCAA senior vice president of governance and policy, provided an update on the work of the subcommittee to date, specific to the increasing legislative and legal pressures that require federal intervention to advance intercollegiate athletics. The board also invited retained consultants to provide a summary of information shared with the subcommittee to advance its committee work, including the development of a potential legislative framework, government relations strategy, and a membership socialization and public affairs campaign. The Board of Governors endorsed the subcommittee’s anticipated timeline, and the continued development of the legislative framework, membership socialization and public affairs campaign.

- a. **Government relations strategy.** The board received an update on a draft government relations strategy, including a timeline with multiple phases, for engagement with members of Congress. Staff shared information about potential congressional staff and member engagement, stakeholder meetings, and advocacy implementation.

- b. **Review and discussion of membership socialization and public affairs campaign.** The board was informed of a draft member socialization strategy that focuses on informing NCAA members and industry stakeholders about NCAA efforts to partner with Congress. The strategy mirrors the timeline and multiple phases in the draft government relations strategy. The Governors noted that the membership from all three divisions must speak with one voice with key stakeholders, policy influencers and during congressional engagement.
7. **NCAA Championships Host Non-Discrimination Policy.** President Livingstone reviewed a memorandum from the Division I Strategic Vision and Planning Committee regarding the NCAA championships host non-discrimination policy. NCAA general counsel highlighted the Board of Governors previous decision to focus on educating the membership and potential championship hosts on the application of the NCAA nondiscrimination policy.
8. **Revenue opportunities.** The board received an update on NCAA championships and media activation rights. Staff noted current media rights, and media/broadcast rights that are expiring in August 2024. The board discussed key dates and considerations for future negotiations, and asked staff to report back in January 2023.
9. **Board of Governors Finance and Audit Committee report.** Beth DeBauche, chair of the Finance and Audit Committee, presented the committee's report. DeBauche noted the completion of the 2021-22 NCAA Internal Audit, which reassures the NCAA's internal control structure.
10. **Update on search for new NCAA president.** President Livingstone provided an update on the search process and timeline for a new NCAA president.
11. **Other business.** President Livingstone provided an update on the status of work in Phase II of the gender equity review and requested a staff report during its meeting in January 2023, regarding fall 2022 NCAA championships.
12. **Executive session.** The board convened in executive session to discuss various administrative matters.
13. **Adjournment.** The meeting was adjourned at approximately 6 p.m. Eastern time.

NCAA Board of Governors October 25, 2022, Meeting	
Attendees:	
Javaune Adams-Gaston, Norfolk State University.	
Bryce Choate, Graduated Division I student-athlete.	
Mary-Beth Cooper, Springfield College.	
Beth DeBauche, Ohio Valley Conference.	
John DeGioia, Georgetown University.	
Mark Emmert, NCAA.	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Jim Johnson, Pittsburg State University.	
Linda Livingstone, Baylor University.	
Shane Lyons, West Virginia University.	
Madeline McKenna, Graduated Division II student-athlete.	
Jere Morehead, University of Georgia.	
Michelle Morgan, John Carroll University.	
Steven Shirley, Minot State University.	
Isaiah Swann, Graduated Division III student-athlete.	
Nadja West, MD, retired United States Army lieutenant general and 44 th U.S. Army Surgeon General.	
Absentees:	
None	
Guests in Attendance:	
Andrew Bleeker, BPI.	
Robert Gibbs, BPI.	
Graves Spindler, BPI.	
NCAA Staff Liaisons in Attendance:	
Stephanie Quigg and Cari Van Senus.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Joni Comstock, Dawn Buth, Kelly Dodds, Dan Gavitt, Terri Gronau, Charlie Henry, Gina Lehe, Kevin Lennon, Kim Oren, Louise McCleary, Mario Morris and Dave Schnase.	



REPORT OF THE
NCAA BOARD OF GOVERNORS
DECEMBER 2, 2022, ELECTRONIC VOTE

ACTION ITEMS.

- **Executive session.** The voting members of the NCAA Board of Governors conducted an electronic vote on an issue pertaining to the search for a new NCAA President.

INFORMATIONAL ITEMS.

- None.

NCAA Board of Governors December 2, 2022, Electronic Vote
Attendees:
Mary-Beth Cooper, Springfield College.
Beth DeBauche, Ohio Valley Conference.
John DeGioia, Georgetown University.
Grant Hill, CBS/Warner Media/Atlanta Hawks.
Linda Livingstone, Baylor University.
Madeline McKenna, Graduated Division II student-athlete.
Jere Morehead, University of Georgia.
Steven Shirley, Minot State University.
Nadja West, MD, retired United States Army lieutenant general and 44 th U.S. Army Surgeon General.
Absentees:
None
Guests:
None.
NCAA Staff Liaisons:
Stephanie Quigg and Cari Van Senus.



REPORT OF THE
NCAA BOARD OF GOVERNORS
DECEMBER 5, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- **Executive session.** The voting members of the NCAA Board of Governors voted on an issue pertaining to the search for a new NCAA President.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** President Linda Livingstone, chair of the NCAA Board of Governors, convened the videoconference at 9 p.m. Eastern time and welcomed the Governors.
2. **Executive session.** The NCAA Board of Governors discussed and voted on an issue pertaining to the search for a new NCAA President.
3. **Adjournment.** The meeting was adjourned at 10:15 p.m. Eastern time.

NCAA Board of Governors December 5, 2022, Videoconference	
Attendees:	
Mary-Beth Cooper, Springfield College.	
Beth DeBauche, Ohio Valley Conference.	
John DeGioia, Georgetown University.	
Linda Livingstone, Baylor University.	
Madeline McKenna, Graduated Division II student-athlete.	
Jere Morehead, University of Georgia.	
Steven Shirley, Minot State University.	
Absentees:	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Nadja West, MD, retired United States Army lieutenant general and 44 th U.S. Army Surgeon General.	
Guests:	
None.	
Terry Dawson, NCAA Legal Consultant.	
Len Perna, Turnkey.	
NCAA Staff:	
Scott Bearby.	



REPORT OF THE
NCAA BOARD OF GOVERNORS COMMITTEE TO PROMOTE
CULTURAL DIVERSITY AND EQUITY
NOVEMBER 9, 2022, VIDEOCONFERENCE

KEY ITEMS.

- **Operationalizing Equity Impact Statement.** The NCAA Board of Governors Committee to Promote Cultural Diversity and Equity approved the recommendation from the NCAA Minority Opportunities and Interests Committee and NCAA Committee on Women's Athletics to request that the divisional committees require an evaluation of equity impact prior to approving legislation and that the NCAA Board of Governors require an evaluation of equity impact prior to it approving any policy action. The committees agreed to forward this recommendation to the divisions and to the NCAA Board of Governors.

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- **Board of Governors – Operationalizing Equity Impact Statement – Policy Proposals.**
 - (1) Recommendation. That the Board of Governors adopt a policy to require a review of the equity impact prior to approving policy changes.
 - (2) Effective date. Immediate.
 - (3) Rationale. This action contributes to systemic change that prioritizes equity across the Association. This action aligns with NCAA Constitution Articles 1- F (Diversity, Equity, and Inclusion) and 1-G (Gender Equity).
 - (4) Estimated budget impact. None.
 - (5) Student-athlete impact. Consideration of equity in policy decisions provides support for the equitable treatment and experiences of student-athletes consistent with Constitution Article 1-F.

INFORMATIONAL ITEMS.

1. **Welcome, announcements and review of charter and roster.** The chair of the Board of Governors Committee to Promote Cultural Diversity and Equity welcomed committee members

and staff to the videoconference. The committee reviewed the charter, and members were encouraged to submit roster updates and edits to staff.

2. **Review and approval of NCAA Board of Governors Committee to Promote Cultural Diversity and Equity August 18, 2022, videoconference report.** The committee approved its August 18, 2022, videoconference report.
3. **NCAA Student-Athlete Advisory Committees reports.**
 - a. **Division I.** The NCAA Division I Student-Athlete Advisory Committee representative stated that its October meeting discussion focused on the transfer portal, the eligibility model, and the NCAA diversity and inclusion social media campaign. The committee noted that the diversity and inclusion social media campaign is an impactful way to use its platform.
 - b. **Division II.** The NCAA Division II Student-Athlete Advisory Committee representative was unable to attend the meeting.
 - c. **Division III.** The NCAA Division III Student-Athlete Advisory Committee representative shared that the Division III SAAC was meeting the following week and would focus on recommendations for each Division III legislative proposal.
4. **Discuss 2023-24 committee goals.** The chair facilitated an in-depth discussion about committee goals on diverse hiring while also considering the committee's scope of influence and capacity. Staff shared context about the creation of the committee in 2016 after the NCAA Board of Governors reviewed demographics leadership data for intercollegiate athletics and expressed concern about the lack of diversity. The committee requested that staff create an updated version of the goals for review in the February meeting based on committee feedback. The updated version should include a preamble, edits to language as suggested by the committee, clearly stated outcomes, and ways to use existing resources.
5. **NCAA Committee on Women's Athletics and NCAA Minority Opportunities and Interests Committee recommendation for the external gender equity review phase I recommendation 1.8.** Staff shared with the committee that the gender equity impact statement was originally developed in October 2021 by the committee in a collaborative effort with the NCAA Gender Equity Task Force, the NCAA Committee on Women's Athletics, and the NCAA Minority Opportunities and Interests Committee. The committee discussed the value of the definition for "gender equity" from the NCAA Gender Equity Task Force in 1992 and the possibility of developing a contemporary definition for "equity" that considers intersectional identities. The committee discussed and approved the recommendation from the Committee on Women's Athletics and the Minority Opportunities and Interests Committee to request that the divisional committees require an evaluation of equity impact prior to approving legislation and that the NCAA Board of Governors require an evaluation of equity impact prior to

approving any policy action. The committee agreed to forward this recommendation to the divisions and to the NCAA Board of Governors.

6. Feedback on NCAA Committee on Women's Athletics and Minority Opportunities and Interests Committee Focus Areas.

- a. **Senior Minority Administrator referral.** Staff shared that the Minority Opportunities and Interests Committee is engaging with a referral from the Division I Legislative Committee about a legislative proposal for a Senior Minority Administrator designation in athletics departments. The original proposal for the designation came from the NCAA Division I Men's Basketball Oversight Committee. The Minority Opportunities and Interests Committee is forming a working group to study the referral that will begin its work early in 2023. During discussion about the Senior Minority Administrator, the committee inquired about the definition of "minority" for the designation.
- b. **Support for Athletics Diversity and Inclusion Designees.** Staff described the myriad of ways that the NCAA office of inclusion is providing support and education for Athletics and Diversity Inclusion Designees in athletics departments and conference offices. Most recently, the office of inclusion held virtual focus groups with Athletics Diversity and Inclusion Designees to better understand their needs and specific divisional challenges. The office of inclusion has a strategic plan to engage with Athletics Diversity and Inclusion Designees throughout 2023, including special programming at the NCAA Inclusion Forum in April.
- c. **Status of emerging sports for women.** Staff identified the sports currently designated as emerging sports, which include acrobatics and tumbling, equestrian (DI and DII only), rugby, triathlon, and wrestling. Staff explained that stunt is being considered in the divisional legislative cycles and will be voted on at the 2023 NCAA Convention, and that the Committee on Women's Athletics is reviewing a proposal from squash.
- d. **Debrief on the Committee on Women's Athletics discussion on the U.S. Supreme Court's decision in Dobbs v. Jackson Women's Health Organization and potential impact on intercollegiate athletics.** Staff shared that the Committee on Women's Athletics engaged in a discussion about supporting and advocating for healthcare access for student-athletes who may become pregnant, and how institutions may financially support pregnant student-athletes. The discussion also focused on collecting data, such as the number of student-athletes who cite pregnancy or parenting in waiver requests. Staff noted that the Committee on Women's Athletics would collaborate with the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports on efforts pertaining to sexual and reproductive health, including potential implications for student-athletes in some states about access to contraception.

7. Engagement with NCAA Board of Governors Policies.

- a. **NCAA Board of Governors Transgender Student-Athlete Participation Policy.** NCAA staff provided an overview of the Transgender Student-Athlete Participation Policy that was updated by the Board of Governors in January 2021. The committee inquired if the “normative” testosterone level being used for the policy is consistent with and representative of racial and ethnic differences. The NCAA Committee on Competitive Safeguards and Medical Aspects of Sports continues to review the policy as it moves into Phase III and will maintain communication and engagement with the committee about policy implementation.
- b. **NCAA Board of Governors Anti-Discrimination Policy.** The committee received updates from the NCAA office of inclusion staff on creating a document that provides key considerations on how to create an inclusive environment at NCAA championships and events. This document is being developed after the NCAA Board of Governors discontinued the championships host questionnaire. The office of inclusion staff will seek feedback on the document from national office colleagues and membership committees. The intention is to make this document available to the membership once it is complete.

8. 2023 NCAA Inclusion Forum (April 21-23) planning. Staff shared information about the 2023 Inclusion Forum and invited feedback from the committee on session topics.

9. Other business. Staff provided an overview of the office of inclusion’s education sessions during the 2023 NCAA Convention and will send a follow-up email with more details. Session topics include diversity, equity, and inclusion reviews, Title IX, and the Athletics Diversity and Inclusion Designee.

10. Future meeting schedule. February 2023, date to be determined.

11. Adjournment. The videoconference adjourned at 3:58 p.m. Eastern Standard Time.

Committee Chair: Kate Conway-Turner, Buffalo State College.
Staff Liaisons: Felicia Martin, Inclusion, Education & Community Engagement
DeeDee Merritt, Leadership Development
Amy Wilson, Office of Inclusion

NCAA Board of Governors Committee to Promote Cultural Diversity and Equity November 9, 2022, Videoconference	
Attendees:	
Marco Barker, University of Nebraska-Lincoln.	
Kristy Bayer, Rockhurst University.	
Michael Benson, Coastal Carolina University.	
Kate Conway-Turner, Buffalo State College.	
Paulette Dillard, Shaw University.	
Crystal Gibson, St. Mary's College of Maryland.	
Kaiya Johnson, San Jose State University.	
Fayneese Miller, Hamline University.	
Gary Olson, Daemen College.	
Talia Williams, Carleton College.	
Absentees:	
Zachary Brown, University of North Georgia.	
Carlos Vargas-Aburto, Southern Missouri State University.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Felicia Martin, DeeDee Merritt and Amy Wilson.	
Other NCAA Staff Members in Attendance:	
Niya Blair Hackworth, Zandria Conyers, Kina Davis, Gail Dent, Jean Merrill, Gretchen Miron, Stephanie Quigg, Anne Rohlman, Solomon Siskind, Sade' Sleet, and Jared Tidemann.	

Interim Actions of the NCAA Division II Administrative Committee

1. On November 8, the Division II Administrative Committee approved the following items:
 - **Management Council Committee and Project Team Assignments.**
 - a. **Roberta Page:** Add Division II Management Council Subcommittee and Division II Nominating Committee.
 - b. **Jerry Wollmering:** Add Division II Administrative Committee, Division II Championships Committee (ex officio), Division II Management Council/Championships Committee Appeals Subcommittee, Division II Management Council Identity Subcommittee (ex officio) and Division II Planning and Finance Committee. Remove Division II Management Council Subcommittee, Division II Nominating Committee and NCAA Honors Committee.
2. On November 28, the Division II Administrative Committee approve the following items:
 - a. **NCAA Division II Men's and Women's Swimming and Diving Championships – schedule adjustment.** The committee adjusted the start of swimming competition at the NCAA Division II Men's and Women's Swimming and Diving Championships from Wednesday to Tuesday evening to conduct the men's and women's 800-yard freestyle relays.
 - b. **Championships Team Replacement Policy – Seeding of Replacement Team.** The committee adopted the revised team sport replacement policy for teams not able to compete after selections.
3. On December 15, the Division II Administrative Committee approved the following items:
 - a. **Management Council Committee and Project Team Assignments.** The committee approved the Management Council committee and project team assignments for 2023, effective after the adjournment of the 2023 NCAA Convention Division II Business Session.

**NCAA Division II Management Council
Committee and Project Team Assignments for 2023**

(Mentor assignments are listed in italics below new Management Council members' names)

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
Femi Alao <i>(Christina Whetsel)</i>	NCAA Minority Opportunities and Interests Committee Division II Management Council Subcommittee

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
Patrick Britz (<i>Erin Lind</i>)	Division II Management Council Identity Subcommittee Division II Management Council Subcommittee Division II Nominating Committee
Curtis Campbell (<i>Jerry Wollmering</i>)	NCAA Committee on Sportsmanship and Ethical Conduct Division II Infractions Appeals Committee Division II Membership Committee
Brenda Cates	Division II Legislation Committee Division II Management Council Identity Subcommittee Division II Management Council Liaison to the Faculty Athletics Representatives Association (FARA)
Marcus Clarke	Division II Championships Committee Division II Management Council Subcommittee (chair)
Mark Corino	Division II Management Council/Championships Committee Appeals Subcommittee Division II Planning and Finance Committee
Jeremy Elliott (<i>Bo Pagliasotti</i>)	Division II Management Council Subcommittee NCAA Walter Byers Scholarship Committee
Theresa Grosbach (<i>Kristi Kiefer</i>)	Division II Management Council Identity Subcommittee Division II Student-Athlete Advisory Committee
David Hansburg	NCAA Olympic Sports Liaison Committee Division II Committee on Infractions
Theresa Hanson	Division II Academic Requirements Committee Division II Management Council Identity Subcommittee Division II Management Council Subcommittee (chair) Division II Management Council Liaison to Division II Athletics Directors Association (ADA)
Amy Henkelman	Division II Convention Planning Project Team Division II Committee for Legislative Relief Division II Management Council Identity Subcommittee
Kristi Kiefer	Division II Convention Planning Project Team Division II Student-Athlete Reinstatement Committee NCAA Research Committee

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
Erin Lind	NCAA Board of Governors Student-Athlete Engagement Committee Division II Convention Planning Project Team Division II Management Council Liaison to the Division II Conference Commissioners Association (CCA) Division II Planning and Finance Committee
Katherine Loh (<i>Brenda Cates</i>)	NCAA Committee on Women's Athletics Division II Management Council Identity Subcommittee
Danny McCabe	Division II Academic Requirements Committee Division II Convention Planning Project Team (chair) Division II Management Council Identity Subcommittee
Cindy McKnight (<i>Sandee Mott</i>)	Division II Degree-Completion Awards Committee Division II Management Council Subcommittee
Carrie Michaels, <i>chair</i>	NCAA Board of Governors (<i>ex officio</i>) Division II Administrative Committee Division II Management Council Identity Subcommittee (<i>ex officio</i>) Division II Planning and Finance Committee (<i>ex officio</i>)
Sandee Mott	Division II Championships Committee Division II Management Council Identity Subcommittee (chair) <i>Division II Nominating Committee</i>
Roberta Page (<i>Carrie Michaels</i>)	Division II Convention Planning Project Team Division II Management Council Subcommittee (chair) Division II Nominating Committee
Bo Pagliasotti	NCAA Postgraduate Scholarship Committee Division II Convention Planning Project Team Division II Management Council Subcommittee
Sarah Ramey (<i>Amy Henkelman</i>)	Management Council Liaison to Women Leaders in College Sports NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Christina Whetsel	Division II Membership Committee Division II Management Council Liaison to National Association for Athletics Compliance (NAAC)

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
	Division II Management Council Subcommittee (<i>chair</i>)
Vaughn Williams (Mark Corino)	Division II Management Council Identity Subcommittee Division II Management Council Liaison to the Minority Opportunities Athletics Association (MOAA) Division II Legislation Committee
Jerry Wollmering, <i>vice chair</i>	Division II Administrative Committee Division II Championships Committee (<i>ex officio</i>) Division II Management Council/Championships Committee Appeals Subcommittee Division II Management Council Identity Subcommittee (<i>ex officio</i>) Division II Planning and Finance Committee Division II Management Council Liaison to CoSIDA

Management Council Subcommittee chairs:

- Appeals of Membership Committee decisions on provisional membership status: **Roberta Page**
- Appeals of Academic Requirements Committee decisions on waivers involving the Academic Performance Census and the Academic Success Rate: **Christina Whetsel**
- Appeals of Legislative Review Subcommittee decisions involving the amateur status of prospective student-athletes: Marcus Clarke
- Appeals of Championships Committee decisions: Theresa Hanson

b. **Appointment to Division II Student-Athlete Advisory Committee.** The committee approved one immediate appointment.

- At-Large, **Myles Jackson**, men's cross country and indoor and outdoor track and field, Queens College (New York). Mr. Jackson was nominated because of his strong student statement that touched on his passion and drive for why he is interested in serving on national SAAC. His statement alluded to the importance of being a well-rounded individual and giving back to his community. It also highlighted his involvement in community engagement, which includes several activities, including serving as a fellow for Team IMPACT and working at the National September 11 Memorial and Museum. He would enhance the committee's gender and ethnic diversity as a male person of color.

2022-23 Division II Priorities

PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Division II FAR Advanced Leadership Institute

Sept. 30-Oct. 2, 2022, in Indianapolis.

- Fifth Advanced Leadership Institute for faculty athletics representatives and 14th overall.
- Sixteen Division II FARs will attend to enhance their skills and help produce the first FAR-focused educational module for the Division II University platform.

SAAC Super Region Convention

April 14-16, 2023, in Pittsburgh.

- Fifth overall convention.
- About 150 student-athletes and administrators from conferences in the East Region (CACC, CIAA, ECC, MEC, NE10 and PSAC) will attend.

2023 Inclusion Forum

April 21-23, 2023, in Indianapolis.

- The Inclusion Forum annually assembles higher education and intercollegiate athletics leaders and student-athletes who are passionate about improving the educational and professional environment for student-athletes, coaches, administrators and staff.
- Division II will cover expenses for up to 26 teams from Division II schools to attend the Inclusion Forum. In addition, the schools will be required to develop action plans to be implemented on campus following their attendance at the Inclusion Forum.

Division II Identity Workshop for Athletic Trainers

June 6-8, 2023, in Indianapolis.

- Second workshop for athletic trainers.
- Three head athletic trainers from each conference will benefit from this professional development opportunity that briefs participants about Division II strategic positioning initiatives and prepares them to return to their schools and share these tools and resources with their constituents.



CHAMPIONSHIPS

Division II will continue providing a memorable student-athlete experience at all 25 national championships through several key initiatives:

- The first Division II National Championships Festival in four years will take place in Seattle Nov. 29-Dec. 3, and for the first time, will feature enhancements recommended by the Festival Working Group.
- A joint women's basketball championship with Divisions I and III in Dallas March 31-April 2 will serve as the Association's culminating event celebrating the 50th anniversary of Title IX.
- For the first time, a joint men's and women's tennis championship with Divisions I and III will occur at the USTA National Campus in Orlando, Florida. The Division II championships are May 11-16.
- The Division II Championships Committee and Division II sport committees will discuss recommendations as part of the 2024-27 triennial budget cycle with final recommendations submitted in September 2023.



DIVISION II

MAKE IT *YOURS*



MAKE GAME DAY *YOURS*

GAME DAY EXPERIENCES

In partnership with the Disney Institute, the Make Game Day Yours initiative promotes a positive game day environment across Division II. Regional training sessions in 2022 and 2023 will enable those involved in the Division II game day experience to offer enhanced customer service to fans. In conjunction with the 2023 NCAA Convention, Division II will launch Make Game Day Yours modules on Division II University for game day staff.

INITIAL-ELIGIBILITY REQUIREMENTS

Following the work of the NCAA Standardized Test Score Task Force, in collaboration with the NCAA Division II Academic Requirements Committee, Division II will consider legislation at the 2023 Convention to eliminate the standardized test score requirement (SAT or ACT) for initial-eligibility requirements. If adopted, the proposal establishes the following standards for initial eligibility: (1) Qualifier status requires high school graduation, 16 core courses and a 2.2 grade-point average; and (2) Early academic qualifier status requires 14 core courses and a 2.5 grade-point average. The Division II Academic Requirements Committee will continue reviewing other areas of the legislation that may be impacted by this change.

MAKE IT YOURS – TELLING OUR STORY

The Make It Yours brand and Life in the Balance philosophy are essential components of the well-rounded experience provided to Division II student-athletes. Promotional materials will be shared to emphasize the division's unique characteristics and illustrate how student-athletes benefit. Other divisional efforts, including celebrating Title IX at 50, #D2Day annually on Feb. 22 and the division's 50th anniversary, will also be emphasized.

IMPLEMENTATION COMMITTEE

- Following the adoption of the new NCAA Constitution, the Division II Presidents Council charged the Division II Implementation Committee with reviewing the division's rules and policies and recommending changes that strengthen the division in accordance with the principles agreed upon in the new constitution.
- In 2021-22, the Implementation Committee made numerous recommendations to fulfill its charge. Several concepts/issues have been referred to the Division II governance structure for review and discussion.
- In 2022-23, Division II general committees will work with Implementation Committee members to address these items, among others:
 - Continue seeking to elevate the student-athlete voice within the governance structure. **[Division II Student-Athlete Advisory Committee; Division II general committees]**
 - Determine the appropriate minimum sponsorship requirement necessary to create/maintain a Division II championship in a given sport and the appropriate range of access ratios that in turn determine bracket/field size by sport. **[Division II Championships Committee and relevant sport committees]**
 - Decide which amateurism and recruiting restrictions, if any, are unnecessary and should be eliminated. **[Division II Legislation Committee]**
 - Explore whether changes are necessary within the current provisional membership process and discuss requirements for active schools and conferences. **[Division II Membership Committee]**
 - Review the legislation for institutional control and institutional responsibilities for monitoring athletics to determine whether the expectations are fair, accurate and reasonable. **[NCAA enforcement staff; Division II Committee on Infractions; and Division II Infractions Appeals Committee]**
- Finally, the division will continue tracking the work of Divisions I and III and the Association-wide items to assess the impact on Division II.

SAAC PRIORITIES

As part of the Division II Student-Athlete Advisory Committee's Total Package Student-Athlete initiative, the importance of mental health and breaking the stigma remains a top priority. The committee also focuses on enhancing inclusive practices through diversity and inclusion and helping prepare student-athletes for life after athletics through their Life After the Game goal.



DIVISION II

MAKE IT *YOURS*

**2023 NCAA Convention
Core Schedule of Events**

Time	Meeting	Location
Wednesday, January 11		
8 a.m. to 3 p.m.	Division II Management Council Meeting	Lone Star Ballroom F <i>Grand Hyatt San Antonio River Walk</i>
11:30 a.m. to 5 p.m.	NCAA Board of Governors Meeting	Presidio A-C <i>Grand Hyatt San Antonio River Walk</i>
12 to 8 p.m.	NCAA Division II Make Game Day Yours Regional Training Session	Texas Ballroom C <i>Grand Hyatt San Antonio River Walk</i>
5:30 to 6:30 p.m.	Honors Celebration	Stars at Night Ballroom B2-B4 <i>Henry B. Gonzalez Convention Center</i>
Thursday, January 12		
8 to 11 a.m.	Division II Presidents Council/Management Council/Student-Athlete Advisory Committee Breakfast and Meeting	Texas Ballroom A <i>Grand Hyatt San Antonio River Walk</i>
8:30 a.m. to 10 a.m.	Breakfast for New Division II Athletics Directors	Seguin A-B <i>Grand Hyatt San Antonio River Walk</i>
11 a.m. to 3 p.m.	Division II Presidents Council Meeting	Lone Star Ballroom F <i>Grand Hyatt San Antonio River Walk</i>
11:30 to 1 p.m.	Woman of the Year Luncheon	Stars at Night Ballroom B2-B4 <i>Henry B. Gonzalez Convention Center</i>
1:15 to 3:30 p.m.	Association-Wide Programming <i>1:15 to 2:15 p.m.: Division II Session: Civic Engagement Best Practices</i> <i>2:30 to 3:30 p.m.: Division II Session: Mental Wellness from the Coach's Perspective</i>	Room 302 <i>Henry B. Gonzalez Convention Center</i> Room 302 <i>Henry B. Gonzalez Convention Center</i>
4 to 5 p.m.	NCAA State of College Sports	Stars at Night Ballroom B2-B4

Time	Meeting	Location
		<i>Henry B. Gonzalez Convention Center</i>
5 to 6:30 p.m.	NCAA Delegates Reception	Exhibit Hall 3 <i>Henry B. Gonzalez Convention Center</i>
6 to 7:30 p.m.	Division II Management Council Mentor/Mentee Meeting and Dinner	Seguin A-B <i>Grand Hyatt San Antonio River Walk</i>
7:30 to 9 p.m.	Division II Management Council Toast	Presidio A-C <i>Grand Hyatt San Antonio River Walk</i>
Friday, January 13		
7:30 to 8:30 a.m.	Division II Delegates Breakfast	<i>Grand Hyatt San Antonio River Walk</i>
8 to 11:15 a.m.	Division II Chancellors and Presidents Breakfast	Lone Star Ballroom C <i>Grand Hyatt San Antonio River Walk</i>
8:30 to 9:45 a.m.	Division II Education Sessions <i>Great Resignation of Athletic Trainers</i> <i>Make Game Day Yours Tools and Resources</i> <i>FAR programming developed by FARs</i>	Texas Ballroom A-B Texas Ballroom D-F Lone Star Ballroom A-B <i>Grand Hyatt San Antonio River Walk</i>
10 to 11:15 a.m.	Division II Keynote Speaker	Texas Ballroom D-F + Corridor <i>Grand Hyatt San Antonio River Walk</i>
11:30 a.m. to 1 p.m.	NCAA Saluting Excellence Luncheon	Stars at Night Ballroom B2-B4 <i>Henry B. Gonzalez Convention Center</i>
1:30 to 5:30 p.m.	Division II Conference Meetings	See Convention schedule for specific locations
5 to 6 p.m.	Division II Faculty Mentor Award Presentation and Reception	Lone Star Ballroom F <i>Grand Hyatt San Antonio River Walk</i>

2023 NCAA Convention

Division II Core Schedule of Events

Page No. 3

Saturday, January 14		
7 to 8 a.m.	Delegates Breakfast	Texas Ballroom Atrium <i>Grand Hyatt San Antonio River Walk</i>
8 a.m. to 10:30 a.m.	Division II Business Session	Texas Ballroom <i>Grand Hyatt San Antonio River Walk</i>
Hotel Departure		

OFFICIAL NOTICE



2023 DIVISION II OFFICIAL NOTICE

117th Annual
Convention
January 11-14, 2023
San Antonio, Texas



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

P.O. Box 6222
Indianapolis, Indiana 46206-6222
317-917-6222
www.ncaa.org
November 2022

Legislation Prepared By: Chelsea Hooks, Associate Director of Academic and Membership Affairs; Angela Red, Associate Director of Academic and Membership Affairs, and Jordan Lysiak, Assistant Director of Academic and Membership Affairs.

Distributed to presidents or chancellors, directors of athletics, faculty athletics representatives, senior woman administrators, senior compliance administrators and conference commissioners.

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Official Notice

117th Annual Convention

On behalf of the NCAA Board of Governors, the Division I Board of Directors, the Divisions II and III Presidents Councils, the Division I Council and the Divisions II and III Management Councils, we extend a cordial invitation to each NCAA member to be represented at the Association's 117th annual Convention scheduled January 11 through 14, 2023, in San Antonio, Texas.

It is our pleasure to issue this Official Notice of the 2023 Convention. This publication is sent to the president or chancellor, director of athletics, faculty athletics representative, senior woman administrator and senior compliance administrator at each active NCAA Division II member institution, as well as to the officers of member conferences and provisional member institutions.

This Official Notice contains legislation for consideration at the Division II business session of the 2023 Convention, including amendments-to-amendments. It also contains the necessary information concerning the accreditation of delegates, voting procedures and other Convention policies. We encourage each member to review the information related to the activities in which you will be involved before participating in the Convention. It is particularly important that each Division II delegate have access to the Official Notice during the Convention. The Official Notice will be the only publication containing the Board of Governors legislation and Division II Convention legislation.

In addition to the consideration of legislation, Division II delegates also will participate in educational and discussion sessions about topics of concern within the division and the Association.

We hope you will join delegates from all divisions at the State of College Sports (formerly known as the opening business session) Thursday afternoon.

We hope that each member of the Association will participate in the 2023 Convention. We look forward to seeing you.

Linda A. Livingstone
President, Baylor University
Chair, NCAA Board of Governors

Steven Shirley
President, Minot State University
Chair, Division II Presidents Council

Jere Morehead
President, University of Georgia
Chair, Division I Board of Directors

James Schmidt
Chancellor, University of Wisconsin-Eau Claire
Chair, Division III Presidents Council

November 15, 2022

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Accrediting of Delegates

Association policy provides that the appointment of accredited and visiting delegates is the responsibility of the president or chancellor of each member institution or organization. **In November 2022, a link to the appointment of delegates website was emailed to the president or chancellor of all member institutions and organizations. If a president, chancellor, director of athletics or commissioner needs to have the information resent, contact ncaaconvention@shortstravel.com.**

It is important that the voting delegate be properly accredited, and appointing officers are urged to submit the required information to the NCAA national office at their earliest convenience.

An institution's or organization's president or chancellor shall appoint the voting and alternate delegates by completing the online delegate appointment form. The transfer of voting rights among the delegates is a matter of institutional or organizational discretion.

Please note that the governance structure of each division urges member institutions and organizations to include women in their NCAA Convention delegations.

If an institution's or organization's president or chancellor fails to submit the online delegate appointment form, that institution's or organization's representatives will be registered as visitors until the president or chancellor certifies in writing the voting and alternate delegates. No other institutional or organizational representatives are permitted to complete a delegate appointment form.

Once the online delegate appointment form has been verified by the president or chancellor, no one may be added as a voting or alternate delegate without written instructions from that president or chancellor. Thus, no individual appointed as a visitor may become a voter or alternate without written authorization from the president or chancellor.

Visiting delegates, except in certain situations, do not have speaking privileges at the Convention.

At the Convention, each individual representing a member institution or conference who registers will receive an orange Convention badge designating the individual as a delegate. In addition, each president and chancellor will receive a badge with a magenta color designation signifying their professional title. Speakers and presenters for menu sessions will receive badges with a lime color designation. Convention vendors will receive badges with a goldenrod color designation. Media will receive badges with a lilac color designation. Individuals attending the Convention as a visitor will receive a badge with a gray blue color designation.

Voting delegates receive red lanyards and alternate delegates receive blue lanyards. Other delegates with speaking rights receive green lanyards. Delegates without speaking rights and other observers receive white lanyards.

The Convention registration fee for NCAA members was \$325 for all delegates who registered on or before Wednesday, October 12, and \$450 for all delegates who register by Sunday, November 27. Member registration fees on or after Sunday, November 27, are \$600.

The registration fee includes one ticket to the Delegates Reception and Delegates Breakfast. In addition, attendees will have the opportunity to receive one complimentary ticket to the Honors Celebration Ceremony and Reception. Women of the Year Awards Luncheon and Saluting Excellence Luncheon are available on a first-come, first-served basis. Available tickets can be reserved during the Convention registration process.

Meetings and Reservations

A listing of Convention meetings of the NCAA and its affiliated organizations was distributed to the membership in mid-October 2022. At this time, an online registration process was also made available for event registration and hotel reservations. If there is anything further the NCAA can do to facilitate your attendance at the Association's 2023 Convention, please contact us.

Please note that the Convention schedule of events is available on the NCAA website ([Convention - NCAA.org](https://www.ncaa.org/convention)). In addition, the Convention Program (available through the Convention app) contains the most up-to-date schedule of meetings held in conjunction with the Convention.

Please also note that the Convention officially begins when the State of College Sports (formerly known as the opening business session) convenes at 4 p.m., Thursday, January 12. Adjournment of the Convention has been scheduled for Saturday, January 14.

Proposed Amendments

The proposed amendments to be considered at the 117th annual Convention begin on Page 1. All amendments, if adopted, become effective as indicated in each proposal.

It is particularly important that each Division II delegate have a copy of the Official Notice during the Convention. The Official Notice will be the only publication containing all Association-wide and Division II Convention legislation for the 2023 Convention.

In accordance with the provisions of Bylaw 9.3, an amendment to the Association's legislation may be proposed by the NCAA, Division II Presidents Council, by any 15 or more active Division II member institutions or by two active conferences on behalf of 15 or more active member institutions eligible to vote on the matter. The source of the amendment is indicated in each proposal. When the Presidents Council proposes an amendment originally recommended by a committee, the committee is indicated as well.

All proposals designated by the Division II Presidents Council for roll-call votes are indicated with an asterisk preceding the proposals in this publication, as well as in the voting designation accompanying each such proposal.

Please note that the Presidents Council is authorized to distribute during division or general business sessions information detailing positions on key legislative proposals.

Amendments-to-Amendments

All amendments submitted by the membership in accordance with the July 15 deadline were printed in the Initial Publication of Proposed Legislation, which was provided to the membership via the NCAA website August 15. Sponsors of those proposals were permitted to revise them in any manner until September 15. In the interim, the Division II Presidents Council had until September 1 to submit their legislative proposals. All proposals were provided to the membership September 23 in the Second Publication of Proposed Legislation.

The Division II Presidents Council, any eight or more active Division II member institutions or one active conference on behalf of eight or more active member institutions eligible to vote on a given issue had until November 1 to submit amendments to the original proposals, provided the amendment to the amendment did not increase the modification proposed by the original amendment. As a result of that deadline, all amendments-to-amendments, if any, are included in this Official Notice with the proposals they are intended to amend. Resolutions also were handled in accordance with those same deadlines and are included in this publication, if any. No additional amendments-to-amendments or resolutions are permitted for the 2023 Convention unless they are sponsored by the Division II Presidents Council and distributed before or during the business session.

Withdrawal of Proposal

Sponsors who intend to withdraw a proposal are urged to notify the academic and membership affairs staff as soon as possible before the business session of the Convention at which the proposal is scheduled to be considered.

Review of Interpretations

The Legislation Committee issues interpretations as to the scope, meaning or effect of the constitution and bylaws applicable to Division II. These rulings are subject to review by the Division II membership upon the request of any member in accordance with NCAA Bylaw 9.4.1.4. Any Division II member to which an interpretation applies may request a review of the interpretation by making such a request in writing to the academic and membership affairs staff via electronic mail to the primary contact individuals — chooks@ncaa.org or jlysiak@ncaa.org — not later than Friday, December 2, 2022.

Emergency Legislation Adopted by the Presidents Council

The Presidents Council may adopt "emergency" legislation that shall be effective immediately in situations when significant values or harm are at stake and the use of the regular legislative cycle is likely to cause undue hardship to the Association or Division II Membership because of the delay in effective date or the NCAA must respond to, or comply with a court, alternative dispute resolution (ADR) or government order or when the Presidents Council deems it appropriate to limit or avoid NCAA liability as a result of litigation, ADR or governmental proceedings, per Bylaw 9.3.1.2. Such "emergency" legislation shall be adopted by at least a three-fourths majority of

the members of the Presidents Council present and voting. The Presidents Council then submits to the next annual Division II business session the amendments that it has adopted under this authorization. Acceptance of the report of the Presidents Council during the Division II business session on Saturday, January 14, 2023, ratifies the Presidents Council's actions in this regard.

Interpretations to be Included in the NCAA Division II Manual

The Legislation Committee and the Academic Requirements Committee are authorized to recommend interpretations to be incorporated in next academic year's NCAA Division II Manual. Such incorporations are approved by the Division II Management Council and then appear in the Official Notice of the Convention. Any additional interpretations approved by the Management Council are distributed to the delegates at the Division II business session. Acceptance of the report of the Management Council during the Division II business session on Saturday, January 14, 2023, will approve incorporation of the interpretations as distributed. A delegate may object to the incorporation of a particular interpretation at the time of the Management Council report, and the Division II membership will decide by majority vote of the eligible voters whether to incorporate that specific interpretation.

Noncontroversial Legislation Adopted by the Management Council

The Presidents Council, or an entity designated by the Presidents Council (the Management Council), is authorized to adopt, in the interim between annual Conventions, noncontroversial legislative amendments that are necessary to promote the normal and orderly administration of the Association's legislation, per Bylaws 8.1.2-(e) and 9.3.1.1. That authorization requires a three-fourths majority vote of the Presidents Council, or the entity designated by the Presidents Council (the Management Council). The Management Council then submits to the next annual Division II business session the amendments that it has adopted under this authorization. The noncontroversial amendments adopted by the Management Council in 2022 appear in Appendix A. Acceptance of the report of the Management Council during the Division II business session on Saturday, January 14, 2023, approves the Management Council's actions in this regard.

Order of Business

The NCAA State of College Sports (formerly known as the opening business session) of the 117th annual Convention will begin at 4 p.m., Thursday, January 12. The "State of the Association" address by the NCAA president will be presented orally during that general session.

The various proposals will be taken up in their numerical order, unless that order is changed at the Convention. Amendments for the annual Convention are grouped topically by area and will be presented as indicated on page xii.

In each grouping of related items (either amendments or amendments-to-amendments), the Association's established procedure will be followed (consider first the proposal that contemplates the greatest modification of the present circumstance, followed by other proposals in the order of decreasing modification). In some instances, when a proposal in such a grouping is adopted, those that follow in that grouping may become moot.

Voting Procedures

Each voting delegate when registering, receives a "voting paddle" for use in indicating the institution's vote when the chair calls for a "paddle" vote (Appendix B). Voting delegates receive orange paddles.

For roll-call votes, the Association utilizes an electronic voting system. Upon registering for the Convention, each voting delegate moves to the general registration area to receive the voting unit identification card that has been coded for that member institution or conference. The voting delegates must turn in the voting unit identification card contained in the registration envelope to obtain the electronic unit. Amendments to federated provisions are voted on by divisions, with a majority vote required for approval. In such instances involving federated provisions, each division is committed to the result of its counted vote. Any member that voted on the prevailing side can request reconsideration of the recorded vote of its division on an issue at any time before the conclusion of voting during that session. Each proposal includes a designation of the division(s) that votes on that item and the type of vote involved (federated or common).

Delegates are urged to register and receive their voting materials before the opening business session begins at 4 p.m., Thursday, January 12. In addition, all voting in the division business session shall be by show of paddles (or by electronic roll-call votes), rather than by voice or hand.

Memorial Resolutions

At the time of the annual Convention, members of the Association honor by memorial resolution those persons closely associated with intercollegiate athletics who passed away during the year. It is requested that the names of persons to be honored in this manner be submitted to the NCAA, P.O. Box 6222, Indianapolis, Indiana 46206-6222.

Administrative Structure

Rosters of the NCAA Board of Governors, and the Division II Presidents Council and Management Council, are listed in Appendix C.

Request for Interpretations

Division II member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Official Notice in advance of the Convention.

All such requests must be received to the NCAA academic and membership affairs staff via email to the primary contact individuals, chooks@ncaa.org or jlysiak@ncaa.org, not later than Friday, December 2, 2022. Requests will be considered by the appropriate interpretative entities and the decisions will be reviewed by the Division II Management Council in its pre-Convention meeting Wednesday, January 11, 2023. The resulting interpretations will be duplicated and distributed to the conferences for their pre-Convention meetings before the beginning of the business session on Saturday, January 14, 2023.

TOPICAL GROUPINGS OF PROPOSED AMENDMENTS 117th ANNUAL CONVENTION

<i>Proposal Number</i>	<i>General Topic</i>
1 through 5	Consent Package
6	Emerging Sports for Women
7	Organizational Structure
8	Amateurism
9	Recruiting and Playing and Practice Seasons
10 through 11	Eligibility
12	Playing and Practice Seasons

117th Annual Convention

LEGISLATIVE PROPOSALS SUBMITTED BY THE MEMBERSHIP

[Note: In the following proposals:

- Those letters and words that appear in *italics* and ~~striketrough~~ are to be deleted;
- Those letters and words that appear in **boldface** and underlined are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division II legislation.]

2023 NCAA CONVENTION OFFICIAL NOTICE FREQUENTLY ASKED QUESTIONS

The frequently asked questions section following each Division II proposal in the white pages is designed to provide further clarification regarding the application of the proposal and/or the rationale for the legislative change. The information includes frequently asked questions, figures and other information. Further information regarding the application of the proposals is available in the 2023 Convention Division II Legislative Proposals Question and Answer Guide at www.ncaa.org.

[Note: The sponsors of the four membership proposals approved the information included in the additional information section for those proposals.]

DIVISION II LEGISLATIVE PROPOSALS

The NCAA Division II Presidents Council has determined that it will deal primarily with those national issues in Division II athletics that prompt widespread concern among Division II presidents or chancellors.

Legislative proposals developed by the Division II Management Council or by Division II committees reporting to it must be submitted to the Division II Presidents Council for review. They cannot be placed on the agenda for consideration at the Convention unless the Presidents Council agrees to sponsor them. This procedure was established to affirm presidential control of intercollegiate athletics in Division II.

The Division II Presidents Council has identified those proposals that it believes are of particular interest to Division II presidents or chancellors and has included them in the Presidents Council grouping. It should be noted, however, that inclusion of proposals in the Presidents Council grouping does not necessarily constitute a position by the Division II Presidents Council for or against a proposal. Those proposals with an asterisk before the proposal number have been identified by the Presidents Council as roll-call votes. Delegates should refer to each proposal's source line for information regarding the sponsor of each proposal.

[Note: Pursuant to Bylaw 9.3.12, all amendments shall become effective not earlier than the first day of August following adoption at the NCAA Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those proposals that receive the required vote to carry an immediate effective date and that are adopted, become effective upon adjournment of the Convention.]

Consent Package

No. 2023-1 (2-2) NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL – ACTIVE MEMBERSHIP – INSTITUTIONS – CONDITIONS AND OBLIGATIONS OF ACTIVE MEMBERSHIP – FINANCIAL DATA REQUIREMENT – PENALTY FOR FAILURE TO SUBMIT FINANCIAL DATA

Intent: To establish a penalty for an active member institution that fails to submit its financial data by the applicable deadline, as specified.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.22 unchanged.]

7.3.1.5.23 Financial Data Requirement -- Failure to Submit. An active member institution that fails to submit its financial data per NCAA Article 2-D-1-c by the applicable deadline, in a format approved and administered by the Membership Committee, shall forfeit Division II Institutional Equal Distribution Funds for the following academic year.

[7.3.1.5.23 renumbered as 7.3.1.5.24, unchanged.]

[7.3.1.6 through 7.3.1.8 unchanged.]

[7.3.2 through 7.3.5 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Membership Committee)].

Effective Date: August 1, 2025, for implementation of the penalty for failure to submit the data.

Rationale: With the adoption of the new NCAA Constitution, Article 2-D-1-c requires institutions to submit annually to the division, and the NCAA, financial data as determined by the division detailing operating revenues, expenses and capital relating to the intercollegiate athletics program, effective August 1, 2022. Such data shall be submitted via the NCAA Member Financial Reporting System (MFRS) to satisfy the annual requirement. Currently 95 percent of the Division II membership utilizes the MFRS. Division II will continue to benefit from this annual data collection method and the information will continue to be made available to Division II schools and conferences via the Institutional Performance Program (IPP). An institution that fails to submit the data by the applicable deadline shall forfeit Division II Institutional Equal Distribution Funds in the following academic year. The committee agreed to delay implementation of the penalty, until August 1, 2025, to allow the membership time to adapt to the new legislated requirement without having a penalty.

Frequently Asked Questions:

Question No. 1: If adopted, how will this proposal change the current legislation?

Answer: If adopted, this proposal will establish a penalty for those active Division II institutions that fail to submit its financial data by the applicable deadline. All data must be submitted via the NCAA Member Financial Reporting System (MFRS) to satisfy the annual requirement.

Question No. 2: How will active Division II institutions submit the annual financial data?

Answer: All data must be submitted via the MFRS to satisfy the annual requirement.

Question No. 3: If adopted, what will be the penalty for active Division II institutions that fail to submit its financial data?

Answer: Active Division II institutions that fail to submit its financial data via the MFRS shall forfeit Division II Institutional Equal Distribution Funds for the following academic year.

No. 2023-2 (2-3) NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL
– ACTIVE MEMBERSHIP – INSTITUTIONS – CONDITIONS AND
OBLIGATIONS OF ACTIVE MEMBERSHIP – ELIMINATION OF
SELF-STUDY AND EVALUATION

Intent: To eliminate the Institutional Self-Study Guide (ISSG).

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.23 unchanged.]

~~7.3.1.5.24 Self-Study and Evaluation.~~

~~7.3.1.5.24.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:~~

~~(a) Compliance-related topics:~~

~~(1) Institutional oversight;~~

~~(2) Budgetary control;~~

~~(3) Ethical conduct;~~

~~(4) Recruiting;~~

~~(5) Eligibility;~~

~~(6) Financial aid;~~

~~(7) Rules compliance;~~

(8) Health and safety; and

(b) Strategic initiative related topics:

(1) Philosophy statement;

(2) Institutional control and responsibility;

(3) Athletics operations;

(4) Student-athlete well-being;

(5) Health and safety;

(6) Life in the balance/overall educational experience; and

(7) Cultural diversity and gender equity.

~~7.3.1.5.24.1.1 Deadline. The Institutional Self-Study Guide must be postmarked by 5 p.m. Eastern time June 1 of the year it is due to the national office, based on the published schedule for Division II member institutions.~~

~~7.3.1.5.24.1.1.1 Extension. The Membership Committee may approve additional time for an institution to complete the required self-study and evaluation of its intercollegiate athletics program if extraordinary circumstances warrant such action (e.g., change in administration). Such requests must be received in the NCAA national office by March 1 of the year the self-study is due to the national office.~~

~~7.3.1.5.24.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 7.02.5 and shall not be eligible to receive Division II Institutional Equal Distribution Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 7.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the chancellor or president of an institution.~~

[7.3.1.6 through 7.3.1.9 unchanged.]

[7.3.2 through 7.3.6 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2023

Rationale: Current legislation requires institutions to conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the ISSG to facilitate the process. The legislation was adopted in 1997 and was intended to enhance the integrity of Division II athletics programs by helping administrators evaluate and identify specific areas in their athletics programs that may represent potential problems and develop written plans for improvement for those areas. While the ISSG has been an integral and successful component of ensuring compliance and integrity within Division II intercollegiate athletics operations during this time, the instrument in and of itself is no longer the right tool by which to conduct such evaluation given the likely restructuring of Division II rules and policies that will occur as a result of the adoption of the new constitution. The Membership Committee will consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies.

Frequently Asked Questions:

Question No. 1: If adopted, how will this proposal change the current legislation?

Answer: If adopted, active Division II institutions will no longer be required to complete the ISSG.

Question No. 2: If adopted, is the submission of the ISSG still required as part of the Division II provisional membership process?

Answer: Yes.

Question No. 3: If adopted, will the NCAA Division II Membership Committee consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies?

Answer: Yes.

No. 2023-3 (2-5) LEGISLATIVE PROCESS -- AMENDMENT PROCESS -- NOTIFICATION TO MEMBERSHIP -- ELIMINATION OF INITIAL PUBLICATION AND SECOND PUBLICATION -- TIMING OF OFFICIAL NOTICE

Intent: To amend the Division II legislative process, as follows: (1) August 15: Eliminate the Initial Publication of Proposed Legislation (IPOPL); (2) September 23: Eliminate the Second Publication of Proposed Legislation (SPOPL); and (3) Not later than December 10: Publication of the Official Notice.

Bylaws: Amend 9.3, as follows:

9.3 Amendment Process.

[9.3.1.1 through 9.3.1.4 unchanged.]

[9.3.3 through 9.3.5 unchanged.]

9.3.6 Notification to Membership.

9.3.6.1 Amendments to Division Dominant Provisions.

~~9.3.6.1.1 Initial Publication: Amendments to division dominant provisions sponsored by a divisional presidential administrative group shall be published for the information of the membership as follows:~~

~~(a) Not later than September 23 for an annual Convention.~~

(b) Not later than 25 days before a special Convention.

9.3.6.1.2¹ Official Notice. A copy of the proposed amendments shall be ~~mailed~~**provided** to members of the appropriate division not later than ~~November 15~~**December 10** before an annual Convention or 15 days before a special Convention.

[9.3.6.1.3 renumbered as 9.3.6.1.2, unchanged.]

9.3.6.1.4³ Amendments-to-Amendments. Copies of all amendments-to-amendments to division dominant provisions submitted by a divisional presidential administrative group in accordance with the September 15 deadline shall be published ~~by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published~~ in the Official Notice of the Convention.

9.3.6.2 Amendments to Legislation.

9.3.6.2.1 Initial Publication. Proposed amendments shall be published for the information of the appropriate division as follows:

(a) Not later than August 15—Those proposed by the membership, including the primary contact person's name, title and member institution or member conference, as well as the sponsors' statements of intent and rationale and any amendments designated for inclusion by the Presidents Council; and

(b) Not later than September 23—Those submitted by the Presidents Council and those modified by the sponsors; or

(c) Not later than 25 days before a special Convention—All proposed amendments.

9.3.6.2.2¹ Official Notice. A copy of the proposed amendments shall be ~~mailed to members of the appropriate division~~ **published** not later than ~~November 15~~**December 10** before an annual Convention or 15 days before a special Convention.

[9.3.6.2.3 renumbered as 9.3.6.2.2, unchanged.]

9.3.6.2.4³ Amendments-to-Amendments. Copies of all amendments-to-amendments submitted by the amendment's original sponsors in accordance with the September 15 deadline shall be published ~~by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published~~ in the Official Notice of the Convention.

[9.3.7 through 9.3.13 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2023, for proposals submitted for the 2024 NCAA Convention.

Rationale: This proposal streamlines and simplifies the legislative process. It was one of several options vetted within the membership and supported through feedback opportunities. Consideration was given to extending the deadline for membership proposals from July 15 to August 1, but it was agreed to retain the current July 15 deadline to give the Division II Management Council and Division

II Student-Athlete Advisory Committee the opportunity to review the proposals during their summer meetings. The proposal eliminates the Initial Publication of Proposed Legislation (IPOPL) and the Second Publication of Proposed Legislation (SPOPL) based on technological advances to provide notification to the membership of proposed legislative changes before the publication of the Official Notice. The Official Notice will have a change of publication date from November 15 to not later than December 10. The change in publication date of the Official Notice will result in a unified communication of educational materials for the NCAA Convention. Educational materials will be made available in the early fall, including a PDF of all the membership-sponsored and governance proposals for the Convention and a voice-over educational video. The Question and Answer Guide will also be made available to the membership when the Official Notice is posted.

Frequently Asked Questions:

Question No. 1: If adopted, how will this proposal change the current legislation?

Answer: If adopted, this proposal will eliminate the IPOPL and SPOPL and amend the release date of the Official Notice to be not later than December 10.

The Division II legislative process would become as follows:

- Submission of membership-sponsored proposals by July 15;
- Submission of Presidents Council proposals by September 1;
- End of the sponsor modification period for membership-sponsored proposals on September 15;
- Amendment-to-amendment period from September 23 to November 1;
- Committees provide feedback on membership-sponsored proposals by October 7; and
- Release the Official Notice not later than December 10.

Question No. 2: If adopted, will educational resources related to the proposals continue to be released annually?

Answer: Yes. NCAA staff will provide the proposals and other educational resources (e.g., Question and Answer Guide, voiceover recording) to the Division II membership in the late fall time period.

No. 2023-4 (2-10) ELIGIBILITY – FRESHMAN ACADEMIC REQUIREMENTS --
ELIMINATION OF STANDARDIZED TEST-SCORE
REQUIREMENTS (SAT OR ACT)

Intent: To eliminate the standardized test-score requirements (SAT or ACT) from Division II initial-eligibility requirements; further, to establish the initial eligibility requirements, as specified.

Bylaws: Amend 14.3, as follows:

14.3 Freshman Academic Requirements.

14.3.1 Eligibility for Financial Aid, Practice and Competition -- Qualifiers and Partial Qualifiers .

14.3.1.1 Qualifier. A qualifier is defined as one who is a high school graduate and who ~~presented the following minimum academic qualifications:~~**has a minimum cumulative core-course grade-point average of 2.200 (based on a maximum 4.000) in a minimum of 16 academic courses. The 16 core courses shall include the following:**

<u>English</u>	<u>3 years</u>
<u>Mathematics</u>	<u>2 years</u>
<u>Natural or physical science (including at least one laboratory course if offered by the high school)</u>	<u>2 years</u>
<u>Additional courses in English, mathematics or natural or physical science</u>	<u>3 years</u>
<u>Social science</u>	<u>2 years</u>
<u>Additional academic courses [in any of the above areas or foreign language, philosophy or nondoctrinal religion (e.g., comparative religion) courses]</u>	<u>4 years</u>

- (a) *A minimum cumulative grade-point average as specified in Bylaw 14.3.1.1.3 (based on a maximum 4.000) in a successfully completed core curriculum of at least 16 academic courses per Bylaw 14.3.1.4, including the following:*

<i>English</i>	<i>3 years</i>
<i>Mathematics</i>	<i>2 years</i>
<i>Natural or physical science (including at least one laboratory course if offered by the high school)</i>	<i>2 years</i>
<i>Additional courses in English, mathematics or natural or physical science</i>	<i>3 years</i>
<i>Social science</i>	<i>2 years</i>
<i>Additional academic courses [in any of the above areas or foreign language, philosophy or nondoctrinal religion (e.g., comparative religion) courses]</i>	<i>4 years</i>

- (b) *A minimum combined score on the SAT verbal/critical reasoning and math sections or a minimum sum score on the ACT as specified in Bylaw 14.3.1.1.3. The required combined SAT or sum ACT score, respectively, must be achieved under national testing conditions on a national, state or district testing date [i.e., no residual (campus) testing (see Bylaw 14.3.1.5)]. The minimum combined SAT score of 820 applies to tests taken prior to March 1, 2016. The minimum combined SAT score required for tests taken on or after March 1, 2016, will be evaluated based on the concordance established by the College Board. (See Figure 14-3.)*

14.3.1.1.1 Exception — Institutions Located in Puerto Rico: A prospective student-athlete entering an institution located in Puerto Rico may use a minimum combined score on the Prueba de Aptitud Académica verbal and math reasoning sections of 730 to satisfy the test score requirement in Bylaw 14.3.1.1(b).

14.3.1.1.21 Exception – Early Academic Certification. A prospective student-athlete shall be certified as a qualifier, provided they have achieved the following academic criteria: **a core-course grade-point average of 2.500 (based on a maximum of 4.000) in a minimum of 14 core courses on completion of six semesters (or the equivalent). The 14 core courses shall include three core courses in English, three in mathematics (at the level of Algebra I or higher), two in natural or physical science (including at least one laboratory course if offered at the high school) and six additional core**

courses in any NCAA core area. The record of the course and course grades must be certified by the NCAA Eligibility Center using either an official high school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office.

- (a) ~~A minimum combined score on the SAT critical reading and math sections of 820 or a minimum sum score on the ACT of 68, per the requirements of Bylaw 14.3.1.4. The minimum combined SAT score of 820 applies to scores for SAT tests taken prior to March 1, 2016. The minimum SAT score required for tests taken on or after March 1, 2016, will be evaluated based on the concordance established by the College Board (see Figure 14-3); and~~
- (b) ~~A core course grade-point average of 2.500 (based on a maximum of 4.000) in a minimum of 14 core courses on completion of six semesters (or the equivalent). The 14 core courses shall include three core courses in English, three in mathematics (at the level of Algebra I or higher), two in natural or physical science (including at least one laboratory course if offered at the high school) and six additional core courses in any NCAA core area. The record of the course and course grades must be certified by the NCAA Eligibility Center using either an official high school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office.~~

14.3.1.1.21.1 Submission of Final Transcript(s). An institution must submit a final high school transcript(s) (official or unofficial) to the NCAA Eligibility Center by November 15 following a student-athlete's initial full-time enrollment for any student-athlete who is certified as a qualifier pursuant to the early academic certification exception. [D]

~~14.3.1.1.3 Initial Eligibility Index for Qualifiers. A student-athlete must meet the requirements of the following eligibility index to be certified as a qualifier. The SAT scores in the table apply to tests taken prior to March 1, 2016. SAT scores for tests taken on or after March 1, 2016, will be evaluated on the concordance established by the College Board (see Figure 14-3):~~

Core GPA	Combined SAT	Sum ACT	Core GPA	Combined SAT	Sum ACT	Core GPA	Combined SAT	Sum ACT
3.300 & above	400	37	2.925	550	47	2.525	710	58
3.275	410	38	2.900	560	48	2.500	720	59
3.250	420	39	2.875	570	49	2.475	730	60
3.225	430	40	2.850	580	49	2.450	740	61
3.200	440	41	2.825	590	50	2.425	750	61
3.175	450	41	2.800	600	50	2.400	760	62
3.150	460	42	2.775	610	51	2.375	770	63
3.125	470	42	2.750	620	52	2.350	780	64
3.100	480	43	2.725	630	52	2.325	790	65
3.075	490	44	2.700	640	53	2.300	800	66
3.050	500	44	2.675	650	53	2.275	810	67
3.025	510	45	2.650	660	54	2.250	820	68
3.000	520	46	2.625	670	55	2.225	830	69

2-975 530	46	2-600 680	56	2-200 840 &	70 &
2-950 540	47	2-575 690	56	above	above
		2-550 700	57		

14.3.1.1.42 Eligibility for Financial Aid, Practice and Competition – Qualifier. A student-athlete who enrolls in a Division II institution as an entering freshman with no previous full-time college attendance shall meet the academic requirements for a qualifier, as certified by the NCAA Eligibility Center, and approved by the Board of Governors, and any applicable institutional and conference regulations, to be eligible for financial aid, practice and competition during the first academic year in residence.

[14.3.1.2 through 14.3.1.3 unchanged.]

14.3.1.4 Test Score Requirements: The minimum required SAT or ACT score (see Bylaw 14.3.1.1) must be achieved under national testing conditions on a national, state or district testing date [i.e., no residual (campus) testing].

14.3.1.4.1 Test Score Time Limitation: The minimum required SAT or ACT score shall be achieved before the individual's first full-time enrollment in a collegiate institution.

14.3.1.4.2 Combined Test Scores: For students using the SAT examination, the highest scores achieved on the critical reading and mathematics sections of the SAT from two different national testing dates may be combined in determining whether the student has met the minimum test score requirements. SAT scores for tests taken prior to March 1, 2016, will not be combined with SAT scores earned for tests taken on or after March 1, 2016. For students using the ACT examination, the highest scores achieved on the individual subtests of the ACT from more than one national testing date or state-administered examination may be combined in determining whether the student's sum score has met the minimum test score requirement.

14.3.1.4.3 Nonstandard Test Administration: Students with education-impacting disabilities may use scores achieved during a nonstandard administration of the SAT or ACT. A student who takes a nonstandard SAT or ACT still must achieve the minimum required test score.

14.3.1.4.4 Test Score Report: The minimum SAT or ACT score(s) used for initial eligibility purposes must be provided to the NCAA Eligibility Center by the appropriate testing agency through an official test score report.

[14.3.1.5 renumbered as 14.3.1.4, unchanged.]

[14.3.2 through 14.3.4 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

Effective Date: August 1, 2023, for student-athletes initially enrolling full-time at a collegiate institution on or after August 1, 2023.

Rationale: In October 2021, the NCAA Standardized Test Score Task Force recommended to remove the standardized test scores from Division II initial-eligibility requirements, noting that its recommendation aligns with the trend among NCAA member institutions to move away from requiring standardized test scores for admissions. It was further noted by the Academic Requirements

Committee that the existing core-course and grade-point average requirements for incoming student-athletes is an appropriate metric to measure academic readiness.

Frequently Asked Questions:

Question No. 1: If adopted, what would be the new legislated Division II initial-eligibility standards?

Answer: If adopted, the new requirements would be as follows:

Division II Initial-Eligibility Requirements	
Early Academic Qualifier Athletics aid, practice, and competition.	Pre-7th Semester: • 14 core-course units in the required subject areas; and • At least a 2.500 core-course GPA.
Qualifier Athletics aid, practice, and competition.	Complete Academic Record: • 16 core-course units in the required subject areas; • At least a 2.200 core-course GPA; and • Proof of graduation.
Partial Qualifier Athletics aid and practice.	Does not meet requirements to be a Qualifier.

Question No. 2: Does this proposal include other Division II policies related to pass/fail grades, unofficial documents, and nontraditional courses?

Answer: No.

Question No. 3: If adopted, will this proposal impact the admissions requirements set by individual institutions?

Answer: No. This proposal is specific to Division II initial-eligibility requirements, which are separate and distinct from admissions requirements that are determined and maintained by individual member institutions.

No. 2023-5 (2-12) EXECUTIVE REGULATIONS – ADMINISTRATION OF NCAA CHAMPIONSHIPS – AVAILABILITY OF ALCOHOLIC BEVERAGES AT DIVISION II CHAMPIONSHIPS

Intent: To eliminate the legislated restrictions on the availability of alcohol at NCAA Division II championships.

Administrative: Amend 31, as follows:

31 Executive Regulations

[31.01 through 31.02 unchanged.]

31.1 Administration of NCAA Championships.

[31.1.1 through 31.1.11 unchanged.]

31.1.12 Availability of Alcoholic Beverages. Alcoholic beverages shall not be sold or otherwise made available for public consumption at any championship event sponsored by or administered by the Association, nor shall any such beverages be brought to the site during the championship (i.e., during the period from the time access to the site is

~~available to spectators until all patrons have left the facility or area used for competition).~~

~~31.1.12.1 Exception—Men's Lacrosse Joint Championship. The sale of alcoholic beverages at the Division II Men's Lacrosse Championship is permissible, provided it is a joint championship with Divisions I and III.~~

[31.2 through 31.4 unchanged.]

31.6 Rights to NCAA Properties and Marketing Restrictions.

[31.6.1 unchanged.]

31.6.2 Concessions. The following conditions or restrictions apply to all concession items sold at any event sponsored or administered by the Association:

[31.6.2-(a) through 31.6.2-(d) unchanged.]

~~(e) No alcoholic beverages shall be sold or dispensed for public consumption at any event sponsored by or administered by the Association. (See Bylaw 31.1.12.1 for an exception for a men's lacrosse joint championship)~~

[31.6.3 through 31.6.4 unchanged.]

[31.7 through 31.9 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2023

Rationale: The issue of whether to permit the sale of alcoholic beverages at Division II championships has been considered for a few years. Feedback from a recent membership survey indicated support within the Division II membership for allowing the sale of alcoholic beverages at Division II championships, noting that a number of Division II conferences allow this at their postseason tournament events. Survey feedback cites the practice having already been "normalized" at sporting events and will allow fans accustomed to being able to purchase beer and wine the opportunity to do so at Division II championships. As the sale of alcoholic beverages is already allowed at Division I championships, this recommendation also would mitigate disruption at joint championships (allowed during the Division I events but not during the Division II events). Only venues that meet specified NCAA requirements would be permitted to sell alcohol, including having a written policy in place for, and be actively engaged in, the sale of alcohol and be properly licensed by the local and state authorities to carry on such operations and signing indemnity and insurance agreements prior to the event. Hard liquor would continue to be permitted only in designated suites and hospitality areas.

Frequently Asked Questions:

Question No. 1: If adopted, will hosts be required to sell alcohol at the Division II championship?

Answer: No.

Question No. 2: If adopted, will hosts be permitted to sell alcohol at all rounds of the Division II championship or is this change applicable to final sites only?

Answer: Hosts will be permitted to sell alcohol at all rounds of the Division II championship.

Question No. 3: If adopted, will there be any restrictions in place on what type of alcohol will be available at a championship venue?

Answer: Yes. Hard liquor would only be permitted in designated suites and hospitality areas.

Emerging Sports for Women

No. 2023-6 (2-1) NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL,
FINANCIAL AID AND PLAYING AND PRACTICE SEASONS --
EMERGING SPORTS FOR WOMEN -- STUNT

Intent: To add stunt as an emerging sport for women and establish legislation related to membership, financial aid, and playing and practice seasons, as specified.

A. Bylaws: Amend 7.02.2, as follows:

7.02.2 Emerging Sports for Women. The following shall be considered emerging sports for women:

(a) Team Sports: acrobatics and tumbling, ~~and~~ rugby and stunt; and

[7.02.2-(b) unchanged.]

[7.02.2.1 unchanged.]

B. Bylaws: Amend 7.3.1.7.1.3, as follows:

7.3.1.7.1.3 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports and acrobatics and tumbling, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contest requirement. The following minimums are applicable:

Team Sports Minimum Contests Minimum Participants Individual Sports Minimum Contests Minimum Participants:

Team Sports	Minimum Contests	Minimum Participants	Individual Sports	Minimum Contests	Minimum Participants
Acrobatics and Tumbling	6	18	Women's Bowling	8	5
Baseball	24		Cross Country	4	5
Basketball	22		Equestrian	6	12
Beach Volleyball	8		Men's Fencing	6	5
Field Hockey	10		Women's Fencing	6	5
Football	8		Golf	6	5
Men's Ice Hockey	20		Men's Gymnastics	6	6
Women's Ice Hockey	20		Women's Gymnastics	6	5
Men's Lacrosse	8		Rifle	8	4

Women's Lacrosse	10		Skiing	5	5
Women's Rowing	6		Swimming and Diving	8	11
Women's Rugby	9		Tennis	10	5
Soccer	10		Track and Field, Indoor	4	10
Softball	24		Track and Field, Outdoor	4	14
Stunt	8	16	Men's Wrestling	9	6
Men's Volleyball	9		Women's Wrestling	9	6
Women's Volleyball	15		Women's Triathlon	4	3
Men's Water Polo	15				
Women's Water Polo	10				

[7.3.1.7.1.3.1 through 7.3.1.7.1.3.11 unchanged.]

C. Bylaws: Amend 15.4.2, as follows:

15.4.2 Equivalency Sports.

15.4.2.1 Maximum Equivalency Limits.

[15.4.2.1.1 unchanged.]

15.4.2.1.2 Women's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.2.1) that an institution may provide in any academic year to counters in each women's sport, as follows:

Acrobatics and Tumbling	9.0	Rowing	20.0
Basketball	10.0	Rugby	12.0
Beach Volleyball	5.0	Skiing	6.3
Bowling	5.0	Soccer	9.9
Cross Country/Track and Field (see Bylaw 15.4.2.1.4 for institutions that sponsor cross country but not indoor or outdoor track and field)	12.6	Softball	7.2
Equestrian	15.0	Stunt	9.0

Fencing	4.5	Swimming and Diving	8.1
Field Hockey	6.3	Tennis	6.0
Golf	5.4	Triathlon	5.0
Gymnastics	6.0	Volleyball	8.0
Ice Hockey	18.0	Water Polo	8.0
Lacrosse	9.9	Wrestling	10.0

[15.4.2.1.3 through 15.4.2.1.4 unchanged.]

[15.4.2.2 unchanged.]

D. Bylaws: Amend 17, as follows:

17 Playing and Practice Seasons

[17.01 through 17.02 unchanged.]

17.02.16 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:

[17.02.16-(a) through 17.02.16-(c) unchanged.]

17.02.16.1 Team Sports. The following are classified as team sports for purposes of this bylaw:

Acrobatics and Tumbling	Rowing, Women's
Baseball	Rugby, Women's
Basketball	Soccer
Beach Volleyball	Softball
Field Hockey	<u>Stunt</u>
Football	Volleyball
Ice Hockey, Men's and Women's	Water Polo, Men's and Women's
Lacrosse	

[17.02.16.2 unchanged.]

[17.02.17 through 17.02.18 unchanged.]

[17.1 through 17.21 unchanged.]

17.22 Stunt. Regulations for computing the stunt playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1 and Figure 17-2.)

17.22.1 Length of Playing Season -- Championship and Nonchampionship Segments. The length of an institution's playing season in stunt shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required days per Bylaw 17.1.6.5 and official vacation, holiday and final-examination period during which no practice or competition shall occur.

17.22.2 First Date of Practice -- Championship Segment. A member institution shall not commence practice sessions in stunt in the championship segment before January 10 or the first day of classes, whichever is earlier.

17.22.3 First Date of Competition -- Championship Segment. A member institution shall not engage in its first date of competition with outside competition in the championship segment before February 1.

17.22.3.1 Exception -- February 1 on a Saturday, Sunday or Monday. When February 1 falls on a Saturday, Sunday or Monday, a member institution shall not engage in its first date of competition with outside competition in the championship segment before the Friday preceding February 1.

17.22.4 End Date of Practice and Competition -- Championship Segment. A member institution shall conclude all practice and competition in stunt in the championship segment by the conclusion of the National Collegiate Stunt Association National Championships (see Bylaw 17.1.7 for additional regulations regarding the end date of practice and competition).

17.22.5 First Date of Practice and Competition -- Nonchampionship Segment. A member institution shall not commence practice sessions or engage in outside competition in the nonchampionship segment before September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier.

17.22.6 End Date of Practice and Competition -- Nonchampionship Segment. A member institution shall conclude all practice and competition in the nonchampionship segment not later than November 15.

17.22.7 Number and Dates of Competition.

17.22.7.1 Maximum Limitations -- Institutional. A member institution shall limit its total playing schedule with outside competition in stunt during the institution's stunt playing season to 16 dates of competition, except for those dates of competition excluded under Bylaws 17.22.7.3, 17.22.7.4 and 17.22.7.5.

17.22.7.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable dates of competition in stunt in one or more foreign countries on one trip during the prescribed playing season. However, except for dates of competition played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.31), the institution may not engage in such in-season foreign competition more than once every four years.

17.22.7.2 Maximum Limitations -- Student-Athlete. An individual student-athlete may participate in each academic year in not more than 16 dates of competition. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, except for those dates of competition excluded under Bylaws 17.22.7.3, 17.22.7.4 and 17.22.7.5.

17.22.7.3 Annual Exemptions. The maximum number of dates of competition in stunt shall exclude the following:

(a) Conference Championship. Competition in one conference championship tournament or playoff;

- (b) Season-Ending Championship. Competition in one season-ending tournament (e.g., National Collegiate Stunt Association National Championship). A season-ending tournament involves competition after the end of the regular season between teams that are not identified until the close of the regular season;
- (c) Alumni Game. One date of competition with an alumni team of the institution;
- (d) Hawaii, Alaska, Puerto Rico, Canada. Any dates of competition played in Hawaii, Alaska, Puerto Rico or Canada, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska, Puerto Rico or Canada, by a member institution located outside those locales;
- (e) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate (or in individual sports per Bylaw 17.02.16.2, in which team members of that sport participate) with and against alumni and friends of the institution, the purpose of which is to raise funds to benefit the institution's athletics or other programs, provided the student-athletes do not miss class as a result of their participation (see Bylaw 12.5.1.1);
- (f) Celebrity Sports Activity. Competition involving a maximum of two student-athletes from a member institution's team who participate in local celebrity activities in stunt conducted for the purpose of raising funds for charitable organizations, provided:
 - (1) The student-athletes do not miss class as a result of the participation; and
 - (2) The involvement of the student-athletes has the approval of the institution's athletics director; and
- (g) U.S. National Team. One date of competition against a U.S. national team as selected by the appropriate national governing body in that sport.

17.22.7.4 Discretionary Exemptions. The following may be exempted from an institution's maximum number of dates of competition in stunt each year. An institution may exempt not more than three from this list annually:

- (a) Foreign Team in United States. A date of competition against a foreign team in the United States played in the facility in which the member institution regularly plays its home contests;
- (b) Non-Division II Four-Year Collegiate Institution. An exhibition date of competition against a non-Division II four-year collegiate institution; or
- (c) Scrimmages. A scrimmage with outside competition, provided the scrimmage is conducted without official scoring.

17.22.7.4.1 Official Scoring. For purposes of Bylaw 17.22.7.4-(c), official scoring has occurred when either institution participating in the scrimmage satisfies either of the following conditions:

- (a) The signing of a scorebook by an official; or
- (b) The score is used for individual or seasonal statistics.

17.22.7.5 Once-in-Four-Years Exemption -- Foreign Tours. An institution may exempt the dates of competition played on a foreign tour, provided the tour occurs only once in a four-year period and is conducted in accordance with the procedures set forth in Bylaw 17.31.

17.22.8 Out-of-Season and Nonchampionship Segment Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the championship segment except for the following:

- (a) Weight Training, Conditioning and/or Team Activities. Student-athletes shall not engage in weight training, conditioning and/or team activities before September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier, in accordance with Bylaw 17.1.6.3; and
- (b) Nonchampionship Segment Activities. During the segment in which the NCAA championship does not occur, student-athletes may participate in any practice or competition activity as permitted by other legislation provided such activity is restricted to a period of 45-consecutive calendar days, omitting vacation and examination days officially announced or on days that the institution is closed due to inclement weather, as long as no practice or competition occurs on such days. The 45-consecutive calendar days must be within the dates set forth in Bylaws 17.22.5 and 17.22.6, and shall not commence prior to September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier. (See Bylaws 17.1.6.2 and 17.1.6.6 for daily and weekly hour limitations and required days off.)

17.22.8.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations approved by the Management Council. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport.

17.22.8.1.1 Vacation Period and Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during any institutional vacation period and/or the summer, provided the request for such assistance is initiated by the student-athlete.

17.22.9 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in stunt. The coach may provide safety or skill instruction but cannot conduct the individual's workouts.

17.22.10 Camps and Clinics. There are no limits on the number of student-athletes in stunt who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.

17.22.11 Other Restrictions.

17.22.11.1 Noncollegiate, Amateur Competition.

17.22.11.1.1 In Season. A student-athlete shall be denied eligibility for intercollegiate stunt competition for the remainder of the season if, after enrollment in college and during any year in which the student-athlete is a member of an intercollegiate stunt squad or team, they compete or have competed as a member of any outside stunt team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) during the institution's intercollegiate stunt season (see Bylaw 14.7.5 for exceptions and waivers).

17.22.11.1.2 Out of Season. There are no limits to the number of student-athletes with eligibility remaining in intercollegiate stunt who may practice or compete out of season on an outside, amateur stunt team.

17.22.11.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's stunt team, except as provided under Bylaws 14.7.5, 16.8.1.2.1 and 17.31.

17.22.11.1.2.2 Olympic, Paralympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic, Paralympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution.

17.22.11.2 Equipment Issue, Squad Pictures. It shall be permissible to designate a single date for issuing stunt equipment and for taking squad pictures after the beginning of classes in the fall term or the day before the beginning of a segment as specified in Bylaw 17.22.2

17.22.11.2.1 Exception for Sundays. If the day before the beginning of a segment is a Sunday, the member institution may designate the preceding Saturday for issuing equipment and taking squad pictures.

[17.22 through 17.32 renumbered as 17.23 through 17.33, unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Committee on Women's Athletics)].

Effective Date: August 1, 2023

Rationale: The NCAA Committee on Women's Athletics noted the continued growth in high school stunt sponsorship and participation, steady increase in the number of member institutions sponsoring stunt, and support from the sport's national governing body as compelling rationale to include stunt as an emerging sport for women. The committee further noted the relatively low cost of sponsoring the sport and the opportunity for the sport to enrich sponsoring institutions' enrollment management strategies. Stunt provides participation opportunities for female student-athletes of all body types and diverse sport backgrounds (e.g., power lifting, gymnastics), as well as opportunities for female sport administrators, coaches and officials. Stunt leadership demonstrated that current stunt programs are fully integrated into athletics departments as stand-alone programs, the experience of a stunt student-athlete is comparable to the experience of student-athletes who compete in NCAA sports, and the sport's organizational structure and sport rules are consistent with NCAA values and legislation.

Frequently Asked Questions:

Question No. 1: May an emerging sport be used to satisfy sport sponsorship requirements?

Answer: A Division II institution may use emerging sports to meet the NCAA membership minimum sports-sponsorship requirements, provided minimum contests and participants requirements are met.

Question No. 2: What is the proposed championship segment for stunt?

Answer: Spring.

Question No. 3: Are all three divisions considering proposals to add stunt to the emerging sports list for women?

Answer: Yes.

Question No. 4: If a Division II institution has a varsity stunt team, will the team be required to apply NCAA Division II legislation?

Answer: Yes. Any NCAA sponsored sport or emerging sport for women recognized by the institution as a varsity team must apply the constitution, bylaws, interpretations and other legislation of the Association.

Organizational Structure

No. 2023-7 (2-4) DIVISION II ORGANIZATIONAL STRUCTURE -- PRESIDENTS COUNCIL -- MANAGEMENT COUNCIL -- ADMINISTRATIVE COMMITTEE -- PLANNING AND FINANCE COMMITTEE

Intent: To amend the Division II organizational structure, as follows: (1) Rename the Division II Presidents Council as the Division II Executive Board; further, to amend the board's composition, term of office, chair and vice chair duties, and establish the duties, as specified; (2) Amend the Division II Management Council composition, and duties and responsibilities, as specified; (3) Amend the Division II Administrative Committee composition, as specified; and (4) Rename the Division II Planning and Finance Committee as the Division II Strategic Planning and Finance Committee; further, to amend the committee's composition and duties, as specified.

A. Bylaws: Amend 8.1, as follows: (February 1, 2024)

[Division II, Roll Call]

8.1 Division II ~~Presidents Council~~**Executive Board**.

8.1.1 Composition. The composition of the ~~Presidents Council~~**Executive Board** shall be based on a weighted regional representation by institutions that shall include ~~one~~**eight** ~~chancellor or president~~**presidents/chancellors** per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1) ~~based on Division II championships region.~~ ~~In addition, two~~**one** "at-large" positions shall exist ~~president/chancellor~~ to enhance efforts to achieve diversity of representation and to accommodate independent institutions ~~on the board, and two independent members who are not salaried by an NCAA member institution, conference or affiliated member and shall be approved, appointed and verified as independent by the Executive Board.~~ The ~~Presidents Council~~**Executive Board** shall also include two ~~members~~**student-athletes** ~~of serving on and chosen by~~ the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports) (see Bylaw 21.8.5.9.5). **The chair of the Division II Management Council shall serve on the Executive Board as an ex-officio, nonvoting member.**

8.1.1.1 Same Conference. To the extent possible, chancellors or presidents from the same conference shall not serve concurrently on the ~~Presidents Council~~**Executive Board**.

8.1.1.2 Same Institution. To the extent possible, members of the ~~Presidents Council~~**Executive Board** and the Management Council (see Bylaw 8.2) shall not be employed at the same institution.

8.1.1.3 Eligibility for Membership. ~~The Presidents Council shall be composed of chancellors or presidents representing Division II active member institutions.~~

8.1.1.4 Geographical Areas:

8.1.1.4.1 Geographical Areas. ~~For the purpose of representation on the Presidents Council, the Association shall be divided into geographical areas. The Division II geographical areas are as follows:~~

- (a) Region 1 -- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;

~~(b) Region 2 — Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;~~

~~(c) Region 3 — Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and~~

~~(d) Region 4 — Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.~~

~~8.1.1.5 Student-Athlete Advisory Committee Members. The two members of the Division II Student-Athlete Advisory Committee shall each have a vote on the Presidents Council.~~

[8.1.2 unchanged.]

8.1.3 Election/Term of Office.

~~8.1.3.1 Selection Process. When a vacancy on the Presidents Council occurs, a formal call for nominations shall be published on the NCAA website. In addition, an informational letter to solicit nominations will be mailed to institutions and conference offices in the region in which the vacancy exists. The members of the Council shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.~~

~~8.1.3.21 Term of Office. Members~~**Presidents, chancellors and independent members** ~~of the Presidents Council~~**Executive Board** ~~shall serve six~~**two**~~-year terms, which shall conclude following the annual NCAA Convention~~**that are renewable for an additional two-year term.** ~~Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.~~**The two student-athletes appointed to the Executive Board shall serve one-year terms that are renewable for an additional one-year term.**

~~8.1.3.21.1 Chair and Vice Chair. The chair and the vice chair of the Council~~**Executive Board** ~~shall each serve terms not to exceed three~~**two** ~~years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Presidents Council~~**Executive Board** ~~before serving as chair or vice chair.~~

~~8.1.3.2.2 Student-Athletes. The two student-athletes appointed to the Presidents Council shall each serve a one-year term that is renewable for an additional one-year term.~~

8.1.3.3 Staggered Terms.

~~8.1.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.~~

~~8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

[8.1.4 unchanged.]

B. Bylaws: Amend 8.1.2, as follows: (February 1, 2024)

[Division II, Roll Call]

8.1.2 Duties and Responsibilities. The ~~Presidents Council~~ **Executive Board** shall:

- (a) Implement policies adopted by the ~~Association's~~ **NCAA** Board of Governors;
- (b) Establish and direct the general policy of Division II;
- (c) Establish a strategic plan **and/or a set of strategic priorities** for Division II;
- (d) Elect a chair and vice chair;
- (e) Appoint a Division II Executive Board member to the Board of Governors;
- (f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;
- (g) ~~Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur~~ **Adopt emergency legislation;**
- (h) Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote;
- (i) Call for a special Convention of Division II;
- (j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;
- (k) Approve recommendations of the Management Council (see Bylaw 8.2), **including the composition of the Management Council;**
- (l) Ratify, amend or rescind the actions of the Management Council (see Bylaw 8.2);
- (m) Ensure ~~that~~ there is gender and ethnic diversity among its membership, the membership of the Management Council (see Bylaw 8.2) and the membership of each of the other bodies in the Division II governance structure;
- (n) ~~Develop and a~~ **Approve** the budget and the use of funds allotted to Division II (e.g., institutional equal distribution funds, funds for the operation of championships);
- (o) Approve regulations providing for expenditures and income to Division II;
- (p) Approve regulations providing for the administration of Division II championships;
- (q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;
- (r) **Provide comments and input to the Board of Governors on matters that impact Division II and the Association;**
- (r s) Convene same-site meetings, as necessary, with the Management Council; and
- (s t) ~~Appoint such~~ **Create** committees or ~~subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.~~ **other bodies**

(e.g., project teams) to study and recommend courses of action on specific issues or to fulfill the duties and responsibilities of Division II.

[8.1.2 unchanged.]

8.1.2.1 Duties of the Chair. The chair of the ~~Presidents Council~~**Executive Board** shall:

[8.1.2.1-(a) unchanged.]

(b) Preside at ~~Presidents Council~~**Executive Board** meetings;

[8.1.2.1-(c) through 8.1.2.1-(d) unchanged.]

(e) Serve as an ex officio, nonvoting member of the Division II **Strategic** Planning and Finance Committee.

8.1.2.2 Duties of the Vice Chair. The vice chair of the ~~Presidents Council~~**Executive Board** shall:

[8.1.2.2-(a) through 8.1.2.2-(b) unchanged.]

~~(c) Serve as a member of the Association's Board of Governors;~~

[8.1.2.2-(d) relettered as 8.1.2.2-(c), unchanged.]

(e **d**) ~~Serve as chair of on~~ the Division II **Strategic** Planning and Finance Committee.

[8.1.2.2 unchanged.]

C. Bylaws: Amend 8.2, as follows: (August 1, 2023)

[Division II, Roll Call]

8.2 Division II Management Council.

8.2.1 Composition. The composition of the Management Council shall ~~be comprised of~~ **include** ~~one administrator or representative~~**member** from each of the Division II multisport voting conferences; ~~one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two~~**four** "at-large" ~~positions~~**members** to enhance efforts to achieve diversity of representation; and ~~two members of~~ **student-athletes serving on and chosen by** the **Division II** Student-Athlete Advisory Committee (**one representing male sports and one representing female sports**) (per **see** Bylaw 21.8.5.9.4). The members shall be representatives of Division II active member institutions. The members of the Council shall include:

(a) At least ~~four~~**five** directors of athletics;

(b) At least ~~four~~**five** senior woman administrators;

(c) At least ~~four~~**five** faculty athletics representatives; and

(d) At least ~~one~~**two** conference ~~administrator~~**office staff**.

Once the minimums are met, the Council may include individuals working in athletics administration and individuals that supervise athletics, including but not limited to a vice president, athletic trainer, assistant/associate/deputy

director of athletics, and/or other individuals involved in the administration of athletics.

[8.2.1.1 through 8.2.1.3 unchanged.]

[8.2.2 through 8.2.4 unchanged.]

D. Bylaws: Amend 8.2.2, as follows: (August 1, 2023)

[Division II, Roll Call]

8.2.2 Duties and Responsibilities. The Management Council shall:

- (a) Implement policies adopted by the ~~Association's~~**NCAA** Board of Governors and the ~~Presidents Council~~**Executive Board**;
- (b) Make recommendations to the ~~Presidents Council~~ **Executive Board** on matters it deems appropriate;
- (c) ~~Recommend the adoption of~~**Adopt** noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, ~~subject to ratification by the Presidents Council~~;
- (d) Sponsor legislative proposals for a vote at the annual NCAA Convention;**
- ~~(d e)~~ Take final action on matters delegated to it by the ~~Presidents Council~~ **Executive Board**;
- ~~(e) Make interpretations of the bylaws of Division II;~~
- (f) Review and act on the recommendations of the Division II committee structure and the recommendations of ~~Division II representatives to~~ committees with Association-wide functions;
- (g) Appoint the members of the Division II committee structure and appoint the Division II representatives to committees with Association-wide functions;
- (h) Identify, before the printing of the Official Notice for any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;**
- (i) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;**
- ~~(h j)~~ Elect a chair and vice chair;
- ~~(i k)~~ Organize and participate in an annual "summit" with the Division II Student-Athlete Advisory Committee;
- ~~(j l)~~ Hear and act on appeals by member institutions of decisions made by a Division II committee or the NCAA staff regarding the application of NCAA legislation (excluding actions of any committee that has final authority over issues subject to appeal); and
- ~~(k m)~~ Recommend the ~~appointment of such committees or subcommittees as may be necessary for executing the provisions of this constitution or the~~**creation of committees or other bodies to study and suggest courses of action on specific issues or to fulfill the duties and responsibilities of** Division II bylaws, subject to ~~ratification~~**approval** by the ~~Presidents Council~~ **Executive Board**.

8.2.2.1 Duties of the Chair. The chair of the Management Council shall:

[8.2.2.1-(a) through 8.2.2.1-(f) unchanged.]

8.2.2.2 Duties of the Vice Chair. The vice chair of the Management Council shall:

[8.2.2.2-(a) through 8.2.2.2-(b) unchanged.]

(c) Serve as a member of the Division II **Strategic** Planning and Finance Committee; and

[8.2.2.2-(d) unchanged.]

[8.2.2.3 unchanged.]

E. **Bylaws:** Amend 8.3, as follows: (August 1, 2023)

[Division II, Roll Call]

8.3 Division II Administrative Committee.

8.3.1 Composition. The Administrative Committee shall consist of five members, including the chairs and vice chairs of the ~~Presidents Council~~ **Executive Board** and Management Council, **and the chair of the Division II Student-Athlete Advisory Committee**. ~~The fifth member shall be another member of the Presidents Council.~~

[8.3.1.1 unchanged.]

[8.3.2 through 8.3.3 unchanged.]

F. **Bylaws:** Amend 8.4, as follows: (February 1, 2024)

[Division II, Roll Call]

8.4 Division II **Strategic** Planning and Finance Committee.

8.4.1 Composition. The Division II **Strategic** Planning and Finance Committee shall consist of ~~seven~~**11** members, including the vice chair of the ~~Presidents Council~~ **Executive Board, two members** ~~the vice chair~~ of the Management Council, **one of which must include the vice chair, three additional members of the Presidents Council and two additional members of the Management Council, one conference commissioner, one member from the Division II Student-Athlete Advisory Committee, and six additional members.** ~~The chairs of the Presidents Council and the Management Council shall serve as ex officio, nonvoting members. At least one of the 11 members shall be from a minority-serving institution.~~

[8.4.1.1 unchanged.]

8.4.2 Duties. The Division II **Strategic** Planning and Finance Committee shall:

(a) ~~Review budgetary recommendations related to the annual Division II budget;~~**Monitor the Division II strategic plan/strategic priorities; and assess and report on its implementation and recommend updates, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Executive Board;**

(b) ~~Advise both the Division II Presidents Council and Management Council regarding the division's financial affairs;~~**Provide regular reports on the implementation of the strategic plan/strategic priorities of the Division II Management Council and Executive Board;**

- (c) ~~Monitor the Division II strategic plan, assess and report on its implementation and recommend updates of the plan, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Presidents Council; and~~ **Make recommendations related to the Division II budget and budget guidelines and principles;**
- (d) ~~Provide regular reports on the implementation of the strategic plan to the Division II Management Council and Presidents Council.~~ **Ensure alignment of the division's strategic plan/strategic priorities with financial allocations; and**
- (e) **Advise both the Division II Executive Board and Management Council regarding the division's financial affairs.**

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date:

Sections A, B, F: February 1, 2024

Sections C, D, E: August 1, 2023

Rationale: The Division II Implementation Committee developed this proposal during its review of current legislation and policy to determine alignment with the principles in the new constitution adopted at the 2022 NCAA Convention. This proposal addresses key themes regarding greater student-athlete representation in the Division II governance structure; transitioning to a smaller/more nimble Presidents Council (to be renamed Executive Board); providing each conference more frequent representation on that body by basing it on championships regions and reducing the overall terms of service; ensuring representation of all Division II conferences via the Management Council; and assigning the Management Council with more responsibility and decision-making for the day-to-day operations of the division. The delayed effective date of February 1, 2024, for sections A and B of the proposal, will permit the current Division II Presidents Council members to complete their service through the full 2023 legislative cycle that concludes with the 2024 NCAA Convention. In addition, the delayed effective date of February 1, 2024, for section F, will permit the current members of the Division II Planning and Finance Committee to participate through the entire committee meeting cycle of April, August, September and December 2023.

Frequently Asked Questions:

Division II Presidents Council/Executive Board

Question No. 1: If adopted, what will be the composition of the Division II Executive Board?

Answer: If adopted, the Division II Executive Board will consist of the following members:

- Eight presidents/chancellors based on Division II championships regions;
- One "at-large" president/chancellor to enhance diversity on the board;
- Two independent members who are not salaried by an NCAA member institution, conference or affiliated member and shall be approved, appointed, and verified as independent by the board;
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports); and
- Management Council chair as an ex officio, nonvoting member.

Question No. 2: If adopted, what duties and responsibilities will be removed from the Division II Executive Board?

Answer: If adopted, the Division II Executive Board will no longer be responsible for the following duties and responsibilities:

- Identify the Division II proposals that require a roll-call vote at the NCAA Convention;
- Establish the final sequence of the Division II proposals in the agenda of the Division II Business Session at the NCAA Convention;
- Develop the Division II budget; and
- Appoint committees or subcommittees for executing the provisions of the NCAA Constitution or Division II bylaws.

Division II Management Council

Question No. 3: If adopted, what will be the composition of the Division II Management Council?

Answer: If adopted, the Division II Management Council will consist of the following members:

- One member from all voting, multisport Division II conferences; Page No. 8
- Four at-large members to enhance diversity; and
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports).

Further, if adopted, the members of the council shall include:

- At least five directors of athletics;
- At least five senior woman administrators;
- At least five faculty athletics representatives; and
- At least two conference office staff members.

Once these minimums are met, the council may include individuals working in athletics administration and individuals that supervise athletics, including but not limited to: a vice president, athletic trainer, assistant/associate/deputy director of athletics, and/or other individuals involved in the administration of athletics.

Question No. 4: If adopted, what are the additional duties and responsibilities of the Division II Management Council?

Answer: If adopted, the Division II Management Council's additional duties and responsibilities are as follows:

- Sponsor legislative proposals for vote at the NCAA Convention;
- Identify the Division II proposals that require a roll-call vote at the NCAA Convention;
- Establish the final sequence of the Division II proposals in the agenda of the Division II Business Session at the NCAA Convention;
- Appoint committees or subcommittees for executing the provisions of the NCAA Constitution or Division II bylaws; and
- Recommend the creation of committees or other bodies (e.g., project teams) to study and recommend courses of action on specific issues or to fulfill the duties and responsibilities of Division II, subject to the approval by the Executive Board.

Division II Administrative Committee

Question No. 5: If adopted, what will be the composition of the Division II Administrative Committee?

Answer: If adopted, the Division II Administrative Committee will consist of five members, including:

- Chair and vice chair of the Executive Board;
- Chair and vice chair of the Management Council; and
- Chair of Division II Student-Athlete Advisory Committee.

Division II Strategic Planning and Finance Committee

Question No. 6: If adopted, what will be the composition of the Division II Strategic Planning and Finance Committee?

Answer: If adopted, the Division II Strategic Planning and Finance Committee will consist of 11 members, including:

- Vice chair of the Division II Executive Board;
- Two members of the Division II Management Council, one of which must be the vice chair;
- One conference commissioner;
- One member from the Division II Student-Athlete Advisory Committee; and
- Six additional members, from Division II institutions.

Of the 11 members on the Division II Strategic Planning and Finance Committee, at least one member shall be from a minority-serving institution.

Question No. 7: If adopted, how will the members of the Division II Strategic Planning and Finance Committee be selected?

Answer: If adopted, the members serving on the Division II Strategic Planning and Finance Committee from the Executive Board and Management Council will be selected by the Executive Board and Management Council, respectively. Additionally, the one member from the Division II Student-Athlete Advisory Committee will be selected by the Division II Student-Athlete Advisory Committee. Finally, the one conference commissioner and the remaining members of the Division II Strategic Planning and Finance Committee will be recommended by the Division II Nominating Committee and approved by the Division II Management Council.

Amateurism

No. 2023-8 (2-6) AMATEURISM – VARIOUS BYLAWS – DEFINITION OF AGENT AND USE OF AGENTS

Intent: To specify that an agent is any individual who, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract; further, to restructure the use of agents legislation, as specified.

A. Bylaws: Amend 12.02, as follows:

[Division II, Roll Call]

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly, **recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.**

~~(a) Represents or attempts to represent an individual for the purpose of marketing their athletics ability or reputation for financial gain; or~~

~~(b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.~~

~~12.02.1.1 Application. An agent may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.~~

12.02.2 Agency Contract. An agency contract is an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

[12.02.2 through 12.02.10 renumbered as 12.02.3 through 12.02.11, unchanged.]

B. Bylaws: Amend 12.2.4, as follows:

[Division II, Roll Call]

12.2.4 Draft and Inquiry.

[12.2.4.1 unchanged.]

12.2.4.2 Draft List. An enrolled student-athlete may enter a professional league's draft an unlimited number of times during their collegiate career and be drafted by any team in the league without jeopardizing eligibility in that sport, provided the student-athlete **(or their relatives or friends) does not accept transportation or other material benefits from ever agree (orally or in writing) to be represented by an agent or any person who represents any individual infor the purposes of marketing their athletics ability or reputation in that sport, sign a professional sport contract or otherwise jeopardize their amateur status.**

[12.2.4.2 unchanged.]

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting their amateur status. Further, the individual, their relatives or legal guardians, the institution's professional sports counseling panel or head coach may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. ~~An individual who retains an agent shall lose amateur status.~~

[12.2.4.3 unchanged.]

C. Bylaws: Amend 12.3, as follows:

[Division II, Roll Call]

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible if they (or their relatives or friends) accept transportation or other material benefits from an agent or any person who represents any individual in the marketing of their athletics ability. ~~for participation in an intercollegiate sport, if they ever have agreed (orally or in writing) to be represented by an agent for the purpose of marketing their athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.~~

~~12.3.1.1 Nonbinding Agreements. An individual who signs a contract or commitment that does not become binding until the agent also signs the document, is ineligible, even if the contract remains unsigned by the other parties until after the student-athlete's eligibility is exhausted.~~

12.3.1.2¹ Representation for Future Negotiations. An individual may ~~shall be ineligible per Bylaw 12.3.1, if they~~ enter into a verbal or written agreement with an agent for representation in future professional sports negotiations ~~that are to take place after the individual has completed their eligibility in that sport.~~

~~12.3.1.3 Benefits From Prospective Agents. An individual shall be ineligible per Bylaw 12.3.1, if they (or their relatives or friends) accept transportation or other benefits from:~~

~~(a) Any person who represents any individual in the marketing of their athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or~~

~~(b) An agent, even if they have indicated that they have no interest in representing the student-athlete in the marketing of their athletics ability or reputation and do not represent individuals in the student-athlete's sport.~~

~~12.3.1.3.1 Educational Expenses or Services. Receipt of educational expenses or services (e.g., tuition, fees, room and board, books, tutoring, standardized test preparatory classes) from an agent is specifically prohibited.~~

~~12.3.1.4 Exception — Career Counseling and Internship/Job Placement Services. A student-athlete may use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses their athletics ability.~~

~~12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the student-athlete in negotiations for such a contract.~~

~~12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (i.e., in person, by telephone or by mail) with a professional sports organization on behalf of the student-athlete. A lawyer's presence during such discussions is considered representation by an agent.~~

12.3.2 Professional Service Provider. An individual may utilize a professional service provider for advice and activities related to an individual's name, image and likeness.

12.3.3 Agent to Secure Athletics Scholarship Agent. Any individual **shall be ineligible if they enter into an agreement (orally or in writing) with an agent for securing initial or continuing enrollment at a particular institution,** ~~agency or organization that represents a prospective student-athlete for compensation in placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.~~

~~12.3.3.1 Talent Evaluation Services and Agents. A prospective student-athlete may allow a scouting service or agent to distribute personal information (e.g., high school academic and athletics records, physical statistics) to member institutions without jeopardizing their eligibility, provided the fee paid to such an agent is not based on placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid.~~

[12.3.4 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2023

Rationale: This change redefines the term "agent" to align with that term used in the Uniform Athlete Agent Act and will expand a student-athlete's ability to seek and receive advice from individuals for the purposes of making well-informed decisions prior to entering into contractual agreements. Allowing student-athletes to receive advice from an individual about a decision related to an agreement is in the best interests of student-athletes; specifically, when considering the name, image and likeness landscape. Establishing that it is permissible for a student-athlete to work with professional service providers, such as, but not limited to, tax consultants, attorneys, and marketing agents, allows for student-athletes to obtain the appropriate and necessary advice related to the student-athlete's name, image and likeness and the accompanying activities. Finally, it will still be impermissible for a student-athlete (or their relatives) to receive tangible or intangible benefits from an agent or individual for professional sports opportunities or, to enter into an agreement with an agent for or receive compensation or incentives related to enrollment-based decisions.

Frequently Asked Questions:

Question No. 1: If adopted, how will the legislation related to agents change?

Answer: If adopted, an individual shall be ineligible if they (or their relatives or friends) accept transportation or other material benefits from an agent or any person who represents any individual in the marketing of their athletics ability.

Additionally, an agent would be defined as any individual who, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

Question No. 2: If adopted, how will the application of the agency contract legislation change?

Answer: If adopted, a student-athlete may enter into an agency contract, provided the student-athlete, or their relatives or friends, do not receive transportation or material benefits from an agent.

Further, an agency contract would be any agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

Question No. 3: If adopted, may a student-athlete utilize talent evaluation services?

Answer: Yes.

Question No. 4: If adopted, may an individual utilize an agent for enrollment-based decisions at a particular institution?

Answer: No. An individual shall be ineligible if they enter into an agreement (orally or in writing) with an agent for securing initial or continuing enrollment at a particular institution.

Question No. 5: If adopted, may a Division II student-athlete utilize a professional service provider for advice or activities related to the student-athlete's name, image or likeness?

Answer: Yes. [See NC-2023-30 (amateurism and financial aid – various bylaws -- student-athlete name, image and likeness activities)]

Question No. 6: Is it permissible for a prospective student-athlete to receive transportation or other material benefits from an agent prior to initial full-time collegiate enrollment at a Division II institution?

Answer: Yes, however, upon their enrollment at a Division II institution, the individual would be required to cease any and all activities that do not align with NCAA legislation. Please note, the individual would still be required to receive a certification by the NCAA Eligibility Center. [See NC-2023-30 (amateurism and financial aid -- various bylaws -- student-athlete name, image, and likeness activities)]

Question No. 7: Will an agent be required to be registered with and receive certification from the NCAA prior to representing a Division II student-athlete?

Answer: No, however, all agents should adhere to all state/national registration and certification requirements.

Recruiting and Playing and Practice Seasons

No. 2023-9 (2-7) RECRUITING AND PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING-SEASON REGULATIONS -- TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES -- WEEKLY HOUR LIMITATIONS -- OUTSIDE OF PLAYING SEASON -- SUMMER ACCESS -- VOLUNTARY WORKOUTS FOR TEAM SPORTS

Intent: To specify that a signed prospective student-athlete and a student-athlete may participate in up to two hours per week of individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term, for a period up to three weeks, provided the request for such assistance is initiated by a signed prospective student-athlete or student-athlete.

A. Bylaws: Amend 13.11.2, as follows:

[Division II, Roll Call]

13.11.2 Permissible Activities.

[13.11.2.1 through 13.11.2.6 unchanged.]

13.11.2.7 Voluntary Summer Workout -- Team Sports. In team sports, beginning July 5 through the start of the institution's fall term, for a period up to three weeks, a signed prospective student-athlete may participate in individual workout-sessions with a member of the coaching staff, provided the request for such assistance is initiated by the signed prospective student-athlete. Participation in such activities shall be limited to a maximum of two hours per week.

B. Bylaws: Amend 17.1.6.3.5, as follows:

[Division II, Roll Call]

17.1.6.3.5 Institutional Vacation Period. A student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period (e.g., summer, academic year).

[17.1.6.3.5.1 through 17.1.6.3.5.2 unchanged.]

17.1.6.3.5.3 Exception -- Summer Access -- Team Sports. In team sports, beginning July 5 through the start of the institution's fall term, for a period up to three weeks, a student-athlete may participate in individual workout-sessions with a member of the coaching staff, provided the request for such assistance is initiated by the student-athlete. Participation in such activities shall be limited to a maximum of two hours per week. (See Bylaw 13.11.2.7 for signed prospective student-athletes.)

Source: Great Lakes Intercollegiate Athletic Conference and Mid-America Intercollegiate Athletics Association

Effective Date: Immediate

Rationale: The relationship between coach and student-athlete is vital in preparation for the academic and athletic demands that come with a new school year. COVID-19 was very traumatic for student-athletes and coaches, and the NCAA waiver of coaches being allowed to interact with their student-athletes over the

summer period during COVID-19 was well received by coaches and students in all sports. This permissive legislative change will continue that practice in Division II, for a limited period of time each July through the start of the institution's fall term and will specify that the participation in the activities must come at the request of a signed prospective student-athlete or student-athlete. Finally, the immediate effective date will permit signed prospective student-athletes or student athletes to have access to individual workout sessions during summer 2023.

Frequently Asked Questions:

Question No. 1: If adopted, will this proposal amend the current exception which allows fall sport student-athletes to participate in workouts designed and conducted by the institution's strength and conditioning personnel [see Division II Bylaw 17.1.6.3.5.1 (exception – fall championships sports)]?

Answer: No.

Question No. 2: May multiple signed prospective student-athletes or student-athletes in team sports participate in an individual workout-session with a coaching staff member at the same time?

Answer: Yes, provided the request for such assistance is initiated by each signed prospective student-athlete or student-athlete.

Question No. 3: May multiple coaches conduct an individual workout-session with a signed prospective student-athlete or student-athlete in team sports?

Answer: Yes, provided the signed prospective student-athlete or student-athlete requests the presence of each involved coaching staff member.

Question No. 4: Must the three-week period occur over consecutive weeks?

Answer: No, however all individual workout-sessions must conclude prior to the start of the institution's fall term. Institutions are responsible for monitoring that individual signed prospective student-athletes or student-athletes do not participate in more than three weeks between July 5 and the start of the institution's fall term.

Question No. 5: May a transfer prospective student-athlete in team sports (e.g., NCAA, two-year college, NAIA) request individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term?

Answer: Yes, provided the prospective student-athlete satisfies the applicable transfer requirements prior to requesting the assistance of the coaching staff member.

Question No. 6: Prior to being able to request participation in individual workout-sessions with a member of the coaching staff, must a signed prospective student-athlete or student-athlete complete all mandatory medical examinations [see Division II Bylaw 17.1.5 (mandatory medical examinations)]?

Answer: Yes.

Position Statement(s): *NCAA Committee on Competitive Safeguards and Medical Aspects of Sports:* The committee agreed to take no position on this proposal.

NCAA Division II Legislation Committee: The committee agreed to oppose this proposal. The committee noted concerns related to student-athletes feeling pressured to take advantage of the opportunity to participate in voluntary workouts, and that some student-athletes may be "volun-told" to attend. Additionally, it was noted that student-athletes may feel compelled to forgo

participating in activities, such as study abroad programs, internships or summer jobs. Finally, the committee noted that this proposal would create an increased monitoring burden on compliance administrators.

NCAA Division II Presidents Council, NCAA Division II Management Council.: The councils agreed to oppose this proposal due to the proposal being contrary to the Life in the Balance Division II philosophy. The councils noted concerns of student-athletes feeling pressured to take advantage of the opportunity or returning to the institution early to participate in voluntary workouts. The councils also voiced concerns that some student-athletes may be "volun-told" to attend. It was noted that student-athletes may feel compelled to forgo participating in activities, such as study abroad programs, internships or summer jobs. Further, if adopted, the councils noted the potential impact on the mental health of coaching staff members, athletic trainers, and student-athletes. Finally, the councils noted that although this proposal is similar to the relief provided during COVID-19, that relief was specific to that timeframe since, at that time, many Division II institutions implemented remote learning and canceled sport seasons making it impossible for institutions and student-athletes to participate in anything else.

Eligibility

No. 2023-10 (2-8) ELIGIBILITY AND PLAYING AND PRACTICE SEASONS -- SEASONS OF COMPETITION: 10-SEMESTER/15-QUARTER RULE AND FOOTBALL -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY AND OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- EXCEPTION -- COMPETITION IN THE NONCHAMPIONSHIP SEGMENT AND SPRING PRACTICE -- SCRIMMAGE AGAINST A FOUR-YEAR COLLEGIATE INSTITUTION

Intent: In football, to permit a scrimmage against a four-year collegiate institution during spring practice as one of the three permissible 11-on-11 scrimmages to occur on or after the 10th day of spring practice; further, to specify that participation in a scrimmage against a four-year collegiate institution does not trigger use of a season of competition, provided the student-athlete was academically eligible during the segment in the same academic year that concludes with the NCAA championship.

A. Bylaws: Amend 14.2, as follows:

[Division II, Football Only, Roll Call]

14.2 Seasons of Competition: 10-Semester/15-Quarter Rule. A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.10 and 14.2.2). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of their seasons of participation in all sports within the time periods specified below:

[14.2.1 through 14.2.3 unchanged.]

14.2.4 Criteria for Determining Season of Eligibility.

14.2.4.1 Minimum Amount of Competition. Any competition (including a scrimmage with outside competition), regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year collegiate institution at the varsity or subvarsity level.

[14.2.4.1.1 through 14.2.4.1.2 unchanged.]

14.2.4.1.3 Exception -- Competition in the Nonchampionship Segment **and Spring Football**. In field hockey, **football**, men's and women's soccer, men's and women's volleyball and men's and women's water polo, a student-athlete may engage in outside competition during the segment of the playing season that does not conclude with the NCAA championship without using a season of competition, provided the student-athlete was academically eligible during the segment in the same academic year that concludes with the NCAA championship. In baseball, women's beach volleyball, softball and men's and women's lacrosse, a student-athlete may engage in outside competition during the segment of the playing season that does not conclude with the NCAA championship without using a season of competition. Prior to participating against outside competition during the nonchampionship segment **and spring football practice**, student-athletes shall be certified as eligible (e.g., amateurism, enrolled full time).

[14.2.4.1.4 through 14.2.4.1.6 unchanged.]

[14.2.4.2 through 14.2.4.8 unchanged.]

[14.2.5 through 14.2.7 unchanged.]

B. Bylaws: Amend 17.11, as follows:

[Division II, Football Only, Roll Call]

17.11 Football.

[17.11.1 through 17.11.8 unchanged.]

17.11.8.3 Annual Exemptions. The maximum number of contests in football shall exclude the following:

[17.11.8.3-(a) through 17.11.8.3-(h) unchanged.]

(i) Spring Practice Scrimmage. One scrimmage against a four-year collegiate institution during spring practice.

[17.11.8.3-(i) through 17.11.8.3-(k) relettered as 17.11.8.3-(j) through 17.11.8.3-(l), unchanged.]

[17.11.8.4 unchanged.]

17.11.9 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the playing season, except for the following:

[17.11.9-(a) through 17.11.9-(b) unchanged.]

[17.11.9-(b)-(1) through 17.11.9-(b)-(7) unchanged.]

(8) An institution may participate in a scrimmage against a four-year collegiate institution and the scrimmage shall count as one of the three sessions that may be devoted primarily to 11-on-11 scrimmages. The scrimmage against a four-year collegiate institution may not occur until on or after the 10th spring practice. [See Bylaw 14.2.4.1.3 for participation during the nonchampionship segment].

[17.11.9-(b)-(8) through 17.11.9-(b)-(9) renumbered as 17.11.9-(b)-(9) through 17.11.9-(b)-(10), unchanged.]

[17.11.9.1 unchanged.]

[17.11.10 unchanged.]

Source: Great American Conference, Great Lakes Intercollegiate Athletic Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association and South Atlantic Conference.

Effective Date: Immediate

Rationale: Currently, outside of the playing season in the sport of football, an institution may participate in no more than three sessions that may be devoted primarily to 11-on-11 scrimmages. However, it is currently impermissible for an institution to participate in a scrimmage against an outside team, four-year collegiate institution while outside of the playing season. Allowing a Division II institution, in the sport of football, to participate in a scrimmage against another four-year collegiate institution outside of the playing season will improve the development and retention of football student-athletes by providing them with a

competitive opportunity against another team. Delaying the scrimmage to occur after the ninth day of spring practice allows for acclimatization to contact, as permitted in Bylaw 17.11.9. Further, allowing such participation to not count as a season of competition will align football with other fall sports that are permitted to participate during the nonchampionship segment and not use a season of competition. Finally, the immediate effective date will permit Division II institutions to take advantage of the legislative change for the 2023 spring term.

Frequently Asked Questions:

Question No. 1: What is the current legislation?

Answer: Currently, in the sport of football during the spring practice period, an institution may participate in no more than three 11-on-11 scrimmages. However, it is currently impermissible for an institution to participate in a scrimmage against an outside team.

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, in the sport of football during the spring practice period, an institution may participate in one scrimmage against a four-year collegiate institution as one of the three 11-on-11 scrimmages on or after the 10th day of spring practice. Additionally, participation in the scrimmage would not count as a season of competition, provided the student-athlete was academically eligible during the segment that concludes with the NCAA championship.

Playing and Practice Seasons

Question No. 3: If adopted, when is it permissible for a scrimmage against a four-year collegiate institution to occur?

Answer: If adopted, the scrimmage may occur on or after the 10th day of the spring practice period.

Eligibility

Question No. 4: May a football student-athlete who is academically ineligible during the NCAA championship segment and regains eligibility for the spring term participate in the scrimmage against a four-year collegiate institution?

Answer: Yes, however, the student-athlete would be charged with a season of competition.

Question No. 5: If adopted, is it permissible for a football midyear transfer student-athlete to participate in the scrimmage against a four-year collegiate institution during the spring practice period and not use a season?

Answer: Yes, provided the student-athlete was academically eligible during the preceding fall term and is certified as eligible for the spring term.

Position Statement(s): *NCAA Division II Football Committee:* The committee agreed to support this proposal. The committee noted that allowing student-athletes the opportunity to participate in a scrimmage against a four-year collegiate institution during the spring practice period will improve the development and retention of student-athletes by providing them with a competitive opportunity against an outside team. The committee also noted that requiring the scrimmage to occur on or after the 10th day of the spring practice period allows time for

student-athletes to get acclimated to contact. Finally, the committee noted that allowing such participation to not count as a season of competition aligns football with other Division II fall sports that are permitted to participate in the nonchampionship segment and not utilize a season of competition provided they were eligible during the championship segment.

Presidents Council, Committee on Competitive Safeguards and Medical Aspects of Sports., Management Council, Legislation Committee: The councils and committees agreed to take no position on this proposal.

No. 2023-11 (2-9) ELIGIBILITY – SEASONS OF COMPETITION: 10-SEMESTER/15-QUARTER RULE – CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY – MINIMUM AMOUNT OF COMPETITION – UP TO THREE CONTESTS – FOOTBALL

Intent: In football, to specify that a student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests in a season without using a season of competition.

Bylaws: Amend 14.2, as follows:

[Division II, Football Only, Roll Call]

14.2 Seasons of Competition: 10-Semester/15-Quarter Rule. A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.10 and 14.2.2). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of their seasons of participation in all sports within the time periods specified below:

[14.2.1 through 14.2.3 unchanged.]

14.2.4 Criteria for Determining Season of Eligibility.

14.2.4.1 Minimum Amount of Competition. Any competition (including a scrimmage with outside competition), regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year collegiate institution at the varsity or subvarsity level.

[14.2.4.1.1 through 14.2.4.1.6 unchanged.]

14.2.4.1.7 Exception -- Football. In football, a student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests in a season without using a season of competition.

[14.2.4.2 through 14.2.4.8 unchanged.]

[14.2.5 through 14.2.7 unchanged.]

Source: Great Lakes Intercollegiate Athletic Conference, Great Lakes Valley Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association, Rocky Mountain Athletic Conference and South Atlantic Conference.

Effective Date: August 1, 2023

Rationale: Under current legislation, a student-athlete who participates in any contest uses a season of competition in that sport. A Division II football student-athlete is not permitted to participate in an exhibition game or scrimmage and must count that experience as a season of competition. Additionally, some Division II student-athletes are permitted to participate in competition during the

nonchampionship segment without using a season of competition, provided they were academically eligible during the segment that concluded with the NCAA championship. Academically, a student-athlete who participates in limited contests during the initial year of collegiate enrollment will likely have a more favorable experience and it is more likely the student-athlete will be retained at the institution. In addition, academic success rates may increase with this change. Moreover, institutions sponsoring football are permitted to award athletically related financial aid to student-athletes equaling 36 equivalencies, compared to their Division I football bowl subdivision (FBS) and football championship subdivision (FCS) counterparts at 85 and 63 scholarships, respectively. There are fewer football student-athletes allowed on Division II game day rosters. Finally, this rule would not change the Division II 10-semester/15-quarter rule, or the eligibility of a partial qualifier to participate in NCAA athletics.

Frequently Asked Questions:

Question No. 1: If adopted, how will this proposal change the current legislation?

Answer: If adopted, a football student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests without using a season of competition.

Question No. 2: If adopted, will any football student-athlete, including transfers, have access to the exception?

Answer: No. A football student-athlete must be enrolled at a Division II institution in their initial year of collegiate enrollment in order to have access to the exception.

Question No. 3: If adopted, will a student-athlete who initially enrolls midyear at a Division II institution and remains at the institution for the subsequent fall term have access to the exception?

Answer: Yes.

Question No. 4: If adopted, will a student-athlete who initially enrolls midyear at a collegiate institution and transfers to a Division II institution for the subsequent fall term have access to the exception?

Answer: Yes.

For example, if a student-athlete initially enrolls full-time at a collegiate institution for the 2023 spring term but then transfers and enrolls full-time at a Division II institution for the 2023 fall term, they would have access to the exception at the Division II institution, provided they do not participate in more than three contests during the 2023 fall term. The institution is responsible for ensuring that the transfer student-athlete is still in their initial year of collegiate enrollment.

Question No. 5: May the participation in the three contests occur at any time?

Answer: Yes. There is not a restriction in place related to when the contests must occur and the contests may take place during regular or postseason competition. A Division II football student-athlete will have access to the exception provided they do not participate in more than three contests during their initial year of collegiate enrollment.

Position Statement(s): *Committee on Competitive Safeguards and Medical Aspects of Sports., Management Council., NCAA Division II Committee on Student-Athlete Reinstatement.,:* The council and committees agreed to take no position on this

proposal.

Legislation Committee: The committee agreed to oppose this proposal. The committee noted that the change would be inconsistent with the application of the Division II medical hardship legislation. The committee also noted concerns that football would be the only sport permitting student-athletes to participate in up to three countable contests, at any time during the season, and not use a season of competition.

Presidents Council, Football Committee: The council and committee agreed to support this proposal. The council and committee noted that allowing student-athletes the opportunity to participate in up to three contests without utilizing a season of competition in their initial year of collegiate enrollment will permit student-athletes to get acclimated on the field. The council and committee also noted that allowing student-athletes to participate in minimal competition during their initial year without being charged a season of competition will help with student-athlete retention.

Playing and Practice Seasons

No. 2023-12 (2-11) PLAYING AND PRACTICE SEASONS – GENERAL PLAYING-SEASON REGULATIONS AND BASKETBALL – BASKETBALL FIRST PERMISSIBLE PRACTICE DATE

Intent: In basketball, to specify that an institution shall not commence on-court preseason basketball practice sessions before the date that is 35 days before the institution's first regular-season contest; further, to specify that an institution shall not engage in more than 25 days of countable athletically related activities during the on-court preseason practice period.

A. Bylaws: Amend 17.1.6.3.1, as follows:

[Division II, Roll Call]

17.1.6.3.1 Sports Other Than Football. In sports other than football, outside of the playing season during the academic year, only a student-athlete's participation in weight training, conditioning and/or team activities shall be permitted, as follows:

[17.1.6.3.1-(a) unchanged.]

- (1) In basketball, from September 7 or the institution's fourth day of classes for the fall term, whichever is earlier, through ~~the day before October 15~~ 35 calendar days before the date of the institution's first regular-season contest.

[17.1.6.3.1-(a)-(2) through 17.1.6.3.1-(a)-(3) unchanged.]

[17.1.6.3.1-(b) through 17.1.6.3.1-(e) unchanged.]

[17.1.6.3.1.1 unchanged.]

B. Bylaws: Amend 17.4.2, as follows:

[Division II, Roll Call]

17.4.2 Preseason Practices.

17.4.2.1 On-Court Practice. A member institution shall not commence on-court preseason basketball practice sessions before ~~October 15~~ the date that is 35 days before the date of the institution's first regular-season contest. An institution shall not engage in more than 25 days of countable athletically related activities before its first regular-season contest. Any countable athletically related activities (e.g., conditioning, skill-related instruction) that occurs within the 35-day period shall count against the 25 days of countable athletically related activities.

[17.4.2.1.1 unchanged.]

Source: Great American Conference, Gulf South Conference and Northern Sun Intercollegiate Conference.

Effective Date: August 1, 2023

Rationale: Current legislation specifies that on-court preseason basketball practice may not begin before October 15. Given the first permissible contest date, this results in basketball programs completing approximately 24 practices within 27 days (on average). This reflects 85.7% of the preseason period days involving

basketball activities. The proposed legislation would provide a greater amount of rest and recovery time in the preseason period, while maintaining approximately the total number of days featuring countable athletically related activities during this period. 25 days of countable athletically related activities in a 35-day period results in a 14.3% reduction in days with countable athletically related activities in the preseason period. The proposed legislation does not adjust the first permissible contest date, or any other Bylaw 17 countable athletically related activities legislation (e.g., hours per week, hours per day). Further, the proposed legislation would provide institutions the flexibility to build the preseason schedule appropriately to accommodate academic schedules, facility constraints and other factors that are unavoidable under the current preseason model.

Frequently Asked Questions:

Question No. 1: What is the current legislation surrounding the first permissible on-court practice date?

Answer: Currently, in the sport of basketball, an institution shall not commence on-court preseason basketball practice sessions before October 15.

Question No. 2: If adopted, how will this proposal change the current legislation surrounding the first permissible on-court practice date?

Answer: If adopted, in the sport of basketball, an institution may begin on-court preseason basketball practice sessions 35 days before the institution's first regular-season contest.

Please note, contests that may permissibly occur prior to the second Friday in November (i.e., Division II Conference Commissioners Association's Tip-Off Classic, discretionary exemptions) shall not be used to determine the start of the 35-day practice period.

Question No. 3: What is considered the date of the institution's first regular season contest?

Answer: The institution's first regular season contest is any contest on or after the second Friday in November.

Question No. 4: If adopted, will this proposal amend the outside of the playing season legislation for basketball?

Answer: Yes. The out-of-season segment for basketball would conclude 36 days prior to the institution's first regular-season contest.

Position Statement(s): *Legislation Committee:* The committee agreed to oppose this proposal. The committee noted the impact this proposal would have on facility usage; specifically, the committee noted there will be an issue with scheduling facility usage for the sports of basketball and volleyball. Further, the committee also voiced concern regarding the additional monitoring burden on compliance administrators.

NCAA Division II Mens and Womens Basketball Committees: The committees agreed to support this proposal. The committees noted that this allows flexibility in scheduling practices and additional days off for rest and recovery during the preseason practice period.

NCAA Division II Volleyball Committee: The committee agreed to oppose this proposal. The committee noted very few volleyball programs at Division II institutions have their own facilities for practice and competitions; therefore, most volleyball and basketball programs share facilities. The committee noted that if adopted, this proposal will cause additional strain on facilities and

volleyball programs to schedule practice and competition time. Further, the committee noted that due to many institutions using athletics facilities in the fall for general student activities (e.g., freshman orientations, welcome events), these events impact the shared facilities, which further limits the availability for volleyball programs. Finally, there will be a negative impact on strength and conditioning coaches and athletic trainers as there will be an increased period supporting volleyball and basketball student-athletes.

Presidents Council., Committee on Competitive Safeguards and Medical Aspects of Sports., Management Council.: The councils and committee agreed to take no position on this proposal.

Appendix A

Noncontroversial Legislation Adopted by the NCAA Division II Management Council

Pursuant to NCAA Bylaws 8.1.2-(e) and 9.3.1.1, the NCAA Division II Management Council has adopted the following noncontroversial legislative amendments during the past year. The Presidents Council, or an entity designated by the Presidents Council (the Management Council), is permitted to adopt such legislation if it is noncontroversial and necessary in the normal and orderly administration of the Association's legislation. These actions will be referenced in the oral report of the Management Council at the 2023 Division II business session on Saturday, January 14, and acceptance of the report will constitute approval of these actions and incorporation in the 2023-24 NCAA Division II Manual. If a delegate objects to incorporation of a particular amendment, that objection should be raised at the time of the Management Council report. The Division II membership then will decide by majority vote of the eligible voters whether to incorporate that amendment.

NO. NC-2023-1 COMMITTEES – COMMON COMMITTEES – COMMITTEES WITH ONLY CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES -- ICE HOCKEY COMMITTEE, WOMEN'S -- COMPOSITION

Intent: To specify that the five members of the Women's Ice Hockey Committee shall consist of one member from each conference that is eligible for and applies for automatic qualification into the NCAA National Collegiate Women's Ice Hockey Championship.

Bylaws: Amend 21.5, as follows:

[Common provision, Divisions I and II only, divided vote]

21.5 Common Committees -- Committees With Only Championships Administration Responsibilities.

[21.5.1 unchanged.]

21.5.2 Ice Hockey Committee, Women's. The Women's Ice Hockey Committee shall consist of five members. There shall be ~~four members from Division I and one member from Division II~~ **one member from each conference that is eligible for and applies for automatic qualification into the NCAA National Collegiate Women's Ice Hockey Championship.**

Source: NCAA Division II Management Council (Championships Committee).

Effective Date: September 1, 2022

Additional Information:

Currently, the Women's Ice Hockey Committee consists of five members; four members from Division I and one member from Division II. This proposal will eliminate the divisional composition and specify that the five members shall consist of one member from each conference that is eligible for and applies for automatic qualification into the NCAA National Collegiate Women's Ice Hockey Championship. The recommendation to include one member from each automatic-qualifying conference is consistent with the composition requirements of the Division I Men's Ice

Hockey Committee (Bylaw 21.7.6.3.1.3.12). Further, in 2021-22, the New England Women's Hockey Alliance (NEWHA) will complete its second year of conference competition, permitting them to be an automatic-qualifying conference and meeting the requirements to have representation as the fifth member of the committee. Therefore, this change will retain the opportunity for adequate Division II representation given that five of the current seven NEWHA members are Division II institutions. All women's ice hockey conferences are single-sport conferences, and the commissioners and their member institutions strongly support representation from each conference on the committee.

NO. NC-2023-2 MOVE DIVISION II PROVISIONS OUT OF THE NCAA CONSTITUTION

Intent: To move all Division II legislative provisions, including division dominant provisions, out of the NCAA constitution to appropriate existing or new bylaws.

A. Constitution: Amend 3, as follows:

3 NCAA-Membership

[3 unchanged.]

3.01 General Principles:

~~3.01.1 Classes of Membership. The NCAA offers three classes of membership: active, conference and provisional. Eligibility for and method of election to membership, obligations and conditions for continuing membership, voting rights, and other membership privileges for each class are defined in this article and Bylaw 20.~~

~~3.01.2 Division Membership. Active and conference members of the NCAA may be divided into divisions for purposes of bylaw legislation and competition in NCAA championships. Criteria for membership in these divisions are defined in Bylaw 20.~~

~~3.01.3 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, and to possible reclassification.~~

~~3.01.4 Assignment to Geographical Areas. Active and conference members are assigned to geographical areas for the purpose of representation on the Presidents Council and various committees, and to facilitate the work of the Association. Geographical districts and regions are defined in Constitution 4.13.~~

~~3.01.5 Termination or Suspension of Membership. All rights and privileges of a member shall cease immediately on termination or suspension of its membership.~~

3.02 Definitions and Applications:

~~3.02.1 Competitive Body. A competitive body is an athletics conference that conducts competition among its member institutions and determines a conference champion in one or more sports.~~

~~3.02.2 Legislative Body. A legislative body is an athletics conference that develops and maintains rules and regulations governing the athletics programs and activities of its member institutions.~~

3.02.3 Membership Categories:

~~3.02.3.1 Active Member. An active member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for~~

~~an international institution) and duly elected to active membership under the provisions of this article (see Constitution 3.3.3). Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association. (See Constitution 3.3.2.1.1 regarding restrictions on the privileges of for-profit institutions.)~~

~~3.02.3.1.1 Athletics Consortium. An athletics consortium consists of one member institution and neighboring member or nonmember institutions (but not more than one nonmember institution), recognized and approved by a two-thirds vote of the Management Council. The student athletes of the combined institutions are permitted to compete on the NCAA member institution's athletics teams, provided they meet the eligibility requirements of the NCAA and the member institution (see Constitution 3.2.2).~~

~~3.02.3.2 Provisional Member. A provisional member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution) and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Constitution 3.5.3). Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 20.2.~~

~~3.02.3.3 Member Conference. A member conference is a group of colleges and/or universities that conducts competition among its members and determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition), duly elected to conference membership under the provisions of this article (see Constitution 3.4.2). A member conference is entitled to all of the privileges of active members except the right to compete in NCAA championships (see Constitution 3.4.3). Only those conferences that meet specific criteria as competitive and legislative bodies (see Constitution 3.02.1 and 3.02.2) and minimum standards related to size and division status are permitted to vote on legislation or other issues before the Association.~~

~~3.02.3.4 Provisional Conference. A provisional conference consists of a group of at least 10 four-year colleges or universities or two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution), and that has applied for provisional conference membership in the Association. Provisional conference membership is a prerequisite for active conference membership in the Association. The conference shall be elected to provisional conference membership under the provisions of this article (see Constitution 3.4.1) and shall follow the guiding principles of a model Division II conference, set forth in the "Division II Long-Range Financial Plan." Provisional conferences shall receive all publications and mailings received by voting member conferences in addition to other privileges designated in the constitution and bylaws of the Association.~~

3.1 Determination of Divisions:

[3.1 unchanged.]

~~3.1.1 Designation of Division by Active and Provisional Members. Each active member institution and institution in the provisional period of the membership process shall be designated as a member for certain legislative and competitive purposes.~~

~~3.1.1.1 Men's and Women's Programs in Different Divisions: An institution shall not classify its women's athletics program in a division other than the institution's membership division, unless its women's program was so classified before January 11, 1991; further, for those institutions so classified, the Board of Governors, by a two-thirds majority of its members present and voting, may permit the institution's women's athletics program to be classified in a division other than its membership division, provided it determines every three years that unusual circumstances warrant such action.~~

~~3.1.1.2 Multidivision Classification: A member may request classification and eligibility in more than one division in accordance with provisions permitting multidivision classification, eligibility and voting (see Bylaw 20.3).~~

~~3.1.2 Designation of Division by Member Conference: Each member conference shall determine the membership division it desires for legislative and/or competitive purposes. When designating the division, at least 50 percent or a minimum of 25 of the conference's institutions must hold membership in that division. The Board of Governors shall determine the membership division of a member conference not meeting these criteria.~~

~~3.2 Eligibility for Membership.~~

~~[3.2 unchanged.]~~

~~3.2.1 General: Membership is available to colleges, universities and athletics conferences; that have acceptable academic standards (as defined in Constitution 3.3.3.1); and that are located in Canada, Mexico and the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association.~~

~~3.2.1.1 Membership of International Institutions: Institutions located in Canada and Mexico invited to explore Division II membership must accept or observe the policies and procedures as developed and approved by the Board of Governors, in addition to the principles set forth in the constitution and bylaws of the Association.~~

~~3.2.1.1.1 Accreditation Standard for International Institutions: An institution located in Canada or Mexico must satisfy the Association's requirement of acceptable academic standards to be elected to and maintain active membership in the Association by meeting one of the following standards:~~

~~(a) The institution is accredited by one of the six U.S. regional accrediting agencies*; or~~

~~(b) The institution is a candidate for accreditation with one of the six U.S. regional accrediting agencies* and is in good standing with its country's national, regional or provincial accreditation agency.~~

~~*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.~~

~~3.2.2 Athletics Consortiums: The Management Council, by a two-thirds majority of its members present and voting, may approve an athletics consortium involving a member institution and neighboring member or nonmember institutions, but not more than one nonmember institution, to permit the student-athletes of the combined institutions to compete on the member institution's intercollegiate athletics teams, provided the~~

student-athletes satisfy the eligibility requirements of the member institution and the NCAA. The Management Council shall develop and publish appropriate criteria to be applied to such consortiums.

~~3.2.2.1 General Policy. In general, a consortium shall be approved on the basis of existing academic considerations with the understanding that there shall be no change in the basic recruitment, enrollment or financial aid policies of the involved institutions as a result of such approval.~~

~~3.2.2.2 Combining Entire Athletics Programs. The institutions shall combine their entire athletics programs, and the consortium shall not be formed on a sport-by-sport basis.~~

~~3.2.2.3 Conference Approval. An institution that belongs to an NCAA member conference first shall receive approval of its conference before instituting a consortium for its intercollegiate athletics program. If more than one institution holds such conference membership, all such conferences shall approve the consortium.~~

~~3.2.2.4 Eligibility Requirements for Student-Athletes. Participating student-athletes shall meet all eligibility requirements of the member institution(s), the athletics conference(s) involved and the NCAA. The member institution(s) shall certify the eligibility of all student-athletes under those rules.~~

~~3.2.2.5 Financial Assistance to Student-Athletes. Within a consortium:~~

~~(a) Each institution shall be responsible for the financial assistance awarded to its student-athletes. The financial arrangement between or among the institutions for the exchange of funds to cover the academic costs of student-athletes who take part in the exchange program shall apply to student-athletes in the same manner as it applies to those students not participating in the intercollegiate athletics program;~~

~~(b) One institution may not provide a scholarship or any other form of financial aid to a student-athlete enrolled in another institution or transmit a scholarship or grant-in-aid to another institution to be used by one or more of its student-athletes; and~~

~~(c) Financial aid limitations as set forth in Bylaw 15 shall be applicable to the consortium as one entity and shall include all countable student-athletes, regardless of the institution in which they are enrolled.~~

~~3.2.2.6 Length of Approval. NCAA approval shall be for a four academic year period, at the end of which the institutions shall submit a report on the program setting forth its effect upon their academic and athletics operations.~~

~~3.2.2.7 NCAA Division Membership. The institutions may be members of different NCAA divisions but shall select one division for legislative and competitive purposes.~~

~~3.2.2.8 NCAA Member Involvement. At least one of the institutions shall be a member of the NCAA, and not more than one nonmember institution shall be included.~~

~~3.2.2.9 NCAA Membership Application. The institutions shall apply for NCAA membership as a consortium and shall be considered as one member of the Association, with their combined names included on official NCAA membership records.~~

~~3.2.2.10 Prior Academic Consortium Relationship. The institutions shall have had a prior academic consortium relationship.~~

~~3.2.2.11 Recruitment. It is permissible for one institution to recruit prospective student-athletes with a view to their possible enrollment at another institution in the consortium, provided the individuals qualify for admission to that institution and the athletics interests of the member institution are not involved, directly or indirectly, in influencing the admission or award of financial assistance.~~

~~3.3 Active Membership.~~

~~[3.3 unchanged.]~~

~~3.3.1 Eligibility Requirements.~~

~~3.3.1.1 Types of Institutions. Active membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and pursuant to Board of Governors policy and duly elected to active membership under the provisions of Constitution 3.3.3.~~

~~3.3.1.2 Compliance With Association Rules. The institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association.~~

~~3.3.1.3 Standards. The institution's athletics programs shall reflect the establishment and maintenance of high standards of personal honor, eligibility and fair play.~~

~~3.3.1.4 Compliance Requirement. The institution shall be in compliance with Constitution 3.3.1.2, 3.3.1.3 and 20.2 at the time it makes application for active membership.~~

~~3.3.2 Privileges.~~

~~3.3.2.1 Active Members. Active members shall be entitled to all of the privileges of membership under the constitution and bylaws of the Association and all privileges incidental thereto.~~

~~3.3.2.1.1 Exception — For-Profit Institutions. For-profit institutions shall be restricted, as follows:~~

~~(a) A for-profit institution shall not have voting privileges at the annual NCAA Convention or any special Convention. The institution shall be entitled to three accredited delegates without voting privileges. Any of the accredited delegates shall be entitled to privileges of the floor and the right to active participation in the business proceedings;~~

~~(b) Representatives of a for-profit institution shall not be permitted to serve as a voting institution representative on an NCAA committee; and~~

~~(c) A for-profit institution shall not receive NCAA grants or financial distributions directly from the NCAA.~~

~~3.3.2.2 Use of Association's Registered Marks. Active members may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.~~

~~3.3.3 Election to Active Membership — Institutions.~~

~~3.3.3.1 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to~~

~~requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.~~

~~*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.~~

~~3.3.3.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 20.2.2.1):~~

~~(a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;~~

~~(b) Sponsorship by an active member institution or conference; and~~

~~(c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. An applicant institution that is not selected to enter the membership process shall receive a refund of the application fee on a prorated basis as determined by the Membership Committee.~~

~~3.3.3.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.~~

~~3.3.3.2.2 Membership Committee Authority. The Membership Committee has the authority to accept or not accept an institution's application to enter the membership process.~~

~~3.3.3.3 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant institution to membership effective the following September 1, the beginning of practice in any sport for that fall term or the first day of classes for that fall term, whichever occurs first. When the vote of the Membership Committee has been completed, the applicant institution shall be notified.~~

~~3.3.3.4 Resignation and Re-election to Membership. If an institution resigns its membership following application to re-establish its membership, the institution first shall complete a membership process (see Constitution 3.5 and Bylaw 20.2) before such institution becomes eligible for re-election as an active member.~~

~~3.3.4 Conditions and Obligations of Membership.~~

~~3.3.4.1 General. The active members of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.~~

~~3.3.4.2 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, and to possible reclassification.~~

~~3.3.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member institution is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or~~

chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.12). See Bylaw 14.13 for procedures regarding restoration of eligibility.

~~3.3.4.4 Application of Rules to All Recognized Varsity Sports: The constitution, bylaws and other legislation of this Association, unless otherwise specified therein, shall apply to all teams in sports recognized by the member institution as varsity intercollegiate sports and that involve all male teams, mixed teams of males and females, and all female teams. To be recognized as a varsity sport, the following conditions must be met:~~

- ~~(a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 20.10.3.1.1 or an emerging sport for women per Bylaw 20.03;~~
- ~~(b) The sport officially shall have been accorded varsity status by the institution's president or chancellor or committee responsible for intercollegiate athletics;~~
- ~~(c) The sport is administered by the department of intercollegiate athletics;~~
- ~~(d) The eligibility of student-athletes participating in the sport shall be reviewed and certified by a staff member designated by the institution's president or chancellor or committee responsible for intercollegiate athletics policy; and~~
- ~~(e) Qualified participants in the sport shall receive the institution's official varsity awards.~~

~~3.3.4.4.1 Intent to Sponsor a Varsity Sport. Once an institution evidences an intent or commitment to sponsor a sport on a varsity level (e.g., official announcement that competition will be conducted on a varsity basis, employment of individuals to coach the varsity team), the institution must begin applying NCAA recruiting regulations to the applicable sport.~~

~~3.3.4.5 Standards: Active member institutions agree to establish and maintain high standards of personal honor, eligibility and fair play.~~

~~3.3.4.6 Publication of Progress-Toward-Degree Requirements: Active member institutions are obligated to publish their progress-toward-degree requirements for student-athletes (see Bylaw 14.4.1).~~

~~3.3.4.7 Missed Class Time Policies: Active member institutions are obligated to establish policies in all sports concerning student-athletes' missed class time due to participation in intercollegiate athletics and athletics competition scheduled during final examination periods (see Bylaw 17.1.6.8).~~

~~3.3.4.8 President or Chancellor Attestation of Compliance Obligations: An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless its president or chancellor attests, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance). [See Bylaw 18.4.2.1(d)].~~

~~3.3.4.9 Compliance-Related Certification: An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an~~

NCAA board, council or committee unless it certifies [see Bylaw 18.4.2.1-(e)] that the conditions of Bylaw 18.4.2.1.1 have been satisfied.

~~3.3.4.10 Student-Athlete Statement. An active member institution shall administer annually, on a form prescribed by the Management Council, or a designated committee, a signed statement for each student-athlete that provides information set forth in Bylaws 14.1.3 and 14.1.3.2.~~

~~3.3.4.10.1 Administrative Requirement. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee prior to the student's participation in intercollegiate competition each academic year.~~

~~3.3.4.10.2 Signature Requirement. The athletics director and head coach in the sport in which the student-athlete participates shall sign the eligibility list form.~~

~~3.3.4.10.3 Retention Requirement. The statement shall be kept on file and such file shall be available for examination upon request by an authorized representative of the NCAA.~~

~~3.3.4.11 Drug-Testing Program and Consent Form. An active member institution and an institution in the candidacy or provisional period of the membership process shall administer annually, on a form prescribed by the Management Council, a signed drug-testing consent form for each student-athlete (per Bylaw 12.02.7) in accordance with Bylaw 14.1.4 and shall ensure compliance with the following elements of the NCAA Drug-Testing Program: [D]~~

~~(a) Respond to the initial drug-testing notification from Drug Free Sport International by the date specified by the organization;~~

~~(b) Complete and forward to Drug Free Sport International a current and accurate institutional eligibility list (see Bylaw 14.11.2) by the date specified by the organization;~~

~~(c) Provide adequate and secure drug-testing facilities as specified by Drug Free Sport International;~~

~~(d) Notify student-athletes who have been selected for drug testing according to the timeline specified by Drug Free Sport International; and~~

~~(e) Respond to additional requests for assistance in administering the NCAA year-round drug-testing program as specified by Drug Free Sport International.~~

~~3.3.4.11.1 Administrative Requirement — Year-Round Drug Testing. In sports in which the Association conducts year-round drug testing, the consent form shall be administered individually to student-athletes each academic year at the time the intercollegiate squad first reports for practice or before the Monday of the institution's fourth week of classes, whichever date occurs first.~~

~~3.3.4.11.2 Penalty for Failure to Complete and Sign Consent Form. Failure to sign the consent form by the deadline shall result in the student-athlete's ineligibility for practice or competition until the student-athlete has signed the form. Failure to complete and sign the form before practice or competition may result in the student-athlete's ineligibility for participation in all intercollegiate athletics.~~

- ~~3.3.4.11.3 Retention Requirements. The consent form shall be kept on file and such file shall be made available for examination on request by an authorized representative of the NCAA [see Bylaw 14.1.4.2-(c)].~~
- ~~3.3.4.12 Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form — Disclosure of Protected Health Information. An active member institution shall administer annually, on a form prescribed by the Management Council, a statement for each student-athlete to voluntarily sign that provides information prescribed in Bylaws 14.1.5 and 14.1.5.2.~~
- ~~3.3.4.12.1 Administrative Requirement. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee before the student-athlete's participation in intercollegiate athletics each academic year.~~
- ~~3.3.4.12.2 Failure to Provide Consent. The authorization/consent by the student-athlete is voluntary and is not required for the student-athlete to be eligible to participate.~~
- ~~3.3.4.12.3 Retention Requirement. Any signed statement(s) shall be kept on file and shall be available for examination on request by an authorized representative of the NCAA. [See Bylaw 14.1.5.2-(c).]~~
- ~~3.3.4.13 Discipline of Members. In accordance with directions of the Management Council or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19).~~
- ~~3.3.4.14 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event (see Constitution 3.3.4.14.3): [D]~~
- ~~(a) A student-athlete participating in the covered event in an intercollegiate sport as recognized by the participating institution; and~~
- ~~(b) A prospective student-athlete participating in the covered event who has graduated from high school and signed an irrevocable commitment to participate in an intercollegiate sport at a participating institution.~~
- ~~3.3.4.14.1 Amount of Coverage Insurance. Such insurance coverage must be of equal or greater value than the deductible of the NCAA catastrophic injury insurance program and may be provided through the following sources: [D]~~
- ~~(a) Parents' or guardians' insurance coverage;~~
- ~~(b) Participant's personal insurance coverage; or~~
- ~~(c) Institution's insurance program.~~
- ~~3.3.4.14.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event (see Constitution 3.3.4.14.3). [D]~~
- ~~3.3.4.14.3 Covered Event. A covered event includes the following: [D]~~
- ~~(a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);~~

~~(b) An NCAA-sanctioned competition in which the insured person (i.e., student-athlete or prospective student-athlete) is an official competitor; or~~

~~(c) Practice and conditioning sessions that are authorized, organized or directly supervised by athletics department personnel at the member institution other than during the playing season. Such sessions must occur on campus or at approved off-campus facilities as part of an intercollegiate athletics activity. For insured student-athletes or prospective student-athletes who compete in individual sports, off-campus intercollegiate athletics activities must be authorized by athletics department personnel at the participating school and take place at approved locations.~~

~~3.3.4.15 Academic Success Rate. Active members shall annually submit data, by the applicable deadline, for the Academic Success Rate in a form prescribed by the Management Council.~~

~~3.3.4.15.1 Failure to Submit Data. An active member institution that fails to submit data for the Academic Success Rate by the applicable deadline shall forfeit receipt of Division II enhancement funds in the following academic year. Further, an active member institution that fails to submit data for the Academic Success Rate in any two years during a five-year period shall forfeit Division II enhancement funds for the following three consecutive academic years.~~

~~3.3.4.15.1.1 Waiver. The Academic Requirements Committee may grant waivers of Constitution 3.3.4.15.1 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Constitution 4.7.2.3(b)] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.~~

~~3.3.4.16 Academic Performance Census – Failure to Submit. If an institution fails to submit its Academic Performance Census by the applicable deadline, in a format approved and administered by the Presidents Council (or a committee designated by the Presidents Council), that institution shall forfeit Division II institutional enhancement funds for the following academic year.~~

~~3.3.4.16.1 Waiver. The Academic Requirements Committee may grant waivers of Constitution 3.3.4.16 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Constitution 4.7.2.3(b)] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.~~

~~3.3.4.17 Concussion Management Plan. An active member institution shall have a concussion management plan for its student-athletes. The plan shall adhere to the process and format (e.g., the concussion protocol checklist) prescribed by the Board of Governors or designee and include, but is not limited to, the following: [D]~~

~~(a) An annual process that ensures student-athletes are educated about the signs and symptoms of concussions. Student-athletes must acknowledge that they have received information about the signs and symptoms of concussions and that they have a responsibility to report concussion-related injuries and illnesses to a medical staff member;~~

~~(b) A process that ensures a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from athletics activities (e.g., competition, practice, conditioning sessions) and evaluated by~~

a medical staff member (e.g., sports medicine staff, team physician) with experience in the evaluation and management of concussions;

(c) A policy that precludes a student-athlete diagnosed with a concussion from returning to athletics activity (e.g., competition, practice, conditioning sessions) for at least the remainder of that calendar day; and

(d) A policy that requires medical clearance for a student-athlete diagnosed with a concussion to return to athletics activity (e.g., competition, practice, conditioning sessions) as determined by a physician (e.g., team physician) or the physician's designee.

3.3.4.17.1 Annual Review and Retention Requirement. The concussion management plan shall be annually reviewed by and be kept on file in the office of the institution's athletics health care administrator.

3.3.4.18 Concussion Reporting. An active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports. [D]

3.3.4.19 Independent Medical Care. An active member institution shall establish an administrative structure that provides independent medical care and affirms the unchallengeable autonomous authority of primary athletics health care providers (team physicians and athletic trainers) to determine medical management and return-to-play decisions related to student-athletes. An active institution shall designate an athletics health care administrator to oversee the institution's athletic health care administration and delivery.

3.3.4.20 Designation of Team Physician. An active member institution shall designate a physician to serve as team physician for all or each of its intercollegiate teams. The team physician shall be a doctor of medicine (MD) or doctor of osteopathic medicine (DO) with a current license in good standing to practice medicine in the state or province in which the institution is located. The team physician shall be authorized to oversee the medical services for injuries and illnesses incidental to a student-athlete's participation in intercollegiate athletics.

3.3.4.21 Catastrophic Sport Injury Report. An active member institution shall submit data detailing student-athlete catastrophic fatalities, near fatalities and catastrophic injuries (e.g., injuries and illnesses related to head, neck, spine, cardiac, pulmonary, heat, sickle cell trait, eyes) to the NCAA on an annual basis pursuant to policies and procedures that govern such data as determined by the Committee on Competitive Safeguards and Medical Aspects of Sport.

3.3.4.22 Student-Athlete Health and Safety Survey. An active member institution shall complete a student-athlete health and safety survey on an annual basis pursuant to policies and procedures as determined by the Committee on Competitive Safeguards and Medical Aspects of Sport.

3.3.4.23 Athletics Diversity and Inclusion Designee. The president or chancellor of an active member institution shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

3.3.4.24 Responsibility of Compliance Administrator. A member institution shall certify annually that it employs at least one individual who serves as a full-time compliance administrator with no coaching responsibilities.

3.3.4.24.1 Failure to Meet Responsibility of Compliance Administrator.

~~3.3.4.24.1.1 One-Year Probationary Period. An institution that fails to meet the requirement regarding the responsibility of the compliance administrator shall be placed on probation for one year for its entire athletics program (both men's and women's sports) in the next academic year after noncompliance is discovered. A member institution shall be afforded the one-year probationary period for failure to meet the requirement only once in a five-year period. The five-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met (see Bylaw 20.02.4).~~

~~3.3.4.24.1.2 Application of Restricted Membership Status. If an institution fails to meet the requirement regarding the responsibility of the compliance administrator at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 20.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.~~

~~3.3.4.24.2 Waiver. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of division criteria. The Management Council, or a subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.~~

~~3.3.5 Loss of Active Membership.~~

~~3.3.5.1 Termination or Suspension. The membership of any active member failing to maintain the academic or athletics standards required for such membership or failing to meet the conditions and obligations of membership may be suspended, terminated or otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:~~

~~(a) A notice of intention to suspend or terminate membership, stating the grounds on which such a motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member institution; and~~

~~(b) The Presidents Council approves the notification of intention to move for suspension or termination.~~

~~3.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of active membership.~~

~~3.3.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall forfeit immediately its membership in the Association.~~

~~3.3.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.~~

~~3.3.6 Discipline of Active Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~3.3.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on~~

~~Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention by vote of a majority of the members present and voting.~~

~~3.4 Member Conference.~~

~~[3.4 unchanged.]~~

~~3.4.1 Eligibility.~~

~~3.4.1.1 Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition. Voting rights and other membership privileges (e.g., Management Council representation) are available only to those multi-sport conferences that satisfy the requirements set forth in Constitution 3.4.3.3.~~

~~3.4.1.2 Composition of Active Conferences. All of the members of the conference shall be active members of this Association. A conference with eight or more active NCAA members may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.~~

~~3.4.1.2.1 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Constitution 3.4.1.2, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.~~

~~3.4.1.3 Conference Membership Requirements. A conference of at least 10 active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges must meet the following conditions:~~

~~(a) At the time of application, be composed of at least 10 active member institutions and/or institutions in the provisional period of the Division II membership process (see Bylaw 20.2.2.3). All institutions shall be located in the same geographic area as specified in Constitution 4.13;~~

~~(b) Submit an application to the Membership Committee, to be received in the national office not later than December 1. A fee, as determined by the Membership Committee, shall accompany the application. The following information must be submitted at the time of application:~~

~~(1) A conference strategic plan;~~

~~(2) A conference constitution and bylaws;~~

~~(3) Documentation affirming the institutions in the conference satisfy the sports sponsorship requirement the year prior to the conference becoming an active conference and that conference will satisfy the sports sponsorship requirement in year it would become active conference;~~

~~(4) A business plan for conference office operations; and~~

~~(5) A student-athlete advisory committee development plan; and~~

~~(c) The conference commissioner must attend the NCAA Convention in the year immediately following the submission of the application.~~

~~3.4.1.4 Minimum Size for Active Conference Membership. A conference shall be composed of at least 10 active member institutions prior to its approval as an active member conference. All institutions shall be located in the same geographic area as specified in Constitution 4.13. Once the conference is approved by the Membership Committee, it shall be eligible for privileges of active member conferences, except for enhancement fund distribution [see Constitution 3.4.3.3-(b)] and automatic qualification [see Constitution 3.4.3.3-(c) and Bylaws 31.3.4.1, 31.3.4.2 and 31.3.4.4].~~

~~3.4.1.5 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Constitution 3.4.1.3-(a) and Constitution 3.4.1.4, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.~~

~~3.4.1.6 Grace Period — Application Fee. An active member conference whose membership falls below the minimum number of institutions required for active membership shall not be required to submit a fee per Constitution 3.4.1.3-(b) for four years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership.~~

~~3.4.2 Election to Active Membership—Conferences:~~

~~3.4.2.1 Application. An athletics conference desiring to become an active member conference shall make application on a form available from the national office. An application fee and the amount for annual dues (see Constitution 3.6.2) shall accompany the application. The fee and dues paid shall be refunded to the applicant conference should the Membership Committee not accept its application.~~

~~3.4.2.2 Election. Athletics conferences may be elected as active member conferences by a majority vote of the delegates present and voting at an annual Convention or by a two-thirds majority vote of the Membership Committee members present and voting.~~

~~3.4.2.3 Annual Limit on Conference Membership. The Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of applicant athletics conferences that will be invited to active conference membership.~~

~~3.4.3 Privileges:~~

~~3.4.3.1 Privileges of Active Member Conferences. Active member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.~~

~~3.4.3.2 Use of Association's Registered Marks. Active member conferences may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.~~

~~3.4.3.3 Voting Rights and Other Conference Active Membership Privileges. Only those multi-sport member conferences that meet the criteria listed below shall be entitled to receipt of active conference membership privileges, under the following timetable:~~

(a) Immediate upon active membership:

(1) Conference grant distribution;

(2) A vote at the NCAA Convention; and

(3) Representation on the Management Council and Student-Athlete Advisory Committee.

(b) One year after active conference membership: Enhancement fund distribution; and

(c) Five years after active conference membership: Automatic qualification for championships. (see Bylaw 31.3.4).

3.4.3.3.1 ~~Competitive and Legislative Body.~~ An active member conference shall be both a competitive and a legislative body on the conference level (see Constitution 3.02.1 and 3.02.2).

3.4.3.3.2 ~~Minimum Size and Division Status.~~

3.4.3.3.2.1 ~~Full Voting Privileges.~~ An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

3.4.3.3.2.2 ~~Partial Voting Privileges.~~ Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all dominant or common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

3.4.3.3.3 ~~Sports Sponsorship Requirement.~~ A voting member conference shall conduct conference competition in at least five sports for men and five sports for women, or four sports for men and six sports for women. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

(a) The conference must conduct a conference championship (e.g., round robin or tournament play) and name a conference champion in the sport;

(b) In team sports only, the conference must conduct regular-season competition among the conference members sponsoring the sport; and

(c) At least six active conference member institutions must sponsor and compete in the sport.

3.4.3.3.3.1 ~~Three-Season Requirement.~~ A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.

~~3.4.3.3.3.2 Minimum Contests/Minimum Participant Requirements. An institution must satisfy the minimum contest and minimum participant requirements set forth in Bylaw 20.10.3.3 in a given sport in order for that sport to be considered when determining whether the conference has six member institutions that sponsor and compete in that sport.~~

~~3.4.3.3.3.3 Conference Member in Selected Sports. An active member institution that is a member of a voting conference in only selected sports (e.g., an affiliated conference member only in football) may not be considered when determining whether the conference has six member institutions that sponsor and compete in the sport.~~

~~3.4.3.3.3.4 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Constitution 3.4.3.3.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.~~

~~3.4.3.3.4 Football Issues. In addition to meeting the requirements of Constitution 3.4.3.3.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.~~

~~3.4.3.3.5 Grace Period. An active member conference may continue to qualify for conference membership privileges for three years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership, provided the conference remains within one member institution of that minimum number.~~

~~3.4.3.3.6 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant a waiver for an active member conference that falls below the required minimum number of active institutions, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.~~

~~3.4.4 Conditions and Obligations of Membership:~~

~~3.4.4.1 General. The member conferences of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.~~

~~3.4.4.2 Conference Competition. Member conferences shall conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition.~~

~~3.4.4.3 Composition of Conference. All of the members of the conference shall be active member institutions of this Association.~~

~~3.4.4.3.1 Exception for Composition of Conference. A conference with eight or more active NCAA member institutions may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.~~

~~3.4.4.4 Conference—Student-Athlete—Advisory—Committee. Each active member conference shall establish a conference student-athlete advisory committee for its member institutions' student-athletes. The composition and duties of the committee shall be determined by the conference.~~

~~3.4.4.4.1 Annual Meeting. The member conference shall conduct at least one in-person meeting annually of its conference student-athlete advisory committee.~~

~~3.4.4.4.1.1 Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting. If an active member conference fails to meet the conditions set forth in Constitution 3.4.4.4.1 during a given year, the conference shall immediately be placed on probationary status during the following academic year and would not be eligible for all or any portion of the conference grant funds as determined by the Planning and Finance Committee. If the conference fails to meet the conditions set forth in Constitution 3.4.4.4.1 during the probationary year, the conference may forfeit immediately its membership in the Association.~~

~~3.4.4.4.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of Constitution 3.4.4.4.1 if it deems that unusual circumstances warrant such action.~~

~~3.4.4.5 Sports Sponsorship Audit Requirement. A voting member conference shall provide documentation, on request, to the Membership Committee to show evidence of compliance with sports sponsorship requirements set forth in Constitution 3.4.3.3.3 for a given year.~~

~~3.4.4.6 Athletics Diversity and Inclusion Designee. An active member conference shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.~~

~~3.4.5 Loss of Member-Conference Status.~~

~~3.4.5.1 Failure to Comply with Sports Sponsorship Criteria. A voting member conference that fails to satisfy minimum sports sponsorship criteria in a given year shall be placed on probation for one year in the next academic year after noncompliance occurs. During the probationary year, the conference shall not be eligible to receive the share of the Enhancement Fund that is based on conference sports sponsorship. A conference shall be afforded the one-year probationary period only once in every five-year period. The five-year period shall begin September 1 after the completion of the academic year in which the sports sponsorship criteria is not met. If a conference fails to meet the minimum sports sponsorship criteria at the end of the probationary year, or is ineligible for the once-in-five-year probationary period, it shall forfeit its voting conference membership and all associated privileges immediately. A conference forfeiting voting conference membership in accordance with this legislation shall be ineligible to reapply for voting conference membership for at least one calendar year.~~

~~3.4.5.2 Erroneous Information During Membership Application. A member conference that provides erroneous information during the membership application process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to elect the conference as an active member conference, may be terminated or suspended (see Constitution 3.4.5.3).~~

~~3.4.5.2.1 Appeal. The Division II Management Council shall review appeals of the Membership Committee's decision to suspend or terminate a member~~

~~conference for providing erroneous information during the membership application process.~~

~~3.4.5.3 Termination or Suspension. The membership of any member conference failing to maintain the academic or athletics standards required for membership or failing to meet the conditions and obligations of membership may be suspended or terminated or the member conference otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:~~

~~(a) Notice of intention to suspend or terminate membership, stating the grounds on which such motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member conference; and~~

~~(b) The Presidents Council approves the notification of intention to move for suspension or termination.~~

~~3.4.5.3.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of conference membership.~~

~~3.4.5.4 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has satisfied Constitution 3.4.3.3.2.~~

~~3.4.5.5 Failure to Pay Dues. If a member conference fails to pay its annual dues for one year, its membership shall be automatically terminated.~~

~~3.4.6 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be imposed during the period between annual Conventions for a violation(s) of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~3.4.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a majority vote of the Committee on Infractions present and voting, or at the annual Convention by vote of a majority of the members present and voting.~~

~~3.5 Provisional Membership.~~

~~[3.5 unchanged.]~~

~~3.5.1 Eligibility.~~

~~3.5.1.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution) and duly elected to the membership process under the provisions of Constitution 3.5.3 and Bylaw 20.2.~~

~~3.5.2 Privileges and Voting Rights.~~

~~3.5.2.1 Publications and Convention Representation. Member institutions in the provisional period shall receive all publications and mailings received by active members of the Association, shall be entitled to be represented by one nonvoting~~

~~delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association.~~

~~3.5.2.2 Use of Association's Registered Marks. A provisional member in year three of the membership process set forth in Bylaw 20.2 may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors. Prior to the provisional year three designation, an institution in the membership process is limited to using Division II specific logos and a specially designed NCAA logo for provisional institutions.~~

~~3.5.3 Procedures for Election to the Provisional Period of the Membership Process.~~

~~3.5.3.1 Voting Requirement. Procedures for election to provisional membership under this subsection are federated provisions (see Constitution 5.02.1.3).~~

~~3.5.3.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 20.2.2.1):~~

~~(a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;~~

~~(b) Sponsorship by an active member institution or conference; and~~

~~(c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. In addition, a check in the appropriate amount for annual dues (see Constitution 3.6.2) shall also accompany the application. Should the applicant institution fail to be accepted into the membership process, the dues paid shall be refunded and the application fee will be refunded on a prorated basis, as determined by the Membership Committee.~~

~~3.5.3.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.~~

~~3.5.3.2.2 Membership Committee Authority. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.~~

~~3.5.3.3 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.~~

~~*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges~~

~~3.5.3.4 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant to the membership process set forth in Bylaw 20.2, effective the following September 1. When the vote of the Membership Committee has been completed, the applicant shall be notified.~~

~~3.5.4 Conditions and Obligations of Membership. The conditions and obligations applicable to member institutions in the provisional period of the membership process are set forth in Bylaw 20.2.~~

~~3.6 Dues of Members:~~

~~3.6.1 Determination of Dues. The annual dues of the various classes of membership shall be recommended to the membership by the Board of Governors.~~

~~3.6.2 Current Annual Dues. The annual dues for various classes of membership shall be:~~

~~Active Members: \$ 900~~

~~Member Conference \$ 450~~

~~*See Constitution 3.5.3.2 for institutions in the membership process.~~

~~3.6.3 Payment Deadline. Dues are payable September 1 of each year. A member shall not be permitted to vote at a Convention of the Association if its dues are not paid for that year. To be eligible to compete in NCAA championships, dues shall be paid in accordance with Bylaw 31.2.1.2. Membership is terminated if a member fails to pay dues for one year (see Constitution 3.3.5.3 and 3.4.5.5).~~

B. Constitution: Amend 4, as follows:

4 Organization

4.01 General Principles:

~~4.01.1 Structure. The Association's administrative structure shall include a Board of Governors comprised of institutional presidents or chancellors that oversees Association-wide issues and shall ensure that each division operates consistent with the basic purposes, fundamental policies and general principles of the Association (see Constitution 1 and 2). In addition, the administrative structure of each division shall empower a body of institutional presidents or chancellors to set forth the policies, rules and regulations for operating the division. Further, the administrative structure of each division shall empower a body of athletics administrators, student athletes and faculty athletics representatives (and in Division III, institutional presidents or chancellors and athletics direct reports) to make recommendations to the division's body of institutional presidents or chancellors and to handle responsibilities delegated to it.~~

~~4.01.2 Guarantees. The Association's overall governance structure guarantees its members the following:~~

~~4.01.2.1 Budget Allocations. Members are guaranteed revenue through allocations made to each division from the Association's general operating revenue. Division II shall receive at least 4.37 percent of the Association's annual general operating revenue. Division III shall receive at least 3.18 percent of the Association's annual general operating revenue.~~

~~4.01.2.1.1 General Operating Revenue. General operating revenue, as used in this section, shall include at least all sources of revenue existing as of January 9, 1996, including revenue from contracts for these existing sources and revenue from any modified, extended or successor contract for such sources.~~

~~4.01.2.3 Championships. Members are guaranteed access to national championships.~~

~~4.01.2.4 Membership Services. Members are guaranteed services provided through the Association's national office at least at the level provided as of January 9, 1996 (e.g., membership services, statistics, research).~~

~~4.01.2.5 Special Programs. Members are guaranteed the continuation of Association programs operating at the time of the adoption of this legislation (e.g., the catastrophic injury insurance program, the drug-testing program, the Division I institutional performance program). In addition, members are guaranteed the continuation of Association programs that were considered by the NCAA Council or Presidents Commission by the spring of 1995 and began operating after the adoption of this legislation.~~

~~4.02 Definitions and Applications.~~

~~4.02.1 Association. The "Association," as used in this Manual, refers to the National Collegiate Athletic Association, a diverse, voluntary, unincorporated Association of four-year colleges and universities, conferences and other educational institutions.~~

~~4.02.2 Faculty Athletics Representative. A faculty athletics representative is a member of an institution's faculty or administrative staff who is designated by the institution's president or chancellor or other appropriate entity to represent the institution and its faculty in the institution's relationships with the NCAA and its conference(s), if any (see also Constitution 6.1.4).~~

~~4.02.3 On The Staff. On the staff, as it applies to individuals from member institutions or conferences who are eligible to serve on committees or as officers or representatives of the Association, is defined as those individuals who receive a regular salary from a member institution or organization for the performance of a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference. An individual on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may be considered to be "on the staff" of an institution or organization. An individual on terminal leave or on leave in excess of 12 consecutive months shall not be considered to be "on the staff."~~

~~4.02.4 Independent Member of the Board of Governors. An independent member of the Board of Governors shall be an individual who is not salaried by an NCAA member institution or conference, and shall be verified as independent by the Board of Governors.~~

~~4.02.5 Senior Woman Administrator.~~

~~4.02.5.1 Institutional Senior Woman Administrator. An institutional senior woman administrator is the highest-ranking female involved with the management of an institution's intercollegiate athletics program. An institution with a female director of athletics may designate a different female involved with the management of the institution's program as a fifth representative to the NCAA governance system.~~

~~4.1 Board of Governors.~~

~~4.1.1 Composition. The Board of Governors shall consist of 25 members. The NCAA president and the chairs of the Division I Council and the Division II and Division III Management Councils shall be ex officio nonvoting members, except that the NCAA president is permitted to vote in the case of a tie among the voting members of the Board of Governors present and voting. The other 21 voting members of the Board of Governors shall include:~~

- ~~(a) Eight presidents or chancellors from the Division I Board of Directors from Football Bowl Subdivision institutions;~~

- ~~(b) Two presidents or chancellors from the Division I Board of Directors from Football Championship Subdivision institutions;~~
- ~~(c) Two presidents or chancellors from the Division I Board of Directors from institutions that do not sponsor football;~~
- ~~(d) Two Division II presidents or chancellors from the Division II Presidents Council;~~
- ~~(e) Two Division III presidents or chancellors from the Division III Presidents Council;~~
~~and~~
- ~~(f) Five independent members (see Constitution 4.02.4).~~

4.1.2 Duties and Responsibilities. The Board of Governors shall:

- ~~(a) Provide final approval and oversight of the Association's budget;~~
- ~~(b) Employ the NCAA president, who shall be administratively responsible to the Board of Governors and who shall be authorized to employ such other persons as may be necessary to conduct efficiently the business of the Association;~~
- ~~(c) Provide strategic planning for the Association as a whole;~~
- ~~(d) Identify core issues that affect the Association as a whole;~~
- ~~(e) Act on behalf of the Association by adopting and implementing policies to resolve core issues and other Association-wide matters;~~
- ~~(f) Initiate and settle litigation;~~
- ~~(g) Convene at least one combined meeting per year of the three divisional presidential governing bodies;~~
- ~~(h) Convene at least one same-site meeting per year of the Division I Council and the Division II and Division III Management Councils;~~
- ~~(i) Forward proposed amendments to Constitutions 1 and 2 and other dominant legislation to the entire membership for a vote;~~
- ~~(j) Call for a vote of the entire membership on the action of any division that it determines to be contrary to the basic purposes, fundamental policies and general principles set forth in the Association's constitution. This action may be overridden by the Association's entire membership by a two-thirds majority vote of those institutions voting;~~
- ~~(k) Call for an annual or special Convention of the Association;~~
- ~~(l) Review and coordinate the catastrophic injury and professional career insurance (disability injury/illness) programs;~~
- ~~(m) Compile the names of those individuals associated with intercollegiate athletics who died during the year immediately preceding the annual Convention;~~
- ~~(n) Issue a call for nominations when a vacancy for an independent member occurs on the Board of Governors; and~~
- ~~(o) Serve as the final authority for the selection of and additional duties assigned to independent members of the Board of Governors.~~

4.1.3 Election/Term of Office.

~~4.1.3.1 Election. Division I members of the Board of Governors shall be appointed by the Division I Board of Directors. Divisions II and III members of the Board of Governors shall be appointed by the Divisions II and III Presidents Councils, respectively.~~

~~4.1.3.2 Term of Office.~~

~~(a) President or Chancellor Members. The terms of office of president or chancellor members of the Board of Governors shall coincide with their service on the applicable divisional presidential governing body, unless otherwise specified by that governing body.~~

~~(b) Independent Members. An independent member of the Board of Governors shall be appointed to a three-year term that is renewable for an additional three-year term. An independent member who has served two terms shall not serve further on the Board of Governors.~~

~~4.1.3.3 Committee Chair. The Board of Governors shall elect one of its members to serve for a two-year period as chair.~~

~~4.3 Division II Presidents Council.~~

~~4.3.1 Composition. The composition of the Presidents Council shall be based on a weighted regional representation by institutions that shall include one president or chancellor per region for every 22 institutions in that region (see Constitution 4.13.1). In addition, two "at-large" positions shall exist to enhance efforts to achieve diversity of representation and to accommodate independent institutions.~~

~~4.3.1.1 Same Conference. To the extent possible, presidents or chancellors from the same conference shall not serve concurrently on the Presidents Council.~~

~~4.3.1.2 Same Institution. To the extent possible, members of the Presidents Council and the Management Council (see Constitution 4.7) shall not be employed at the same institution.~~

~~4.3.1.3 Eligibility for Membership. The Presidents Council shall be composed of presidents or chancellors representing Division II active member institutions.~~

~~4.3.2 Duties and Responsibilities. The Presidents Council shall:~~

~~(a) Implement policies adopted by the Association's Board of Governors;~~

~~(b) Establish and direct the general policy of Division II;~~

~~(c) Establish a strategic plan for Division II;~~

~~(d) Elect a chair and vice chair;~~

~~(e) Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;~~

~~(f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;~~

~~(g) Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;~~

- ~~(h) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention, within the provisions of Constitution 5.1.4.3.1;~~
- ~~(i) Call for a special Convention of Division II;~~
- ~~(j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;~~
- ~~(k) Approve recommendations of the Management Council (see Constitution 4.7);~~
- ~~(l) Ratify, amend or rescind the actions of the Management Council (see Constitution 4.7);~~
- ~~(m) Ensure that there is gender and ethnic diversity among its membership, the membership of the Management Council (see Constitution 4.7) and the membership of each of the other bodies in the Division II governance structure;~~
- ~~(n) Develop and approve the budget and the use of funds allotted to Division II (e.g., enhancement funds, funds for the operation of championships);~~
- ~~(o) Approve regulations providing for expenditures and income to Division II;~~
- ~~(p) Approve regulations providing for the administration of Division II championships;~~
- ~~(q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;~~
- ~~(r) Convene same-site meetings, as necessary, with the Management Council; and~~
- ~~(s) Appoint such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.~~

4.3.2.1 Duties of the Chair. The chair of the Presidents Council shall:

- ~~(a) Serve as a spokesperson for Division II;~~
- ~~(b) Preside at Presidents Council meetings;~~
- ~~(c) Preside at the Division II business session at the annual Convention;~~
- ~~(d) Serve as a member of the Association's Board of Governors;~~
- ~~(e) Serve as chair of the Division II Administrative Committee; and~~
- ~~(f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.~~

4.3.2.2 Duties of the Vice Chair. The vice chair of the Presidents Council shall:

- ~~(a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;~~
- ~~(b) Report to the Division II membership at each annual Convention on the financial affairs of the division;~~
- ~~(c) Serve as a member of the Association's Board of Governors;~~
- ~~(d) Serve as a member of the Division II Administrative Committee; and~~
- ~~(e) Serve as chair of the Division II Planning and Finance Committee.~~

4.3.3 Election/Term of Office:

~~4.3.3.1 Selection Process. When a vacancy on the Presidents Council occurs, a formal call for nominations shall be published on the NCAA website. In addition, an informational letter to solicit nominations will be mailed to institutions and conference offices in the region in which the vacancy exists. The members of the Council shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.~~

~~4.3.3.2 Term of Office. Members of the Presidents Council shall serve six-year terms, which shall conclude following the annual NCAA Convention. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.~~

~~4.3.3.2.1 Chair and Vice Chair. The chair and the vice chair of the Council shall each serve terms not to exceed three years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Presidents Council before serving as chair or vice chair.~~

~~4.3.3.3 Staggered Terms:~~

~~4.3.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.~~

~~4.3.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

4.3.4 Operating Rules:

~~4.3.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action, a simple majority of Presidents Council members present and voting shall be required unless otherwise specified.~~

~~4.3.4.2 Project Teams. The Presidents Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.~~

4.7 Division II Management Council:

~~4.7.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:~~

- ~~(a) At least four directors of athletics;~~
- ~~(b) At least four senior woman administrators;~~
- ~~(c) At least four faculty athletics representatives; and~~

(d) ~~At least one conference administrator.~~

[4.7.1 unchanged.]

~~4.7.1.1 Same Institution. To the extent possible, members of the Presidents Council (see Constitution 4.3) and the Management Council shall not be employed at the same institution.~~

~~4.7.1.2 Independent Institutions. The position reserved for a representative of independent institutions may not be filled by an individual from the same independent institution in successive terms. If the total number of independent institutions falls below eight, the position allocated for independent institutions shall become an at-large position as soon as the position becomes vacant.~~

[4.7.1.2 unchanged.]

~~4.7.1.3 Student-Athlete Advisory Committee Members. The two members of the Student-Athlete Advisory Committee shall have one combined vote on the Management Council.~~

4.7.2 Duties and Responsibilities. The Management Council shall:

- (a) ~~Implement policies adopted by the Association's Board of Governors and the Presidents Council;~~
- (b) ~~Make recommendations to the Presidents Council on matters it deems appropriate;~~
- (c) ~~Recommend the adoption of noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, subject to ratification by the Presidents Council;~~
- (d) ~~Take final action on matters delegated to it by the Presidents Council;~~
- (e) ~~Make interpretations of the bylaws of Division II;~~
- (f) ~~Review and act on the recommendations of the Division II committee structure and the recommendations of Division II representatives to committees with Association-wide functions;~~
- (g) ~~Appoint the members of the Division II committee structure and appoint the Division II representatives to committees with Association-wide functions;~~
- (h) ~~Elect a chair and vice chair;~~
- (i) ~~Organize and participate in an annual "summit" with the Division II Student-Athlete Advisory Committee;~~
- (j) ~~Hear and act on appeals by member institutions of decisions made by a Division II committee or the NCAA staff regarding the application of NCAA legislation (excluding actions of any committee that has final authority over issues subject to appeal); and~~
- (k) ~~Recommend the appointment of such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws, subject to ratification by the Presidents Council.~~

4.7.2.1 Duties of the Chair. The chair of the Management Council shall:

- (a) ~~Preside at Management Council meetings;~~
- (b) ~~Serve as an ex officio, nonvoting member of the Board of Governors;~~

- (c) Serve as a member of the Division II Administrative Committee;
- (d) Report to the Division II membership at the annual Convention the activities of the Management Council and Division II committees;
- (e) Serve as an ex officio, nonvoting member of any Division II committee that reports to the Division II Management Council; and
- (f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

4.7.2.2 Duties of the Vice Chair. The vice chair of the Management Council shall:

- (a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;
- (b) Serve as a member of the Division II Administrative Committee;
- (c) Serve as a member of the Division II Planning and Finance Committee; and
- (d) Serve as an ex officio, nonvoting member of the Division II Championships Committee and all Division II sports committees.

4.7.2.3 Duties of the Management Council Subcommittee. The Management Council Subcommittee shall:

- (a) Hear and act on appeals regarding decisions of the Membership Committee involving the provisional membership status of Division II provisional member institutions or conferences;
- (b) Hear and act on appeals regarding decisions of the Academic Requirements Committee on waivers involving the Academic Performance Census and the Academic Success Rate;
- (c) Hear and act on appeals regarding decisions of the Legislative Review Subcommittee involving the amateur status of prospective student-athletes; and
- (d) Hear and act on appeals regarding decisions of the Championships Committee.

4.7.3 Election/Term of Office.

4.7.3.1 Selection Process. When a vacancy on the Management Council occurs, each conference shall propose a slate of nominees that includes a director of athletics, a senior woman administrator and a faculty athletics representative and may include a conference administrator. The members of the Management Council shall select individuals to fill vacancies from the slates of nominees. Individuals selected by the Management Council must be ratified by the Presidents Council.

4.7.3.1.1 President or Chancellor Signature. Each conference must designate a president or chancellor from a member institution within the conference who shall sign the conference's nomination form before the form is submitted.

4.7.3.2 Term of Office. Members of the Management Council shall serve four-year terms, which shall conclude following the annual NCAA Convention. Management Council members are not eligible for immediate re-election. A Management Council member may be elected to an additional term on the Management Council

~~after three years have elapsed. An individual who has served two terms on the Management Council may not serve further on the Management Council.~~

~~4.7.3.2.1 Chair and Vice Chair. The chair and the vice chair of the Council shall each serve terms not to exceed two years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Council before serving as chair or vice chair.~~

~~4.7.3.3 Staggered Terms:~~

~~4.7.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Management Council shall expire on a staggered basis to provide for continuity.~~

~~4.7.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

~~4.7.4 Operating Rules:~~

~~4.7.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Management Council. For the Management Council to take action, a simple majority of Management Council members present and voting shall be required unless otherwise specified.~~

~~4.7.4.2 Project Teams. The Management Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.~~

~~4.9 Committees/Cabinets. The bylaws shall provide for the establishment of such a governance substructure (e.g., cabinets, committees) as each division considers necessary. The number of members and tenure of each division's governance substructure shall be stipulated in Bylaw 21.~~

~~4.10 Division II Administrative Committee.~~

~~4.10.1 Composition. The Administrative Committee shall consist of five members, including the chairs and vice chairs of the Presidents Council and Management Council. The fifth member shall be another member of the Presidents Council.~~

~~4.10.1.1 Chair. The chair of the Presidents Council shall serve as chair of the Administrative Committee.~~

~~4.10.2 Duties. The Administrative Committee shall transact items of business clearly necessary to promote the normal and orderly administration of Division II in the interim between meetings of the Presidents Council and Management Council. The Presidents Council representatives on the Administrative Committee shall have the authority to act alone to transact items of business that clearly fall within the sole jurisdiction of the Presidents Council. The Administrative Committee may authorize the vice president for Division II to act for it in approving routine waiver requests and sports committee recommendations, unless there is a question of interpretation or application, and these actions shall be subject to the approval of the Management Council and Presidents Council at their next regularly scheduled meetings.~~

~~4.10.3 Approval. All actions of the Administrative Committee shall be effective immediately and shall be reported to and subject to approval by the Division II Presidents Council and Management Council at their next regularly scheduled meetings.~~

4.12 Division II Planning and Finance Committee.

4.12.1 Composition. The Division II Planning and Finance Committee shall consist of seven members, including the vice chair of the Presidents Council, the vice chair of the Management Council, three additional members of the Presidents Council and two additional members of the Management Council. The chairs of the Presidents Council and the Management Council shall serve as ex officio, nonvoting members.

4.12.1.1 Chair. The vice chair of the Division II Presidents Council shall serve as chair of the Division II Planning and Finance Committee.

4.12.2 Duties. The Division II Planning and Finance Committee shall:

- (a) Review budgetary recommendations related to the annual Division II budget;*
- (b) Advise both the Division II Presidents Council and Management Council regarding the division's financial affairs;*
- (c) Monitor the Division II strategic plan, assess and report on its implementation and recommend updates of the plan, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Presidents Council; and*
- (d) Provide regular reports on the implementation of the strategic plan to the Division II Management Council and Presidents Council.*

4.13 Geographical Areas.

4.13.1 Geographical Areas. For the purpose of representation on the Presidents Council, the Association shall be divided into geographical areas. The Division II geographical areas are as follows:

- (a) Region 1 — Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;*
- (b) Region 2 — Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;*
- (c) Region 3 — Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and*
- (d) Region 4 — Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.*

C. Constitution: Amend 5, as follows:

5 Legislative Authority and Process

5.01 General Principles.

5.01.1 Basis of Legislation. All legislation of the Association that governs the conduct of the intercollegiate athletics programs of its member institutions shall be adopted by the membership in Convention assembled, or by the divisional governance entities as set forth in Constitution 4, as determined by the constitution and bylaws governing each division, and shall be consistent with the purposes and fundamental policy set forth in Constitution 1, and shall be designed to advance one or more principles such as those set forth in Constitution 2.

~~5.01.2 Approaches to Legislative Process: The membership of the Association recognizes that certain fundamental policies, practices and principles have applicability to all members, while others are applicable to division groupings of members, based on a common philosophy shared among the individual members of the division and on special policies and concerns that are common to the nature and purposes of the institutions in the division.~~

~~5.02 Definitions and Applications:~~

~~5.02.1 Legislative (Constitution and Bylaw) Provisions:~~

~~5.02.1.1 Dominant: A dominant provision is a regulation that applies to all members of the Association and is of sufficient importance to the entire membership that it requires a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention. Dominant provisions are identified by an asterisk (*).~~

~~5.02.1.1.1 Division Dominant: A division dominant provision is a regulation that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by the diamond symbol (◆).~~

~~5.02.1.2 Common: A common provision is a regulation that applies to more than one of the divisions of the Association. A common provision shall be adopted by each of the applicable divisions, acting separately pursuant to the divisional legislative process described in Constitution 5.3, and must be approved by all applicable divisions to be effective. Common provisions are identified by the pound sign (#).~~

~~5.02.1.3 Federated: A federated provision is a regulation adopted by a majority vote of the delegates present and voting of one or more of the divisions or subdivisions of the Association, acting separately pursuant to the divisional legislative process described in Constitution 5.3. Such a provision applies only to the division(s) or subdivision(s) that adopts it.~~

~~5.1 Conventions and Meetings:~~

~~5.1.1 Authorization:~~

~~5.1.1.1 Annual Convention: There shall be an annual Convention of this Association during the second week of January or at such other time as may be prescribed by the Board of Governors.~~

~~5.1.1.2 Special Convention: A special Convention of the Association may be called by the Board of Governors.~~

~~5.1.2 Annual or Special Convention Programs:~~

~~5.1.2.1 Establishment of Program—Annual or Special Convention: The program of the business session of an annual or special Convention of the Association shall be established by the Board of Governors, acting as the Convention program committee.~~

~~5.1.2.1.1 Change in Program: Once adopted by a majority vote of the Convention, the order of business established in the program may be changed or suspended only by a two-thirds vote of the members present and voting.~~

~~5.1.2.2 Other Convention Arrangements: All other arrangements for a Convention of the Association or for division legislative meetings shall be made by the NCAA president, subject to the direction and approval of the Board of Governors, which shall serve as the Convention arrangements committee.~~

~~5.1.2.3 Business and Discussion Sessions:~~

~~5.1.2.3.1 General Business Session: When determined necessary by the Board of Governors, an annual or special Convention shall include a general business session to enable all three divisions, meeting in joint session, to act on the dominant legislation specified in Constitution 1 and 2 and elsewhere, and on the actions of any division determined to be contrary to the Association's basic purposes, fundamental policies and general principles.~~

~~5.1.2.3.2 Division Business Sessions: An annual or special Convention shall include separate division business sessions to:~~

- ~~(a) Enable a single division to act, in accordance with the constitution and bylaws, on federated legislation pertaining to that division;~~
- ~~(b) Discuss matters of interest to the members of each division; and~~
- ~~(c) Act upon division membership criteria waiver requests under the provisions of the bylaws.~~

~~5.1.2.3.3 Round-Table Discussions: In addition to the division business sessions, a general round-table discussion may be held to enable the membership to discuss matters of general interest.~~

~~5.1.3 Annual or Special Convention Delegates:~~

~~5.1.3.1 Institutional and Conference Delegates:~~

~~5.1.3.1.1 With Voting Privileges: Each active member and each member conference with voting privileges, as specified in Constitution 3.4.3.3, shall be entitled to one vote. Institutions and conferences designating both a male and a female as voting or alternate delegates on the Convention appointment form shall be allowed to appoint four official institutional delegates. In all other circumstances, institutions shall be limited to not more than three official delegates.~~

~~5.1.3.1.2 Without Voting Privileges: Each member conference without voting privileges shall be entitled to one accredited delegate without voting privilege.~~

~~5.1.3.2 Student-Athlete Advisory Committee: The Division II Student-Athlete Advisory Committee shall have one vote.~~

~~5.1.3.3 Provisional Delegates: Each provisional member shall be entitled to one accredited delegate without voting privilege.~~

~~5.1.3.4 Visiting Delegates: Member and nonmember institutions and organizations are authorized to send visiting delegates, who shall not have voting privileges.~~

~~5.1.3.5 Certification and Voting of Delegates: The certification and voting of delegates shall be conducted as follows:~~

- ~~(a) Delegates shall be certified to the NCAA national office as entitled to represent the member in question by the proper executive officers of their institutions or organizations;~~

- ~~(b) An active member or member conference represented by more than one delegate shall designate (on the proper form signed by the president or chancellor) the delegate entitled to cast its vote. Once the member has so designated its primary voting and alternate voting delegates, transferring the voting rights between or among them is a matter of institutional judgment, inasmuch as the voter and alternate(s) have been approved as voters;~~
- ~~(c) The same delegate may represent both an active member and a member conference;~~
- ~~(d) A delegate shall not represent any active member or member conference unless the delegate actually is identified with such member, and an institution's student may not serve as its voting or alternate voting delegate;~~
- ~~(e) Whenever the Association votes on any question by roll call, either written or via voice, on demand of any delegate, the names of delegates as they vote shall be checked by the Membership Committee in order to verify the authority of the voter; and~~
- ~~(f) Voting by proxy shall not be allowed.~~

~~5.1.3.6 Delegate Participation in Conventions and Meetings:~~

~~5.1.3.6.1 Active Delegate: Privileges of the floor and the right to active participation in the business proceedings of any annual or special Convention of the Association are accorded to the following:~~

- ~~(a) Any of the accredited delegates authorized in Constitution 5.1.3.1.1 to represent an active member or member conference with voting privileges;~~
- ~~(b) The single accredited delegate authorized in Constitution 5.1.3.1.2 to represent a member conference without voting privileges or in Constitution 5.1.3.3 to represent a provisional member;~~
- ~~(c) Any member of the Board of Governors, the governance entities per Constitution 4 and the chair (or a committee member designated to speak for the chair) of an NCAA committee listed in Bylaw 21; and~~
- ~~(d) Any member of a division's Student-Athlete Advisory Committee.~~

~~5.1.3.6.2 Visiting Delegate: Visiting delegates authorized in Constitution 5.1.3.4 shall not actively participate in the business proceedings.~~

~~5.1.4 Operational Procedures:~~

~~5.1.4.1 Quorum: One hundred (100) active members and member conferences represented as prescribed in this constitution shall constitute a quorum for the transaction of the Association's business. For purposes of voting by membership divisions, 40 members of each division shall constitute a quorum.~~

~~5.1.4.2 Parliamentary Rules: The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for the conduct of all meetings of the Association. Additionally, they shall be the deciding reference used in case of parliamentary challenge in all instances to which they apply and in which they are not superseded by this constitution, the bylaws or any special rule of order adopted by the Association in accordance with Constitution 5.4.3.~~

~~5.1.4.3 Consideration of Legislation: Legislation shall be acted on only at the Convention business sessions in accordance with the constitution and bylaws.~~

~~5.1.4.3.1 Order and Grouping of Legislation: In the consideration of groupings of related amendments or amendments to amendments, the Convention shall consider first the amendment that contemplates the greatest modification of the present circumstance, followed by the other amendments in the order of decreasing modification. Once an amendment in such a grouping is adopted, those that follow ordinarily will become moot.~~

~~5.1.4.3.2 Legislation at General Session: Dominant legislation per Constitution 1 and 2 and elsewhere, and federated legislation determined by the Board of Governors to be contrary to the Association's basic purposes, fundamental policies and general principles shall be acted on by the divisions meeting in joint session.~~

~~5.1.4.3.3 Legislation at Division Sessions: Legislation pertaining only to a single division of the Association may be acted on in a separate legislative session of that division. Federated legislation pertaining to more than a single division of the Association may be acted on by the appropriate divisions during the separate division business sessions.~~

~~5.1.4.3.4 Single-Gender Athletics Program: An active member or member conference with no men's athletics program shall not be permitted to vote on issues affecting only men's athletics, and an active member or member conference with no women's athletics program shall not be permitted to vote on issues affecting only women's athletics.~~

~~5.1.4.4 Voting Methods: The methods of voting at an NCAA Convention shall be by voice, paddle, roll call and/or secret ballot, in accordance with the following procedures:~~

- ~~(a) Voice Vote: The presiding officer shall determine whether to use voice voting. In the taking of a voice vote, if the presiding officer is in doubt, or on request for a division of the assembly by any member eligible to vote on the particular issue, the presiding officer shall retake the vote by a show of paddles.~~
- ~~(b) Paddle Vote: The presiding officer shall determine whether to use paddle voting, which may be accomplished through electronic collection. In the taking of a vote by show of paddles, if the presiding officer is in doubt, or on the request of any member eligible to vote on the particular issue, the presiding officer shall order the vote to be counted.~~
- ~~(c) Secret Ballot: Voting by secret ballot shall be conducted only when so ordered by a majority of the eligible delegates present and voting, after the making of an undebatable motion to vote in that manner.~~
- ~~(d) Roll Call: Voting by roll call, on issues other than those so designated by the Divisions II and III presidential administrative groups, shall be conducted only when so ordered by a majority of the eligible delegates present and voting, after the making of an undebatable motion to vote in that manner. If both a roll call vote and a secret ballot are moved on a particular issue, the vote shall be taken first on whether to vote by roll call. Any interim or following vote to amend, postpone, reconsider, refer or table a proposal that has been designated by the presidential administrative groups for a roll call vote during the Convention also must be conducted by roll call vote.~~

5.2 Elements of Legislation.

~~5.2.1 Constitution. The membership may adopt legislation to be included in the constitution of the Association, which sets forth basic purposes, fundamental policies and general principles that generally serve as the basis on which the legislation of the Association shall be derived and which includes information relevant to the purposes of the Association.~~

~~5.2.2 Operating Bylaws. Each division may adopt legislation to be included in the operating bylaws of the Association, which provide rules and regulations not inconsistent with the provisions of the constitution and which shall include, but not be limited to, the following particulars:~~

- ~~(a) The administration of intercollegiate athletics by members of the Association;~~
- ~~(b) The establishment and control of NCAA championships (games, matches, meets and tournaments) and other athletics events sponsored or sanctioned by the Association;~~
- ~~(c) The procedures for administering and enforcing the provisions of the constitution and bylaws; and~~
- ~~(d) The adoption of rules of play and competition in the various sports, and the delegation of authority in connection with such subjects to individuals, officers or committees.~~

~~5.2.3 Administrative Bylaws. The administrative bylaws of the Association (administrative regulations, executive regulations, enforcement policies and procedures, and institutional performance program policies and procedures) provide rules and regulations for the implementation of policy adopted by the membership as set forth in the constitution and operating bylaws. They are distinct from the operating bylaws in that, to provide greater flexibility and efficiency in the conduct of the affairs of the Association, they may be adopted or amended by the applicable division presidential administrative group, the Division I Council and the Division III Management Council.~~

~~5.2.3.1 Administrative Regulations. Each division is empowered to adopt or revise administrative regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the Divisions II and III membership, for the implementation of policy established by legislation governing the general activities of each division. The administrative bylaws may be adopted or amended by the applicable division presidential administrative group per Constitution 4.2, 4.3 and 4.4, the Division II Management Council per Constitution 4.7 or at any annual or special Convention by a majority vote of the delegates in Divisions II and III present and voting in accordance with the relevant sections of Constitution 5.3.4.~~

~~5.2.3.2 Executive Regulations. Each division is empowered to adopt or revise executive regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the Divisions II and III membership. Executive regulations relate to the administration of the division's championships, the expenditure of the division's funds, the distribution of the income of the division and the general administration of the affairs of the division. The executive regulations may be adopted or amended by the applicable division presidential administrative group per Constitution 4.2, 4.3 and 4.4, the Division II Management Council per Constitution 4.7 or at any annual or special Convention by a majority vote of the delegates in Divisions II and III present and voting in accordance with the relevant sections of Constitution 5.3.8.~~

~~5.2.3.3 Enforcement Policies and Procedures. The Committee on Infractions is empowered to adopt, formulate and revise enforcement policies and procedures for the conduct of the Association's infractions program (See Bylaw 32 for Divisions II and III), and its internal operating procedures, and review and approve~~

~~the enforcement staff's internal operating procedures, subject to approval by the Board of Directors for Division I and by the applicable Management Council for Division II and Division III. These enforcement policies and procedures shall be developed by the Committee on Infractions, shall not be inconsistent with the provisions of the constitution and bylaws and shall be subject to amendment by the membership. The Infractions Appeals Committee may adopt or revise enforcement policies and procedures that relate directly to the infractions appeals process, subject to review and approval by the Board of Directors for Division I and by the applicable Management Council for Division II and Division III. Such policies and procedures shall not be inconsistent with the provisions of the constitution and bylaws and shall be subject to amendment by the membership.~~

~~5.2.4 Resolutions: Legislation of a temporary character effective only for a specified time period may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order (see Constitution 5.4.2).~~

~~5.2.5 Interpretations of Constitution and Bylaws: The governance entities per Constitution 4 and the divisional interpretative committee, in the interim between meetings of the management councils, are empowered to make interpretations of the constitution and bylaws (see Constitution 5.4.1).~~

~~5.2.6 Special Rules of Order: The Association may adopt special rules of order not inconsistent with the constitution and bylaws. These special rules, with Robert's Rules of Order, Newly Revised, this constitution, and the bylaws, shall be the parliamentary authority for the conduct of all meetings of the Association and, together, shall be the deciding reference used in case of parliamentary challenge in all instances to which they apply (see Constitution 5.4.3).~~

~~5.2.7 Statements of Division Philosophy: The membership of a division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division. Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division and for planning and implementation of programs by institutions and conferences (see Constitution 5.4.4).~~

~~5.3 Amendment Process:~~

~~5.3.1 Authorizing Legislation:~~

~~5.3.1.1 Amendment: The dominant provisions of Constitution 1 and 2 and elsewhere and the division dominant provisions may be amended only at an annual or special Convention. In Division I, federated provisions may be amended as specified in Constitution 5.3.2. In Divisions II and III, federated provisions may be amended at any annual or special Convention.~~

~~5.3.1.1.1 Noncontroversial Amendment: The Presidents Council, or an entity designated by the Presidents Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division's legislation. The Presidents Council, or an entity designated by the Presidents Council, shall sponsor legislation at the next annual Convention to confirm the adoption of such amendments.~~

~~5.3.1.1.2 Emergency Legislation: The Presidents Council may adopt "emergency" legislation that shall be effective immediately in situations when significant values or harm are at stake and the use of the regular legislative~~

~~cycle is likely to cause undue hardship to the Association or the Division II membership because of the delay in its effective date (e.g., immediate health and safety concerns or issues; situations when NCAA must respond to, or comply with, a court, alternative dispute resolution (ADR) or government order, to limit or avoid NCAA liability as a result of litigation, ADR or governmental proceedings). Such "emergency" legislation shall be adopted by at least a three-fourths majority of the members of the Presidents Council present and voting. Further, "emergency legislation" adopted by the Presidents Council must be ratified by the Division II membership at the next regularly scheduled NCAA Convention.~~

~~5.3.1.2 Amendment-to-Amendment — Dominant Provisions: A proposed amendment to the dominant provisions of Constitution 1 and 2 and elsewhere may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, amendments may be amended only if the amendment to the amendment does not increase the modification of the provision to be amended.~~

~~5.3.1.3 Amendment-to-Amendment — Division Dominant Provisions: A proposed amendment to a division dominant provision may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.~~

~~5.3.1.4 Amendment-to-Amendment — Federated Provisions: A proposed amendment to a federated provision of the bylaws may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.~~

~~5.3.2 Sponsorship — Amendments to Dominant Provisions:~~

~~5.3.2.1 Amendment: An amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.3.2.2 Amendment-to-Amendment: An amendment-to-amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.3.2.3 Editorial Changes: The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.~~

~~5.3.3 Sponsorship — Amendments to Division Dominant Provisions:~~

~~5.3.3.1 Amendment: An amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.~~

~~5.3.3.2 Amendment-to-Amendment: An amendment-to-amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.~~

~~5.3.3.3 Editorial Changes. The presiding officer may permit changes in the wording of a proposed amendment of a purely editorial nature or to correct typographical errors.~~

~~5.3.4 Sponsorship—Amendments to Legislation.~~

~~5.3.4.1 Amendment. An amendment to a provision of the bylaws may be sponsored by:~~

- ~~(a) The Presidents Council;~~
- ~~(b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or~~
- ~~(c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conferences' official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions, if a conference has no presidential administrative group.~~

~~5.3.4.1.1 Amendment, Federated Provision. When legislation is applicable only to a particular division, only members of that division may submit amendments to that legislation.~~

~~5.3.4.1.2 Primary Contact Person. All amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.~~

~~5.3.4.2 Amendment to Amendment. An amendment to an amendment of a provision of the bylaws may be sponsored by:~~

- ~~(a) The Presidents Council;~~
- ~~(b) Eight or more active member institutions with voting privileges when submitted in writing by each institution's president or chancellor or the president or chancellor's designated representative; or~~
- ~~(c) At least one member conference with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of eight or more of their active member institutions, and signed by the chairs of the conference's official presidential administrative group or at least two presidents or chancellors of a conference's member institutions, if a conference has no presidential administrative group.~~

~~5.3.4.2.1 Primary Contact Person. All amendments to amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.~~

~~5.3.4.3 Editorial Changes. The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.~~

~~5.3.5 Submission Deadline.~~

~~5.3.5.1 Dominant Provisions.~~

~~5.3.5.1.1 Amendments: Amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall be sponsored by the Board of Governors in accordance with the following deadlines:~~

~~(a) Annual Convention — September 1.~~

~~(b) Special Convention — Ninety days preceding a special Convention.~~

~~5.3.5.1.1.1 Exception: The Board of Governors, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1.~~

~~5.3.5.1.2 Amendments-to-Amendments: The Board of Governors must submit amendments to its original amendments in writing and such amendments-to-amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 60 days before a special Convention. The Board of Governors may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the amendment-to-amendment has been approved by two-thirds of the Board of Governors and copies are distributed before or during the business session.~~

~~5.3.5.2 Division-Dominant Provisions:~~

~~5.3.5.2.1 Amendments: Amendments to division dominant provisions shall be sponsored by the appropriate divisional presidential administrative group in accordance with the following deadlines:~~

~~(a) Annual Convention — September 1.~~

~~(b) Special Convention — Thirty days before a special Convention.~~

~~5.3.5.2.1.1 Exception: A divisional presidential administrative group, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1.~~

~~5.3.5.2.2 Amendments-to-Amendments: The appropriate divisional presidential administrative group must submit amendments to its original amendments in writing and such amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention. A divisional presidential administrative group may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the amendment-to-amendment has been approved by two-thirds of the divisional presidential administrative group and copies are distributed before or during the appropriate business session.~~

~~5.3.5.3 Legislation:~~

~~5.3.5.3.1 Amendment. Deadline dates for receipt at the national office of proposed amendments are as follows:~~

~~5.3.5.3.1.1 Amendment Proposed by Membership.~~

~~(a) Annual Convention — 5 p.m. Eastern time July 15 (conference-sponsored amendments must meet the July 15 deadline).~~

~~(b) Special Convention — Ninety days before a special Convention.~~

~~5.3.5.3.1.1.1 Exception. The Presidents Council, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after July 15.~~

~~5.3.5.3.1.2 Amendments Sponsored by Presidents Council.~~

~~(a) Annual Convention — September 1.~~

~~(b) Special Convention — Thirty days before a special Convention.~~

~~5.3.5.3.1.2.1 Exception — Annual Convention. The Presidents Council, by a three-fourths majority of its members present and voting, may submit amendments after September 1 when necessitated by action taken by Division I or Division III. In such instances, the Presidents Council shall submit amendments not later than November 1.~~

~~5.3.5.3.2 Amendment-to-Amendment. Sponsors of proposed amendments must submit amendments to their original amendments in writing and such amendments-to-amendments must be received at the Association's national office not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing and received at the Association's national office not later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention.~~

~~5.3.5.3.2.1 Exception — Presidents Council. The Presidents Council may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided that in each instance the proposed amendment-to-amendment has been approved by two-thirds of the Council and copies are distributed before or during the business sessions.~~

~~5.3.5.3.3 Cost Considerations. The Presidents Council may require the sponsors of each proposed amendment or amendment-to-amendment that, if adopted, would result in significant expenditures from the division's budget and/or by member institutions to provide written documentation of the estimated costs to the division and/or the members.~~

5.3.6 Notification to Membership.

5.3.6.1 Amendments to Dominant Provisions.

5.3.6.1.1 Initial Publication. Amendments to dominant provisions of Constitution 1 and 2 and elsewhere sponsored by the Board of Governors shall be published for the information of the membership as follows:

~~(a) Not later than September 23 for an annual Convention.~~

~~(b) Not later than 75 days before a special Convention.~~

~~5.3.6.1.2 Official Notice. A copy of the proposed amendments shall be mailed to all members of the Association not later than November 15 before an annual Convention or 45 days before a special Convention.~~

~~5.3.6.1.3 Delayed Date. If the Board of Governors establishes a date later than July 15 or September 1 for the submission of amendments to dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.~~

~~5.3.6.1.4 Amendments to Amendments. Copies of all amendments to amendments to dominant provisions submitted by the Board of Governors in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments to amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.~~

~~5.3.6.2 Amendments to Division Dominant Provisions.~~

~~5.3.6.2.1 Initial Publication. Amendments to division dominant provisions sponsored by a divisional presidential administrative group shall be published for the information of the membership as follows:~~

~~(a) Not later than September 23 for an annual Convention.~~

~~(b) Not later than 25 days before a special Convention.~~

~~5.3.6.2.2 Official Notice. A copy of the proposed amendments shall be mailed to members of the appropriate division not later than November 15 before an annual Convention or 15 days before a special Convention.~~

~~5.3.6.2.3 Delayed Date. If a divisional presidential administrative group establishes a date later than July 15 or September 1 for the submission of amendments to division dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.~~

~~5.3.6.2.4 Amendments to Amendments. Copies of all amendments to amendments to division dominant provisions submitted by a divisional presidential administrative group in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments to amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.~~

~~5.3.6.3 Amendments to Legislation.~~

~~5.3.6.3.1 Initial Publication. Proposed amendments shall be published for the information of the appropriate division as follows:~~

~~(a) Not later than August 15— Those proposed by the membership, including the primary contact person's name, title and member institution or member conference, as well as the sponsors' statements of intent and rationale and any amendments designated for inclusion by the Presidents Council; and~~

~~(b) Not later than September 23—Those submitted by the Presidents Council and those modified by the sponsors; or~~

~~(c) Not later than 25 days before a special Convention—All proposed amendments.~~

~~5.3.6.3.2 Official Notice. A copy of the proposed amendments shall be mailed to members of the appropriate division not later than November 15 before an annual Convention or 15 days before a special Convention.~~

~~5.3.6.3.3 Delayed Date. If the Presidents Council establishes a date later than July 15 or September 1 for the submission of amendments for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.~~

~~5.3.6.3.4 Amendments-to-Amendments. Copies of all amendments-to-amendments submitted by the amendment's original sponsors in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.~~

~~5.3.7 Committee Review—Legislation. All amendments submitted by the membership per Constitution 5.3.4 shall be evaluated by an appropriate NCAA committee before they can be included on the agenda for an NCAA Convention. Such evaluation may involve a position of support or opposition and/or a suggestion of an alternative amendment by the committee. The committee shall complete its evaluation not later than October 7. The committee position, if any, shall not prevent the membership from voting on the amendment at the next Convention, provided all appropriate submission deadlines have been met.~~

~~5.3.7.1 Committee Designation. The Presidents Council shall assign each amendment to the appropriate committee(s) for evaluation and shall designate a subcommittee of itself or the Management Council or a special committee when no appropriate committee exists.~~

~~5.3.7.2 Publication of Committee Position. The position of the appropriate committee shall be printed with the relevant amendment in the Official Notice of the Convention.~~

~~5.3.8 Adoption of Amendment, Voting Requirements.~~

~~5.3.8.1 Voting Requirement Determination. The Board of Governors shall be authorized to determine the voting requirement for an amendment when the voting requirement is not obvious from the content or context of the legislation.~~

~~5.3.8.2 Dominant Provision. Adoption of an amendment to a dominant provision of Constitution 1 and 2 and elsewhere shall require a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention of the Association.~~

~~5.3.8.3 Division Dominant Provision. Adoption of an amendment to a division dominant provision shall require a two-thirds majority vote of all delegates of the affected division present and voting at a division's annual or special Convention.~~

~~5.3.8.3.1 Amendment to Voting Line of Division Dominant Provision. Adoption of an amendment to the voting line of a division dominant provision shall require a majority vote of the delegates present and voting at the division's annual or special Convention.~~

~~5.3.8.4 Federated Provision: Adoption of an amendment to a federated provision shall require a majority vote of the delegates present and voting of one or more division(s) of the Association, acting separately, at an annual or special Convention or at a division legislative meeting of the Association. Such legislation shall apply only to the division(s) adopting it.~~

~~5.3.8.4.1 Amendment to Voting Line of Federated Provision: Adoption of an amendment to the voting line of a federated provision shall require a majority vote of the delegates present and voting at the division's annual or special Convention.~~

~~5.3.9 Adoption of Amendment to Amendment, Voting Requirements:~~

~~5.3.9.1 Dominant Provision: A proposed amendment to amendment of a dominant provision of Constitution 1 and 2 and elsewhere shall be approved by a majority vote of all delegates present and voting.~~

~~5.3.9.2 Division Dominant Provision: A proposed amendment to amendment of a division dominant provision shall be approved by a majority vote of the delegates of the affected division present and voting.~~

~~5.3.9.3 Federated Provision: A proposed amendment to amendment of a federated provision shall be approved by a majority vote of the delegates of the affected division present and voting.~~

~~5.3.10 Special Voting Requirements: The following topics are subject to special voting requirements:~~

~~5.3.10.1 National Collegiate Championship: A National Collegiate Championship per Bylaw 18.02.1.1 may be established by action of all three divisions acting through each division's governance structure, subject to all requirements, standards and conditions prescribed in Bylaw 18.2.~~

~~5.3.10.2 Division Championship: A division championship per Bylaw 18.02.1.2 may be established by a majority vote of all members present and voting at an annual Convention, subject to all requirements, standards and conditions prescribed in Bylaw 18.2.~~

~~5.3.10.3 Voting on Football Issues: An active member or voting member conference with no football program shall not be permitted to vote on issues affecting only football.~~

~~5.3.10.4 Challenged Action: The action of any specific division challenged by the Board of Governors as being contrary to the basic purposes, fundamental policies and general principles set forth in the Association's constitution may be overridden by the Association's entire membership by a two-thirds majority vote of those institutions voting.~~

~~5.3.11 Intent and Rationale:~~

~~5.3.11.1 Amendments to Dominant Provisions: All amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments to amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment to amendment also may include a statement of rationale that shall not exceed 50 words in length.~~

~~5.3.11.2 Amendments to Division Dominant Provisions: All amendments to division dominant provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments to amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.~~

~~5.3.11.3 Amendments to Federated Provisions: All amendments to federated provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.~~

~~5.3.12 Effective Date:~~

~~5.3.12.1 Dominant Provisions: All amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall become effective not earlier than the first day of August after adoption by the Convention.~~

~~5.3.12.1.1 Alternative to August 1 Effective Date: If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.~~

~~5.3.12.2 Division Dominant Provisions: All amendments to division dominant provisions shall become effective not earlier than the first day of August after adoption by the Convention.~~

~~5.3.12.2.1 Alternative to August 1 Effective Date: If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.~~

~~5.3.12.3 Federated Provisions: All amendments to federated provisions shall become effective not earlier than the first day of August after adoption by the Convention.~~

~~5.3.12.3.1 Alternative to August 1 Effective Date: If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.~~

~~5.3.13 Reconsideration:~~

~~5.3.13.1 Vote on Dominant Provisions: Before the adjournment of any Convention, an affirmative or negative vote on an amendment to a provision of Constitution 1 and 2 and elsewhere may be subjected to one motion for reconsideration of that~~

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~~action by any member that voted on the prevailing side in the original consideration.~~

~~5.3.13.2 Vote on Division Dominant Provisions: Before adjournment of any Convention, an affirmative or negative vote on an amendment to a division dominant provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.~~

~~5.3.13.3 Vote on Federated Provisions: Before adjournment of any Convention, an affirmative or negative vote on an amendment to a federated provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.~~

5.4 Other Legislative and Amendment Procedures:

5.4.1 Interpretations of Constitution and Bylaws:

~~5.4.1.1 Authorization: The Legislation Committee, in the interim between meetings of the Management Council, is empowered to make interpretations of the constitution and bylaws, except academic legislation (see Constitution 5.2.5). The Academic Requirements Committee is empowered to make interpretations of academic legislation.~~

~~5.4.1.1.1 Modification of Wording: In addition to its general authority to make binding interpretations of NCAA legislation, the Management Council, by a two-thirds majority of its members present and voting, may interpret legislation consistent with the intent of the membership in adopting the legislation if sufficient documentation and testimony are available to establish clearly that the wording of the legislation is inconsistent with that intent. The Management Council shall sponsor legislation at the next annual Convention to confirm any such interpretations.~~

5.4.1.2 Interpretation Process:

5.4.1.2.1 Division II Process:

~~5.4.1.2.1.1 Staff Interpretation (Determination): The academic and membership affairs staff shall respond to a request from a member institution for an interpretation of NCAA rules.~~

~~5.4.1.2.1.1.1 Appeal of Staff Interpretation: A member institution may appeal a staff interpretation to the Legislation Committee, except for those regarding academic legislation. The Academic Requirements Committee shall review appeals of academic interpretations. Such a request must be submitted in writing by the institution's conference or by one of the five individuals who are authorized to request such interpretations on behalf of the institution [i.e., president or chancellor, faculty athletics representative, athletics director, senior woman administrator, senior compliance administrator, or designated substitute(s) for the president or chancellor and/or athletics director, as specified in writing to the national office].~~

~~5.4.1.2.1.1.2 Review of Staff Interpretations: The Legislation Committee, or an entity designated by the Legislation Committee, shall review all staff interpretations, except for those regarding~~

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~~academic legislation. The Academic Requirements Committee shall review all staff interpretations of academic legislation.~~

~~5.4.1.2.1.1.3 Publication and Notification. A staff interpretation shall be binding on the requesting institution on notification of the response to its interpretation request, unless the interpretation is modified or reversed on appeal or review by the Legislation Committee, or an entity designated by the Legislation Committee (or for academic interpretations, the Academic Requirements Committee). A staff interpretation that has been reviewed and approved by the Legislation Committee, or an entity designated by the Legislation Committee, or academic interpretation reviewed and approved by the Academic Requirements Committee shall be binding on all other institutions on publication to the membership (e.g., announced on the NCAA website or Legislative Services Database for the Internet).~~

~~5.4.1.2.1.2 Review of Legislation Committee or Academic Requirements Committee Decision. The Management Council shall review all interpretations issued by the Legislation Committee and Academic Requirements Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislation Committee or Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's president or chancellor, faculty athletics representative or athletics director. The Management Council shall establish the procedures for such an appeal.~~

~~5.4.1.2.1.3 Publication or Notification. Interpretations issued by the Legislation Committee or Academic Requirements Committee shall be binding on notification to affected institutions and on all member institutions after publication and circulation to the membership.~~

~~5.4.1.2.1.4 Revision. Interpretations approved by the Management Council may not be revised by the Legislation Committee or Academic Requirements Committee. The Legislation Committee or Academic Requirements Committee may only recommend to the Management Council revisions of such interpretations.~~

~~5.4.1.3 Application. An interpretation of the constitution or bylaws shall be applicable to the membership division(s) to which the provision applies.~~

~~5.4.1.4 Request for Convention Review. Any member of the Association to which an interpretation applies may request a review of the interpretation at the next annual Convention by making such a request in writing to the Association's Convention office before 1 p.m. on the day before the division business sessions of the Convention.~~

~~5.4.1.4.1 Affirmation of Interpretation. An interpretation of the constitution or bylaws submitted for review requires the same vote for affirmation that would be required for an amendment of the provisions to which the interpretation applies (e.g., majority vote of the delegates present and voting in the appropriate division for an interpretation of a federated provision). An interpretation that fails to receive the required vote for affirmation shall not be binding on the membership.~~

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~~5.4.1.5 Amendment by Membership. A proposed amendment to an existing interpretation must be submitted in accordance with the requirements of Constitution 5.3.4.~~

~~5.4.1.6 Convention-Approved Interpretations. All interpretations approved by the Convention shall be incorporated into the constitution or bylaws.~~

~~5.4.1.7 Committee for Legislative Relief (formerly known as Administrative Review Subcommittee). An institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the committee when no other committee, subcommittee or conference has the authority to act. In reaching its decision, the committee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Management Council shall establish the process for such a review, shall monitor the actions taken under this authorization, and shall report annually to the membership the actions taken, in summary, aggregate form.~~

~~5.4.2 Resolutions:~~

~~5.4.2.1 Authorization. Legislation pertaining to one or more divisions may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order.~~

~~5.4.2.2 Scope and Application. Legislation enacted through resolutions shall be of a temporary nature, effective only for a limited time as specified in the resolution itself.~~

~~5.4.2.3 Dominant Provisions:~~

~~5.4.2.3.1 Sponsorship. A resolution related to the dominant provisions of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.4.2.3.2 Submission Deadline. A proposed resolution related to the dominant provisions of Constitution 1 and 2 and elsewhere must be submitted before November 1. The Board of Governors may sponsor resolutions at the time of the Convention without meeting this deadline, provided the proposed resolution has been approved by a two-thirds vote of the Board of Governors and copies are distributed during the business sessions.~~

~~5.4.2.3.3 Voting Requirements:~~

~~5.4.2.3.3.1 Adoption — Annual/Special Convention. Adoption of a resolution shall require a majority vote of the delegates present and voting at an annual or special Convention.~~

~~5.4.2.3.3.2 Mail Ballot. If a majority of the delegates present and voting so direct, a resolution shall be referred to the entire membership for a mail vote conducted under conditions approved by the Board of Governors. A two-thirds majority of members voting in any such mail vote shall be required for the enactment of the legislation proposed in the resolution.~~

~~5.4.2.4 Division Dominant Provisions:~~

~~5.4.2.4.1 Sponsorship. A resolution related to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.~~

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~~5.4.2.4.2 Submission-Deadline and Voting Requirement: A proposed resolution related to a division-dominant provision may be sponsored and adopted at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.~~

~~5.4.2.4.3 Ratification-Annual/Special Convention: Ratification of a resolution of a division-dominant provision shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special Convention.~~

~~5.4.2.4.3.1 Adoption -- Annual/Special Convention: Adoption of a resolution shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.~~

5.4.2.5 Federated Provisions:

~~5.4.2.5.1 Sponsorship: A resolution related to a federated provision may be sponsored by:~~

~~(a) The Presidents Council;~~

~~(b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or~~

~~(c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conference's official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.~~

~~5.4.2.5.2 Submission-Deadline: A proposed resolution related to a federated provision must be submitted in writing to the national office before November 1.~~

~~5.4.2.5.2.1 Exception and Voting Requirement: The applicable Presidents Council may sponsor and adopt resolutions at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.~~

~~5.4.2.5.3 Cost Considerations: The sponsors of each proposed resolution that, if adopted, would require significant expenditures from the division's budget and/or by member institutions shall provide, before the deadline set forth in this section, written documentation of the estimated costs to the Association and/or the members. The information shall be included with the copy of the proposed resolution distributed to the membership.~~

5.4.2.5.4 Ratification and Voting Requirements:

~~5.4.2.5.4.1 Ratification -- Annual/Special Convention: Ratification of a resolution of a federated provision shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special Convention.~~

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~~5.4.2.5.4.2 Adoption of Membership Resolutions — Annual/Special Convention: Adoption of a resolution sponsored by fifteen or more active institutions with voting privileges or at least two member conferences on behalf of 15 or more active member institutions with voting privileges shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.~~

~~5.4.3 Special Rules of Order:~~

~~5.4.3.1 General Business Sessions: The Association may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates present and voting at any annual or special Convention.~~

~~5.4.3.2 Division Business Sessions: Each division may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates of the applicable division present and voting at any annual or special Convention.~~

~~5.4.3.2.1 Exception to Robert's Rules of Order, Newly Revised — Motion to Divide: A delegate in attendance at the annual Convention, or at a special Convention, may debate the merits of a "motion to divide the question" of a properly moved proposal.~~

~~5.4.3.3 Amendment Process: Proposed special rules of order and amendments to existing special rules of order shall be subject to the same procedural requirements for previous notice and amendments as prescribed in Constitution 5.3.~~

~~5.4.4 Statements of Division Philosophy:~~

~~5.4.4.1 Authorization: Each division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division or subdivision.~~

~~5.4.4.2 Scope and Application: Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division or subdivision and for planning and implementation of programs by institutions and conferences.~~

~~5.4.4.3 Adoption Process: A statement of division philosophy may be adopted at any annual or special Convention by a majority vote of the delegates of the appropriate division present and voting. If a statement of division philosophy is adopted, it shall be published in the NCAA Manual.~~

D. Constitution: Amend 6, as follows:

6 Institutional Control

6.01 General Principles:

~~6.01.1 Institutional Control: The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.~~

6.1 Institutional Governance:

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~~6.1.1 President or Chancellor: A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. The term "president or chancellor" refers to the individual with primary executive authority for an institution and does not include an individual who has executive responsibility over a system of institutions.~~

~~6.1.2 Athletics Board: A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions:~~

~~6.1.2.1 Composition: Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the president or chancellor's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority.~~

~~6.1.2.1.1 Administrator Defined: An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's president or chancellor or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.~~

~~6.1.2.1.2 Board Subcommittee: If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Constitution 6.1.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority-control requirement.~~

~~6.1.2.1.3 Attendance: A parliamentary majority of administrators and faculty members of a board in control of athletics is not required to be present at any single meeting in order to conduct business.~~

~~6.1.2.2 Chair or Voting Delegate: Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.~~

~~6.1.3 Compliance Administrator: A member institution shall employ at least one individual who serves as a full-time compliance administrator with no coaching responsibilities (see Constitution 3.3.4.24).~~

~~6.1.4 Faculty Athletics Representative: A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who~~

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~~holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.~~

~~6.1.5 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.~~

~~6.2 Budgetary Control.~~

~~6.2.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.~~

~~6.2.2 President or Chancellor Approval. The institution's president or chancellor or an institutional administrator designated by the president or chancellor from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action.~~

~~6.2.3 Financial Report.~~

~~6.2.3.1 Requirement. At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's president or chancellor or by an institutional administrator from outside the athletics department designated by the president or chancellor. If, within the last three years, the institution has conducted an overall institutional audit that includes a financial audit of all athletics department funds using the agreed-upon procedures, then the institution is not required to perform a separate financial audit of all athletics department expenditures. An institution is not required to use the agreed-upon procedures in years outside the once in every three year cycle.~~

~~6.2.3.1.1 Schedule. The report created pursuant to the approved procedures shall be completed and presented to the president or chancellor on or before January 15 after the end of the institution's fiscal year.~~

~~6.3 Self-Study and Evaluation.~~

~~6.3.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:~~

~~(a) Compliance-related topics:~~

- ~~(1) Institutional oversight;~~
- ~~(2) Budgetary control;~~
- ~~(3) Ethical conduct;~~
- ~~(4) Recruiting;~~

- (5) Eligibility;
- (6) Financial aid;
- (7) Rules compliance;
- (8) Health and safety; and

(b) Strategic initiative related topics:

- (1) Philosophy statement;
- (2) Institutional control and responsibility;
- (3) Athletics operations;
- (4) Student-athlete well-being;
- (5) Health and safety;
- (6) Life in the balance/overall educational experience; and
- (7) Cultural diversity and gender equity.

~~6.3.1.1 Deadline. The Institutional Self-Study Guide must be postmarked by 5 p.m. Eastern time June 1 of the year it is due to the national office, based on the published schedule for Division II member institutions.~~

~~6.3.1.1.1 Extension. The Membership Committee may approve additional time for an institution to complete the required self-study and evaluation of its intercollegiate athletics program if extraordinary circumstances warrant such action (e.g., change in administration). Such requests must be received in the NCAA national office by March 1 of the year the self-study is due to the national office.~~

~~6.3.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 20.02.4 and shall not be eligible to receive Division II Enhancement Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 20.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the president or chancellor of an institution.~~

6.4 Responsibility for Actions of Outside Entities:

~~6.4.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency or organization, including corporate entities (e.g., apparel and equipment companies), when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency or organization is promoting the institution's intercollegiate athletics program.~~

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~~6.4.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:~~

- ~~(a) Has participated in or is a member of an agency or organization, including corporate entities (e.g., apparel and equipment companies), as described in Constitution 6.4.1;~~
- ~~(b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;~~
- ~~(c) Has been requested by the athletics department staff to assist in the recruitment of prospective student athletes or is assisting in the recruitment of prospective student athletes;~~
- ~~(d) Has assisted or is assisting in providing benefits to enrolled student athletes; or~~
- ~~(e) Is otherwise involved in promoting the institution's athletics program.~~

~~6.4.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Constitution 6.4.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement.~~

~~6.4.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Constitution 6.4.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.~~

E. Bylaws: Amend 7, as follows:

7.01 NCAA Division II Membership and Institutional Control

7.01.1 Classes of Membership. The NCAA offers three classes of membership: active, conference and provisional. Eligibility for and method of election to membership, obligations and conditions for continuing membership, voting rights, and other membership privileges for each class are defined in this article and Bylaw 20.

7.01.2 Division Membership. Active and conference members of the NCAA may be divided into divisions for purposes of bylaw legislation and competition in NCAA championships. Criteria for membership in these divisions are defined in Bylaw 20.

7.01.3 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, and to possible reclassification.

7.01.4 Assignment to Geographical Areas. Active and conference members are assigned to geographical areas for the purpose of representation on the Presidents

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Council and various committees, and to facilitate the work of the Association. Geographical districts and regions are defined in Bylaw 8.1.1.4.

7.01.5 Termination or Suspension of Membership. All rights and privileges of a member shall cease immediately on termination or suspension of its membership.

7.01.6 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

7.02 Definitions and Applications.

7.02.1 Competitive Body. A competitive body is an athletics conference that conducts competition among its member institutions and determines a conference champion in one or more sports.

7.02.2 Legislative Body. A legislative body is an athletics conference that develops and maintains rules and regulations governing the athletics programs and activities of its member institutions.

7.02.3 Membership Categories.

7.02.3.1 Active Member. An active member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution) and duly elected to active membership under the provisions of this article (see Bylaw 7.3.3). Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association. (See Bylaw 7.3.2.1.1 regarding restrictions on the privileges of for-profit institutions.)

7.02.3.1.1 Athletics Consortium. An athletics consortium consists of one member institution and neighboring member or nonmember institutions (but not more than one nonmember institution), recognized and approved by a two-thirds vote of the Management Council. The student-athletes of the combined institutions are permitted to compete on the NCAA member institution's athletics teams, provided they meet the eligibility requirements of the NCAA and the member institution (see Bylaw 7.2.2).

7.02.3.2 Provisional Member. A provisional member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution) and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Bylaw 7.5.3). Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 20.2.

7.02.3.3 Member Conference. A member conference is a group of colleges and/or universities that conducts competition among its members and determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition), duly elected to conference membership under the provisions of this article (see Bylaw 7.4.2). A member conference is entitled to all of the privileges of active members except the right to compete in NCAA

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championships (see Bylaw 7.4.3). Only those conferences that meet specific criteria as competitive and legislative bodies (see Bylaw 7.02.1 and 7.02.2) and minimum standards related to size and division status are permitted to vote on legislation or other issues before the Association.

7.02.3.4 Provisional Conference. A provisional conference consists of a group of at least 10 four-year colleges or universities or two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution), and that has applied for provisional conference membership in the Association. Provisional conference membership is a prerequisite for active conference membership in the Association. The conference shall be elected to provisional conference membership under the provisions of this article (see Bylaw 7.4.1) and shall follow the guiding principles of a model Division II conference, set forth in the "Division II Long-Range Financial Plan." Provisional conferences shall receive all publications and mailings received by voting member conferences in addition to other privileges designated in the constitution and bylaws of the Association.

7.1 Determination of Divisions.

7.1.1 Designation of Division by Active and Provisional Members. Each active member institution and institution in the provisional period of the membership process shall be designated as a member for certain legislative and competitive purposes.

7.1.1.1 Men's and Women's Programs in Different Divisions. An institution shall not classify its women's athletics program in a division other than the institution's membership division, unless its women's program was so classified before January 11, 1991; further, for those institutions so classified, the Board of Governors, by a two-thirds majority of its members present and voting, may permit the institution's women's athletics program to be classified in a division other than its membership division, provided it determines every three years that unusual circumstances warrant such action.

7.1.1.2 Multidivision Classification. A member may request classification and eligibility in more than one division in accordance with provisions permitting multidivision classification, eligibility and voting (see Constitution 2(B)(8) and Bylaw 20.3).

7.1.2 Designation of Division by Member Conference. Each member conference shall determine the membership division it desires for legislative and/or competitive purposes. When designating the division, at least 50 percent or a minimum of 25 of the conference's institutions must hold membership in that division. The Board of Governors shall determine the membership division of a member conference not meeting these criteria.

7.2 Eligibility for Membership.

7.2.1 General. Membership is available to colleges, universities and athletics conferences; that have acceptable academic standards (as defined in Bylaw 7.3.3.1); and that are located in Canada, Mexico and the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association.

7.2.1.1 Membership of International Institutions. Institutions located in Canada and Mexico invited to explore Division II membership must accept or observe the policies and procedures as developed and approved by the Board of

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Governors, in addition to the principles set forth in the constitution and bylaws of the Association.

7.2.1.1.1 Accreditation Standard for International Institutions. An institution located in Canada or Mexico must satisfy the Association's requirement of acceptable academic standards to be elected to and maintain active membership in the Association by meeting one of the following standards:

- (a) The institution is accredited by one of the six U.S. regional accrediting agencies*; or
- (b) The institution is a candidate for accreditation with one of the six U.S. regional accrediting agencies* and is in good standing with its country's national, regional or provincial accreditation agency.

*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.

7.2.2 Athletics Consortiums. The Management Council, by a two-thirds majority of its members present and voting, may approve an athletics consortium involving a member institution and neighboring member or nonmember institutions, but not more than one nonmember institution, to permit the student-athletes of the combined institutions to compete on the member institution's intercollegiate athletics teams, provided the student-athletes satisfy the eligibility requirements of the member institution and the NCAA. The Management Council shall develop and publish appropriate criteria to be applied to such consortiums.

7.2.2.1 General Policy. In general, a consortium shall be approved on the basis of existing academic considerations with the understanding that there shall be no change in the basic recruitment, enrollment or financial aid policies of the involved institutions as a result of such approval.

7.2.2.2 Combining Entire Athletics Programs. The institutions shall combine their entire athletics programs, and the consortium shall not be formed on a sport-by-sport basis.

7.2.2.3 Conference Approval. An institution that belongs to an NCAA member conference first shall receive approval of its conference before instituting a consortium for its intercollegiate athletics program. If more than one institution holds such conference membership, all such conferences shall approve the consortium.

7.2.2.4 Eligibility Requirements for Student-Athletes. Participating student-athletes shall meet all eligibility requirements of the member institution(s), the athletics conference(s) involved and the NCAA. The member institution(s) shall certify the eligibility of all student-athletes under those rules.

7.2.2.5 Financial Assistance to Student-Athletes. Within a consortium:

- (a) Each institution shall be responsible for the financial assistance awarded to its student-athletes. The financial arrangement between or among the institutions for the exchange of funds to cover the academic costs of student-athletes who take part in the exchange program shall apply to student-athletes in the same manner as it applies to those students not participating in the intercollegiate athletics program;

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(b) One institution may not provide a scholarship or any other form of financial aid to a student-athlete enrolled in another institution or transmit a scholarship or grant-in-aid to another institution to be used by one or more of its student-athletes; and

(c) Financial aid limitations as set forth in Bylaw 15 shall be applicable to the consortium as one entity and shall include all countable student-athletes, regardless of the institution in which they are enrolled.

7.2.2.6 Length of Approval. NCAA approval shall be for a four-academic-year period, at the end of which the institutions shall submit a report on the program setting forth its effect upon their academic and athletics operations.

7.2.2.7 NCAA Division Membership. The institutions may be members of different NCAA divisions but shall select one division for legislative and competitive purposes.

7.2.2.8 NCAA Member Involvement. At least one of the institutions shall be a member of the NCAA, and not more than one nonmember institution shall be included.

7.2.2.9 NCAA Membership Application. The institutions shall apply for NCAA membership as a consortium and shall be considered as one member of the Association, with their combined names included on official NCAA membership records.

7.2.2.10 Prior Academic Consortium Relationship. The institutions shall have had a prior academic consortium relationship.

7.2.2.11 Recruitment. It is permissible for one institution to recruit prospective student-athletes with a view to their possible enrollment at another institution in the consortium, provided the individuals qualify for admission to that institution and the athletics interests of the member institution are not involved, directly or indirectly, in influencing the admission or award of financial assistance.

7.3 Active Membership.

7.3.1 Eligibility Requirements.

7.3.1.1 Types of Institutions. Active membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and pursuant to Board of Governors policy and duly elected to active membership under the provisions of Bylaw 7.3.3.

7.3.1.2 Compliance With Association Rules. The institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

7.3.1.3 Standards. The institution's athletics programs shall reflect the establishment and maintenance of high standards of personal honor, eligibility and fair play.

7.3.1.4 Compliance Requirement. The institution shall be in compliance with Bylaws 7.3.1.2, 7.3.1.3 and 20.2 at the time it makes application for active membership.

7.3.2 Privileges.

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7.3.2.1 Active Members. Active members shall be entitled to all of the privileges of membership under the constitution and bylaws of the Association and all privileges incidental thereto.

7.3.2.1.1 Exception -- For-Profit Institutions. For-profit institutions shall be restricted, as follows:

- (a) A for-profit institution shall not have voting privileges at the annual NCAA Convention or any special Convention. The institution shall be entitled to three accredited delegates without voting privileges. Any of the accredited delegates shall be entitled to privileges of the floor and the right to active participation in the business proceedings;
- (b) Representatives of a for-profit institution shall not be permitted to serve as a voting institution representative on an NCAA committee; and
- (c) A for-profit institution shall not receive NCAA grants or financial distributions directly from the NCAA.

7.3.2.2 Use of Association's Registered Marks. Active members may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.

7.3.3 Election to Active Membership -- Institutions.

7.3.3.1 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.

*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.

7.3.3.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 20.2.2.1):

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and
- (c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. An applicant institution that is not selected to enter the membership process shall receive a refund of the application fee on a prorated basis as determined by the Membership Committee.

7.3.3.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual

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limit on the number of eligible institutions that will be selected to begin the membership process.

7.3.3.2.2 Membership Committee Authority. The Membership Committee has the authority to accept or not accept an institution's application to enter the membership process.

7.3.3.3 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant institution to membership effective the following September 1, the beginning of practice in any sport for that fall term or the first day of classes for that fall term, whichever occurs first. When the vote of the Membership Committee has been completed, the applicant institution shall be notified.

7.3.3.4 Resignation and Re-election to Membership. If an institution resigns its membership following application to re-establish its membership, the institution first shall complete a membership process (see Bylaws 7.5 and 20.2) before such institution becomes eligible for re-election as an active member.

7.3.4 Conditions and Obligations of Membership.

7.3.4.1 General. The active members of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

7.3.4.2 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, and to possible reclassification.

7.3.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member institution is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.12). See Bylaw 14.13 for procedures regarding restoration of eligibility.

7.3.4.4 Application of Rules to All Recognized Varsity Sports. The constitution, bylaws and other legislation of this Association, unless otherwise specified therein, shall apply to all teams in sports recognized by the member institution as varsity intercollegiate sports and that involve all-male teams, mixed teams of males and females, and all-female teams. To be recognized as a varsity sport, the following conditions must be met:

- (a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 20.10.3.1.1 or an emerging sport for women per Bylaw 20.03;
- (b) The sport officially shall have been accorded varsity status by the institution's president or chancellor or committee responsible for intercollegiate athletics;
- (c) The sport is administered by the department of intercollegiate athletics;

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- (d) The eligibility of student-athletes participating in the sport shall be reviewed and certified by a staff member designated by the institution's president or chancellor or committee responsible for intercollegiate athletics policy; and
- (e) Qualified participants in the sport shall receive the institution's official varsity awards.

7.3.4.4.1 Intent to Sponsor a Varsity Sport. Once an institution evidences an intent or commitment to sponsor a sport on a varsity level (e.g., official announcement that competition will be conducted on a varsity basis, employment of individuals to coach the varsity team), the institution must begin applying NCAA recruiting regulations to the applicable sport.

7.3.4.5 Standards. Active member institutions agree to establish and maintain high standards of personal honor, eligibility and fair play.

7.3.4.6 Publication of Progress-Toward-Degree Requirements. Active member institutions are obligated to publish their progress-toward-degree requirements for student-athletes (see Bylaw 14.4.1).

7.3.4.7 Missed Class-Time Policies. Active member institutions are obligated to establish policies in all sports concerning student-athletes' missed class time due to participation in intercollegiate athletics and athletics competition scheduled during final examination periods (see Bylaw 17.1.6.8).

7.3.4.8 President or Chancellor Attestation of Compliance Obligations. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/ or ineligibility of individuals to serve on an NCAA board, council or committee unless its president or chancellor attests, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by the Constitution (Principle of Institutional Control). [See Bylaw 18.4.2.1-(d)].

7.3.4.9 Compliance-Related Certification. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless it certifies [see Bylaw 18.4.2.1-(e)] that the conditions of Bylaw 18.4.2.1.1 have been satisfied.

7.3.4.10 Student-Athlete Statement. An active member institution shall administer annually, on a form prescribed by the Management Council, or a designated committee, a signed statement for each student-athlete that provides information set forth in Bylaws 14.1.3 and 14.1.3.2.

7.3.4.10.1 Administrative Requirement. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee prior to the student's participation in intercollegiate competition each academic year.

7.3.4.10.2 Signature Requirement. The athletics director and head coach in the sport in which the student-athlete participates shall sign the eligibility list form.

7.3.4.10.3 Retention Requirement. The statement shall be kept on file and such file shall be available for examination upon request by an authorized representative of the NCAA.

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7.3.4.11 Drug-Testing Program and Consent Form. An active member institution and an institution in the candidacy or provisional period of the membership process shall administer annually, on a form prescribed by the Management Council, a signed drug-testing consent form for each student-athlete (per Bylaw 12.02.7) in accordance with Bylaw 14.1.4 and shall ensure compliance with the following elements of the NCAA Drug-Testing Program: [D] [D]

- (a) Respond to the initial drug-testing notification from Drug Free Sport International by the date specified by the organization;
- (b) Complete and forward to Drug Free Sport International a current and accurate institutional eligibility list (see Bylaw 14.11.2) by the date specified by the organization;
- (c) Provide adequate and secure drug-testing facilities as specified by Drug Free Sport International;
- (d) Notify student-athletes who have been selected for drug testing according to the timeline specified by Drug Free Sport International; and
- (e) Respond to additional requests for assistance in administering the NCAA year-round drug-testing program as specified by Drug Free Sport International.

7.3.4.11.1 Administrative Requirement -- Year-Round Drug Testing. In sports in which the Association conducts year-round drug testing, the consent form shall be administered individually to student-athletes each academic year at the time the intercollegiate squad first reports for practice or before the Monday of the institution's fourth week of classes, whichever date occurs first.

7.3.4.11.2 Penalty for Failure to Complete and Sign Consent Form. Failure to sign the consent form by the deadline shall result in the student-athlete's ineligibility for practice or competition until the student-athlete has signed the form. Failure to complete and sign the form before practice or competition may result in the student-athlete's ineligibility for participation in all intercollegiate athletics.

7.3.4.11.3 Retention Requirements. The consent form shall be kept on file and such file shall be made available for examination on request by an authorized representative of the NCAA [see Bylaw 14.1.4.2-(c)].

7.3.4.12 Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/ Buckley Amendment Consent Form -- Disclosure of Protected Health Information. An active member institution shall administer annually, on a form prescribed by the Management Council, a statement for each student-athlete to voluntarily sign that provides information prescribed in Bylaws 14.1.5 and 14.1.5.2.

7.3.4.12.1 Administrative Requirement. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee before the student-athlete's participation in intercollegiate athletics each academic year.

7.3.4.12.2 Failure to Provide Consent. The authorization/consent by the student-athlete is voluntary and is not required for the student-athlete to be eligible to participate.

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7.3.4.12.3 Retention Requirement. Any signed statement(s) shall be kept on file and shall be available for examination on request by an authorized representative of the NCAA. [See Bylaw 14.1.5.2-(c).]

7.3.4.13 Discipline of Members. In accordance with directions of the Management Council or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19).

7.3.4.14 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event (see Bylaw 7.3.4.14.3): [D]

- (a) A student-athlete participating in the covered event in an intercollegiate sport as recognized by the participating institution; and
- (b) A prospective student-athlete participating in the covered event who has graduated from high school and signed an irrevocable commitment to participate in an intercollegiate sport at a participating institution.

7.3.4.14.1 Amount of Coverage Insurance. Such insurance coverage must be of equal or greater value than the deductible of the NCAA catastrophic injury insurance program and may be provided through the following sources: [D]

- (a) Parents' or guardians' insurance coverage;
- (b) Participant's personal insurance coverage; or
- (c) Institution's insurance program.

7.3.4.14.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event (see Bylaw 7.3.4.14.3). [D]

7.3.4.14.3 Covered Event. A covered event includes the following: [D]

- (a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);
- (b) An NCAA-sanctioned competition in which the insured person (i.e., student-athlete or prospective student-athlete) is an official competitor; or
- (c) Practice and conditioning sessions that are authorized, organized or directly supervised by athletics department personnel at the member institution other than during the playing season. Such sessions must occur on campus or at approved off-campus facilities as part of an intercollegiate athletics activity. For insured student-athletes or prospective student-athletes who compete in individual sports, off-campus intercollegiate athletics activities must be authorized by athletics department personnel at the participating school and take place at approved locations.

7.3.4.15 Academic Success Rate. Active members shall annually submit data, by the applicable deadline, for the Academic Success Rate in a form prescribed by the Management Council.

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7.3.4.15.1 Failure to Submit Data. An active member institution that fails to submit data for the Academic Success Rate by the applicable deadline shall forfeit receipt of Division II enhancement funds in the following academic year. Further, an active member institution that fails to submit data for the Academic Success Rate in any two years during a five-year period shall forfeit Division II enhancement funds for the following three consecutive academic years.

7.3.4.15.1.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.4.15.1 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3-(b)] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

7.3.4.16 Academic Performance Census -- Failure to Submit. If an institution fails to submit its Academic Performance Census by the applicable deadline, in a format approved and administered by the Presidents Council (or a committee designated by the Presidents Council), that institution shall forfeit Division II institutional enhancement funds for the following academic year.

7.3.4.16.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.4.16 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3-(b)] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

7.3.4.17 Concussion Management Plan. An active member institution shall have a concussion management plan for its student-athletes. The plan shall adhere to the process and format (e.g., the concussion protocol checklist) prescribed by the Board of Governors or designee and include, but is not limited to, the following: [D]

- (a) An annual process that ensures student-athletes are educated about the signs and symptoms of concussions. Student-athletes must acknowledge that they have received information about the signs and symptoms of concussions and that they have a responsibility to report concussion-related injuries and illnesses to a medical staff member;
- (b) A process that ensures a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from athletics activities (e.g., competition, practice, conditioning sessions) and evaluated by a medical staff member (e.g., sports medicine staff, team physician) with experience in the evaluation and management of concussions;
- (c) A policy that precludes a student-athlete diagnosed with a concussion from returning to athletics activity (e.g., competition, practice, conditioning sessions) for at least the remainder of that calendar day; and
- (d) A policy that requires medical clearance for a student-athlete diagnosed with a concussion to return to athletics activity (e.g., competition, practice, conditioning sessions) as determined by a physician (e.g., team physician) or the physician's designee.

7.3.4.17.1 Annual Review and Retention Requirement. The concussion management plan shall be annually reviewed by and be kept on file in the office of the institution's athletics health care administrator.

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7.3.4.18 Concussion Reporting. An active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports. [D]

7.3.4.19 Independent Medical Care. An active member institution shall establish an administrative structure that provides independent medical care and affirms the unchallengeable autonomous authority of primary athletics health care providers (team physicians and athletic trainers) to determine medical management and return-to-play decisions related to student-athletes. An active institution shall designate an athletics health care administrator to oversee the institution's athletic health care administration and delivery.

7.3.4.20 Designation of Team Physician. An active member institution shall designate a physician to serve as team physician for all or each of its intercollegiate teams. The team physician shall be a doctor of medicine (MD) or doctor of osteopathic medicine (DO) with a current license in good standing to practice medicine in the state or province in which the institution is located. The team physician shall be authorized to oversee the medical services for injuries and illnesses incidental to a student-athlete's participation in intercollegiate athletics.

7.3.4.21 Catastrophic Sport Injury Report. An active member institution shall submit data detailing student-athlete catastrophic fatalities, near fatalities and catastrophic injuries (e.g., injuries and illnesses related to head, neck, spine, cardiac, pulmonary, heat, sickle cell trait, eyes) to the NCAA on an annual basis pursuant to policies and procedures that govern such data as determined by the Committee on Competitive Safeguards and Medical Aspects of Sport.

7.3.4.22 Student-Athlete Health and Safety Survey. An active member institution shall complete a student-athlete health and safety survey on an annual basis pursuant to policies and procedures as determined by the Committee on Competitive Safeguards and Medical Aspects of Sport.

7.3.4.22.1 Failure to Submit Survey. An institution that fails to submit the student-athlete health and safety survey by the applicable deadline shall forfeit receipt of Division II institutional enhancement funds in the following academic year.

7.3.4.23 Athletics Diversity and Inclusion Designee. The president or chancellor of an active member institution shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

7.3.4.24 Responsibility of Compliance Administrator. A member institution shall certify annually that it employs at least one individual who serves as a full-time compliance administrator with no coaching responsibilities.

7.3.4.24.1 Failure to Meet Responsibility of Compliance Administrator.

7.3.4.24.1.1 One-Year Probationary Period. An institution that fails to meet the requirement regarding the responsibility of the compliance administrator shall be placed on probation for one year for its entire athletics program (both men's and women's sports) in the next academic year after noncompliance is discovered. A member institution shall be afforded the one-year probationary period for failure to meet the requirement only once in a five-year period. The five-year period shall begin September 1 after completion of the

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academic year in which the membership criterion is not met (see Bylaw 20.02.4).

7.3.4.24.1.2 Application of Restricted Membership Status. If an institution fails to meet the requirement regarding the responsibility of the compliance administrator at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 20.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.

7.3.4.24.2 Waiver. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of division criteria. The Management Council, or a subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.

7.3.5 Loss of Active Membership.

7.3.5.1 Termination or Suspension. The membership of any active member failing to maintain the academic or athletics standards required for such membership or failing to meet the conditions and obligations of membership may be suspended, terminated or otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:

- (a) A notice of intention to suspend or terminate membership, stating the grounds on which such a motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member institution; and
- (b) The Presidents Council approves the notification of intention to move for suspension or termination.

7.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of active membership.

7.3.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall forfeit immediately its membership in the Association.

7.3.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.

7.3.6 Discipline of Active Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

7.3.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good

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standing at the annual Convention by vote of a majority of the members present and voting.

7.4 Member Conference.

7.4.1 Eligibility.

7.4.1.1 Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition. Voting rights and other membership privileges (e.g., Management Council representation) are available only to those multi-sport conferences that satisfy the requirements set forth in Bylaw 7.4.3.3.

7.4.1.2 Composition of Active Conferences. All of the members of the conference shall be active members of this Association. A conference with eight or more active NCAA members may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.

7.4.1.2.1 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.4.1.2, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.4.1.3 Conference Membership Requirements. A conference of at least 10 active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges must meet the following conditions:

- (a) At the time of application, be composed of at least 10 active member institutions and/or institutions in the provisional period of the Division II membership process (see Bylaw 20.2.2.3). All institutions shall be located in the same geographic area as specified in Bylaw 8.1.1.4;
- (b) Submit an application to the Membership Committee, to be received in the national office not later than December 1. A fee, as determined by the Membership Committee, shall accompany the application. The following information must be submitted at the time of application:
 - (1) A conference strategic plan;
 - (2) A conference constitution and bylaws;
 - (3) Documentation affirming the institutions in the conference satisfy the sports sponsorship requirement the year prior to the conference becoming an active conference and that conference will satisfy the sports sponsorship requirement in year it would become active conference;
 - (4) A business plan for conference office operations; and
 - (5) A student-athlete advisory committee development plan; and
- (c) The conference commissioner must attend the NCAA Convention in the year immediately following the submission of the application.

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7.4.1.4 Minimum Size for Active Conference Membership. A conference shall be composed of at least 10 active member institutions prior to its approval as an active member conference. All institutions shall be located in the same geographic area as specified in Bylaw 8.1.1.4. Once the conference is approved by the Membership Committee, it shall be eligible for privileges of active member conferences, except for enhancement fund distribution [see Bylaw 7.4.3.3-(b)] and automatic qualification [see Bylaws 7.4.3.3-(c), 31.3.4.1, 31.3.4.2 and 31.3.4.4].

7.4.1.5 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaws 7.4.1.3-(a) and 7.4.1.4, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.4.1.6 Grace Period -- Application Fee. An active member conference whose membership falls below the minimum number of institutions required for active membership shall not be required to submit a fee per Bylaw 7.4.1.3-(b) for four years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership.

7.4.2 Election to Active Membership -- Conferences.

7.4.2.1 Application. An athletics conference desiring to become an active member conference shall make application on a form available from the national office. An application fee and the amount for annual dues see Constitution 3(C) shall accompany the application. The fee and dues paid shall be refunded to the applicant conference should the Membership Committee not accept its application.

7.4.2.2 Election. Athletics conferences may be elected as active member conferences by a majority vote of the delegates present and voting at an annual Convention or by a two-thirds majority vote of the Membership Committee members present and voting.

7.4.2.3 Annual Limit on Conference Membership. The Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of applicant athletics conferences that will be invited to active conference membership.

7.4.3 Privileges.

7.4.3.1 Privileges of Active Member Conferences. Active member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.

7.4.3.2 Use of Association's Registered Marks. Active member conferences may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.

7.4.3.3 Voting Rights and Other Conference Active Membership Privileges. Only those multi-sport member conferences that meet the criteria listed below shall be entitled to receipt of active conference membership privileges, under the following timetable:

(a) Immediate upon active membership:

(b) A vote at the NCAA Convention; and

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(c) Representation on the Management Council and Student-Athlete Advisory Committee.

One year after active conference membership: Enhancement fund distribution; and

Five years after active conference membership: Automatic qualification for championships. (see Bylaw 31.3.4).

7.4.3.3.1 Competitive and Legislative Body. An active member conference shall be both a competitive and a legislative body on the conference level (see Bylaw 7.02.1 and 7.02.2).

7.4.3.3.2 Minimum Size and Division Status.

7.4.3.3.2.1 Full Voting Privileges. An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

7.4.3.3.2.2 Partial Voting Privileges. Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all dominant or common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

7.4.3.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least five sports for men and five sports for women, or four sports for men and six sports for women. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

- (a) The conference must conduct a conference championship (e.g., round robin or tournament play) and name a conference champion in the sport;
- (b) In team sports only, the conference must conduct regular-season competition among the conference members sponsoring the sport; and
- (c) At least six active conference member institutions must sponsor and compete in the sport.

7.4.3.3.3.1 Three-Season Requirement. A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.

7.4.3.3.3.2 Minimum Contests/Minimum Participant Requirements. An institution must satisfy the minimum contest and minimum participant requirements set forth in Bylaw 20.10.3.3 in a given sport in order for that sport to be considered when determining whether

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the conference has six member institutions that sponsor and compete in that sport.

7.4.3.3.3.3 Conference Member in Selected Sports. An active member institution that is a member of a voting conference in only selected sports (e.g., an affiliated conference member only in football) may not be considered when determining whether the conference has six member institutions that sponsor and compete in the sport.

7.4.3.3.3.4 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.4.3.3.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.

7.4.3.3.4 Football Issues. In addition to meeting the requirements of Bylaw 7.4.3.3.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

7.4.3.3.5 Grace Period. An active member conference may continue to qualify for conference membership privileges for three years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership, provided the conference remains within one member institution of that minimum number.

7.4.3.3.6 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant a waiver for an active member conference that falls below the required minimum number of active institutions, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.4.4 Conditions and Obligations of Membership.

7.4.4.1 General. The member conferences of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

7.4.4.2 Conference Competition. Member conferences shall conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition.

7.4.4.3 Composition of Conference. All of the members of the conference shall be active member institutions of this Association.

7.4.4.3.1 Exception for Composition of Conference. A conference with eight or more active NCAA member institutions may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.

7.4.4.4 Conference Student-Athlete Advisory Committee. Each active member conference shall establish a conference student-athlete advisory committee for

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its member institutions' student-athletes. The composition and duties of the committee shall be determined by the conference.

7.4.4.4.1 Annual Meeting. The member conference shall conduct at least one in-person meeting annually of its conference student-athlete advisory committee.

7.4.4.4.1.1 Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting. If an active member conference fails to meet the conditions set forth in Bylaw 7.4.4.4.1 during a given year, the conference shall immediately be placed on probationary status during the following academic year and would not be eligible for all or any portion of the conference grant funds as determined by the Planning and Finance Committee. If the conference fails to meet the conditions set forth in Bylaw 7.4.4.4.1 during the probationary year, the conference may forfeit immediately its membership in the Association.

7.4.4.4.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of Bylaw 7.4.4.4.1 if it deems that unusual circumstances warrant such action.

7.4.4.5 Sports Sponsorship Audit Requirement. A voting member conference shall provide documentation, on request, to the Membership Committee to show evidence of compliance with sports sponsorship requirements set forth in Bylaw 7.4.3.3.3 for a given year.

7.4.4.6 Athletics Diversity and Inclusion Designee. An active member conference shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

7.4.5 Loss of Member-Conference Status.

7.4.5.1 Failure to Comply with Sports Sponsorship Criteria. A voting member conference that fails to satisfy minimum sports-sponsorship criteria in a given year shall be placed on probation for one year in the next academic year after noncompliance occurs. During the probationary year, the conference shall not be eligible to receive the share of the Enhancement Fund that is based on conference sports sponsorship. A conference shall be afforded the one-year probationary period only once in every five-year period. The five-year period shall begin September 1 after the completion of the academic year in which the sports sponsorship criteria is not met. If a conference fails to meet the minimum sports sponsorship criteria at the end of the probationary year, or is ineligible for the once-in-five-year probationary period, it shall forfeit its voting conference membership and all associated privileges immediately. A conference forfeiting voting conference membership in accordance with this legislation shall be ineligible to reapply for voting conference membership for at least one calendar year.

7.4.5.2 Erroneous Information During Membership Application. A member conference that provides erroneous information during the membership application process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to elect the conference as an active member conference, may be terminated or suspended (see Bylaw 7.4.5.3).

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7.4.5.2.1 Appeal. The Division II Management Council shall review appeals of the Membership Committee's decision to suspend or terminate a member conference for providing erroneous information during the membership application process.

7.4.5.3 Termination or Suspension. The membership of any member conference failing to maintain the academic or athletics standards required for membership or failing to meet the conditions and obligations of membership may be suspended or terminated or the member conference otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:

- (a) Notice of intention to suspend or terminate membership, stating the grounds on which such motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member conference; and
- (b) The Presidents Council approves the notification of intention to move for suspension or termination.

7.4.5.3.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of conference membership.

7.4.5.4 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has satisfied Bylaw 7.4.3.3.2.

7.4.5.5 Failure to Pay Dues. If a member conference fails to pay its annual dues for one year, its membership shall be automatically terminated.

7.4.6 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be imposed during the period between annual Conventions for a violation(s) of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

7.4.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a majority vote of the Committee on Infractions present and voting, or at the annual Convention by vote of a majority of the members present and voting.

7.5 Provisional Membership.

7.5.1 Eligibility.

7.5.1.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution) and duly elected to the membership process under the provisions of Bylaws 7.5.3 and 20.2.

7.5.2 Privileges and Voting Rights.

7.5.2.1 Publications and Convention Representation. Member institutions in the provisional period shall receive all publications and mailings received by active members of the Association, shall be entitled to be represented by one

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nonvoting delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association.

7.5.2.2 Use of Association's Registered Marks. A provisional member in year three of the membership process set forth in Bylaw 20.2 may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors. Prior to the provisional year three designation, an institution in the membership process is limited to using Division II specific logos and a specially designed NCAA logo for provisional institutions.

7.5.3 Procedures for Election to the Provisional Period of the Membership Process.

7.5.3.1 Voting Requirement. [#] Procedures for election to provisional membership under this subsection are federated provisions (see Bylaw 9.02.1.3).

7.5.3.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 20.2.2.1):

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and
- (c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. In addition, a check in the appropriate amount for annual dues see Constitution 3(C) shall also accompany the application. Should the applicant institution fail to be accepted into the membership process, the dues paid shall be refunded and the application fee will be refunded on a prorated basis, as determined by the Membership Committee.

7.5.3.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.5.3.2.2 Membership Committee Authority. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.5.3.3 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.

*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges

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7.5.3.4 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant to the membership process set forth in Bylaw 20.2, effective the following September 1. When the vote of the Membership Committee has been completed, the applicant shall be notified.

7.5.4 Conditions and Obligations of Membership. The conditions and obligations applicable to member institutions in the provisional period of the membership process are set forth in Bylaw 20.2.

7.6 Institutional Governance.

7.6.1 President or Chancellor. A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. The term "president or chancellor" refers to the individual with primary executive authority for an institution and does not include an individual who has executive responsibility over a system of institutions.

7.6.2 Athletics Board. A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions.

7.6.2.1 Composition. Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the president or chancellor's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority.

7.6.2.1.1 Administrator Defined. An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's president or chancellor or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.

7.6.2.1.2 Board Subcommittee. If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Bylaw 7.6.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority-control requirement.

7.6.2.1.3 Attendance. A parliamentary majority of administrators and faculty members of a board in control of athletics is not required to be present at any single meeting in order to conduct business.

7.6.2.2 Chair or Voting Delegate. Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or

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represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.

7.6.3 Compliance Administrator. A member institution shall employ at least one individual who serves as a full-time compliance administrator with no coaching responsibilities (see Bylaw 7.3.4.24).

7.6.4 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

7.6.5 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.

7.7 Budgetary Control.

7.7.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.

7.7.2 President or Chancellor Approval. The institution's president or chancellor or an institutional administrator designated by the president or chancellor from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action.

7.7.3 Financial Report.

7.7.3.1 Requirement. At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's president or chancellor or by an institutional administrator from outside the athletics department designated by the president or chancellor. If, within the last three years, the institution has conducted an overall institutional audit that includes a financial audit of all athletics department funds using the agreed upon procedures, then the institution is not required to perform a separate financial audit of all athletics department expenditures. An institution is not required to use the agreed upon procedures in years outside the once in every three-year cycle.

7.7.3.1.1 Schedule. The report created pursuant to the approved procedures shall be completed and presented to the president or chancellor on or before January 15 after the end of the institution's fiscal year.

7.8 Self-Study and Evaluation.

7.8.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years,

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using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:

(a) Compliance-related topics:

- (1) Institutional oversight;**
- (2) Budgetary control;**
- (3) Ethical conduct;**
- (4) Recruiting;**
- (5) Eligibility;**
- (6) Financial aid;**
- (7) Rules compliance;**
- (8) Health and safety; and**

(b) Strategic-initiative related topics:

- (1) Philosophy statement;**
- (2) Institutional control and responsibility;**
- (3) Athletics operations;**
- (4) Student-athlete well-being;**
- (5) Health and safety;**
- (6) Life in the balance/overall educational experience; and**
- (7) Cultural diversity and gender equity.**

7.8.1.1 Deadline. The Institutional Self-Study Guide must be postmarked by 5 p.m. Eastern time June 1 of the year it is due to the national office, based on the published schedule for Division II member institutions.

7.8.1.1.1 Extension. The Membership Committee may approve additional time for an institution to complete the required self-study and evaluation of its intercollegiate athletics program if extraordinary circumstances warrant such action (e.g., change in administration). Such requests must be received in the NCAA national office by March 1 of the year the self-study is due to the national office.

7.8.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 20.02.4 and shall not be eligible to receive Division II Enhancement Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 20.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership

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Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the president or chancellor of an institution.

7.9 Responsibility for Actions of Outside Entities.

7.9.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency or organization, including corporate entities (e.g., apparel and equipment companies), when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency or organization is promoting the institution's intercollegiate athletics program.

7.9.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:

- (a) Has participated in or is a member of an agency or organization, including corporate entities (e.g., apparel and equipment companies), as described in Bylaw 7.9.1;
- (b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;
- (c) Has been requested by the athletics department staff to assist in the recruitment of prospective student-athletes or is assisting in the recruitment of prospective student-athletes;
- (d) Has assisted or is assisting in providing benefits to enrolled student-athletes; or
- (e) Is otherwise involved in promoting the institution's athletics program.

7.9.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Bylaw 7.9.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement.

7.9.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Bylaw 11.4.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.

F. Bylaws: Amend 8, as follows:

8 Division II Organizational Structure

8.02 Definitions and Applications.

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8.02.1 Faculty Athletics Representative A faculty athletics representative is a member of an institution's faculty or administrative staff who is designated by the institution's president or chancellor or other appropriate entity to represent the institution and its faculty in the institution's relationships with the NCAA and its conference(s), if any (see also Bylaw 7.6.4).

8.02.2 On The Staff. On the staff, as it applies to individuals from member institutions or conferences who are eligible to serve on committees or as officers or representatives of the Association, is defined as those individuals who receive a regular salary from a member institution or organization for the performance of a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference. An individual on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may be considered to be "on the staff" of an institution or organization. An individual on terminal leave or on leave in excess of 12 consecutive months shall not be considered to be "on the staff."

8.02.3 Senior Woman Administrator.

8.02.3.1 Institutional Senior Woman Administrator. [#] An institutional senior woman administrator is the highest-ranking female involved with the management of an institution's intercollegiate athletics program. An institution with a female director of athletics may designate a different female involved with the management of the institution's program as a fifth representative to the NCAA governance system.

8.1 Division II Presidents Council.

8.1.1 Composition. The composition of the Presidents Council shall be based on a weighted regional representation by institutions that shall include one president or chancellor per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1). In addition, two "at-large" positions shall exist to enhance efforts to achieve diversity of representation and to accommodate independent institutions.

8.1.1.1 Same Conference. To the extent possible, presidents or chancellors from the same conference shall not serve concurrently on the Presidents Council.

8.1.1.2 Same Institution. To the extent possible, members of the Presidents Council and the Management Council (see Bylaw 8.2) shall not be employed at the same institution.

8.1.1.3 Eligibility for Membership. The Presidents Council shall be composed of presidents or chancellors representing Division II active member institutions.

8.1.1.4 Geographical Areas.

8.1.1.4.1 Geographical Areas. For the purpose of representation on the Presidents Council, the Association shall be divided into geographical areas. The Division II geographical areas are as follows:

- (a) Region 1 -- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;
- (b) Region 2 -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;

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- (c) Region 3 -- Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and
- (d) Region 4 -- Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.

8.1.2 Duties and Responsibilities. The Presidents Council shall:

- (a) Implement policies adopted by the Association's Board of Governors;
- (b) Establish and direct the general policy of Division II;
- (c) Establish a strategic plan for Division II;
- (d) Elect a chair and vice chair;
- (e) Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;
- (f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;
- (g) Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;
- (h) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;
- (i) Call for a special Convention of Division II;
- (j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;
- (k) Approve recommendations of the Management Council (see Bylaw 8.2);
- (l) Ratify, amend or rescind the actions of the Management Council (see Bylaw 8.2);
- (m) Ensure that there is gender and ethnic diversity among its membership, the membership of the Management Council (see Bylaw 8.2) and the membership of each of the other bodies in the Division II governance structure;
- (n) Develop and approve the budget and the use of funds allotted to Division II (e.g., enhancement funds, funds for the operation of championships);
- (o) Approve regulations providing for expenditures and income to Division II;
- (p) Approve regulations providing for the administration of Division II championships;
- (q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;
- (r) Convene same-site meetings, as necessary, with the Management Council; and

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- (s) Appoint such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.

8.1.2.1 Duties of the Chair. The chair of the Presidents Council shall:

- (a) Serve as a spokesperson for Division II;
- (b) Preside at Presidents Council meetings;
- (c) Preside at the Division II business session at the annual Convention;
- (d) Serve as a member of the Association's Board of Governors;
- (e) Serve as chair of the Division II Administrative Committee; and
- (f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

8.1.2.2 Duties of the Vice Chair. The vice chair of the Presidents Council shall:

- (a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;
- (b) Report to the Division II membership at each annual Convention on the financial affairs of the division;
- (c) Serve as a member of the Association's Board of Governors;
- (d) Serve as a member of the Division II Administrative Committee; and
- (e) Serve as chair of the Division II Planning and Finance Committee.

8.1.3 Election/Term of Office.

8.1.3.1 Selection Process. When a vacancy on the Presidents Council occurs, a formal call for nominations shall be published on the NCAA website. In addition, an informational letter to solicit nominations will be mailed to institutions and conference offices in the region in which the vacancy exists. The members of the Council shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.

8.1.3.2 Term of Office. Members of the Presidents Council shall serve six-year terms, which shall conclude following the annual NCAA Convention. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.

8.1.3.2.1 Chair and Vice Chair. The chair and the vice chair of the Council shall each serve terms not to exceed three years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Presidents Council before serving as chair or vice chair.

8.1.3.3 Staggered Terms.

8.1.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.

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8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.

8.1.4 Operating Rules.

8.1.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action, a simple majority of Presidents Council members present and voting shall be required unless otherwise specified.

8.1.4.2 Project Teams. The Presidents Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.

8.2 Division II Management Council.

8.2.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least 10 Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:

- (a) At least four directors of athletics;
- (b) At least four senior woman administrators;
- (c) At least four faculty athletics representatives; and
- (d) At least one conference administrator.

8.2.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:

- (a) At least four directors of athletics;
- (b) At least four senior woman administrators;
- (c) At least four faculty athletics representatives; and
- (d) At least one conference administrator.

8.2.1.1 Same Institution. To the extent possible, members of the Presidents Council (see Bylaw 8.1) and the Management Council shall not be employed at the same institution.

8.2.1.2 Independent Institutions. The position reserved for a representative of independent institutions may not be filled by an individual from the same independent institution in successive terms. If the total number of independent

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institutions falls below eight, the position allocated for independent institutions shall become an at-large position as soon as the position becomes vacant.

8.2.1.2 Independent Institutions. The position reserved for a representative of independent institutions may not be filled by an individual from the same independent institution in successive terms. If the total number of independent institutions falls below 10, the position allocated for independent institutions shall become an at-large position as soon as the position becomes vacant.

8.2.1.3 Student-Athlete Advisory Committee Members. The two members of the Student-Athlete Advisory Committee shall have one combined vote on the Management Council.

8.2.2 Duties and Responsibilities. The Management Council shall:

- (a) Implement policies adopted by the Association's Board of Governors and the Presidents Council;
- (b) Make recommendations to the Presidents Council on matters it deems appropriate;
- (c) Recommend the adoption of noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, subject to ratification by the Presidents Council;
- (d) Take final action on matters delegated to it by the Presidents Council;
- (e) Make interpretations of the bylaws of Division II;
- (f) Review and act on the recommendations of the Division II committee structure and the recommendations of Division II representatives to committees with Association-wide functions;
- (g) Appoint the members of the Division II committee structure and appoint the Division II representatives to committees with Association-wide functions;
- (h) Elect a chair and vice chair;
- (i) Organize and participate in an annual "summit" with the Division II Student-Athlete Advisory Committee;
- (j) Hear and act on appeals by member institutions of decisions made by a Division II committee or the NCAA staff regarding the application of NCAA legislation (excluding actions of any committee that has final authority over issues subject to appeal); and
- (k) Recommend the appointment of such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws, subject to ratification by the Presidents Council.

8.2.2.1 Duties of the Chair. The chair of the Management Council shall:

- (a) Preside at Management Council meetings;
- (b) Serve as an ex officio, nonvoting member of the Board of Governors;
- (c) Serve as a member of the Division II Administrative Committee;
- (d) Report to the Division II membership at the annual Convention the activities of the Management Council and Division II committees;

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- (e) Serve as an ex officio, nonvoting member of any Division II committee that reports to the Division II Management Council; and
- (f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

8.2.2.2 Duties of the Vice Chair. The vice chair of the Management Council shall:

- (a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;
- (b) Serve as a member of the Division II Administrative Committee;
- (c) Serve as a member of the Division II Planning and Finance Committee; and
- (d) Serve as an ex officio, nonvoting member of the Division II Championships Committee and all Division II sports committees.

8.2.2.3 Duties of the Management Council Subcommittee. The Management Council Subcommittee shall:

- (a) Hear and act on appeals regarding decisions of the Membership Committee involving the provisional membership status of Division II provisional member institutions or conferences;
- (b) Hear and act on appeals regarding decisions of the Academic Requirements Committee on waivers involving the Academic Performance Census and the Academic Success Rate;
- (c) Hear and act on appeals regarding decisions of the Legislative Review Subcommittee involving the amateur status of prospective student-athletes; and
- (d) Hear and act on appeals regarding decisions of the Championships Committee.

8.2.3 Election/Term of Office.

8.2.3.1 Selection Process. When a vacancy on the Management Council occurs, each conference shall propose a slate of nominees that includes a director of athletics, a senior woman administrator and a faculty athletics representative and may include a conference administrator. The members of the Management Council shall select individuals to fill vacancies from the slates of nominees. Individuals selected by the Management Council must be ratified by the Presidents Council.

8.2.3.1.1 President or Chancellor Signature. Each conference must designate a president or chancellor from a member institution within the conference who shall sign the conference's nomination form before the form is submitted.

8.2.3.2 Term of Office. Members of the Management Council shall serve four-year terms, which shall conclude following the annual NCAA Convention. Management Council members are not eligible for immediate re-election. A Management Council member may be elected to an additional term on the Management Council after three years have elapsed. An individual who has served two terms on the Management Council may not serve further on the Management Council.

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8.2.3.2.1 Chair and Vice Chair. The chair and the vice chair of the Council shall each serve terms not to exceed two years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Council before serving as chair or vice chair.

8.2.3.3 Staggered Terms.

8.2.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Management Council shall expire on a staggered basis to provide for continuity.

8.2.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.

8.2.4 Operating Rules.

8.2.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Management Council. For the Management Council to take action, a simple majority of Management Council members present and voting shall be required unless otherwise specified.

8.2.4.2 Project Teams. The Management Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.

8.3 Division II Administrative Committee.

8.3.1 Composition. The Administrative Committee shall consist of five members, including the chairs and vice chairs of the Presidents Council and Management Council. The fifth member shall be another member of the Presidents Council.

8.3.1.1 Chair. The chair of the Presidents Council shall serve as chair of the Administrative Committee.

8.3.2 Duties. The Administrative Committee shall transact items of business clearly necessary to promote the normal and orderly administration of Division II in the interim between meetings of the Presidents Council and Management Council. The Presidents Council representatives on the Administrative Committee shall have the authority to act alone to transact items of business that clearly fall within the sole jurisdiction of the Presidents Council. The Administrative Committee may authorize the vice president for Division II to act for it in approving routine waiver requests and sports committee recommendations, unless there is a question of interpretation or application, and these actions shall be subject to the approval of the Management Council and Presidents Council at their next regularly scheduled meetings.

8.3.3 Approval. All actions of the Administrative Committee shall be effective immediately and shall be reported to and subject to approval by the Division II Presidents Council and Management Council at their next regularly scheduled meetings.

8.4 Division II Planning and Finance Committee.

8.4.1 Composition. The Division II Planning and Finance Committee shall consist of seven members, including the vice chair of the Presidents Council, the vice chair of the Management Council, three additional members of the Presidents Council and

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two additional members of the Management Council. The chairs of the Presidents Council and the Management Council shall serve as ex officio, nonvoting members.

8.4.1.1 Chair. The vice chair of the Division II Presidents Council shall serve as chair of the Division II Planning and Finance Committee.

8.4.2 Duties. The Division II Planning and Finance Committee shall:

- (a) Review budgetary recommendations related to the annual Division II budget;
- (b) Advise both the Division II Presidents Council and Management Council regarding the division's financial affairs;
- (c) Monitor the Division II strategic plan, assess and report on its implementation and recommend updates of the plan, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Presidents Council; and
- (d) Provide regular reports on the implementation of the strategic plan to the Division II Management Council and Presidents Council.

[8.1.1.5 renumbered as 8.6.1.5, unchanged.]

G. Bylaws: Amend 9, as follows:

9 Legislative Process

9.02 Definitions and Applications.

9.02.1 Legislative Provisions.

9.02.1.1 Division Dominant. A division dominant provision is a regulation that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by the diamond symbol (♦).

9.02.1.2 Common. A common provision is a regulation that applies to more than one of the divisions of the Association. A common provision shall be adopted by each of the applicable divisions, acting separately pursuant to the divisional legislative process described in Bylaw 9.3, and must be approved by all applicable divisions to be effective. Common provisions are identified by the pound sign (#).

9.02.1.3 Federated. A federated provision is a regulation adopted by a majority vote of the delegates present and voting of one or more of the divisions or subdivisions of the Association, acting separately pursuant to the divisional legislative process described in Bylaw 9.3. Such a provision applies only to the division(s) or subdivision(s) that adopts it.

9.1 Conventions and Meetings.

9.1.1 Operational Procedures.

9.1.1.1 Student-Athlete Advisory Committee. The Division II Student-Athlete Advisory Committee shall have one vote.

9.1.1.2 Provisional Delegates. Each provisional member shall be entitled to one accredited delegate without voting privilege.

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9.1.1.3 Single-Gender Athletics Program. An active member or member conference with no men's athletics program shall not be permitted to vote on issues affecting only men's athletics, and an active member or member conference with no women's athletics program shall not be permitted to vote on issues affecting only women's athletics.

9.3 Amendment Process.

9.3.1.1 Noncontroversial Amendment. The Presidents Council, or an entity designated by the Presidents Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division's legislation. The Presidents Council, or an entity designated by the Presidents Council, shall sponsor legislation at the next annual Convention to confirm the adoption of such amendments.

9.3.1.2 Emergency Legislation. The Presidents Council may adopt "emergency" legislation that shall be effective immediately in situations when significant values or harm are at stake and the use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division II membership because of the delay in its effective date (e.g., immediate health and safety concerns or issues, situations when NCAA must respond to, or comply with, a court, alternative dispute resolution (ADR) or government order, to limit or avoid NCAA liability as a result of litigation, ADR or governmental proceedings). Such "emergency" legislation shall be adopted by at least a three-fourths majority of the members of the Presidents Council present and voting. Further, "emergency legislation" adopted by the Presidents Council must be ratified by the Division II membership at the next regularly scheduled NCAA Convention.

9.3.1.3 Amendment-to-Amendment -- Division Dominant Provisions. A proposed amendment to a division dominant provision may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.

9.3.1.4 Amendment-to-Amendment -- Federated Provisions. A proposed amendment to a federated provision of the bylaws may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.

9.3.3 Sponsorship -- Amendments to Division Dominant Provisions.

9.3.3.1 Amendment. An amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.

9.3.3.2 Amendment-to-Amendment. An amendment-to-amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.

9.3.3.3 Editorial Changes. The presiding officer may permit changes in the wording of a proposed amendment of a purely editorial nature or to correct typographical errors.

9.3.4 Sponsorship -- Amendments to Legislation.

9.3.4.1 Amendment. An amendment to a provision of the bylaws may be sponsored by:

- (a) The Presidents Council;**
- (b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or**
- (c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conferences' official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.**

9.3.4.1.1 Amendment, Federated Provision. When legislation is applicable only to a particular division, only members of that division may submit amendments to that legislation.

9.3.4.1.2 Primary Contact Person. All amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.

9.3.4.2 Amendment-to-Amendment. An amendment to an amendment of a provision of the bylaws may be sponsored by:

- (a) The Presidents Council;**
- (b) Eight or more active member institutions with voting privileges when submitted in writing by each institution's president or chancellor or the president or chancellor's designated representative; or**
- (c) At least one member conference with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of eight or more of their active member institutions, and signed by the chairs of the conference's official presidential administrative group or at least two presidents or chancellors of a conference's member institutions, if a conference has no presidential administrative group.**

9.3.4.2.1 Primary Contact Person. All amendments-to-amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.

9.3.4.3 Editorial Changes. The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.

9.3.5 Submission Deadline.

9.3.5.1 Division Dominant Provisions.

9.3.5.1.1 Amendments. Amendments to division dominant provisions shall be sponsored by the appropriate divisional presidential administrative group in accordance with the following deadlines:

- (a) Annual Convention -- September 1.**
- (b) Special Convention -- Thirty days before a special Convention.**

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9.3.5.1.1.1 Exception. A divisional presidential administrative group, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1.

9.3.5.1.2 Amendments-to-Amendments. The appropriate divisional presidential administrative group must submit amendments to its original amendments in writing and such amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention. A divisional presidential administrative group may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the amendment-to-amendment has been approved by two-thirds of the divisional presidential administrative group and copies are distributed before or during the appropriate business session.

9.3.5.2 Legislation.

9.3.5.2.1 Amendment. Deadline dates for receipt at the national office of proposed amendments are as follows:

9.3.5.2.1.1 Amendment Proposed by Membership.

- (a) Annual Convention -- 5 p.m. Eastern time July 15 (conference-sponsored amendments must meet the July 15 deadline).
- (b) Special Convention -- Thirty days before a special Convention.

9.3.5.2.1.1.1 Exception. The Presidents Council, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after July 15.

9.3.5.2.1.2 Amendments Sponsored by Presidents Council.

- (a) Annual Convention -- September 1.
- (b) Special Convention -- Ninety days before a special Convention.

9.3.5.2.1.2.1 Exception -- Annual Convention. The Presidents Council, by a three-fourths majority of its members present and voting, may submit amendments after September 1 when necessitated by action taken by Division I or Division III. In such instances, the Presidents Council shall submit amendments not later than November 1.

9.3.5.2.2 Amendment-to-Amendment. Sponsors of proposed amendments must submit amendments to their original amendments in writing and such amendments-to-amendments must be received at the Association's national office not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing and received at the Association's national office not

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later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention.

9.3.5.2.2.1 Exception -- Presidents Council. The Presidents Council may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided that in each instance the proposed amendment-to-amendment has been approved by two-thirds of the Council and copies are distributed before or during the business sessions.

9.3.5.2.3 Cost Considerations. The Presidents Council may require the sponsors of each proposed amendment or amendment-to-amendment that, if adopted, would result in significant expenditures from the division's budget and/or by member institutions to provide written documentation of the estimated costs to the division and/or the members.

9.3.6 Notification to Membership.

9.3.6.1 Amendments to Division Dominant Provisions.

9.3.6.1.1 Initial Publication. Amendments to division dominant provisions sponsored by a divisional presidential administrative group shall be published for the information of the membership as follows:

(a) Not later than September 23 for an annual Convention.

(b) Not later than 25 days before a special Convention.

9.3.6.1.2 Official Notice. A copy of the proposed amendments shall be mailed to members of the appropriate division not later than November 15 before an annual Convention or 15 days before a special Convention.

9.3.6.1.3 Delayed Date. If a divisional presidential administrative group establishes a date later than July 15 or September 1 for the submission of amendments to division dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.

9.3.6.1.4 Amendments-to-Amendments. Copies of all amendments-to-amendments to division dominant provisions submitted by a divisional presidential administrative group in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.

9.3.6.2 Amendments to Legislation.

9.3.6.2.1 Initial Publication. Proposed amendments shall be published for the information of the appropriate division as follows:

(a) Not later than August 15 -- Those proposed by the membership, including the primary contact person's name, title and member institution or member conference, as well as the sponsors' statements of intent and rationale and any amendments designated for inclusion by the Presidents Council; and

(b) Not later than September 23 -- Those submitted by the Presidents Council and those modified by the sponsors; or

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(c) Not later than 25 days before a special Convention -- All proposed amendments.

9.3.6.2.2 Official Notice. A copy of the proposed amendments shall be mailed to members of the appropriate division not later than November 15 before an annual Convention or 15 days before a special Convention.

9.3.6.2.3 Delayed Date. If the Presidents Council establishes a date later than July 15 or September 1 for the submission of amendments for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.

9.3.6.2.4 Amendments-to-Amendments. Copies of all amendments-to-amendments submitted by the amendment's original sponsors in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.

9.3.7 Committee Review -- Legislation. All amendments submitted by the membership per Bylaw 9.3.4 shall be evaluated by an appropriate NCAA committee before they can be included on the agenda for an NCAA Convention. Such evaluation may involve a position of support or opposition and/or a suggestion of an alternative amendment by the committee. The committee shall complete its evaluation not later than October 7. The committee position, if any, shall not prevent the membership from voting on the amendment at the next Convention, provided all appropriate submission deadlines have been met.

9.3.7.1 Committee Designation. The Presidents Council shall assign each amendment to the appropriate committee(s) for evaluation and shall designate a subcommittee of itself or the Management Council or a special committee when no appropriate committee exists.

9.3.7.2 Publication of Committee Position. The position of the appropriate committee shall be printed with the relevant amendment in the Official Notice of the Convention.

9.3.8 Adoption of Amendment, Voting Requirements.

9.3.8.1 Division Dominant Provision. [✦] Adoption of an amendment to a division dominant provision shall require a two-thirds majority vote of all delegates of the affected division present and voting at a division's annual or special Convention.

9.3.8.1.1 Amendment to Voting Line of Division Dominant Provision. Adoption of an amendment to the voting line of a division dominant provision shall require a majority vote of the delegates present and voting at the division's annual or special Convention.

9.3.8.2 Federated Provision. Adoption of an amendment to a federated provision shall require a majority vote of the delegates present and voting of one or more division(s) of the Association, acting separately, at an annual or special Convention or at a division legislative meeting of the Association. Such legislation shall apply only to the division(s) adopting it.

9.3.8.2.1 Amendment to Voting Line of Federated Provision. Adoption of an amendment to the voting line of a federated provision shall require a

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majority vote of the delegates present and voting at the division's annual or special Convention.

9.3.9 Adoption of Amendment-to-Amendment, Voting Requirements.

9.3.9.1 Division Dominant Provision. A proposed amendment-to-amendment of a division dominant provision shall be approved by a majority vote of the delegates of the affected division present and voting.

9.3.9.2 Federated Provision. A proposed amendment-to-amendment of a federated provision shall be approved by a majority vote of the delegates of the affected division present and voting.

9.3.10 Special Voting Requirements. The following topics are subject to special voting requirements.

9.3.10.1 Division Championship. A division championship per Bylaw 18.02.1.2 may be established by a majority vote of all members present and voting at an annual Convention, subject to all requirements, standards and conditions prescribed in Bylaw 18.2.

9.3.10.2 Voting on Football Issues. An active member or voting member conference with no football program shall not be permitted to vote on issues affecting only football.

9.3.11 Intent and Rationale.

9.3.11.1 Amendments to Division Dominant Provisions. All amendments to division dominant provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.

9.3.11.2 Amendments to Federated Provisions. All amendments to federated provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.

9.3.12 Effective Date.

9.3.12.1 Division Dominant Provisions. All amendments to division dominant provisions shall become effective not earlier than the first day of August after adoption by the Convention.

9.3.12.1.1 Alternative to August 1 Effective Date. If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.

9.3.12.2 Federated Provisions. All amendments to federated provisions shall become effective not earlier than the first day of August after adoption by the Convention.

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9.3.12.2.1 Alternative to August 1 Effective Date. If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.

9.3.13 Reconsideration.

9.3.13.1 Vote on Division Dominant Provisions. Before adjournment of any Convention, an affirmative or negative vote on an amendment to a division dominant provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.

9.3.13.2 Vote on Federated Provisions. Before adjournment of any Convention, an affirmative or negative vote on an amendment to a federated provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.

9.4 Other Legislative and Amendment Procedures.

9.4.1 Interpretations of Bylaws.

9.4.1.1 Authorization. The Legislation Committee, in the interim between meetings of the Management Council, is empowered to make interpretations of the constitution and bylaws, except academic legislation. The Academic Requirements Committee is empowered to make interpretations of academic legislation.

9.4.1.1.1 Modification of Wording. In addition to its general authority to make binding interpretations of NCAA legislation, the Management Council, by a two-thirds majority of its members present and voting, may interpret legislation consistent with the intent of the membership in adopting the legislation if sufficient documentation and testimony are available to establish clearly that the wording of the legislation is inconsistent with that intent. The Management Council shall sponsor legislation at the next annual Convention to confirm any such interpretations.

9.4.1.2 Interpretation Process.

9.4.1.2.1 Division II Process.

9.4.1.2.1.1 Staff Interpretation (Determination). The academic and membership affairs staff shall respond to a request from a member institution for an interpretation of NCAA rules.

9.4.1.2.1.1.1 Appeal of Staff Interpretation. A member institution may appeal a staff interpretation to the Legislation Committee, except for those regarding academic legislation. The Academic Requirements Committee shall review appeals of academic interpretations. Such a request must be submitted in writing by the institution's conference or by one of the five individuals who are authorized to request such interpretations on behalf of the institution [i.e., president or chancellor, faculty

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athletics representative, athletics director, senior woman administrator, senior compliance administrator, or designated substitute(s) for the president or chancellor and/or athletics director, as specified in writing to the national office].

9.4.1.2.1.1.2 Review of Staff Interpretations. The Legislation Committee, or an entity designated by the Legislation Committee, shall review all staff interpretations, except for those regarding academic legislation. The Academic Requirements Committee shall review all staff interpretations of academic legislation.

9.4.1.2.1.1.3 Publication and Notification. A staff interpretation shall be binding on the requesting institution on notification of the response to its interpretation request, unless the interpretation is modified or reversed on appeal or review by the Legislation Committee, or an entity designated by the Legislation Committee (or for academic interpretations, the Academic Requirements Committee). A staff interpretation that has been reviewed and approved by the Legislation Committee, or an entity designated by the Legislation Committee, or academic interpretation reviewed and approved by the Academic Requirements Committee shall be binding on all other institutions on publication to the membership (e.g., announced on the NCAA website or Legislative Services Database for the Internet).

9.4.1.2.1.2 Review of Legislation Committee or Academic Requirements Committee Decision. The Management Council shall review all interpretations issued by the Legislation Committee and Academic Requirements Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislation Committee or Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's president or chancellor, faculty athletics representative or athletics director. The Management Council shall establish the procedures for such an appeal.

9.4.1.2.1.3 Publication or Notification. Interpretations issued by the Legislation Committee or Academic Requirements Committee shall be binding on notification to affected institutions and on all member institutions after publication and circulation to the membership.

9.4.1.2.1.4 Revision. Interpretations approved by the Management Council may not be revised by the Legislation Committee or Academic Requirements Committee. The Legislation Committee or Academic Requirements Committee may only recommend to the Management Council revisions of such interpretations.

9.4.1.3 Application. An interpretation of the constitution or bylaws shall be applicable to the membership division(s) to which the provision applies.

9.4.1.4 Request for Convention Review. Any member of the Association to which an interpretation applies may request a review of the interpretation at the next annual Convention by making such a request in writing to the Association's Convention office before 1 p.m. on the day before the division business sessions of the Convention.

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9.4.1.4.1 Affirmation of Interpretation. An interpretation of the constitution or bylaws submitted for review requires the same vote for affirmation that would be required for an amendment of the provisions to which the interpretation applies (e.g., majority vote of the delegates present and voting in the appropriate division for an interpretation of a federated provision). An interpretation that fails to receive the required vote for affirmation shall not be binding on the membership.

9.4.1.5 Amendment by Membership. A proposed amendment to an existing interpretation must be submitted in accordance with the requirements of Bylaw 9.3.4.

9.4.1.6 Convention-Approved Interpretations. All interpretations approved by the Convention shall be incorporated into the constitution or bylaws.

9.4.1.7 Committee for Legislative Relief (formerly known as Administrative Review Subcommittee). An institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the committee when no other committee, subcommittee or conference has the authority to act. In reaching its decision, the committee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Management Council shall establish the process for such a review, shall monitor the actions taken under this authorization, and shall report annually to the membership the actions taken, in summary, aggregate form.

9.4.2 Resolutions.

9.4.2.1 Division Dominant Provisions.

9.4.2.1.1 Sponsorship. A resolution related to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.

9.4.2.1.2 Submission Deadline and Voting Requirement. A proposed resolution related to a division dominant provision may be sponsored and adopted at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.

9.4.2.1.3 Ratification – Annual/Special Convention. Ratification of a resolution of a division dominant provision shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special convention.

9.4.2.2 Federated Provisions.

9.4.2.2.1 Sponsorship. A resolution related to a federated provision may be sponsored by:

(a) The Presidents Council;

(b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or

(c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conference's official

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presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.

9.4.2.2.2 Submission Deadline. A proposed resolution related to a federated provision must be submitted in writing to the national office before November 1.

9.4.2.2.2.1 Exception and Voting Requirement. The applicable Presidents Council may sponsor and adopt resolutions at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.

9.4.2.2.3 Cost Considerations. The sponsors of each proposed resolution that, if adopted, would require significant expenditures from the division's budget and/or by member institutions shall provide, before the deadline set forth in this section, written documentation of the estimated costs to the Association and/or the members. The information shall be included with the copy of the proposed resolution distributed to the membership.

9.4.2.2.4 Ratification and Voting Requirements.

9.4.2.2.4.1 Ratification – Annual/Special Convention. Ratification of a resolution of a federated provisions shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special Convention.

9.4.2.2.4.2 Adoption of Membership Resolutions – Annual/Special Convention. Adoption of a resolution sponsored by fifteen or more active institutions with voting privileges or at least two member institutions with voting privileges shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.

9.4.3 Special Rules of Order.

9.4.3.1 Division Business Sessions. Each division may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates of the applicable division present and voting at any annual or special Convention.

9.4.3.1.1 Exception to Robert's Rules of Order, Newly Revised -- Motion to Divide. A delegate in attendance at the annual Convention, or at a special Convention, may debate the merits of a "motion to divide the question" of a properly moved proposal.

9.4.4 Statements of Division Philosophy.

9.4.4.1 Authorization. Each division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division or subdivision.

9.4.4.2 Scope and Application. Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division or subdivision and for planning and implementation of programs by institutions and conferences.

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9.4.4.3 Adoption Process. A statement of division philosophy may be adopted at any annual or special Convention by a majority vote of the delegates of the appropriate division present and voting. If a statement of division philosophy is adopted, it shall be published in the NCAA Manual.

[9.1.1.1 renumbered as 9.5.1.1, unchanged.]

Source: NCAA Division II Management Council.

Effective Date: August 1, 2022

Additional Information:

This proposal is part of the second step to significantly change the NCAA constitution. The first step occurred with an Association-wide vote of BOG 2022-1 (new NCAA constitution) to establish a new constitution that includes only Association-wide provisions. The NCAA Constitution Committee also recommended that all division specific legislation be moved out of the constitution. This proposal would move current Division II specific legislation (including division dominant provisions) to the appropriate existing bylaws or to new bylaws (7 through 9) without changing the substance.

NO. NC-2023-3 ELIGIBILITY -- SEASON OF COMPETITION: 10-SEMESTER/15-QUARTER RULE -- HARDSHIP WAIVER -- CRITERIA FOR ADMINISTRATION OF HARDSHIP WAIVER -- FIRST-HALF-OF-SEASON CALCULATION -- ROUNDING OF FIRST-HALF-OF-SEASON CALCULATION

Intent: To specify that any computation of the first half of the season that results in a fractional portion of a contest or date of competition shall be rounded to the next whole number after the rounded value.

Bylaws: Amend 14.2, as follows:

14.2 Seasons of Competition: 10-Semester/15-Quarter Rule. A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.10 and 14.2.2). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of their seasons of participation in all sports within the time periods specified below:

[14.2.1 through 14.2.4 unchanged.]

14.2.5 Hardship Waiver. A student-athlete may be granted an additional year of competition by the conference or the Committee on Student-Athlete Reinstatement for reasons of "hardship." Hardship is defined as an incapacity resulting from an injury or illness that has occurred under all of the following conditions:

[14.2.5-(a) through 14.2.5-(c) unchanged.]

[14.2.5 unchanged.]

14.2.5.2 Criteria for Administration of Hardship Waiver. The following criteria are to be employed in the administration of the hardship waiver:

[14.2.5.2.1 through 14.2.5.2.2 unchanged.]

14.2.5.2.3 First-Half-of-Season Calculation. The first half of the season is measured by the maximum permissible number of contests or dates of competition set forth in Bylaw 17 in the sport. ~~In determining if an injury or illness occurs prior to the first competition of the second half of the season that concludes with the NCAA championship in a sport with an odd number~~

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~~of contests or dates of competition, the injury or illness must have occurred prior to the beginning of the contest or date of competition that starts the second half of the season that concludes with the NCAA championship (e.g., an injury or illness occurring at any time after the beginning of the scheduled sixth game of an 11-game schedule would be considered to be after the first half of the institution's season and would not qualify the student-athlete for a hardship waiver).~~ **Any computation of the first half of the season that results in a fractional portion of a contest or date of competition shall be rounded to the next whole number after the rounded value (e.g., 50 percent of an 11-game football schedule -- 5.5 games -- shall be considered six games and any injury or illness must have occurred prior to the start of the seventh contest).**

[14.2.5.2.3.1 through 14.2.5.2.3.3 unchanged.]

[14.2.5.2.4 through 14.2.5.2.7 unchanged.]

[14.2.6 through 14.2.7 unchanged.]

Source: NCAA Division II Management Council (Committee on Student-Athlete Reinstatement).

Effective Date: August 1, 2022, for any incapacitating injury or illness, or other extenuating circumstance occurring on or after August 1, 2022.

Additional Information:

Under current legislation, in sports with an odd number of contests or dates of competition, an incapacitating injury or illness, must occur prior to the beginning of the contest or date of competition that starts the second half of the season that concludes with the NCAA championship. Therefore, an injury or illness, that occurs at any time after the beginning of the scheduled sixth game of an 11-game schedule, would be considered to be after the first half of the institution's season and would not qualify the student-athlete for a hardship waiver. While Bylaw 14.2.5.2.5.2 (fraction in percent calculation) is beneficial to the student-athlete, the first-half-of-season calculation legislation is detrimental since it removes the flexibility originally intended. Therefore, the NCAA Division II Committee on Student-Athlete Reinstatement believes a legislative change reflecting consistent application and flexibility, in both the first-half-of-season calculation and fraction in the percent computation, is appropriate and supports student-athlete well-being.

NO. NC-2023-4 EXECUTIVE REGULATIONS – ELIGIBILITY FOR CHAMPIONSHIPS – INELIGIBILITY FOR USE OF BANNED DRUGS -- MEDICAL EXCEPTIONS

Intent: To specify that exceptions to the prohibition on use of any substance in a banned-drug class may be provided to a student-athlete, as specified in the policies and procedures of the Committee on Competitive Safeguards and Medical Aspects of Sports.

Administrative: Amend 31.2, as follows:

31.2 Eligibility for Championships.

[31.2.1 through 31.2.2 unchanged.]

31.2.3 Ineligibility for Use of Banned Drugs. See Bylaw 18.4.1.4 for further details regarding ineligibility for use of banned drugs.

[31.2.3.1 unchanged.]

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31.2.3.2 Medical Exceptions. Exceptions to the prohibition ~~of on~~ use of any substance in ~~thea~~ banned-drug classes ~~of stimulants, anabolic agents, alcohol and beta blockers (for rifle only), diuretics and other masking agents, peptide hormones and analogues, hormone and metabolic modulators, and beta-2 agonists~~ may be made by the Board of Governors for those student athletes with a documented medical history demonstrating the need for regular use of such a drug may be provided to a student-athlete, as specified in the policies and procedures of the Committee on Competitive Safeguards and Medical Aspects of Sports.

[31.2.3.3 through 31.2.3.5 unchanged.]

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Effective Date: Immediate

Additional Information:

Current legislation does not adequately reflect the original intent or current application of the NCAA medical exemption policy, which was designed to ensure that evaluation of exception requests include consideration of emerging science and medical industry trends. Clarifying in the legislation that banned substance medical exceptions will be managed in accordance with CSMAS created policies and procedures will align the legislative language with the underlying intent and practice, similar to other administrative aspects of the NCAA Drug-Testing Program (e.g., drug-test appeals). This proposal is recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

NO. NC-2023-5 EXECUTIVE REGULATIONS – SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION – EARNED ACCESS – FOOTBALL – REQUIREMENTS – REQUIREMENTS FOR CONFERENCE TO QUALIFY FOR EARNED ACCESS

Intent: To amend the earned access legislation in football to align with the eligibility requirements for automatic qualification for any Division II championship.

Administrative: Amend 31.3.5, as follows:

31.3.5 Earned Access – Football. The Division II Football Committee shall award earned access to the NCAA Division II Football Championship to Division II football-playing conferences for which at least one member institution finishes no more than two spots lower than the super region bracket size in the final NCAA Division II football regional ranking. To be awarded earned access, the conference shall have a minimum of six active football-playing members. The earned access shall go to the conference's highest-ranked team in the final regional Top 10 poll.

31.3.5.1 Requirements. To be eligible for earned access to the football championship, a member conference must meet the following general requirements:

- (a) ~~Have b~~Been a multisport voting member conference of the Association for ~~two~~**five** consecutive academic years; ~~and~~
- (b) ~~Conducted competition in football for two consecutive years at the time of its application for earned access; and~~

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- (e) **b)** Have at least six **active** members that sponsor football at the varsity intercollegiate level **in which earned access is sought and** that are eligible for the NCAA championship, and have had at least six **active** members that are eligible for the NCAA championship participate in the process that determines possible earned access. Institutions that are affiliate members of a Division II football-playing conference may be used to satisfy the sponsorship requirement for earned access in football.

[Once a conference has satisfied the requirements for earned access set forth in Bylaw 31.3.5.1-(a) ~~through~~**and** Bylaw 31.3.5.1-(e)**(b)** the conference must also meet the following criteria:]

- (c) Conference Membership. All institutions may hold membership in only that conference in football in which earned access is sought and may participate in only that conference's process to determine if earned access is provided.**
- (d) Conference Compliance Requirement. The conference must maintain and actively enforce compliance with eligibility rules at least as stringent as those in Bylaw 14 applicable to its members.**
- (e) Impact of Nullification on Earned Access for Use of Ineligible Player(s). The Championships Committee may impose a penalty on an institution's team for permitting ineligible student-athlete(s) to compete in intercollegiate competition (see Bylaws 31.02.4 and 31.3.3 regarding nullification penalties for permitting an ineligible student-athlete to complete in intercollegiate competition). An institution that receives a nullification penalty may be denied the right to participate in the NCAA championship.**

~~[Once a conference has satisfied the requirements for earned access set forth in Bylaw 31.3.5.1-(a) through Bylaw 31.3.5.1-(e), the conference must also meet the following criteria:]~~

- ~~(d) Conference Membership. All institutions may hold membership in only that conference in football in which earned access is sought and may participate in only that conference's process to determine if earned access is provided.~~
- ~~(e) Conference Compliance Requirement. The conference must maintain and actively enforce compliance with eligibility rules at least as stringent as those in Bylaw 14 applicable to its members.~~
- ~~(f) Impact of Nullification on Automatic Qualification for Use of Ineligible Player(s). The Championships Committee may impose a penalty on an institution's team for permitting ineligible student-athlete(s) to compete in intercollegiate competition (see Bylaws 31.02.4 and 31.3.3 regarding nullification penalties for permitting an ineligible student-athlete to compete in intercollegiate competition). An institution that receives a nullification penalty may be denied the right to participate in the NCAA championship.~~

[31.3.5.2 unchanged.]

Source: NCAA Division II Management Council (Championships Committee).

Effective Date: Immediate

Additional Information:

Under current legislation, a conference must conduct competition in football for two consecutive years at the time earned access is requested, and only requires the conference to have been an active member for two years. This change will align the

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earned access legislation in football with changes made recently to the automatic qualification legislation in other sports.

NO. NC-2023-6 MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ELIGIBILITY FOR CHAMPIONSHIPS -- ATTESTATION AND CERTIFICATION OF COMPLIANCE OBLIGATIONS -- ELIMINATION OF ATTESTATION OF COMPLIANCE REQUIREMENT

Intent: To eliminate legislation requiring an annual attestation of compliance.

A. Constitution: Amend 3.3, as follows:

3.3 Active Membership.

[3.3.1 through 3.3.3 unchanged.]

3.3.4 Conditions and Obligations of Membership.

[3.3.4.1 through 3.3.4.7 unchanged.]

~~3.3.4.8 President or Chancellor Attestation of Compliance Obligations. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless its president or chancellor attests, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance). [See Bylaw 18.4.2.1-(d)].~~

[3.3.4.9 through 3.3.4.24 renumbered as 3.3.4.8 through 3.3.4.23, unchanged.]

[3.3.5 through 3.3.6 unchanged.]

B. Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

[18.4.1 unchanged.]

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition:

[18.4.2.1-(a) through 18.4.2.1-(c) unchanged.]

~~(d) The institution's president or chancellor shall attest, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance);~~

[18.4.2.1-(e) through 18.4.2.1-(h) relettered as 18.4.2.1-(d) through 18.4.2.1-(g), unchanged.]

[18.4.2.1.1 unchanged.]

~~18.4.2.1.1.2 Attestation of Compliance Obligations. The director of athletics has attested, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility)~~

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~~and Constitution 2.8 (Principle of Rules Compliance) and that all athletics department staff members (full-time, part-time, clerical, volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8.~~

[18.4.2.1.1.3 through 18.4.2.1.1.5 renumbered as 18.4.2.1.1.2 through 18.4.2.1.1.4, unchanged.]

[18.4.2.1.2 through 18.4.2.1.3 unchanged.]

[18.4.2.2 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate, for the 2022-23 academic year and thereafter.

Additional Information:

This change reduces an unnecessary administrative burden on institutions but does not remove an institutional commitment to compliance. Division II institutions inherently understand and value their commitment to complying with the operating bylaws and policies and do not need to sign a form declaring that intent. The responsibility to assure compliance is clearly articulated in the new constitution and in other bylaws, and the compliance module offered via the Division II University platform remains an excellent best practice in this regard.

NO. NC-2023-7 NCAA MEMBERSHIP -- INSTITUTIONAL CONTROL AND DIVISION MEMBERSHIP MERGING CONSTITUTION ARTICLES 3 AND 6 AND BYLAW 20

Intent: To merge all Division II legislation regarding NCAA membership and institutional control to a restructured Division II membership bylaw; further, to eliminate duplicative provisions.

Bylaws: Amend 7, as follows:

7.01 General Principles.

7.01.1 Membership in the Association. Eligibility for membership in the Association; conditions, obligations, and classes of Association membership; and procedures governing the termination, suspension and reinstatement of such membership are governed by Article 2-(C) and -(D) and this bylaw.

7.01.2 Classes of Membership. Division II offers three classes of membership: active, conference and provisional. Eligibility for and method of election to membership, obligations and conditions for continuing membership, voting rights, and other membership privileges for each class are defined in this bylaw.

7.01.3 Designation of Division II Membership Classification. Each active and provisional member institution and each member conference is designated as a member for certain legislative and competitive purposes.

7.01.3.1 Men's and Women's Programs in Different Divisions. An institution shall not classify its women's athletics program in a division other than the institution's membership division, unless its women's program was so classified before January 11, 1991; further, for those institutions so classified, the Board of Governors, by a two-thirds majority of its members present and voting, may permit the institution's women's athletics program to be classified in a division other than its membership division, provided it determines every three years that unusual circumstances warrant such action.

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7.01.3.2 Multidivision Classification. A member institution may request classification and eligibility in more than one division in accordance with provisions permitting multidivision classification, eligibility and voting (see Bylaw 7.6).

7.01.3.3 Designation of Division by Member Conference. Each member conference shall determine the membership division it desires for legislative and/or competitive purposes. When designating the division, at least 50 percent or a minimum of 25 of the conference's institutions must hold membership in that division.

7.01.4 Assignment to Geographical Areas. Active institution and conference members are assigned to geographical areas for the purpose of representation on the Presidents Council and various committees, and to facilitate the work of the Association. Geographical districts and regions are defined in Bylaw 8.1.1.4.

7.01.5 Applicable Legislation. A member institution shall observe the applicable legislation and requirements of its membership division. However, if the institution is eligible to participate in a sport in another division (see Bylaw 7.6 for multidivision-classification privileges), it shall apply the rules of the other division that govern the sport in question.

7.01.6 Compliance With NCAA Legislation. To be an active member, an institution shall be in compliance with all applicable provisions of the constitution and bylaws of the Association. An institution that fails to do so shall be subject to the enforcement procedures and penalties issued by the Division II Membership Committee (e.g., loss of enhancement funds; change to membership classification).

7.01.7 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of the division and an institution that fails to do so shall be subject to the enforcement procedures, and to possible reclassification.

7.01.8 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control [see Article 1-(E)].

7.01.9 Division II Membership Process. Institutions seeking to become active members of Division II in all sports must successfully complete the requirements of the Division II membership process. The membership process requires a minimum of three provisional years and is monitored by the Membership Committee.

7.01.10 Termination or Suspension of Membership. All rights and privileges of a member shall cease immediately on termination or suspension of its membership.

7.02 Definitions and Applications.

7.02.1 Division II Membership Categories.

7.02.1.1 Active Member Institution. An active member is a four-year college or university, or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution) and duly elected to active membership under the provisions of this article. Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association and division, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association. (See

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Bylaw 7.3.1.3.1.1 regarding restrictions on the privileges of for-profit institutions.)

7.02.1.1.1 Athletics Consortium. An athletics consortium consists of one member institution and neighboring member or nonmember institutions (but not more than one nonmember institution), recognized and approved by a two-thirds vote of the Management Council. The student-athletes of the combined institutions are permitted to compete on the NCAA member institution's athletics teams, provided they meet the eligibility requirements of the NCAA and the member institution (see Bylaw 7.1.1.3).

7.02.1.2 Provisional Member Institution. A provisional member is a four-year college or university, or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution) and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Bylaw 7.4). Provisional membership is a prerequisite for active membership and shall last for a minimum of three years. During year one of the membership process, an institution shall administer its athletics programs in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety. During years two and three of the provisional period, an institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association. Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 7.4.

7.02.1.3 Active Member Conference. A member conference is a group of colleges and/or universities that conducts competition among its members and determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition), duly elected to conference membership under the provisions of this article (see Bylaw 7.4.2). A member conference is entitled to all of the privileges of active members except the right to compete in NCAA championships (see Bylaw 7.4.2). Only those conferences that meet specific criteria as competitive and legislative bodies (see Bylaws 7.02.1.3.1 and 7.02.1.3.2) and minimum standards related to size and division status are permitted to vote on legislation or other issues before the Association.

7.02.1.3.1 Competitive Body. A competitive body is an athletics conference that conducts competition among its member institutions and determines a conference champion in one or more sports.

7.02.1.3.2 Legislative Body. A legislative body is an athletics conference that develops and maintains rules and regulations governing the athletics programs and activities of its member institutions.

7.02.1.4 Provisional Member Conference. A provisional conference consists of a group of at least 10 four-year colleges or universities or two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution), and that has applied for provisional conference membership in the Association. Provisional conference membership is a prerequisite for active conference membership in the Association. The conference shall be elected to provisional conference membership under the provisions of this article (see

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Bylaw 7.4.2) and shall follow the guiding principles of a model Division II conference, set forth in the "Division II Long-Range Financial Plan." Provisional conferences shall receive all publications and mailings received by voting member conferences in addition to other privileges designated in the constitution and bylaws of the Association.

7.02.2 Emerging Sports for Women. The following shall be considered emerging sports for women:

(a) Team Sports: acrobatics and tumbling and rugby; and

(b) Individual Sports: equestrian, triathlon, and women's wrestling.

7.02.2.1 Removal of Emerging Sports. A sport shall no longer be considered an emerging sport once the sport has been established as a championship sport. Further, an emerging sport is limited to a 10-year time period to become a championship sport unless it can be demonstrated that steady growth has occurred during that time.

7.02.3 Mixed Team. A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes.

7.02.4 Multidivision Classification. Multidivision classification is the procedure in which a member institution may petition to have a certain sport or sports classified in a division other than the division in which it holds membership (see Bylaw 7.6).

7.02.5 Probation. Probation is a membership classification status assigned to an institution, which indicates that an institution's membership is not in good standing. The status of probation serves as warning that certain conditions and obligations of membership have not been satisfied and failure to correct such deficiencies shall result in the institution's reclassification to the category of restricted membership. An institution does not lose membership benefits as a result of being placed on probation.

7.02.6 Restricted Membership. Restricted membership is a membership classification status assigned to an institution that fails to comply with the minimum requirements of its division (e.g., sports sponsorship, minimum financial aid requirements). An institution placed in such status indicates the loss of any or all of the following benefits of membership: championships eligibility; voting privileges; enhancement funds (equal distribution part); and committee service. Further, an institution placed in restricted membership status will not count for the premium portion of the conference grant program. Failure to comply shall forfeit immediately the institution's membership in the Association.

[7.01.9 through 7.01.10 renumbered as 7.03.9 through 7.03.10, unchanged.]

7.1 Eligibility for Division II Membership.

7.1.1 General. Membership is available to colleges, universities, and athletics conferences; that have acceptable academic standards (as defined in Bylaw 7.1.5.1.2, and for international institutions see Bylaw 7.1.5.1.2.1); and that are located in Canada, Mexico and the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association.

7.1.2 Membership Requirements – Philosophy Statement. In addition to the constitution of the National Collegiate Athletic Association, members of Division II believe that a well-conducted intercollegiate athletics program, based on sound educational principles and practices, is a proper part of the educational mission of a university or college and that the educational well-being and academic success of

the participating student-athlete is of primary concern.

Higher education has lasting importance on an individual's future success. As such, Division II supports the educational mission of college athletics by fostering a balanced approach in which student-athletes learn and develop through their desired academic pursuits, in civic engagement with their communities and in athletics competition. Division II athletics programs also are committed to establishing an inclusive culture in which persons of all backgrounds are respected and given the opportunity to provide input and to participate.

Division II members abide by the following principles that help define and distinguish the division:

- (a) Division II colleges and universities are expected to operate their athletics programs with integrity and in a welcoming manner that complies with conference and NCAA rules and regulations. Institutional control is a fundamental principle that supports the institution's educational mission and assumes presidential involvement and oversight;
- (b) Division II members fund their athletics programs in a manner that aligns with the institution's budget and educational mission. This method of funding features a "partial scholarship" model that allows Division II schools to recognize student-athletes for their skills through athletics-based grants, but student-athletes can accept merit-based aid and academic scholarships as well;
- (c) Division II believes in a balanced approach that integrates athletics into the college experience and allows students to focus on their academic pursuits and participate in other campus and community activities. This "Life in the Balance" emphasis facilitates learning through:
 - (1) Academics. Division II offers exceptional teacher-student ratios that provide student-athletes with a quality education in the academic curriculum of their choice. The division structures its eligibility requirements to facilitate student-athletes earning their degrees, which is measured in part by an institution's student-athletes graduating at least at the same rate as the institution's student body;
 - (2) Athletics. Division II supports athletics achievement through highly competitive programs that strive to participate in the division's 25 national championships, which offer the best access ratio among the NCAA's three divisions. Division II also supports a regionalization model in scheduling that reduces time away from campus and keeps athletics participation in perspective within the educational mission;
 - (3) Community Engagement. Division II athletics programs actively engage with their communities to enhance relationships between student-athletes and community members and develop a shared civic experience. Division II promotes engagement at the local, conference and national levels, including at all Division II national championships; and
 - (4) Post-graduation Success. Division II supports a higher education model that shapes student-athletes who graduate with the skills and knowledge to be productive citizens. The balanced approach allows student-athletes to focus on their academic pursuits, their internships, and whatever else it takes to prepare them for life after graduation;
- (d) Division II members support the utmost in sportsmanship by committing to a "game environment" initiative that establishes an atmosphere at athletics contests that is both energetic and respectful; and

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- (e) Division II promotes student-athlete involvement in decision-making through campus, conference and national Student-Athlete Advisory Committees that provide leadership opportunities and offer a representative voice in the division's governance structure.

7.1.3 Athletics Consortiums. The Management Council, by a two-thirds majority of its members present and voting, may approve an athletics consortium involving a member institution and neighboring member or nonmember institutions, but not more than one nonmember institution, to permit the student-athletes of the combined institutions to compete on the member institution's intercollegiate athletics teams, provided the student-athletes satisfy the eligibility requirements of the member institution and the NCAA. The Management Council shall develop and publish appropriate criteria to be applied to such consortiums.

7.1.3.1 General Policy. In general, a consortium shall be approved on the basis of existing academic considerations with the understanding that there shall be no change in the basic recruitment, enrollment or financial aid policies of the involved institutions as a result of such approval.

7.1.3.2 Combining Entire Athletics Programs. The institutions shall combine their entire athletics programs, and the consortium shall not be formed on a sport-by-sport basis.

7.1.3.3 Conference Approval. An institution that belongs to an NCAA member conference first shall receive approval of its conference before instituting a consortium for its intercollegiate athletics program. If more than one institution holds such conference membership, all such conferences shall approve the consortium.

7.1.3.4 Eligibility Requirements for Student-Athletes. Participating student-athletes shall meet all eligibility requirements of the member institution(s), the athletics conference(s) involved and the NCAA. The member institution(s) shall certify the eligibility of all student-athletes under those rules.

7.1.3.5 Financial Assistance to Student-Athletes. Within a consortium:

- (a) Each institution shall be responsible for the financial assistance awarded to its student-athletes. The financial arrangement between or among the institutions for the exchange of funds to cover the academic costs of student-athletes who take part in the exchange program shall apply to student-athletes in the same manner as it applies to those students not participating in the intercollegiate athletics program;
- (b) One institution may not provide a scholarship or any other form of financial aid to a student-athlete enrolled in another institution or transmit a scholarship or grant-in-aid to another institution to be used by one or more of its student-athletes; and
- (c) Financial aid limitations as set forth in Bylaw 15 shall be applicable to the consortium as one entity and shall include all countable student-athletes, regardless of the institution in which they are enrolled.

7.1.3.6 Length of Approval. NCAA approval shall be for a four-academic-year period, at the end of which the institutions shall submit a report on the program setting forth its effect upon their academic and athletics operations.

7.1.3.7 NCAA Division Membership. The institutions may be members of different NCAA divisions but shall select one division for legislative and competitive purposes.

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7.1.3.8 NCAA Member Involvement. At least one of the institutions shall be a member of the NCAA, and not more than one nonmember institution shall be included.

7.1.3.9 NCAA Membership Application. The institutions shall apply for NCAA membership as a consortium and shall be considered as one member of the Association, with their combined names included on official NCAA membership records.

7.1.3.10 Prior Academic Consortium Relationship. The institutions shall have had a prior academic consortium relationship.

7.1.3.11 Recruitment. It is permissible for one institution to recruit prospective student-athletes with a view to their possible enrollment at another institution in the consortium, provided the individuals qualify for admission to that institution and the athletics interests of the member institution are not involved, directly or indirectly, in influencing the admission or award of financial assistance.

7.1.4 Active Members.

7.1.4.1 Eligibility Requirements – Institutions.

7.1.4.1.1 Types of Institutions. Active membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and pursuant to Board of Governors policy and duly elected to active membership under the provisions of Bylaw 7.1.3.

7.1.4.1.2 Accreditation. An institution shall meet the Division's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution).

*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.

7.1.4.1.2.1 Accreditation Standard for International Institutions. An institution located in Canada or Mexico must satisfy the Division's requirement of acceptable academic standards set forth in Bylaw 7.1.4.1.2 or is a candidate for accreditation with one of the six U.S. regional accrediting agencies* and is in good standing with its country's national, regional, or provincial accreditation agency to be elected to and maintain active membership in the Association.

7.1.4.1.3 Compliance With Association Rules. The institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

7.1.4.1.4 Standards. The institution's athletics programs shall reflect the establishment and maintenance of high standards of personal honor, eligibility and fair play.

7.1.4.1.5 Compliance Requirement. The institution shall be in compliance with Bylaws 7.1.4.1.3, 7.1.4.1.4 and 7.4 at the time it makes application for active membership.

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7.1.4.2 Eligibility Requirement – Conferences – Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition. Voting rights and other membership privileges (e.g., Management Council representation) are available only to those multi-sport conferences that satisfy the requirements set forth in Bylaw 7.3.6.

7.1.4.3 Dues of Members.

7.1.4.3.1 Determination of Annual Dues. The annual dues of the various classes of membership are governed by Article 3-(C).

7.1.4.3.2 Payment Deadline. Dues are payable September 1 of each year. A member shall not be permitted to vote at a Convention of the Association if its dues are not paid for that year. To be eligible to compete in NCAA championships, dues shall be paid in accordance with Bylaw 31.2.1.2. Membership is terminated if a member fails to pay dues for one year (see Bylaws 7.3.5.3 and 7.3.6.9.5).

7.2 Establishment of and Compliance with Division Criteria.

7.2.1 Adoption of Criteria. The members of each division, by majority vote, may establish division criteria for membership and competition by sport.

7.2.2 Effective Date and Compliance Period. In establishing criteria, the members of the division shall specify the effective date and compliance period, if any. Each institution (either as a member of that division or as an institution that competes in a sport in that division under the provisions of multidivision classification per Bylaw 7.6) shall conform to the requirements of the criteria by that effective date or by the end of the compliance period, whichever is later. Amendments to membership criteria shall be effective the September 1 after adoption or a future September 1.

7.2.3 Deadline for Meeting Performance Criterion. An institution must comply with any specific performance criterion adopted by the membership of its division (e.g., that the institution sponsor a minimum number of sports, schedule and play a specific percentage or number of contests against opponents of a certain division, or demonstrate a specific level of paid attendance) by the end of the academic year before the effective date of the legislation.

7.2.4 Continuation of Compliance. To retain division membership or approved multidivision classification (per Bylaw 7.6), each active member institution shall continue to meet division criteria when any grace period expires. If an institution fails to remain in compliance with its division's criteria, the institution's membership (or its sport per Bylaw 7.6) shall be reassigned to a division for which it qualifies. If the member (or its sport per Bylaw 7.6) does not qualify for any division, the institution shall be reclassified in accordance with Bylaw 7.2.7 and also shall be subject to the Association's enforcement procedures.

7.2.5 Failure to Conform by Effective Date. If an active member institution has not conformed to the adopted criteria of its division by the effective date or the end of the prescribed compliance period, the institution's membership (or its sport per Bylaw 7.6) shall be reassigned to a division for which it qualifies. If the member (or its sport per Bylaw 7.6) does not qualify for any division, the institution (or its sport per Bylaw 7.6) shall be reclassified in accordance with Bylaw 7.2.7.

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7.2.6 Noncompliance With Membership Requirements and the Enforcement Process -- Authority of the Membership Committee. The Membership Committee shall review issues regarding membership requirements (e.g., sports sponsorship, financial aid) that are discovered during the enforcement process and shall impose, when necessary, penalties for noncompliance.

7.2.7 Noncompliance and Waivers of Division Criteria.

7.2.7.1 Restricted Membership.

7.2.7.1.1 Minimum One-Year Compliance Period. If an institution (or its sport per Bylaw 7.6) does not meet its division's criteria for membership, the institution (or its sport per Bylaw 7.6) may be placed in a restricted membership category for a minimum of one year (see Bylaw 7.02.6). If the member institution does not meet its division's criteria for membership at the end of the restricted membership period, the member shall forfeit immediately its membership in the Association.

7.2.7.1.2 Voting Privileges and Eligibility for Championships. During the period of restricted membership, an institution shall be (see Bylaw 7.02.6):

- (a) In compliance to the greatest extent possible with that division's scheduling criteria;
- (b) Bound by all other applicable rules of the Association;
- (c) Permitted to vote only on dominant issues; and
- (d) Ineligible for NCAA championships and postseason football contests.

7.2.7.1.3 No Voluntary Selection of "Restricted Membership" Category. "Restricted membership" status is imposed only when an institution has failed to comply with division membership criteria. (See Bylaw 7.02.6.) An institution is not permitted to select voluntarily or to request that it be placed in the "restricted membership" category.

7.2.7.2 Waivers of Division Membership Criteria. The following institutions may request a waiver from the appropriate divisional committee that has oversight of membership criteria:

- (a) An institution applying for multidivision classification;
- (b) An institution applying for a change of division membership;
- (c) An institution placed in the restricted membership category (see Bylaw 7.02.6);
- (d) An active member institution that does not meet the applicable membership criteria of its division; or
- (e) An active member institution that does not meet (or does not expect to meet within the applicable compliance period, if any) new criteria adopted by the membership of its division. The institution's request for a waiver shall be signed by the institution's chancellor or president. The Membership Committee shall determine the deadline for submission and the effective date of such waiver requests.

7.2.7.2.1 Voting Requirement. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of the division's criteria. The Management Council, or a

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subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.

7.3 Active Membership.

7.3.1 Institutions.

7.3.1.1 Institutional Governance.

7.3.1.1.1 Chancellor or President. A member institution's chancellor or president has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. The term "chancellor or president" refers to the individual with primary executive authority for an institution and does not include an individual who has executive responsibility over a system of institutions.

7.3.1.1.2 Athletics Board. A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions.

7.3.1.1.2.1 Composition. Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the chancellor or president's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority.

7.3.1.1.2.1.1 Administrator Defined. An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's chancellor or president or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.

7.3.1.1.2.1.2 Board Subcommittee. If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Bylaw 7.1.3.1.1.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority control requirement.

7.3.1.1.2.1.3 Attendance. A parliamentary majority of administrators and faculty members of a board in control of

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athletics is not required to be present at any single meeting in order to conduct business.

7.3.1.1.2.2 Chair or Voting Delegate. Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.

7.3.1.1.3 Compliance Administrator. A member institution shall employ at least one individual who serves as a full-time compliance administrator with no coaching responsibilities (see Bylaw 7.3.1.5.23).

7.3.1.1.4 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

7.3.1.1.5 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.

7.3.1.2 Budgetary Control.

7.3.1.2.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.

7.3.1.2.2 Chancellor or President Approval. The institution's chancellor or president or an institutional administrator designated by the chancellor or president from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action.

7.3.1.3 Privileges.

7.3.1.3.1 Active Members. Active members shall be entitled to all of the privileges of membership under the constitution and bylaws of the Association and all privileges incidental thereto.

7.3.1.3.1.1 Exception -- For-Profit Institutions. For-profit institutions shall be restricted, as follows:

(a) A for-profit institution shall not have voting privileges at the annual NCAA Convention or any special Convention. The institution shall be entitled to three accredited delegates without voting privileges. Any of the accredited delegates shall be entitled to privileges of the floor and the right to active participation in the business proceedings;

(b) Representatives of a for-profit institution shall not be permitted to serve as a voting institution representative on an NCAA committee; and

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(c) A for-profit institution shall not receive NCAA grants or financial distributions directly from the NCAA.

7.3.1.3.2 Use of Association's Registered Marks. Active members may use the registered marks of the Association (the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.

7.3.1.5 Conditions and Obligations of Active Membership.

7.3.1.5.1 General. An active member shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

7.3.1.5.2 Obligation to Meet Division Criteria. Division membership criteria constitute enforceable legislation. Each member institution shall comply with all applicable criteria of its division, and an institution that fails to do so shall be subject to the enforcement procedures, and to possible reclassification.

7.3.1.5.3 Certification of Eligibility/Declaration of Ineligibility. An active member institution is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the chancellor or president, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.12). See Bylaw 14.13 for procedures regarding restoration of eligibility.

7.3.1.5.4 Application of Rules to All Recognized Varsity Sports. The constitution, bylaws and other legislation of this Association, unless otherwise specified therein, shall apply to all teams in sports recognized by the member institution as varsity intercollegiate sports and that involve all male teams, mixed teams of males and females, and all-female teams. To be recognized as a varsity sport, the following conditions must be met:

- (a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 7.3.1.7 or an emerging sport for women per Bylaw 7.02.2;
- (b) The sport officially shall have been accorded varsity status by the institution's chancellor or president or committee responsible for intercollegiate athletics;
- (c) The sport is administered by the department of intercollegiate athletics; and
- (d) Qualified participants in the sport shall receive the institution's official varsity awards.

7.3.1.5.4.1 Intent to Sponsor a Varsity Sport. Once an institution evidences an intent or commitment to sponsor a sport on a varsity level (e.g., official announcement that competition will be conducted on a varsity basis, employment of individuals to coach the varsity team), the institution must begin applying NCAA recruiting regulations to the applicable sport.

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7.3.1.5.4.2 Regular-Season Eligibility. A member shall conduct its regular-season competition under eligibility rules at least as stringent as those provisions of Bylaw 14 applicable to members (see Bylaw 14.1.1).

7.3.1.5.5 Publication of Progress-Toward-Degree Requirements. Active member institutions are obligated to publish their progress-toward-degree requirements for student-athletes (see Bylaw 14.4.1).

7.3.1.5.6 Missed Class-Time Policies. Active member institutions are obligated to establish policies in all sports concerning student-athletes' missed class time due to participation in intercollegiate athletics and athletics competition scheduled during final examination periods (see Bylaw 17.1.6.8).

7.3.1.5.7 Compliance-Related Certification. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless it certifies [see Bylaw 18.4.2.1-(e)] that the conditions of Bylaw 18.4.2.1.1 have been satisfied.

7.3.1.5.8 Student-Athlete Statement. An active member institution shall administer annually, on a form prescribed by the Management Council, or a designated committee, a signed statement for each student-athlete that provides information set forth in Bylaws 14.1.3 and 14.1.3.2.

7.3.1.5.8.1 Administrative Requirement. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee prior to the student's participation in intercollegiate competition each academic year.

7.3.1.5.8.2 Signature Requirement. The athletics director and head coach in the sport in which the student-athlete participates shall sign the eligibility list form.

7.3.1.5.8.3 Retention Requirement. The statement shall be kept on file and such file shall be available for examination upon request by an authorized representative of the NCAA.

7.3.1.5.9 Drug-Testing Program and Consent Form. An active member institution and an institution in the candidacy or provisional period of the membership process shall administer annually, on a form prescribed by the Management Council, a signed drug-testing consent form for each student-athlete (per Bylaw 12.02.7) in accordance with Bylaw 14.1.4 and shall ensure compliance with the following elements of the NCAA Drug-Testing Program: [D]

- (a) Respond to the initial drug-testing notification from Drug Free Sport International by the date specified by the organization;
- (b) Complete and forward to Drug Free Sport International a current and accurate institutional eligibility list (see Bylaw 14.11.2) by the date specified by the organization;
- (c) Provide adequate and secure drug-testing facilities as specified by Drug Free Sport International;

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- (d) Notify student-athletes who have been selected for drug testing according to the timeline specified by Drug Free Sport International; and
- (e) Respond to additional requests for assistance in administering the NCAA year-round drug testing program as specified by Drug Free Sport International.

7.3.1.5.9.1 Administrative Requirement -- Year-Round Drug Testing. In sports in which the Association conducts year-round drug testing, the consent form shall be administered individually to student-athletes each academic year at the time the intercollegiate squad first reports for practice or before the Monday of the institution's fourth week of classes, whichever date occurs first.

7.3.1.5.9.2 Penalty for Failure to Complete and Sign Consent Form. Failure to sign the consent form by the deadline shall result in the student-athlete's ineligibility for practice or competition until the student-athlete has signed the form. Failure to complete and sign the form before practice or competition may result in the student-athlete's ineligibility for participation in all intercollegiate athletics.

7.3.1.5.9.3 Retention Requirements. The consent form shall be kept on file and such file shall be made available for examination on request by an authorized representative of the NCAA [see Bylaw 14.1.4.2-(c)].

7.3.1.5.10 Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form -- Disclosure of Protected Health Information. An active member institution shall administer annually, on a form prescribed by the Management Council, a statement for each student-athlete to voluntarily sign that provides information prescribed in Bylaws 14.1.5 and 14.1.5.2.

7.3.1.5.10.1 Administrative Requirement. The statement shall be administered individually to each student-athlete by the athletics director or the athletics director's designee before the student-athlete's participation in intercollegiate athletics each academic year.

7.3.1.5.10.2 Failure to Provide Consent. The authorization/consent by the student-athlete is voluntary and is not required for the student-athlete to be eligible to participate.

7.3.1.5.10.3 Retention Requirement. Any signed statement(s) shall be kept on file and shall be available for examination on request by an authorized representative of the NCAA. [See Bylaw 14.1.5.2-(c).]

7.3.1.5.11 Discipline of Members. In accordance with directions of the Management Council or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19).

7.3.1.5.12 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event (see Bylaw 7.3.1.5.12.3): [D]

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- (a) A student-athlete participating in the covered event in an intercollegiate sport as recognized by the participating institution; and
- (b) A prospective student-athlete participating in the covered event who has graduated from high school and signed an irrevocable commitment to participate in an intercollegiate sport at a participating institution.

7.3.1.5.12.1 Amount of Coverage Insurance. Such insurance coverage must be of equal or greater value than the deductible of the NCAA catastrophic injury insurance program and may be provided through the following sources: [D]

- (a) Parents' or guardians' insurance coverage;
- (b) Participant's personal insurance coverage; or
- (c) Institution's insurance program.

7.3.1.5.12.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event (see Bylaw 7.3.1.5.12.3). [D]

7.3.1.5.12.3 Covered Event. A covered event includes the following: [D]

- (a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);
- (b) An NCAA-sanctioned competition in which the insured person (i.e., student-athlete or prospective student-athlete) is an official competitor; or
- (c) Practice and conditioning sessions that are authorized, organized or directly supervised by athletics department personnel at the member institution other than during the playing season. Such sessions must occur on campus or at approved off-campus facilities as part of an intercollegiate athletics activity. For insured student-athletes or prospective student-athletes who compete in individual sports, off-campus intercollegiate athletics activities must be authorized by athletics department personnel at the participating school and take place at approved locations.

7.3.1.5.13 Academic Success Rate. Active members shall annually submit data, by the applicable deadline, for the Academic Success Rate in a form prescribed by the Management Council.

7.3.1.5.13.1 Failure to Submit Data. An active member institution that fails to submit data for the Academic Success Rate by the applicable deadline shall forfeit receipt of Division II enhancement funds in the following academic year. Further, an active member institution that fails to submit data for the Academic Success Rate in any two years during a five-year period shall forfeit Division II enhancement funds for the following three consecutive academic years.

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7.3.1.5.13.1.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.1.5.13.1 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

7.3.1.5.14 Academic Performance Census -- Failure to Submit. If an institution fails to submit its Academic Performance Census by the applicable deadline, in a format approved and administered by the Presidents Council (or a committee designated by the Presidents Council), that institution shall forfeit Division II institutional enhancement funds for the following academic year.

7.3.1.5.14.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.1.5.14 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

7.3.1.5.15 Concussion Management Plan. An active member institution shall have a concussion management plan for its student-athletes. The plan shall adhere to the process and format (e.g., the concussion protocol checklist) prescribed by the Board of Governors or designee and include, but is not limited to, the following: [D]

- (a) An annual process that ensures student-athletes are educated about the signs and symptoms of concussions. Student-athletes must acknowledge that they have received information about the signs and symptoms of concussions and that they have a responsibility to report concussion-related injuries and illnesses to a medical staff member;
- (b) A process that ensures a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from athletics activities (e.g., competition, practice, conditioning sessions) and evaluated by a medical staff member (e.g., sports medicine staff, team physician) with experience in the evaluation and management of concussions;
- (c) A policy that precludes a student-athlete diagnosed with a concussion from returning to athletics activity (e.g., competition, practice, conditioning sessions) for at least the remainder of that calendar day; and
- (d) A policy that requires medical clearance for a student-athlete diagnosed with a concussion to return to athletics activity (e.g., competition, practice, conditioning sessions) as determined by a physician (e.g., team physician) or the physician's designee.

7.3.1.5.15.1 Annual Review and Retention Requirement. The concussion management plan shall be annually reviewed by and be kept on file in the office of the institution's athletics health care administrator.

7.3.1.5.16 Concussion Reporting. An active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to

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policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports. [D]

7.3.1.5.17 Independent Medical Care. An active member institution shall establish an administrative structure that provides independent medical care and affirms the unchallengeable autonomous authority of primary athletics health care providers (team physicians and athletic trainers) to determine medical management and return-to-play decisions related to student-athletes. An active institution shall designate an athletics health care administrator to oversee the institution's athletic health care administration and delivery.

7.3.1.5.18 Designation of Team Physician. An active member institution shall designate a physician to serve as team physician for all or each of its intercollegiate teams. The team physician shall be a doctor of medicine (MD) or doctor of osteopathic medicine (DO) with a current license in good standing to practice medicine in the state or province in which the institution is located. The team physician shall be authorized to oversee the medical services for injuries and illnesses incidental to a student-athlete's participation in intercollegiate athletics.

7.3.1.5.19 Catastrophic Sport Injury Report. An active member institution shall submit data detailing student-athlete catastrophic fatalities, near fatalities and catastrophic injuries (e.g., injuries and illnesses related to head, neck, spine, cardiac, pulmonary, heat, sickle cell trait, eyes) to the NCAA on an annual basis pursuant to policies and procedures that govern such data as determined by the Committee on Competitive Safeguards and Medical Aspects of Sport.

7.3.1.5.20 Student-Athlete Health and Safety Survey. An active member institution shall complete a student-athlete health and safety survey on an annual basis pursuant to policies and procedures as determined by the Committee on Competitive Safeguards and Medical Aspects of Sport.

7.3.1.5.21 Athletics Diversity and Inclusion Designee. The chancellor or president of an active member institution shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

7.3.1.5.22 Responsibility of Compliance Administrator. A member institution shall certify annually that it employs at least one individual who serves as a full-time compliance administrator with no coaching responsibilities.

7.3.1.5.22.1 Failure to Meet Responsibility of Compliance Administrator.

7.3.1.5.22.1.1 One-Year Probationary Period. An institution that fails to meet the requirement regarding the responsibility of the compliance administrator shall be placed on probation for one year for its entire athletics program (both men's and women's sports) in the next academic year after noncompliance is discovered. A member institution shall be afforded the one-year probationary period for failure to meet the requirement only once in a five-year period. The five-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met (see Bylaw 7.02.5).

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7.3.1.5.22.1.2 Application of Restricted Membership Status. If an institution fails to meet the requirement regarding the responsibility of the compliance administrator at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 7.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.

7.3.1.5.22.2 Waiver. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of division criteria. The Management Council, or a subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.

7.3.1.5.23 Financial Report.

7.3.1.5.23.1 Requirement. At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's chancellor or president or by an institutional administrator from outside the athletics department designated by the chancellor or president. If, within the last three years, the institution has conducted an overall institutional audit that includes a financial audit of all athletics department funds using the agreed upon procedures, then the institution is not required to perform a separate financial audit of all athletics department expenditures. An institution is not required to use the agreed upon procedures in years outside the once in every three-year cycle.

7.3.1.5.23.1.1 Schedule. The report created pursuant to the approved procedures shall be completed and presented to the chancellor or president on or before January 15 after the end of the institution's fiscal year.

7.3.1.5.24 Self-Study and Evaluation.

7.3.1.5.24.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:

(a) Compliance-related topics:

(1) Institutional oversight;

(2) Budgetary control;

- (3) Ethical conduct;
- (4) Recruiting;
- (5) Eligibility;
- (6) Financial aid;
- (7) Rules compliance;
- (8) Health and safety; and

(b) Strategic-initiative related topics:

- (1) Philosophy statement;
- (2) Institutional control and responsibility;
- (3) Athletics operations;
- (4) Student-athlete well-being;
- (5) Health and safety;
- (6) Life in the balance/overall educational experience; and
- (7) Cultural diversity and gender equity.

7.3.1.5.24.1.1 Deadline. The Institutional Self-Study Guide must be postmarked by 5 p.m. Eastern time June 1 of the year it is due to the national office, based on the published schedule for Division II member institutions.

7.3.1.5.24.1.1.1 Extension. The Membership Committee may approve additional time for an institution to complete the required self-study and evaluation of its intercollegiate athletics program if extraordinary circumstances warrant such action (e.g., change in administration). Such requests must be received in the NCAA national office by March 1 of the year the self-study is due to the national office.

7.3.1.5.24.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 7.02.5 and shall not be eligible to receive Division II Enhancement Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 7.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the chancellor or president of an institution.

7.3.1.6 Financial Aid Requirements.

7.3.1.6.1 Minimum Awards. A member of Division II shall annually provide financial assistance that equals one of the following:

- (a) 50 percent of the maximum allowable equivalencies in four separate sports, at least two of which must be women's sports;**
- (b) 20 total full equivalency grants with at least 10 total full equivalency grants in women's sports; or**
- (c) A total expenditure of \$250,000 in athletically related financial aid with at least \$125,000 in women's sports.**

7.3.1.6.1.1 Counting Financial Aid Awards to Satisfy Minimum Requirement. In counting financial aid awarded to student-athletes to determine if the requirements set forth in Bylaw 7.3.1.6.1-(a) and -(b) have been satisfied, the institution must satisfy the following:

- (a) Only countable financial aid, as set forth on the NCAA financial aid form, may be used to meet the appropriate minimum;**
- (b) Countable financial aid awarded to a student-athlete who has exhausted eligibility or awarded to a medically exempt student-athlete may be used to meet the appropriate minimum;**
- (c) To be included in reaching the appropriate minimum, the financial aid actually must be awarded; and**
- (d) Countable aid awarded in emerging sports for women and non-NCAA sports may not be used to meet the appropriate minimum.**

7.3.1.6.1.2 Counting Sports Classified as Division I. For purposes of counting financial aid awarded to student-athletes, an institution may use a sport classified as a Division I sport in order to satisfy the minimum financial aid requirements for Division II membership set forth in Bylaw 7.1.3.1.6.1.

7.3.1.6.1.3 Single-Gender Programs. Institutions that sponsor and conduct athletics programs for only one gender must award at least one half of the minimum requirements set forth in Bylaw 7.3.1.6.1-(a)-(c).

7.3.1.6.1.4 Failure to Meet Minimum Financial Aid Requirement.

7.3.1.6.1.4.1 One-Year Probationary Period. An institution that fails to meet the minimum financial aid requirement shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance is discovered. An institution shall be afforded the one-year probationary period for failure to comply with minimum financial aid criteria only once in every five-year period. The five-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met (see Bylaw 7.02.5).

7.3.1.6.1.4.1.2 Application of Restricted Membership Status. If an institution fails to meet the minimum financial aid requirement at the end of the probationary year or is

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ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 7.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.

7.3.1.6.1.5 Waiver of Minimum Financial Aid Requirement. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the minimum financial aid requirement for Division II membership based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of the legislation. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum financial aid awards.

7.3.1.7 Sports Sponsorship. A member of Division II shall sponsor in Division II a minimum of:

- (a) Five Men's and Five Women's Varsity Sports. Five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all-male teams or mixed teams of males and females; and five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all-female teams;
- (b) Four Men's and Six Women's Varsity Sports. Four varsity intercollegiate sports, including at least two team sports, based on the minimum requirement of Bylaw 7.3.1.7.1.3 and involving all-male teams or mixed teams of males and females; and six varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all-female teams; or
- (c) Single-Gender Programs. Institutions that sponsor and conduct athletics programs for only one gender must sponsor a minimum of five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3, for that gender.

7.3.1.7.1 Acceptable Sports. The sports designated to meet the sports sponsorship criteria shall:

- (a) Be among those in which the Association sponsors a championship, except as provided in Bylaw 7.3.1.7.1.1 or an emerging sport for women per Bylaw 7.02.2;
- (b) Be recognized by the institution as varsity intercollegiate sports (see Bylaw 7.3.1.5.4);
- (c) Involve all-male teams, mixed teams of males and females or all-female teams;
- (d) One men's and one women's sport required in Bylaw 7.3.1.7-(a) or one men's and one women's sport required in Bylaw 7.3.1.7-(b) may be sponsored in Division I; and
- (e) Be among those in which the institution opts to participate only in the NCAA championship (i.e., an institution may not participate in a national championship sponsored by a non-NCAA organization).

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7.3.1.7.1.1 Waiver. The Management Council, by a two-thirds majority of its members present and voting, may approve a request to designate one sport involving all-male teams or mixed teams of males and females and one sport involving all-female teams other than those set forth in Bylaw 7.3.1.7-(a).

7.3.1.7.1.2 Waiver of Minimum Women's Sports Sponsorship Criteria. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the Division II minimum women's sports sponsorship requirement in accordance with the procedure listed below:

- (a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and it shall be received in the national office not later than October 1;
- (b) The institution shall provide data demonstrating that the ratio of male to female enrollment prohibits the offering of the required number of sports for women; or
- (c) The institution shall provide data demonstrating insufficient student interest in establishing or maintaining the requisite number of teams.

7.3.1.7.1.2.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02.6.

7.3.1.7.1.2.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum women's sports sponsorship requirement.

7.3.1.7.1.3 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports and acrobatics and tumbling, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contest requirement. The following minimums are applicable:

Team Sports Minimum Contests Minimum Participants Individual Sports Minimum Contests Minimum Participants:

<u>Team Sports</u>	<u>Minimum Contests</u>	<u>Minimum Participants</u>	<u>Individual Sports</u>	<u>Minimum Contests</u>	<u>Minimum Participants</u>
<u>Acrobatics and Tumbling</u>	<u>6</u>	<u>18</u>	<u>Women's Bowling</u>	<u>8</u>	<u>5</u>
<u>Baseball</u>	<u>24</u>		<u>Cross Country</u>	<u>4</u>	
<u>Basketball</u>	<u>22</u>		<u>Equestrian</u>	<u>6</u>	<u>12</u>

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Beach Volleyball	8		Men's Fencing	6	5
Field Hockey	10		Women's Fencing	6	5
Football	8		Golf	6	5
Men's Ice Hockey	20		Men's Gymnastics	6	6
Women's Ice Hockey	20		Women's Gymnastics	6	5
Men's Lacrosse	8		Rifle	8	4
Women's Lacrosse	10		Skiing	5	5
Women's Rowing	6		Swimming and Diving	8	11
Women's Rugby	9		Tennis	10	5
Soccer	10		Track and Field, Indoor	4	10
Softball	24		Track and Field, Outdoor	4	14
Men's Volleyball	9		Men's Wrestling	9	6
Women's Volleyball	15		Women's Wrestling	9	6
Men's Water Polo	15		Women's Triathlon	4	3
Women's Water Polo	10				

(Note: The minimum-contest requirements set forth in Bylaws 7.3.1.7.1.3.1 through 7.3.1.7.1.3.10 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)

7.3.1.7.1.3.1 Completion of Contest. To count as a contest, the institution's team actually shall participate in and complete the contest. Scheduled contests that are canceled or not completed (in accordance with the playing rules of the sport) may not be counted.

7.3.1.7.1.3.2 Counting Multicontest Events in Team Sports. In team sports, each game in a double-header, triple-header or tournament shall be counted as one contest.

7.3.1.7.1.3.3 Meets With No Team Scoring. In individual sports, a meet at which no team scoring is kept counts as a contest for the purpose of meeting the minimum-contest requirement,

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provided that at least the minimum number of participants per Bylaw 7.3.1.7.1.3 participate on the institution's team.

7.3.1.7.1.3.4 Individual Sports -- One or More Sites. In individual sports, if the minimum number of student-athletes participating on one or more teams, at one or more sites, on behalf of the institution on the same day equals or exceeds the minimum number of participants per Bylaw 7.3.1.7.1.3, an institution may use the competition as a contest in meeting the minimum-contest requirements.

7.3.1.7.1.3.4.1 Exception -- Multiday Events -- Track and Field. In track and field, if the number of student-athletes participating in a multiday meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants per Bylaw 7.3.1.7.1.3 and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contests requirements.

7.3.1.7.1.3.5 Contests in Two Seasons. If an institution sponsors the same sport in two different seasons of the same academic year, it may count contests in both seasons, provided regular varsity competition is sponsored in both seasons and is so listed on the institution's official schedule in that sport.

7.3.1.7.1.3.6 Contests Versus Club Teams. A contest against a collegiate institution's club team may not be counted toward meeting minimum-contest requirements. However, a member is not precluded from scheduling club teams.

7.3.1.7.1.3.6.1 Exception -- Women's Rugby. In women's rugby, an institution may count up to two contests per year against collegiate club teams toward meeting minimum-contests requirements.

7.3.1.7.1.3.7 Indoor and Outdoor Track and Field. Institutions may receive credit for sponsoring both indoor and outdoor track and field provided each team participates in the minimum number of contests with at least the minimum number of participants set forth in Bylaw 7.3.1.7.1.3. An institution also may receive credit for sponsoring both indoor and outdoor track and field, provided its team participates in a total of eight indoor and outdoor meets during the year, including at least three indoor and three outdoor meets.

7.3.1.7.1.3.8 Beach Volleyball. A member institution shall meet minimum sports sponsorship in beach volleyball by applying the following:

- (a) Not less than three of the eight contests shall be dual, one-day competitions where all five two-person teams compete (e.g., institution versus institution on a single day). Only one contest per day shall count toward meeting this requirement;
- (b) The remaining number of contests shall be achieved by satisfying Bylaw 7.3.1.7.1.3.8-(a) or multi-opponent competitions. For a tournament to qualify for sports

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sponsorship purposes, all five two-person teams must be in competition with all other participating institutions and one institution shall be crowned champion of the tournament based on the performance of its five, two-person teams;

(c) All other competition formats will constitute the use of a date of competition but not count towards the minimum sports sponsorship requirement; and

(d) Contests against a collegiate institution's club team may not be counted toward meeting the minimum-contest requirements, except for the following:

(1) During each intercollegiate season, one contest against a collegiate institution's club team may be used in meeting the minimum-contest requirements provided the contest is a dual, one-day competition in which all five two-person teams compete.

7.3.1.7.1.3.9 Women's Rugby. In women's rugby, 15-a-side and seven-a-side competition may count toward the required minimum number of contests.

7.3.1.7.1.3.10 Acrobatics and Tumbling. In acrobatics and tumbling, dual meets and tri-meets may count toward the minimum number of contests. Tri-meets are counted as two contests for each competing team. No more than two tri-meets may be counted toward the minimum number of contests by a member institution.

7.3.1.7.1.3.11 Failure to Meet Minimum Sports Sponsorship Criteria.

7.3.1.7.1.3.11.1 One-Year Probationary Period. An institution that fails to meet either the minimum men's or women's sports sponsorship criterion for its division shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance with sports sponsorship requirements is discovered. An institution shall be afforded the one-year probationary period for failure to comply with sports sponsorship criteria only once in every five-year period. The five-year period shall begin the September 1 after completion of the academic year in which the membership criterion is not met.

7.3.1.7.1.3.11.2 Application of Restricted Membership Status. If an institution fails to meet the sports sponsorship criteria at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership and shall not be eligible for NCAA championship competition in all sports (both men's and women's) in the first academic year after the probationary year (or the first academic year after failure to meet the requirements if the institution is ineligible for the once-in-five-year probationary period). (See Bylaw 7.02.5.) If the institution still cannot certify compliance with the division criteria at the end of that

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year, it shall forfeit immediately its membership to the Association.

7.3.1.7.1.3.11.3 Waivers.

7.3.1.7.1.3.11.3.1 Minimum Contests or Participants. The Membership Committee, by a two-thirds majority of its members present and voting, may approve waivers of the minimum number of intercollegiate contests or the minimum number of participants in a contest in situations beyond the control of the institution (e.g., weather conditions or disaster preventing completion of a scheduled competition, or verified injury or illness at the site of competition preventing the participation of the required minimum number of individuals). The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum number of intercollegiate contests or the minimum number of participants in a contest.

7.3.1.8 Three-Season Requirement.

7.3.1.8.1 Five-Sport/Three-Season Requirement. A member institution shall conduct or sponsor at least one sport involving an all-male team or a mixed team of males and females and at least one sport involving an all-female team in every sport season. An institution may use a sport to meet the three-season requirement only if the institution has met the minimum contest and participants requirements for sports sponsorship in that sport as set forth in Bylaw 7.3.1.7.1.3.

7.3.1.8.1.1 Five-Sport/Three-Season Requirement.

7.3.1.8.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.1.8.1 due to circumstances beyond an institution's control. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the five-sport/three-season requirement.

7.3.1.8.2 Counting Multiseason Sports. If an institution sponsors the same sport in two different seasons, it may count the sport only in the season in which its team participates in the most contests. To be counted as a fall sport, the majority of an institution's contests or dates of competition would have to occur from September through December; to be counted as a winter sport, December through March; to be counted as spring sport, February through May.

7.3.1.8.3 Male-Female Enrollment Ratio Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the sports sponsorship requirement for men or women in accordance with the procedure listed below:

- (a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and shall be received in the national office not

later than October 1; and

- (b) The institution shall provide data demonstrating that the male-female enrollment ratio prohibits the offering of the required number of sports for one or the other gender.

7.3.1.8.3.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02.6.

7.3.1.8.3.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's waiver appeal of a decision made by the Membership Committee in regard to an institution's waiver of the male-female enrollment ratio.

7.3.1.8.4 Three-Season Sport Waiver. The Management Council, by a two-thirds majority of its members present and voting, may waive the requirement that an active member shall conduct at least one sport in every sport season if the institution is precluded by its academic calendar and climatic conditions from conducting a sport in a particular season.

7.3.1.9 Audit of Membership Requirements.

7.3.1.9.1 Minimum Financial Aid and Sports-Sponsorship Reports. The Membership Committee shall have the authority to conduct an audit of the information contained in a member institution's minimum financial aid report and minimum sports-sponsorship report (see Bylaw 21.8.5.7.2).

7.3.1.9.2 Failure to Fulfill Membership Requirements -- Institution on Probation. If a member institution is placed on probation for failure to fulfill more than one membership requirement during a five-year period, the Membership Committee shall have the authority to conduct an audit of the institution's fulfillment of membership requirements (see Bylaw 21.8.5.7.2). The committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation. The committee may impose conditions or penalties that an institution must satisfy during the probationary period.

7.3.2 Eligibility for National Collegiate and Division Championships.

7.3.2.1 Eligibility for National Collegiate Championships. [#] An active member institution in good standing, regardless of division, is eligible for the National Collegiate Championships, if a division championship in the respective sport is not offered in its division. Such an institution is required to meet only the institutional and individual eligibility requirements of its division that govern the sport in question. Separate championships in each division are not sponsored in the following sports:

<u>Women's beach volleyball</u>	<u>Women's ice hockey</u>
<u>Women's bowling</u>	<u>Men's and women's rifle</u>
<u>Men's and women's fencing</u>	<u>Men's and women's skiing</u>
<u>Men's gymnastics</u>	<u>Men's volleyball</u>
<u>Women's gymnastics</u>	<u>Men's and women's water polo</u>

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7.3.2.1.1 Maximum Awards Exception. An institution may exceed the maximum awards limitation of its division in a sport in which only a National Collegiate Championship is conducted and remain eligible for that NCAA event (see Bylaw 15.4.2 for financial aid equivalency limits).

7.3.2.1.1.1 Declaration of Intent to Be Exempt. A member institution that desires to exceed the maximum awards limitation in a given sport (or sports) shall file a declaration of its intent to be exempt from that limitation with the appropriate divisional Membership Committee. The declaration shall be received at the national office not later than the June 1 before the academic year for which it seeks the exemption. The institution then shall be governed by the appropriate Division I legislation governing maximum awards for that year.

7.3.2.1.2 Options When No Division II Championship Is Conducted. An active member institution that holds membership in Division II is eligible to compete in the Division I championship in those sports for which no Division II championship is conducted. The institution shall declare its intention with the Championships Committee to compete by June 1. This declaration of intent shall be effective for a minimum of three years.

7.3.2.1.2.1 Participation in Division I Championship. To be eligible for the Division I championship in such a sport, the member institution is required to meet all Division I institutional and individual eligibility requirements and may use Division I financial aid limitations in that sport as permitted under Bylaw 7.3.1.10.1.1.

7.3.2.1.2.2 Exception for Maximum Number of Contests or Dates of Competition A member institution that is eligible for a championship in Division I because there is no championship in that sport in Division II shall apply the maximum number of contests or dates of competition in the sport involved that applies in Division I.

7.3.3 Responsibility for Actions of Outside Entities.

7.3.3.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency or organization, including corporate entities (e.g., apparel and equipment companies), when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency or organization is promoting the institution's intercollegiate athletics program.

7.3.3.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:

- (a) Has participated in or is a member of an agency or organization, including corporate entities (e.g., apparel and equipment companies), as described in Bylaw 7.3.3.1;
- (b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;

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- (c) Has been requested by the athletics department staff to assist in the recruitment of prospective student-athletes or is assisting in the recruitment of prospective student-athletes;
- (d) Has assisted or is assisting in providing benefits to enrolled student-athletes; or
- (e) Is otherwise involved in promoting the institution's athletics program.

7.3.3.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Bylaw 7.3.3.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement.

7.3.3.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Bylaw 7.3.3.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.

7.3.4 Discipline of Active Institutions. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

7.3.4.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention by vote of a majority of the members present and voting.

7.3.5 Loss of Active Membership.

7.3.5.1 Termination or Suspension. The membership of any active member failing to maintain the academic or athletics standards required for such membership or failing to meet the conditions and obligations of membership may be suspended, terminated or otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:

- (a) A notice of intention to suspend or terminate membership, stating the grounds on which such a motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member institution; and
- (b) The Presidents Council approves the notification of intention to move for suspension or termination.

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7.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of active membership.

7.3.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall forfeit immediately its membership in the Association.

7.3.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.

7.3.6 Conferences.

7.3.6.1 Privileges.

7.3.6.1.1 Privileges of Active Member Conferences. Active member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.

7.3.6.1.2 Use of Association's Registered Marks. Active member conferences may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.

7.3.6.1.3 Voting Rights and Other Conference Active Membership Privileges. Only those multisport member conferences that meet the criteria listed below shall be entitled to receipt of active conference membership privileges, under the following timetable:

(a) Immediate upon active membership:

(1) Conference grant distribution;

(2) A vote at the NCAA Convention; and

(3) Representation on the Management Council and Student-Athlete Advisory Committee.

(b) One year after active conference membership: Enhancement fund distribution; and

(c) Five years after active conference membership: Automatic qualification for championships. (see Bylaw 31.3.4).

7.3.6.1.3.1 Competitive and Legislative Body. An active member conference shall be both a competitive and a legislative body on the conference level (see Bylaws 7.02.1.3.1 and 7.02.1.3.2).

7.3.6.1.3.2 Minimum Size and Division Status.

7.3.6.1.3.2.1 Full Voting Privileges. An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

7.3.6.1.3.2.2 Partial Voting Privileges. Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all common provisions (those

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provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

7.3.6.1.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least five sports for men and five sports for women, or four sports for men and six sports for women. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

- (a) The conference must conduct a conference championship (e.g., round robin or tournament play) and name a conference champion in the sport;
- (b) In team sports only, the conference must conduct regular-season competition among the conference members sponsoring the sport; and
- (c) At least six active conference member institutions must sponsor and compete in the sport.

7.3.6.1.3.3.1 Three-Season Requirement. A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.

7.3.6.1.3.3.2 Minimum Contests/Minimum Participant Requirements. An institution must satisfy the minimum contest and minimum participant requirements set forth in Bylaw 7.3.1.7.1.3 in a given sport in order for that sport to be considered when determining whether the conference has six member institutions that sponsor and compete in that sport.

7.3.6.1.3.3.3 Conference Member in Selected Sports. An active member institution that is a member of a voting conference in only selected sports (e.g., an affiliated conference member only in football) may not be considered when determining whether the conference has six member institutions that sponsor and compete in the sport.

7.3.6.1.3.3.4 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.6.1.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.

7.3.6.1.3.4 Football Issues. In addition to meeting the requirements of Bylaw 7.3.2.1.3.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

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7.3.6.1.3.5 Grace Period. An active member conference may continue to qualify for conference membership privileges for three years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership, provided the conference remains within one member institution of that minimum number.

7.3.6.1.3.6 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant a waiver for an active member conference that falls below the required minimum number of active institutions, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.3.6.2 Conditions and Obligations of Active Membership.

7.3.6.2.1 General. The member conferences of this division agree to administer their athletics programs in accordance with the constitution, bylaws, and other legislation of the Association.

7.3.6.2.2 Conference Competition. Member conferences shall conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition.

7.3.6.2.3 Composition of Conference. All of the members of the conference shall be active member institutions of this Association.

7.3.6.2.3.1 Exception for Composition of Conference. A conference with eight or more active NCAA member institutions may accept an institution in the provisional period of the Division II membership process (see Bylaw 7.01.9) into active conference membership.

7.3.6.2.4 Conference Student-Athlete Advisory Committee. Each active member conference shall establish a conference student-athlete advisory committee for its member institutions' student-athletes. The composition and duties of the committee shall be determined by the conference.

7.3.6.2.4.1 Annual Meeting. The member conference shall conduct at least one in-person meeting annually of its conference student-athlete advisory committee.

7.3.6.2.4.1.1 Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting. If an active member conference fails to meet the conditions set forth in Bylaw 7.3.6.2.4.1 during a given year, the conference shall immediately be placed on probationary status during the following academic year and would not be eligible for all or any portion of the conference grant funds as determined by the Planning and Finance Committee. If the conference fails to meet the conditions set forth in Bylaw 7.3.6.2.4.1 during the probationary year, the conference may forfeit immediately its membership in the Association.

7.3.6.2.4.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant

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waivers of Bylaw 7.3.6.2.4.1 if it deems that unusual circumstances warrant such action.

7.3.6.2.5 Sports Sponsorship Audit Requirement. A voting member conference shall provide documentation, on request, to the Membership Committee to show evidence of compliance with sports sponsorship requirements set forth in Bylaw 7.3.6.1.3.3 for a given year.

7.3.6.2.6 Athletics Diversity and Inclusion Designee. An active member conference shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

7.3.6.3 Composition of Active Conferences. All of the members of the conference shall be active members of this Association. A conference with eight or more active NCAA members may accept an institution in the provisional period of the Division II membership process (see Bylaw 7.01.9) into active conference membership.

7.3.6.3.1 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.6.3, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.3.6.4 Conference Membership Requirements. A conference of at least 10 active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges must meet the following conditions:

- (a) At the time of application, be composed of at least 10 active member institutions and/or institutions in the provisional period of the Division II membership process (see Bylaw 7.4.1.5.3). All institutions shall be located in the same geographic area as specified in Bylaw 8.1.1.4;
- (b) Submit an application to the Membership Committee, to be received in the national office not later than December 1. A fee, as determined by the Membership Committee, shall accompany the application. The following information must be submitted at the time of application:
 - (1) A conference strategic plan;
 - (2) A conference constitution and bylaws;
 - (3) Documentation affirming the institutions in the conference satisfy the sports sponsorship requirement the year prior to the conference becoming an active conference and that conference will satisfy the sports sponsorship requirement in year it would become active conference;
 - (4) A business plan for conference office operations; and
 - (5) A student-athlete advisory committee development plan; and
- (c) The conference commissioner must attend the NCAA Convention in the year immediately following the submission of the application.

7.3.6.5 Minimum Size for Active Conferences. A conference shall be composed of at least 10 active member institutions prior to its approval as an active member conference. All institutions shall be located in the same geographic

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area as specified in Bylaw 8.1.1.4. Once the conference is approved by the Membership Committee, it shall be eligible for privileges of active member conferences, except for enhancement fund distribution [see Bylaw 7.3.6.1.3-(b)] and automatic qualification [see Bylaws 7.3.6.1.3-(c), 31.3.4.1, 31.3.4.2 and 31.3.4.4].

7.3.6.6 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaws 7.3.6.4-(a) and 7.3.6.5, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.3.6.7 Grace Period -- Application Fee. An active member conference whose membership falls below the minimum number of institutions required for active membership shall not be required to submit a fee per Bylaw 7.3.6.4-(b) for four years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership.

7.3.6.8 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be imposed during the period between annual Conventions for a violation(s) of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

7.3.6.8.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a majority vote of the Committee on Infractions present and voting, or at the annual Convention by vote of a majority of the members present and voting.

7.3.6.9 Loss of Active Member-Conference Status.

7.3.6.9.1 Failure to Comply with Sports Sponsorship Criteria. A voting member conference that fails to satisfy minimum sports-sponsorship criteria in a given year shall be placed on probation for one year in the next academic year after noncompliance occurs. During the probationary year, the conference shall not be eligible to receive the share of the Enhancement Fund that is based on conference sports sponsorship. A conference shall be afforded the one-year probationary period only once in every five-year period. The five-year period shall begin September 1 after the completion of the academic year in which the sports sponsorship criteria is not met. If a conference fails to meet the minimum sports sponsorship criteria at the end of the probationary year, or is ineligible for the once-in-five-year probationary period, it shall forfeit its voting conference membership and all associated privileges immediately. A conference forfeiting voting conference membership in accordance with this legislation shall be ineligible to reapply for voting conference membership for at least one calendar year.

7.3.6.9.2 Erroneous Information During Membership Application. A member conference that provides erroneous information during the membership application process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to elect the conference as an active member conference, may be terminated or suspended (see Bylaw 7.3.2.9.3).

7.3.6.9.2.1 Appeal. The Division II Management Council shall review appeals of the Membership Committee's decision to suspend or

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terminate a member conference for providing erroneous information during the membership application process.

7.3.6.9.3 Termination or Suspension. The membership of any member conference failing to maintain the academic or athletics standards required for membership or failing to meet the conditions and obligations of membership may be suspended or terminated or the member conference otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:

(a) Notice of intention to suspend or terminate membership, stating the grounds on which such motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member conference; and

(b) The Presidents Council approves the notification of intention to move for suspension or termination.

7.3.6.9.3.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of conference membership.

7.3.6.9.4 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has satisfied Bylaw 7.3.6.3.2.

7.3.6.9.5 Failure to Pay Dues. If a member conference fails to pay its annual dues for one year, its membership shall be automatically terminated.

7.4 Provisional Membership.

7.4.1 Institutions – Change of Division Membership (All Sports).

7.4.1.1 Reclassification Process. An institution that is currently an active member of Division I and seeks to reclassify its divisional membership in all sports to Division II must successfully complete all requirements of the membership process as determined by the Membership Committee to obtain active member status in Division II. An institution that is currently an active member of Division III and seeks to reclassify its divisional membership in all sports to Division II must successfully complete the membership process specified in Bylaw 7.4.1.5 to obtain active member status in Division II.

7.4.1.2 Eligibility.

7.4.1.2.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution) and duly elected to the membership process under the provisions of Bylaws 7.4.1.4 and 7.4.1.2.

7.4.1.2.2 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 7. The application shall be

reviewed by the Membership Committee.

* Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.

7.4.1.2.3 Drug-Testing Program and Consent Form. An institution in the provisional period of the membership process shall administer annually, on a form prescribed by Management Council, a signed drug-testing consent form for each student-athlete (per Bylaw 12.02.7) in accordance with Bylaw 14.1.4 and shall ensure compliance with the requirements of the NCAA Drug-Testing Program outlined in Bylaw 7.3.1.5.10.

7.4.1.2.4 Conditions and Obligations of Membership in the Provisional Period of the Membership Process. During year one of the membership process, an institution shall administer its athletics programs in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety. An institution in the second and third years of the provisional period of the membership process shall administer its athletics program in accordance with the constitution, bylaws and other legislation of the Association.

7.4.1.3 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 7.4.1.9.2):

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and
- (c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. In addition, a check in the appropriate amount for annual dues [see Article 3-(C)] shall also accompany the application. Should the applicant institution fail to be accepted into the membership process, the dues paid shall be refunded and the application fee will be refunded on a prorated basis, as determined by the Membership Committee.

7.4.1.3.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.4.1.3.2 Membership Committee Authority. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.4.1.4 Procedures for Election to the Provisional Period of the Membership Process – Voting Requirement. Procedures for election to provisional membership under this subsection are federated provisions (see Bylaw 9.02.1.3).

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7.4.1.5 Division II Membership Process. Institutions seeking to become active members of Division II in all sports must successfully complete all requirements of the Division II membership process, as specified in Bylaw 7.4.

7.4.1.5.1 Administrative Requirements for Application.

7.4.1.5.1.1 Deadline for Submission of Application. An institution applying for Division II membership shall complete an application, signed by the president or chancellor, and received in the national office not later than February 1.

7.4.1.5.1.2 Application Fee. An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. An applicant institution that is not selected to enter the membership process shall receive a refund of the application fee on a prorated basis as determined by the Membership Committee.

7.4.1.5.1.3 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of institutions that will be selected to begin the membership process.

7.4.1.5.1.4 Membership Committee Authority. The Membership Committee has the authority to accept or not accept an institution's application to enter the Division II membership process.

7.4.1.5.2 Administrative Requirement for Active Membership – Conference Membership. An institution must receive a bona fide invitation for membership from an active Division II conference before applying for Division II membership and shall maintain conference affiliation during the Division II membership process.

7.4.1.5.3 Provisional Period. Once an institution receives notice that it has been accepted to begin the Division II membership process, the institution shall enter the provisional period of the membership process on September 1, the beginning of practice in any sport for the fall term or the first day of classes for that fall term, whichever occurs first, following the acceptance of the application. The provisional period shall be a minimum of three years. At the completion of the three-year period, the institution shall receive a determination of its readiness to proceed to active membership.

7.4.1.5.3.1 Assessment Program. Institutions are required to satisfy the following requirements during the provisional period:

(a) Year One:

- (1) Demonstrated administration of its athletics program in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety;
- (2) A comprehensive self-study and evaluation of its intercollegiate athletics program using the Division II Institutional Self-Study Guide (ISSG);

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- (3) Demonstrated involvement and commitment of the president or chancellor at the institution, as determined by the Membership Committee;
- (4) An on-campus assessment conducted by an outside group selected by the Membership Committee. NCAA staff and a representative of the Membership Committee will also participate to review the readiness of the institution to become an active member, as measured against a Division II active member's athletics program;
- (5) An annual report submitted by June 1, which shall include an updated athletics department strategic plan. See the Membership Committee's policies and procedures manual for more clarification regarding the content of an annual report;
- (6) A visit paid by the institution to an active member institution's campus, as selected by the Membership Committee;
- (7) Attendance at an orientation session conducted by the national office staff related to basic Division II operating rules and membership requirements. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and any additional individual to whom athletics reports;
- (8) Attendance at the NCAA Division II Convention Business and Membership Committee Sessions. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative and a compliance administrator; and
- (9) Attendance at the Regional Rules Seminar conducted by the NCAA. Institutional representatives required to attend are the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and a liaison from financial aid and the registrar's office.

(b) Year Two:

- (1) Demonstrated administration of its athletics program in accordance with the constitution, bylaws and other legislation of the Association;
- (2) Demonstrated involvement and commitment of the president or chancellor at the institution in the membership process, as determined by the Membership Committee;
- (3) An on-campus assessment conducted by an outside group selected by the Membership Committee. The assessment

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shall include completion of the NCAA Compliance Blueprint Review;

- (4) An annual report submitted by June 1, which shall include an updated athletics department strategic plan. See the Membership Committee's policies and procedures manual for more clarification regarding the content of an annual report;
- (5) Attendance at the NCAA Division II Convention Business and Membership Committee Sessions. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative and a compliance administrator; and
- (6) Attendance at the Regional Rules Seminar conducted by the NCAA. Institutional representatives required to attend are the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and a liaison from financial aid and the registrar's office.

(c) Year Three:

- (1) Demonstrated administration of its athletics program in accordance with the constitution, bylaws and other legislation of the Association;
- (2) Demonstrated involvement and commitment of the president or chancellor at the institution, as determined by the Membership Committee;
- (3) An on-campus assessment conducted by an outside group selected by the Membership Committee to review the readiness of the institution to become an active member;
- (4) An annual report submitted by June 1, which shall include an updated athletics department strategic plan. See the Membership Committee's policies and procedures manual for more clarification regarding the content of an annual report;
- (5) Attendance at the NCAA Division II Convention business and Membership Committee sessions. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative and a compliance administrator; and
- (6) Attendance at the Regional Rules Seminar conducted by the NCAA. Institutional representatives required to attend are the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and a liaison from financial aid and the registrar's office.

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(d) Additional Requirements for Active Membership. An institution must satisfy the following requirements at least once during the three-year membership process:

- (1) Attendance at the NCAA Inclusion Forum. Institutional representatives required to attend are the senior woman administrator and a senior level administrator outside of athletics;
- (2) Attendance by the faculty athletics representative at the Faculty Athletics Representative Association National Convention; and
- (3) Attendance by the senior woman administrator at a professional development event (e.g., Women Leaders in College Sports Convention, Administrative Enhancement Institute, NACDA Convention).

7.4.1.5.3.2 Provisional Period – Year Three Fee. A nonrefundable fee will be assessed if an institution is invited to year three of provisional membership. The amount of the fee will be determined annually by the Membership Committee, based on a continual analysis of expenses associated with the new member process. Additionally, a check in the appropriate amount for annual dues [see the annual dues requirement for active members per Article 3-(C)] also shall accompany the notice.

7.4.1.5.4 Determination of Standing in the Membership Process.

7.4.1.5.4.1 Failure to Meet Membership Requirements. An institution in the membership process failing to meet and maintain the conditions set forth in Bylaw 7.4 and its subsections may be required to complete an additional year of the provisional period or may be removed from the membership process, by a two-thirds vote of the Membership Committee members present and voting. A notice of intention to remove an institution from the membership process, stating the grounds on which such an action will be based, shall be given in writing to the president or chancellor of the institution in the membership process.

7.4.1.5.4.2 Waiver of Membership Process Requirements. The Membership Committee has the authority to waive the requirements of the membership process due to circumstances outside the control of the institution.

7.4.1.5.4.2.1 Authority of Management Council. The Management Council shall hear and act on an institution's or conference's appeal of a decision made by the Membership Committee in regard to an institution's or conference's standing as a provisional member.

7.4.1.5.4.3 Termination and Cessation of Rights and Privileges. All rights and privileges of an institution in the membership process shall cease on any termination of membership in the provisional period. Any institution in the membership process whose membership in the provisional period is terminated may reapply to enter the membership process after a period of one year.

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7.4.1.6 Restricted Membership Status – Institution Providing Erroneous Information During Membership Process. An institution that provides erroneous information during the membership process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to move the institution forward in the membership process, shall be subject to restricted-membership status for one academic year for the entire athletics program (both men's and women's sports) following the time of discovery.

7.4.1.6.1 Appeal – Restricted-Membership Status. Appeals of the Membership Committee decision to place an institution in restricted membership status for providing erroneous information during the membership process shall be reviewed by the Division II Management Council.

7.4.1.7 Privileges and Voting Rights.

7.4.1.7.1 Publications and Convention Representation. Member institutions in the provisional period shall receive all publications and mailings received by active members of the Association, shall be entitled to be represented by one nonvoting delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association.

7.4.1.7.2 Use of Association's Registered Marks. A provisional member in year three of the membership process set forth in Bylaw 7.4 may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors. Prior to the provisional year three designation, an institution in the membership process is limited to using Division II specific logos and a specially designed NCAA logo for provisional institutions.

7.4.1.8 Election to Active Membership.

7.4.1.8.1 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 7. The application shall be reviewed by the Membership Committee.

*Middle States Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, The Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, and Western Association of Schools and Colleges.

7.4.1.8.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements:

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and

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(c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. An applicant institution that is not selected to enter the membership process shall receive a refund of the application fee on a prorated basis as determined by the Membership Committee.

7.4.1.8.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.4.1.8.2.2 Membership Committee Authority. The Membership Committee has the authority to accept or not accept an institution's application to enter the membership process.

7.4.1.8.3 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant institution to membership effective the following September 1, the beginning of practice in any sport for that fall term or the first day of classes for that fall term, whichever occurs first. When the vote of the Membership Committee has been completed, the applicant institution shall be notified.

7.4.1.8.4 Resignation and Re-Election to Membership. If an institution resigns its membership following application to re-establish its membership, the institution first shall complete a membership process (see Bylaw 7.4) before such institution becomes eligible for re-election as an active member.

7.4.1.8.5 Championships Eligibility – Reclassification to Division II. To be eligible for NCAA championships in Division II on September 1 following successful completion of the membership process, the institution shall comply with all championships eligibility requirements, as prescribed by Bylaw 31, and otherwise shall be eligible for participation in those championships. In addition, a member of Division II shall comply with the provisions of Bylaw 18.4.

7.4.1.8.5.1 Waivers – New Division or Subdivision. When the institution's reclassification was the direct result of the creation of a new division or subdivision, the Board of Governors, by a two-thirds majority of its members present and voting, may grant waivers of the two-year requirement of Bylaw 7.6.2.2 if it deems that unusual circumstances warrant such action.

7.4.2 Conferences.

7.4.2.1 Application. An athletics conference desiring to become an active member conference shall make application on a form available from the national office. An application fee and the amount for annual dues [see Constitution 3-(C)] shall accompany the application. The fee and dues paid shall be refunded to the applicant conference should the Membership Committee not accept its application.

7.4.2.2 Election. Athletics conferences may be elected as active member conferences by a majority vote of the delegates present and voting at an annual

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Convention or by a two-thirds majority vote of the Membership Committee members present and voting.

7.4.2.3 Annual Limit on Conference Membership. The Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of applicant athletics conferences that will be invited to active conference membership.

7.5 Active Division II Membership Following Reclassification.

7.5.1 Championships Eligibility – Reclassification to Division II. To be eligible for NCAA championships in Division II on September 1 following successful completion of the membership process, the institution shall comply with all championships eligibility requirements, as prescribed by Bylaw 31, and otherwise shall be eligible for participation in those championships. In addition, a member of Division II shall comply with the provisions of Bylaw 18.4.

7.6 Multidivision Classification.

7.6.1 Multidivision-Classification Options. A member institution may have a sport classified in a division other than the one in which it is a member only in the following circumstances:

7.6.1.1 Classification of a Sport in Division I. A member may have a sport classified in Division I, provided the sport was classified during the 2010-11 academic year.

7.6.1.1.1 Reclassification of a Sport of the Opposite Gender. A member that had one sport classified in Division I during the 2010-11 academic year may petition to have one sport of the opposite gender, other than football or basketball, classified in Division I, provided the original sport remains classified in Division I. Once a sport begins the first academic year of classification in Division I, the sport shall no longer be eligible to participate in Division II championships. The sport remains ineligible for Division II championships for the duration of the multidivision classification.

7.6.1.2 Women's Multidivision-Classification Limitation. A member institution that has its women's program classified in a division other than its membership division (per Bylaw 7) shall not be eligible to petition for the multidivision-classification opportunities available to a women's program that is classified in the same division as the institution's men's program.

7.6.2 Requesting Reclassification of a Single Sport from Division I to Division II. A member institution that has a single sport classified as Division I per Bylaw 7.6.1 may petition to reclassify that single sport back to Division II.

7.6.2.1 Notification Requirement. When petitioning for reclassification of a single sport from Division I to Division II, the institution shall submit a written request to the Division II Membership Committee. The request must be received in the national office not later than June 1 preceding the year in which the institution will begin complying with the applicable division criteria.

7.6.2.2 Reclassification Period. A member reclassifying a single sport from Division I to Division II shall complete a two-year reclassification period. At the end of the two-year period (unless an institution is required to repeat a year), a member reclassifying a single sport from Division I to Division II shall be eligible for participation in Division II in the sport effective the September 1

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immediately following the successful completion of the two-year reclassification period.

7.6.2.2.1 Rules Compliance Requirements. A member institution reclassifying a single sport from Division I to Division II shall administer its athletics program in that sport in accordance with the Division II constitution, bylaws and other legislation of the Association for the entire two-year reclassification period.

7.6.2.2.2 Annual Review. A member institution reclassifying a single sport from Division I to Division II shall provide, on an annual basis, a written report to be reviewed by the Membership Committee describing the institution's progress in meeting the application of the Division II constitution, bylaws and other legislation of the Association to its reclassifying single sport.

7.6.2.3 Waiver. The Membership Committee may waive any of the requirements in Bylaw 7.6.2. An institution reclassifying a single sport from Division I to Division II that requests a waiver of the two-year reclassification period (see Bylaw 7.6.2.2) must provide written documentation to the Membership Committee demonstrating that the institution will satisfy Division II legislation in the sport during the two-year period (e.g., eligibility lists, schedules, financial aid equivalency information, verification of student-athlete eligibility from the NCAA Eligibility Center).

7.6.2.3.1 Authority of Management Council. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's standing as a reclassified single sport.

7.6.3 Applicable Legislation. A member institution shall observe the applicable legislation and requirements of its membership division. However, if the institution is eligible to participate in a sport in another division (see Bylaw 7.6 for multidivision-classification privileges), it shall apply the rules of the other division that govern the sport in question.

7.7 Reclassification from Division II to Division I or Division III. A member of Division II that is reclassifying to Division I or Division III shall no longer be eligible for the following benefits once it officially begins the reclassification process:

- (a) Participation in any Division II NCAA championships;
- (b) Receipt of Division II Enhancement Fund proceeds; and
- (c) Voting at the annual NCAA Convention.

An institution reclassifying to Division III remains eligible for Division II championships and/or committee service during the Division III exploratory period, provided the institution continues to comply with all Division II regulations. However, such eligibility shall terminate once the exploratory period ends and the reclassification period to Division III has officially begun.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

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Following the adoption of a new Association-wide constitution at the 2022 NCAA Convention, the Division II Management Council adopted noncontroversial legislation to move all Division II legislative provisions out of the NCAA constitution to new bylaws. This proposal is a continuation of a review of legislation to determine the alignment with the new constitution and structure of the Division II manual. This change merges Constitution Articles 3 and 6 with Bylaw 20 into new Bylaw 7 for one membership bylaw. The proposal also eliminates duplicative language in the legislation. This change will reorganize and streamline the membership legislation for ease of reference.

NO. NC-2023-8 ENFORCEMENT POLICIES AND PROCEDURES -- RESPONSIBILITY TO COOPERATE -- TOOLS TO FACILITATE COOPERATION

Intent: To amend enforcement policies and procedures related to cooperation, as follows: (a) To further define full cooperation in the infractions process; (b) To confirm that the Committee on Infractions may infer that failure or refusal to produce requested materials supports an alleged violation; (c) To confirm that the Committee on Infractions may view the failure or refusal to interview as an admission that an alleged violation occurred; (d) To protect a "whistleblower" who voluntarily reports information about a potential violation; and (e) To confirm that information upon which the Committee on Infractions bases its decision could be information that both directly and circumstantially supports an alleged violation.

A. Administrative: Amend 32.1.3, as follows:

32.1.3 Cooperative Principle. The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information to determine whether a possible violation of NCAA legislation has occurred and the details of the infraction. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of the investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution.

32.1.3.1 Full Cooperation. Full cooperation pursuant to the cooperative principle and responsibility to cooperate set forth in Bylaw 19.01.3 includes, but is not limited to:

- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;**
- (b) Timely participation in interviews and providing complete and truthful responses;**
- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;**
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;**
- (e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;**
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and**

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(g) Instructing legal counsel and/or other representatives to also cooperate fully.

B. Administrative: Amend 32.3, as follows:

32.3 Investigative Procedures.

[32.3.1 through 32.3.10 unchanged.]

32.3.11 Failure to Cooperate. In the event that a representative of an institution ~~refuses to submit relevant information to the Committee on Infractions or the enforcement staff on request~~ **fails to satisfy the responsibility to cooperate**, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws and enforcement policies and procedures. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.

32.3.11.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5 (see Bylaw 32.9.8.3.2).

32.3.11.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and he or she is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred (see Bylaw 32.9.8.3.3).

32.3.12 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to his or her conference, member institution and/or the Association.

[32.3.12 renumbered as 32.3.13, unchanged.]

C. Administrative: Amend 32.9.8.3, as follows:

32.9.8.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. **The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.**

32.9.8.3.2 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5.

32.9.8.3.3 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

This change will help assure that investigators and adjudicators have the necessary tools and authority to effectively investigate and adjudicate violations, that the failure to promptly respond to investigators' requests have significant consequences, and that 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 (COI), 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 membership's expectations during an investigation. Expressly stating the COI may make inferences based on a party's noncooperation is intended to promote cooperation. Clarifying that the committee may rely on both direct and circumstantial information provides 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.

NO. NC-2023-9 ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRINGEMENTS HEARINGS -- BASIS OF DECISION -- IMPORTATION OF FACTS

Intent: To amend the legislation regarding the basis of a Committee on Infractions decision, as follows: (1) To specify that acts 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 (2) To specify that evidence submitted and positions taken in such a matter may be considered in the infractions process.

Administrative: Amend 32.9.8.3, as follows:

32.9.8.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. **The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.**

32.9.8.3.1 Importation of Facts. 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 and regardless of whether the facts are accepted by the institution or the institution's university system's board of trustees, may be accepted as true in the infractions process in concluding whether an institution or individual participating in the previous matter violated NCAA legislation. Evidence submitted and positions taken in such a matter may be considered in the infractions process.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

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Current NCAA 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 COI to consider evidence submitted and positions taken in such matters. Investigators and adjudicators should be able to rely on such facts and information in their review of an infractions case. This change will expressly state the COI may import adjudicated facts, or consider evidence submitted and positions taken in judicial and other administrative proceedings. Further, these modifications will clarify the acceptable use of such information and increase efficiency in the infractions process by saving time and resources. Finally, the modifications will help process violations that are known to the enforcement staff but may not otherwise be processed.

NO. NC-2023-10 INFACTIONS PROGRAM -- MISSION OF THE INFACTIONS PROGRAM, PRINCIPLE OF ACCOUNTABILITY AND PRINCIPLE OF SHARED RESPONSIBILITY

Intent: To clarify the mission of the NCAA infractions program as follows: (1) To uphold integrity and fair play among the NCAA membership and to prescribe appropriate and fair penalties if violations occur; (2) To ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance; (3) To be committed to the fairness of procedures and the timely resolution of infractions cases; (4) The membership's responsibility to self-report violations; and (5) The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values; further, to specify that: (a) The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels; (b) Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the constitution and bylaws of the Association; and (c) Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

Bylaws: Amend 19, as follows:

19 Infractions Program

19.01 General Principles.

19.01.1 Mission of NCAA Infractions Program. ~~It shall be the mission of the NCAA infractions program to eliminate violations of NCAA rules and prescribe appropriate penalties should violations occur. The program is committed to fairness of procedures and the timely and equitable resolution of infractions cases. The achievement of these objectives is essential to the conduct of a viable and effective infractions program. Further, an important consideration in prescribing penalties is to provide fairness to uninvolved student-athletes, coaches, administrators, competitors and other institutions.~~ It is the mission of the NCAA infractions program to uphold the integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. Member institutions are responsive to self-report violations. The ability to investigate allegations and penalize infractions is critical to the common

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interests of the Association's membership and the preservation of its enduring values.

19.01.2 Accountability. The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels.

[19.01.2 renumbered as 19.01.3, unchanged.]

19.01.4 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the constitution and bylaws of the Association.

19.01.5 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

[19.01.3 through 19.01.5 renumbered as 19.01.6 through 19.01.8, unchanged.]

[19.02 through 19.7 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Modifying the mission of the infractions program better reflects the values of Division II. The fundamental principle of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA legislation are not disadvantaged by their commitment to compliance. The mission should reflect the membership's commitment to promoting an atmosphere of compliance by actively educating and monitoring its institutional staff, prospective and current student-athletes and representatives of athletics interests. The legislation should be updated to reflect that "eliminating" violations is not a realistic expectation, but rather, each institution is responsible to self-report violations. There should be fairness and transparency in procedures and a timely resolution of violations, and the mission should include a statement to uphold integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur.

NO. NC-2023-11 INFRACTIONS PROGRAM AND ENFORCEMENT POLICIES AND PROCEDURES – PUBLIC DISCLOSURE ABOUT A PENDING CASE DURING INVESTIGATION, TEMPORARY SUBSTITUTES, REPRESENTATION BY LEGAL COUNSEL, PRESENCE OF INSTITUTIONAL REPRESENTATIVES DURING INTERVIEW AND INSTITUTIONAL HEARING REPRESENTATIVES

Intent: To amend the infractions program and enforcement policies and procedures, as follows: (1) To specify if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public; (2) To specify that if it appears that one or more members of the Committee on Infractions will be unable to participate in the hearing of a case, the chair may request the Division II Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of the case; (3) To clarify that, when an enforcement staff member conducts an interview, the individual questioned may be represented by personal legal counsel; (4) To specify that if an interview with an enrolled student-athlete or athletics department staff member is conducted, an institutional representative (as

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designated by the institution) may be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution; further, to specify that if the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or the staff member is employed, and would not reasonably affect the student's eligibility or the staff member's employment at that institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject institution or any involved individual; and (5) To specify that the senior compliance administrator be required to be present at institutional hearings.

A. **Bylaws:** Amend 19, as follows: (*Immediate*)

19 Infractions Program

[19.01 through 19.02 unchanged.]

19.1 Committee on Infractions. The Management Council shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA infractions program.

[19.1.1 through 19.1.2 unchanged.]

19.1.2.3 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case.

[19.1.2.4 renumbered as 19.1.2.5, unchanged.]

[19.1.3 unchanged.]

[19.2 through 19.7 unchanged.]

B. **Administrative:** Amend 32, as follows: (*August 1, 2022*)

32 Enforcement Policies and Procedures

[32.1 through 32.2 unchanged.]

32.3 Investigative Procedures.

[32.3.1 through 32.3.4 unchanged.]

32.3.4.1 Presence of Institutional Representative During Interview. If ~~an~~ interviewing ~~with~~ an enrolled student-athlete or ~~current~~ athletics department staff member ~~is conducted on the campus of an institution~~, an institutional representative(s) (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the ~~investigator~~**enforcement staff** wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student-athlete's eligibility or the staff member's employment **at the institution**, the ~~institutional representative shall not be present~~

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~~during that portion of the interview. In such a situation (after the institutional representative has departed), any information inadvertently reported by the student-athlete or the staff member that is related to their own institution shall not be used against the student-athlete, staff member or that institution.~~
institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject, institution or any involved individual.

[32.3.4.2 unchanged.]

[32.3.5 unchanged.]

32.3.6 Representation by Legal Counsel. When an enforcement staff member conducts an interview ~~that may develop information detrimental to the interests of the individual being questioned, that individual~~ may be represented by personal legal counsel.

[32.3.7 through 32.3.12 unchanged.]

32.3.13 Public Announcements. The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.

[32.4 through 32.8 unchanged.]

32.9 Committee on Infractions Hearings.

[32.9.1 through 32.9.6 unchanged.]

32.9.6.2 Attendance at Hearings. **Except as otherwise ordered by the chair,** ~~At~~ the time ~~the~~~~an~~ institution appears before the ~~Committee on Infractions~~~~committee~~, its representatives should include the institution's president or chancellor, the head coach of the sport(s) in question, the institution's director of athletics **and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator,** legal counsel **(if any),** enrolled student-athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the committee. Additional individuals may be included among the institution's party only if specifically approved ~~to be present by the Committee on Infractions. An individual who appears before the Committee on Infractions may appear with personal legal counsel.~~

[32.9.6.3 through 32.9.6.6 unchanged.]

[32.9.7 through 32.9.8 unchanged.]

[32.10 through 32.12 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date:

Section A: Immediate

Section B: August 1, 2022

Additional Information:

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Modifying legislation to specify the Committee on Infractions may request the Management Council designate a former member of the committee as a temporary substitute will codify current practices. This proposal provides clarity by expressly stating any individual interviewed by the enforcement staff may be represented by personal legal counsel. This proposal would permit an institutional representative to be present for interviews related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed, provided the representative's presence does not compromise the integrity of the investigation. For Committee on Infractions hearings, current legislation does not require the attendance of senior compliance administrators. The Committee on Infractions could benefit from the information and perspective of senior compliance administrators at hearings.

NO. NC-2023-12 ENFORCEMENT POLICIES AND PROCEDURES -- INVESTIGATE PROCEDURES AND NOTICE OF INQUIRY -- NOTICE OF ENFORCEMENT INTERVIEWS AND STATUS OF INFRACTIONS CASES

Intent: To amend the enforcement policies and procedures, as follows: (1) To reflect the current practice of the enforcement staff notifying an institution of interviews of current institutional staff members and/or enrolled student-athletes; (2) To eliminate the references to interviews being conducted "on campus"; and (3) To eliminate the legislative requirement that the enforcement staff must provide infractions case status updates every six months.

A. Administrative: Amend 32.3, as follows:

32.3 Investigative Procedures.

[32.3.1 through 32.3.3 unchanged.]

32.3.4 Interviews With Member Institution. The director of athletics or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews ~~on the institution's campus~~ with enrolled student-athletes, coaching staff members or other institutional staff members with athletically related responsibilities or oversight ~~who are involved in~~ **who are believed to have knowledge of** possible violations ~~at the institution~~.

[32.3.4.1 through 32.3.4.2 unchanged.]

[32.3.5 through 32.3.12 unchanged.]

B. Administrative: Amend 32.5, as follows:

32.5.1 Notice to Institution. Before the enforcement staff conducts an inquiry ~~on an institution's campus~~ **with current institutional staff and/or enrolled student-athletes**, the enforcement staff shall notify the institution's president or chancellor (or their designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations pursuant to Bylaw 32.7.3. The institution shall be informed of its obligation to cooperate pursuant to Bylaw 32.1.3 and of the confidential nature of the inquiry pursuant to Bylaw 32.1.1. The institution shall be notified that if the inquiry develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 32.7, ~~or i~~. In the alternative, the institution will be notified that the matter has been concluded.

32.5.1.1 Status Notification Within Six Months. The enforcement staff shall inform the involved institution of the general status of the inquiry within six months of the date after the president or chancellor receives the notice of inquiry from the enforcement staff. If the investigation continues, additional status reports shall be

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provided to the institution at least every six months thereafter, until the matter is concluded.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

Currently, Division II NCAA Bylaws 32.3.4 (interviews with member institution) and 32.5.1 (notice to institution) require the enforcement staff to notify the institution when the enforcement staff will conduct an interview on the institution's campus. To expedite the enforcement staff's investigations of potential NCAA violations, it has become common practice to conduct interviews through various methods (e.g., virtual, telephone) that do not occur on the institution's campus. The legislation should be updated to reflect that the enforcement staff's notification is not predicated on where the interview takes place but rather who is being interviewed (i.e., current institutional staff and/or enrolled student-athletes). Additionally, Division II NCAA Bylaw 32.5.1.1 (status notification within six months) requires the enforcement staff inform the involved institution of the general status of an infractions case every six months after the president or chancellor receives the notice of inquiry, with additional status reports at least every six months thereafter, until the matter is concluded. Bylaw 32.5.1.1 should be eliminated as a legislated requirement because current Enforcement Internal Operating Procedures (IOPs) require the enforcement staff be available as needed to discuss the status of an infractions case with the president, chancellor or designated representative of the institution. The IOPs also require that the enforcement staff notify the institution of the projected duration of an infractions case so that all parties can work to satisfy the proposed timeline of resolving an infractions case. The IOPs' stated expectations exceed the legislated requirements of Bylaw 32.5.1.1.

NO. NC-2023-13 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL COMPOSITION -- STUDENT-ATHLETE REPRESENTATION

Intent: To increase the composition of the Division II Presidents Council by adding two members of the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports); further, to specify that the two student-athletes appointed to the Presidents Council shall: (1) each have a vote on the Presidents Council; (2) serve a one-year term that is renewable for one-year; and (3) be elected by the Division II Student-Athlete Advisory Committee.

A. Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

8.1.1 Composition. The composition of the Presidents Council shall be based on a weighted regional representation by institutions that shall include one chancellor or president per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1). In addition, two "at-large" positions shall exist to enhance efforts to achieve diversity of representation and to accommodate independent institutions. **The Presidents Council shall also include two members of the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports) (see Bylaw 21.8.5.9.5).**

[8.1.1.1 through 8.1.1.4 unchanged.]

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8.1.1.5 Student-Athlete Advisory Committee Members. The two members of the Division II Student-Athlete Advisory Committee shall each have a vote on the Presidents Council.

[8.1.2 unchanged.]

8.1.3 Election/Term of Office.

[8.1.3.1 unchanged.]

8.1.3.2 Term of Office. Members of the Presidents Council shall serve six-year terms, which shall conclude following the annual NCAA Convention. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.

[8.1.3.2.1 unchanged.]

8.1.3.2.2 Student-Athletes. The two student-athletes appointed to the Presidents Council shall each serve a one-year term that is renewable for an additional one-year term.

[8.1.3.3 unchanged.]

[8.1.4 unchanged.]

B. Bylaws: Amend 21.8.5.9, as follows:

21.8.5.9 Student-Athlete Advisory Committee.

[21.8.5.9.1 through 21.8.5.9.4 unchanged.]

21.8.5.9.5 Presidents Council Service. The committee shall elect two members (one representing male sports and one representing female sports) to serve on the Presidents Council.

[21.8.5.9.5 renumbered as 21.8.5.9.6, unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2022

Additional Information:

The new NCAA Constitution Article 2-(E) adopted in January and effective August 1, 2022, requires that student-athletes shall have voting representation on the Division II Presidents Council. Currently, the Division II Management Council includes two student-athletes who are chosen by and serving on the Division II Student-Athlete Advisory Committee. The process for choosing the student-athletes and having two student-athletes on the Management Council has been successful in ensuring the student-athlete voice is captured during the council's decision-making process. Such student-athlete representation will produce similar positive results for the Presidents Council. Further, each student-athlete will have one vote on the Presidents Council.

NO. NC-2023-14 DIVISION II ORGANIZATION STRUCTURE -- DIVISION II
PRESIDENTS COUNCIL -- DUTIES AND RESPONSIBILITIES

SUPPLEMENT NO. 2

Intent: To amend the duties of the Division II Presidents Council, as follows: (a) Appoint a Division II Presidents Council member to the NCAA Board of Governors; (b) Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote; and (c) Provide comments and input to the NCAA Board of Governors on matters that impact Division II and the Association.

Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 unchanged.]

8.1.2 Duties and Responsibilities. The Presidents Council shall:

[8.1.2-(a) through 8.1.2-(e) unchanged.]

(f) Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote;

[8.1.2-(f) through 8.1.2-(q) relettered as 8.1.2-(g) through 8.1.2-(r), unchanged.]

(s) Appoint a Division II Presidents Council member to the NCAA Board of Governors;

(t) Provide comments and input to the NCAA Board of Governors on matters that impact Division II and the Association;

[8.1.2-(r) through 8.1.2-(s) relettered as 8.1.2-(u) through 8.1.2-(v), unchanged.]

[8.1.2.1 through 8.1.2.2 unchanged.]

[8.1.3 through 8.1.4 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2022

Additional Information:

The new constitution adopted in January and effective August 1, 2022, added new duties to the Division II Presidents Council. These revisions capture those new duties.

NO. NC-2023-15 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL -- DUTIES AND RESPONSIBILITIES -- VICE CHAIR -- ELIMINATION OF DUTY TO SERVE ON THE NCAA BOARD OF GOVERNORS

Intent: To eliminate the requirement that the vice chair of the Division II Presidents Council serve as a member of the NCAA Board of Governors.

Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 unchanged.]

8.1.2 Duties and Responsibilities. The Presidents Council shall:

[8.1.2-(a) through 8.1.2-(s) unchanged.]

[8.1.2.1 unchanged.]

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8.1.2.2 Duties of the Vice Chair. The vice chair of the Presidents Council shall:

[8.1.2.2-(a) through 8.1.2.2-(b) unchanged.]

(c) Serve as a member of the Association's Board of Governors;

[8.1.2.2-(d) through 8.1.2.2-(e) relettered as 8.1.2.2-(c) through 8.1.2.2-(d), unchanged.]

[8.1.3 through 8.1.4 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2022

Additional Information:

The new constitution [Article 2-(A)] adopted in January and effective August 1, 2022, requires the Board of Governors to include one member from the Division II Presidents Council and be appointed by the council. The Division II representation on the Board of Governors is no longer a duty of the chair and vice chair as the Board of Governors member can be any member of the Presidents Council; however, allowing the chair of the Division II Presidents Council to remain serving in the leadership role for the Association, has been successful for the division and is current practice in Division II.

NO. NC-2023-16 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II
MANAGEMENT COUNCIL -- COMPOSITION -- STUDENT-ATHLETE
ADVISORY COMMITTEE MEMBERS -- STUDENT-ATHLETE
VOTING

Intent: To specify that the two members of the Division II Student-Athlete Advisory Committee shall serve as voting members on the Division II Management Council.

Bylaws: Amend 8.2, as follows:

8.2 Division II Management Council.

8.2.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:

[8.2.1-(a) through 8.2.1-(d) unchanged.]

[8.2.1.1 through 8.2.1.2 unchanged.]

8.2.1.3 Student-Athlete Advisory Committee Members. The two members of the Student-Athlete Advisory Committee shall serve as voting members ~~have one combined vote~~ on the Management Council.

[8.2.2 through 8.2.4 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Currently, the two members from the Division II Student-Athlete Advisory Committee have one combined vote on the Division II Management Council. Given the recommendation for two voting SAAC members to serve on the Presidents Council and based on feedback from the membership on the concept to revise the Division II Management Council composition, this change is also necessary for the Management Council.

NO. NC-2023-17 ENFORCEMENT AND INFRACTIONS PROCESS – MOVING SPECIFIED BYLAWS TO INTERNAL OPERATING PROCEDURES.

Intent: To eliminate legislation in Bylaws 19 and 32, as specified.

A. Bylaws: Amend 19.3, as follows:

19.3 Establishment and Revision of Enforcement Policies and Procedures.

[19.3.1 unchanged.]

~~19.3.1.1 Notification to Membership. To the extent that the committee's or the enforcement staff's internal operating procedures and the enforcement policies and procedures are revised, any member institution involved in the processing of an infractions case shall be notified immediately of the change and the general membership shall be advised through the NCAA website.~~

B. Administrative: Amend 32, as follows:

32 Enforcement Policies and Procedures

[32.1 unchanged.]

32.2 Preliminary Review of Information.

[32.2.1 unchanged.]

~~32.2.1.1 Staff Initiation of Investigation. The enforcement staff may initiate an investigation on its own motion when it receives information that an institution is, has been, or may have been in violation of NCAA legislation.~~

[32.2.1.2 renumbered as 32.2.1.1, unchanged.]

[32.2.2 unchanged.]

~~32.2.2.1.3 Matters Handled by Correspondence. Matters that clearly are secondary in nature should be handled through the online reporting system.~~

32.3 Investigative Procedures.

[32.3.1 unchanged.]

~~32.3.2 Timely Process. The enforcement staff shall make reasonable efforts to process infractions matters in a timely manner.~~

[32.3.3 through 32.3.4 renumbered as 32.3.2 through 32.3.3, unchanged.]

~~32.3.4.2 Conflict With Academic Schedule. If possible, interviews should be conducted without disrupting the normally scheduled academic activities of the student-athlete.~~

~~32.3.5 Proper Identification of NCAA Staff Member. In no case shall an enforcement staff member misrepresent the staff member's identity or title.~~

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[32.3.6 through 32.3.9 renumbered as 32.3.4 through 32.3.7, unchanged.]

~~32.3.9.1 Recordings. It is preferable that an interview conducted by the enforcement staff be recorded through the use of a mechanical device. If an interviewee objects to being recorded, however, or the enforcement staff believes the use of a recording device would have an inhibiting effect on the interviewee, a summary of the information reported shall be prepared per Bylaw 32.3.9.2.~~

~~32.3.9.1.1 Access to Recordings and Transcripts. Both the enforcement staff and the interviewee may record the interview or the interviewee may receive a copy of the recording and if prepared by the enforcement staff, the interview transcript, subject to the confidentiality provisions of Bylaws 32.3.9.1.4 and 32.3.9.2.1. Recorded interview summaries and any report prepared by the enforcement staff are confidential and shall only be provided to interviewees (and their institutions), except as set forth in Bylaws 32.3.9.2 and 32.7.4.~~

~~32.3.9.1.2 Institutional Recording of an Interview — Access to Recordings and Transcripts. Interviews conducted in accordance with Bylaw 32.3.4.1 or jointly with the enforcement staff at any location, may be recorded by the institution under inquiry. If the institution is unable or chooses not to record such an interview, the institution may receive a copy of the enforcement staff's recording of the interview and/or a copy of the interview transcript if prepared by the enforcement staff. Institutional recordings of NCAA interviews under any other circumstances must be approved by the Committee on Infractions.~~

~~32.3.9.1.2.1 Access to Recordings and Transcripts by Conference. For interviews conducted in accordance with Bylaw 32.3.4.1 or jointly by the institution and enforcement staff, and upon consent of the institution, a conference may receive a copy of the interview recording and/or transcript, if prepared by the enforcement staff or institution.~~

[32.3.9.1.3 through 32.3.9.1.4 renumbered as 32.3.7.0.1 through 32.3.7.0.2, unchanged.]

~~32.3.9.2 Non-Recorded Interviews. When an interview is not recorded or if the recording device malfunctions, the enforcement staff shall prepare a written summary of the information and attempt to obtain a signed affirmation of its accuracy from the interviewee. The interviewee shall be permitted to make additions or corrections to the memorandum before affirming its accuracy. In order to obtain the interviewee's signature, the enforcement staff may provide a copy of the unsigned summary to the interviewee and their counsel. After the summary is signed, the interviewee and their counsel may receive a signed copy. However, testimony as to the substance of an unrecorded interview for which a signed affirmation was not obtained may nevertheless be considered by the Committee on Infractions to the extent the committee determines the testimony to be reliable.~~

~~32.3.9.2.1 Confidentiality of Non-Recorded Interview Documents. Copies of non-recorded interview summaries and any report prepared by the enforcement staff are confidential and shall not be provided to individuals (or their institutions) who may be involved in reporting information during the process of an infractions case, except as set forth in Bylaws 32.3.9.2, 32.3.10 and 32.7.4.~~

~~32.3.9.3 Handwritten Notes. It shall be permissible for all individuals involved in interviews conducted by the enforcement staff to take handwritten notes of the proceedings.~~

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[32.3.10 renumbered as 32.3.8, unchanged.]

~~32.3.10.1 Case File. The enforcement staff is responsible for maintaining factual information involved with an infractions case, including recorded interviews, interview summaries and/or interview transcripts and other evidentiary information. Such materials shall be retained at the national office.~~

[32.3.10.2 renumbered as 32.3.8.1, unchanged.]

[32.3.11 renumbered as 32.3.9, unchanged.]

~~32.3.12 Meeting With President or Chancellor. The enforcement staff may meet with the president or chancellor or a designated representative of the involved institution to discuss the allegations investigated and information developed by the NCAA in a case that has been terminated.~~

[32.4 through 32.6 unchanged.]

32.7 Notice of Allegations.

[32.7.1 through 32.7.4 unchanged.]

~~32.7.4.1 Additions to Secure Website. Additions made to a secure website more than 30 days after the notice of allegations is provided to the member institution and involved individuals shall be limited to exculpatory information and/or new information that could not be reasonably ascertained prior to the date the notice of allegations was provided. The enforcement staff shall notify the institution and involved individuals of the availability of the additional information.~~

[32.7.5 through 32.7.9 unchanged.]

32.8 Summary Disposition and Expedited Hearing.

[32.8.1 unchanged.]

~~32.8.1.4 Committee on Infractions Review. The Committee on Infractions shall consider the case at a subsequent meeting.~~

[32.8.1.4.1 through 32.8.1.4.5 unchanged.]

32.9 Committee on Infractions Hearings.

[32.9.1 through 32.9.2 unchanged.]

~~32.9.3 Limitations on Presentation of Staff Factual Information. In major cases requiring an institutional hearing before the Committee on Infractions or when processing a case through means of a summary disposition, specific information and factual information developed by the staff related to alleged violations of NCAA legislation shall not be presented to the committee prior to the institution's appearance, except as provided in these procedures.~~

[32.9.4 renumbered as 32.9.3, unchanged.]

~~32.9.5 Notification of Hearing Procedures. An institution and involved individuals shall be advised in writing prior to an appearance before the Committee on Infractions of the general procedures to be followed during the hearing. Such notification shall contain a specific reference to Bylaw 32.9 and shall indicate that, as a general rule, the discussion during the hearing will follow the numbering of the allegations in the notice of allegations.~~

[32.9.6 renumbered as 32.9.4, unchanged.]

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~~32.9.6.6 Designation of Presentation Coordinators. The chair shall request each institution appearing before the Committee on Infractions to select one person to coordinate institutional responses during the hearing. In addition, one individual from the enforcement staff will be responsible for coordinating the presentation of the enforcement staff.~~

[32.9.7 renumbered as 32.9.5, unchanged.]

~~32.9.7.1 Opening and Closing Statements. At the outset of the hearing, a representative of the institution shall make an opening statement, followed by an opening statement from any involved individual and by a representative of the enforcement staff. The contents of such a statement should not relate to the substance of the specific items contained in the notice of allegations. Statements concerning the nature or theory of the case are encouraged. An institutional representative and involved individuals also may make a closing statement at the conclusion of the hearing, followed by a closing statement by a representative of the enforcement staff.~~

~~32.9.7.2 Staff Presentation. During the hearing, the enforcement staff first shall present the information that its investigation has developed.~~

~~32.9.7.3 Institutional or Involved Individual's Presentation. The institution and involved individual then will present their explanation of the alleged violations and any other arguments or information deemed appropriate in the Committee on Infractions' consideration of the case.~~

~~32.9.7.4 Type of Information. Any oral or documentary information may be received, but the Committee on Infractions may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.~~

[32.9.7.4.1 through 32.9.7.4.2 renumbered as 32.9.5.0.1 through 32.9.5.0.2, unchanged.]

[32.9.7.5 renumbered as 32.9.5.1, unchanged.]

~~32.9.7.6 Committee Questioning. The Committee on Infractions, at the discretion of any of its members, shall question representatives of the institution or the enforcement staff, as well as any involved individuals or other persons appearing before it, in order to determine the facts of the case.~~

[32.9.7.7 renumbered as 32.9.5.2, unchanged.]

[32.9.8 renumbered as 32.9.6, unchanged.]

~~32.9.8.5 Voting Requirements. The conclusion of a violation or the prescription of a penalty or recommended action shall be by majority vote of the members of the committee present and voting. If fewer than five members are present, any committee action requires a favorable vote of at least three committee members.~~

[32.10 through 32.12 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

The elimination of the specified bylaws regard processes that are more appropriately and efficiently handled as internal operating procedures.

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NO. NC-2023-18 ADMINISTRATION OF CHAMPIONSHIPS -- AUTHORITY OF CHAMPIONSHIPS AND SPORT COMMITTEES -- APPEAL OF NULLIFICATION DECISIONS OF CHAMPIONSHIPS COMMITTEE -- 72-HOUR WINDOW

Intent: To specify that the 72-hour window to appeal a nullification decision shall be 72 business hours (8 a.m.-5 p.m. in all time zones).

Administrative: Amend 31.1, as follows:

31.1 Administration of NCAA Championships.

[31.1.1 unchanged.]

31.1.1.2 Appeal of Nullification Decisions of Championships Committee. An appeal of a nullification will be considered by the Championship Committee, or a subcommittee designated by it, within 72 **business** hours (**8 a.m.-5 p.m. in all time zones**) of a nullification decision. During such period, the Championships Committee, or a subcommittee designated by it, shall be the final authority acting on appeals concerning nullification decisions.

[31.1.1.3 unchanged.]

[31.1.2 through 31.1.12 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Currently, an institution may appeal the application of nullification; however, the appeal must be submitted within 72 hours of the nullification decision. This change will provide institutions more flexibility regarding the timing of when an institution needs to appeal the application of nullification while still maintaining an expedient process.

NO. NC-2023-19 CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- ELIGIBILITY FOR CHAMPIONSHIPS -- STUDENT-ATHLETE ELIGIBILITY -- INELIGIBILITY FOR USE OF BANNED DRUGS -- PENALTY -- CANNABINOIDS OR NARCOTICS -- POSITIVE TEST RESULTS IN BANNED DRUG CLASS CANNABINOIDS

Intent: To specify that a student-athlete who, as result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug class cannabinoids shall be subject to various penalties.

Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

18.4.1 Student-Athlete Eligibility. To be eligible for NCAA championships, a student-athlete shall meet all applicable individual-eligibility requirements set forth in NCAA legislation. The general and academic eligibility requirements are set forth in detail in Bylaw 14.

[18.4.1.1 through 18.4.1.3 unchanged.]

18.4.1.4 Ineligibility for Use of Banned Drugs. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in a banned drug class, as set forth in Bylaw 31.2.3.1, shall be declared ineligible for

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further participation in postseason and regular-season competition in accordance with the ineligibility provisions in this bylaw.

[18.4.1.4.1 unchanged.]

18.4.1.4.1.1 Second Positive Test. If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive a second time for the use of a substance in a banned drug class other than cannabinoids and narcotics, they shall lose all remaining regular-season and postseason eligibility in all sports. If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive for the use of a substance in the banned drug class cannabinoids, **they shall engage, along with the institution, in an education and management plan for substance misuse as developed and facilitated by the institution (e.g., engagement with campus counseling services, participation in identified programs to address the substance misuse, enrollment in evidence-based educational sessions).** ~~and if a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive for the use of a substance in the banned drug class~~ narcotics, they shall be ineligible for competition for 50 percent of a season in all sports (the first 50 percent of regular-season contests or dates of competition in the season following the positive test). The student-athlete shall remain ineligible until the prescribed penalty is fulfilled and they test negative pursuant to the policies and procedures of the NCAA Drug-Testing Program.

18.4.1.4.2 Penalty -- ~~Cannabinoids or~~ Narcotics. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics (in accordance with the testing methods authorized by the Board of Governors) shall be ineligible for competition during 50 percent of a season of competition in all sports (i.e., 50 percent of all contests or dates of competition in the season following the positive test). The student-athlete shall remain ineligible until the prescribed penalty is fulfilled and they test negative pursuant to the policies and procedures of the NCAA Drug-Testing Program.

18.4.1.4.2.1 Second Positive Test. If a student-athlete who previously tested positive for the use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics tests positive a second time for the use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics or if a student-athlete who previously tested positive for the use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics tests positive for use of a substance in a banned drug classes other than cannabinoids or narcotics **or tests positive for use of a substance in the banned drug class cannabinoids,** they shall be subject to **the** penalties set forth in Bylaws ~~18.4.1.4.1 or 18.4.1.4.3.~~

18.4.1.4.3 Penalty -- Cannabinoids. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug class cannabinoids (in accordance with the testing methods authorized by the Board of Governors) shall engage, along with the institution, in an education and management plan for substance misuse as developed or facilitated by the institution (e.g., engagement with campus counseling services, participation in identified programs to

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address the substance misuse, enrollment in evidence-based educational sessions). If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive for use of a substance other than cannabinoids (substance in a banned drug classes other than cannabinoids or narcotics, substance in the banned drug class narcotics), they shall be subject to the penalties set forth in Bylaws 18.4.1.4.1 or 18.4.1.4.2.

18.4.1.4.3.1 Second Positive Test. If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive a second time for the use of a substance in the banned drug class cannabinoids, the institution must attest that the student-athlete was compliant with the education and management plan required following the student-athlete's first positive test, as specified by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports' policies and procedures, and has agreed to continue to engage in an education and management plan for substance misuse as developed or facilitated by their institution and designed to mitigate any identified at-risk behavior (e.g., engagement with campus counseling services, participation in identified programs to address substance misuse, enrollment in evidence-based educational sessions). If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive for use of a substance other than cannabinoids (substance in a banned drug classes other than cannabinoids or narcotics, substance in the banned drug class narcotics), they shall be subject to the penalties set forth in Bylaws 18.4.1.4.1 or 18.4.1.4.2.

18.4.1.4.3.1.1 Failure to Attest. If an institution cannot or does not attest, the student-athlete shall be considered ineligible for competition during 25-percent of a season in all sports (25-percent of the NCAA Bylaw 17 maximum regular-season contests or dates of competition).

18.4.1.4.3.2 Third Positive Test and Beyond. If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive a third time or more for the use of a substance in the banned drug class cannabinoids, the institution must attest that the student-athlete was compliant with the education and management plan required following the student-athlete's first positive test, as specified by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports' policies and procedures, and has agreed to continue to engage in an education and management plan for substance misuse as developed or facilitated by their institution and designed to mitigate any identified at-risk behavior (e.g., engagement with campus counseling services, participation in identified programs to address substance misuse, enrollment in evidence-based educational sessions). If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive for use of a substance other than cannabinoids (substance in a banned drug classes other than cannabinoids or narcotics, substance in the banned drug class narcotics), they shall be subject to the penalties set forth in Bylaws 18.4.1.4.1 or 18.4.1.4.2.

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18.4.1.4.3.2.1 Failure to Attest. If the institution cannot or does not attest, the student-athlete shall be considered ineligible for competition during 50-percent of a season in all sports (50-percent of the NCAA Bylaw 17 maximum regular-season contests or dates of competition).

18.4.1.4.34 Breach of NCAA Drug-Testing Program Protocol. A student-athlete who is in breach of the NCAA drug-testing program protocol (e.g., no show) shall be considered to have tested positive for the use of any drug other than a cannabinoid or narcotic.

18.4.1.4.34.1 Tampering With a Drug-Test Sample. A student-athlete who is involved in a case of clearly observed tampering with an NCAA drug test sample (e.g., urine substitution and related methods), as documented per NCAA drug-testing protocol by a drug-testing crew member, shall be subject to the following:

[18.4.1.4.3.1-(a) through 18.4.1.4.3.1-(c) renumbered as 18.4.1.4.4.1-(a) through 18.4.1.4.4.1-(c) unchanged.]

[18.4.1.4.4 through 18.4.1.4.7 renumbered as 18.4.1.4.5 through 18.4.1.4.8, unchanged.]

[18.4.2 unchanged.]

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Effective Date: August 1, 2022, for penalties served August 1, 2022, or later.

Additional Information:

This recommendation acknowledges the changing landscape surrounding cannabis use and recognizes a growing need to re-center student-athlete health and well-being as a primary focus within cannabinoid policy. The change prioritizes: (1) identification and deterrence of problematic cannabis use; (2) treatment and education over sanction; and (3) consideration of the fragmented nature of state laws as well as changing social opinions about cannabis. In its discussions about the existing penalties, the CSMAS noted that application of existing penalties may result in a student-athlete discontinuing enrollment rather than seeking help for problematic behavior. Importantly, this proposed change is intended to create a pathway for student-athletes to maintain eligibility and enrollment while participating in education and management plans specific to their needs, as developed or facilitated by their institution and the flexibility for member institutions to determine appropriate treatment parameters based on available resources, philosophy and student-athlete need. Institutions would not be required to submit the locally developed or facilitated education and management plan to the NCAA. Lastly, through a survey administered in winter 2021, the membership indicated Association-wide support for reconsideration of existing cannabinoid policy.

NO. NC-2023-20 COMMITTEES -- ASSOCIATION-WIDE COMMITTEES -- GENERAL COMMITTEES -- COMMITTEE ON COMPETITIVE SAFEGUARDS AND MEDICAL ASPECTS OF SPORTS -- COMPOSITION

Intent: To revise the composition of the Committee on Competitive Safeguards and Medical Aspects of Sports, as specified.

Bylaws: Amend 21.2.2, as follows:

21.2.2 Committee on Competitive Safeguards and Medical Aspects of Sports.

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21.2.2.1 Composition. The Committee on Competitive Safeguards and Medical Aspects of Sports shall consist of ~~23~~**25** members, including ~~six~~**seven** positions allocated for men, ~~six~~**seven** allocated for women and ~~10~~**11** unallocated. The membership of the committee shall be constituted as follows:

[21.2.2.1-(a) through 21.2.2.1-(c) unchanged.]

(d) ~~Three~~**Five** members from the field of medicine, of whom at least ~~one~~**two** shall be a woman. One shall be a primary-care physician who is board certified in family practice, internal medicine or emergency medicine, and shall have a current Certificate of Added Qualifications in Sports Medicine. One shall be a board-certified orthopedic surgeon. **One shall be a physician with expertise in endocrinology. One shall be a physician with expertise in drug-testing.** ~~The third~~**One** member shall be a physician who is a member of the general public;

[21.2.2.1-(e) through 21.2.2.1-(i) unchanged.]

(j) One member with expertise in drug testing;

[21.2.2.1-(k) through 21.2.2.1-(l) relettered as 21.2.2.1-(j) through 21.2.2.1-(k), unchanged.]

*(m) One***Two** licensed ~~clinical sports psychologist~~**mental health practitioners, one man and one woman;**

[21.2.2.1-(n) through 21.2.2.1-(q) relettered as 21.2.2.1-(m) through 21.2.2.1-(p), unchanged.]

[21.2.2.1.1 unchanged.]

[21.2.2.2 through 21.2.2.3 unchanged.]

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Effective Date: Immediate

Additional Information:

In recent years the committee substructure and related committee operations have changed significantly to address evolving Association needs and expanding membership expectations for committee responsiveness, while reflecting the Association's commitment to diversity. The recent adoption of a new NCAA constitution, which highlights the importance of student-athlete physical and mental health and specifically assigns some responsibility to CSMAS, reinforces the timeliness of these composition considerations in support of the operational well-being of the committee going forward. Formalizing a committee position for a physician with expertise in endocrinology is a logical extension of the specialized consulting from which the committee has historically benefited and is responsive to anticipated support related to, among other things, the Association's Transgender Student-Athlete Participation Policy. Updating terminology and adding a second licensed mental health practitioner addresses the membership's rapidly expanding needs related to student-athlete mental health. Finally, requiring the designated drug-testing expert to be a physician formalizes historical practice (the last three drug-testing experts have been physicians) while securing physician expertise in certain areas that have been identified as likely benefiting from that specific type of input (e.g., medical exception review).

SUPPLEMENT NO. 2

NO. NC-2023-21 NCAA MEMBERSHIP -- GENERAL PRINCIPLES -- RESPONSIBILITY OF INSTITUTIONS -- INSTITUTIONAL CONTROL AND MONITORING AN INTERCOLLEGIATE ATHLETICS PROGRAM

Intent: To confirm an institution's responsibility to control and monitor its intercollegiate athletics program, as specified; further, to remove references related to enforcing or regulating the NCAA Constitution set forth in Bylaws 19 and 32.

A. Bylaws: Amend 7.01, as follows:

7.01 General Principles.

[7.01.1 through 7.01.8 unchanged.]

7.01.9 Responsibility for Control. It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program.

7.01.10 Responsibility to Monitor and Report. Each institution shall comply with all applicable rules and regulations of the Association, its division, and conference and in the conduct of its intercollegiate athletics programs. It shall monitor its programs to ensure compliance and to identify and report to its division and conference instances in which compliance has not been achieved. The institution shall cooperate fully with any enforcement efforts and shall take appropriate corrective actions as necessary. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, including rules requiring cooperation with enforcement efforts, and the member institution shall be responsible for such compliance.

[7.01.9 through 7.01.10 renumbered as 7.01.11 through 7.01.12, unchanged.]

B. Bylaws: Amend 19.01.4, as follows:

19.01.4 Violations by Institutional Staff Members. Institutional staff members found in violation of the NCAA ~~constitution and/or~~ bylaws shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

C. Bylaws: Amend 19.02.1, as follows:

19.02.1 Show-Cause Order. A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests identified by the committee as having been involved in a violation of the NCAA ~~constitution and/or~~ bylaws that has been found by the committee.

D. Bylaws: Amend 19.1.3, as follows:

19.1.3 Duties. The committee shall:

[19.1.3(a) through 19.1.3(c) unchanged.]

(d) Find facts related to alleged violations and conclude whether the facts constitute one or more violations of the NCAA ~~constitution and/or~~ bylaws;

[19.1.3-(e) through 19.1.3-(g) unchanged.]

E. Bylaws: Amend 19.5.2.2, as follows:

19.5.2.2 Show-Cause Order. If a determination is made by the committee that an institution has not taken appropriate disciplinary or corrective actions regarding an individual found in violation of the NCAA ~~constitution and/or~~ bylaws, the committee may issue an order that the institution take additional disciplinary or corrective action, including but not limited to restriction of some or all athletically related duties unless the institution appears before the committee to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions.

[19.5.2.2.1 unchanged.]

F. Bylaws: Amend 19.6.4.1, as follows:

19.6.4.1 Obligation of Institution to Take Appropriate Action. When the committee (or the Infractions Appeals Committee per Bylaw 19.2) concludes that there has been a violation of the NCAA ~~constitution and/or~~ bylaws affecting the eligibility of an individual student-athlete or student-athletes, the institution involved and its conference(s), if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved, it being understood that if the institution fails to take appropriate action, the involved institution shall be cited to show cause under the Association's enforcement policies and procedures why it should not be disciplined for a failure to abide by the conditions and obligations of membership (declaration of ineligibility) if it permits the student-athletes to compete.

G. Bylaws: Amend 19.7, as follows:

19.7 Restitution. If a student-athlete who is ineligible under the terms of the ~~constitution~~, bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:

[19.7-(a) through 19.7-(i) unchanged.]

H. Administrative: Amend 32.1.1, as follows:

32.1.1 Public Disclosure. Except as provided in Bylaw 19 and Bylaw 32, the Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall not make public disclosures about a pending case, until the case has been announced in accordance with the prescribed procedures. An institution and any individual subject to the NCAA ~~constitution and~~ bylaws involved in a case, including any representative or counsel, shall not make public disclosure about the case until a final decision has been announced in accordance with prescribed procedures.

I. Administrative: Amend 32.11.2, as follows:

32.11.2 Committee on Infractions' Response to an Appeal. The Committee on Infractions shall submit a response to the Infraction Appeals Committee on each case that has been appealed. This response shall include:

[32.11.2-(a) unchanged.]

(b) The violations of the NCAA ~~constitution and/or~~ bylaws, as determined by the Committee on Infractions;

[32.11.2-(c) through 32.11.2-(g) unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

The Division II infractions process has historically considered and cited Constitution 2.1.1, 2.8.1 and 6.01.1 in cases involving an institution's failure to monitor and/or control its athletics programs. With the membership's adoption of the new constitution and specifically new language regarding institutional control and rules, compliance and accountability, the legislated responsibilities for member institutions to monitor and control its athletics programs should be relocated to the bylaws and updated for consistency. Additionally, references to enforcing or regulating the NCAA constitution in Bylaws 19 and 32 should be removed as the NCAA infractions process is not the appropriate authority/process to enforce the NCAA constitution.

NO. NC-2023-22 ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRACTIONS HEARINGS -- ACCELERATED HEARING

Intent: To specify that an institution or involved individual(s) may petition the Committee on Infractions for an accelerated hearing during major infractions cases, as specified.

A. Bylaws: Amend 19.1.2.2, as follows:

19.1.2.2 Authority of Committee Chair. In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. For each hearing, the committee chair or chair's designee shall serve as the committee's appeals advocate for any appeal of a decision of the committee. If scheduling or availability issues prevent the appeal advocate from serving, the chair may designate another committee member to serve as a substitute. **In major cases, the chair may consider and decide requests by an institution or involved individual for an accelerated hearing.**

B. Administrative: Amend 32.9, as follows:

32.9 Committee on Infractions Hearings.

[32.9.1 unchanged.]

32.9.2 Accelerated Hearing Docket. In major cases, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule.

[32.9.2 through 32.9.8 renumbered as 32.9.3 through 32.9.9, unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Currently, in major cases in which the parties decide to have the case reviewed via a hearing with the Committee on Infractions, the institution and involved individuals have 90 days to respond to a notice of allegations. However, with the accelerated hearing process, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule. This proposal provides a quicker processing option for hearings.

NO. NC-2023-23 ENFORCEMENT POLICIES AND PROCEDURES -- APPEAL PROCEDURE -- NOTICE OF INTENT TO APPEAL -- STAY OF PENALTIES

Intent: To clarify that when an appeal is properly filed with the Infractions Appeals Committee, penalties prescribed by the Committee on Infractions shall be stayed.

Administrative: Amend 32.11, as follows:

32.11 Appeal Procedure.

32.11.1 Notice of Intent to Appeal. A notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date of the public release of the Committee on Infractions' public infractions decision. The notice of intent to appeal shall contain a statement identifying the date of the public release of the Committee on Infractions' decision and a statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument before the Infractions Appeals Committee.

[32.11.1.1 through 32.11.1.2 unchanged.]

32.11.1.3 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal.

[32.11.2 through 32.11.6 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

If a notice of intent to appeal the Committee on Infractions' decision is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal. The intent of this proposal is to provide transparency to current practices.

NO. NC-2023-24 PLAYING AND PRACTICE SEASONS -- FOOTBALL -- OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- SPRING PRACTICE -- CONTACT RESTRICTIONS

Intent: In football, to specify that during spring practice: (1) An institution shall not conduct more than two consecutive days of full contact (tackling to the ground) practices; and (b) An institution shall not conduct more than a total of 75 minutes

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of full contact (tackling to the ground) within any one on-field practice session other than the three tackling sessions devoted primarily to 11-on-11 scrimmages.

Bylaws: Amend 17.11, as follows:

17.11 Football.

Regulations for computing the football playing season are set forth in Bylaw 17.1, General Playing Season Regulations. (See Figure 17-1 and Figure 17-2.)

[17.11.1 through 17.11.8 unchanged.]

17.11.9 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the playing season, except for the following:

[17.11.9-(a) unchanged.]

(b) Spring Practice. Fifteen postseason practice sessions (including intrasquad scrimmages) and the spring game are permissible. An institution is not required to count as one of its 15 designated days any day during which countable athletically related activities are limited solely to required conditioning activities and/or review of game film. Practice sessions must meet the following conditions:

[17.11.9-(b)-(1) through 17.11.9-(b)-(5) unchanged.]

(6) An institution shall not conduct more than two consecutive days of full contact (tackling to the ground) practices.

(7) An institution shall not conduct more than a total of 75 minutes of full contact (tackling to the ground) within any one on-field practice session other than the three tackling sessions devoted primarily to 11-on-11 scrimmages.

[17.11.9-(b)-(6) through 17.11.9-(b)-(9) renumbered as 17.11.9-(b)-(8) through 17.11.9-(b)-(11), unchanged.]

[17.11.9.1 unchanged.]

[17.11.10 unchanged.]

Source: NCAA Division II Management Council (Championships Committee).

Effective Date: Immediate

Additional Information:

The proposed revisions to football's spring practice model aligns with changes Division I recently adopted for the spring practice period to enhance student-athlete well-being and are consistent with modifications to the preseason practice period being implemented beginning with the 2022-23 season. The NCAA Division II Football Committee and football coaches via the Division II Coaches Connection program support these changes and agree they are noncontroversial in nature.

NO. NC-2023-25 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL AND DIVISION II MANAGEMENT COUNCIL -- ELECTION/TERM OF OFFICE -- ELIMINATION OF STAGGERED TERMS -- CHAIR AND VICE CHAIR

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Intent: To specify that the chair and vice chair terms for the NCAA Division II Presidents Council and Management Council shall not expire on staggered terms.

A. Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 through 8.1.2 unchanged.]

8.1.3 Election/Term of Office.

[8.1.3.1 through 8.1.3.2 unchanged.]

~~8.1.3.3 Staggered Terms:~~

~~8.1.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.~~

~~8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

[8.1.4 unchanged.]

B. Bylaws: Amend 8.2, as follows:

8.2 Division II Management Council.

[8.2.1 through 8.2.2 unchanged.]

8.2.3 Election/Term of Office.

[8.2.3.1 through 8.2.3.2 unchanged.]

~~8.2.3.3 Staggered Terms:~~

~~8.2.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Management Council shall expire on a staggered basis to provide for continuity.~~

~~8.2.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

[8.2.4 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

In practice, the terms of service of the chair and vice chair of the Presidents Council and Management Council have not always been staggered and the councils have had to elect and re-elect the vice chair to ensure the legislation is followed. Further, this legislation is more appropriate as policy and thus should be removed from legislation

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and placed in the NCAA Division II Presidents Council and Management Council policies and procedures.

NO. NC-2023-26 DIVISION II ORGANIZATIONAL STRUCTURE -- PRESIDENTS COUNCIL -- MANAGEMENT COUNCIL -- ELECTION/TERM OF OFFICE AND OPERATING RULES -- ELIMINATION OF STAGGERED TERMS OF MEMBERS AND QUORUM REQUIREMENTS

Intent: To eliminate the requirement of staggered terms of members serving on the Division II Presidents Council and Division II Management Council; further, to eliminate the requirement for a quorum of the Division II Presidents Council and Division II Management Council for the transaction of business.

A. Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 through 8.1.2 unchanged.]

8.1.3 Election/Term of Office.

[8.1.3.1 through 8.1.3.2 unchanged.]

8.1.3.3 Staggered Terms.

[8.1.3.3.1 unchanged.]

~~8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

8.1.4 Operating Rules.

~~8.1.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action, a simple majority of Presidents Council members present and voting shall be required unless otherwise specified.~~

[8.1.4.2 renumbered as 8.1.4.1, unchanged.]

B. Bylaws: Amend 8.2, as follows:

8.2 Division II Management Council.

[8.2.1 through 8.2.2 unchanged.]

8.2.3 Election/Term of Office.

[8.2.3.1 through 8.2.3.2 unchanged.]

8.2.3.3 Staggered Terms.

[8.2.3.3.1 unchanged.]

~~8.2.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

8.2.4 Operating Rules.

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~~8.2.4.1 Quorum: For the transaction of business, a quorum shall consist of a majority of the members of the Management Council. For the Management Council to take action, a simple majority of Management Council members present and voting shall be required unless otherwise specified.~~

[8.2.4.2 renumbered as 8.2.4.1, unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

These items are more appropriate as policy and thus should be removed from the legislation. Doing so is noncontroversial, as there are no substantive changes to the language of the legislation or its intent. Language related to terms of members and quorum requirements will be added to the Division II Presidents Council and Management Council policies and procedures.

NO. NC-2023-27 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL – ACTIVE MEMBERSHIP – INSTITUTIONS AND CONFERENCES – SPORTS SPONSORSHIP AND THREE-SEASON REQUIREMENT – REQUIREMENTS FOR ACTIVE MEMBER INSTITUTIONS AND CONFERENCES – MINIMUM OF 10 SPORTS – ELIMINATION OF FIVE-SPORT/THREE-SEASON REQUIREMENT

Intent: To specify that an active member institution or conference in Division II shall sponsor a minimum of 10 sports; further, to eliminate the five-sport/three-season requirement, as specified.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.6 unchanged.]

7.3.1.7 Sports Sponsorship. A member of Division II shall sponsor in Division II a minimum of:

(a) ~~Five Men's and Five Women's Varsity Sports~~ **Ten** varsity intercollegiate sports, ~~including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all male teams or mixed teams of males and females; and five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all female teams; or~~

(b) ~~Four Men's and Six Women's Varsity Sports. Four varsity intercollegiate sports, including at least two team sports, based on the minimum requirement of Bylaw 7.3.1.7.1.3 and involving all male teams or mixed teams of males and females; and six varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all female teams; or~~

(e **b**) Institutions that sponsor and conduct athletics programs for only one gender must sponsor a minimum of five varsity intercollegiate sports, ~~including at least two team sports,~~ based on the minimum requirements of Bylaw 7.3.1.7.1.3, for that gender.

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7.3.1.7.1 Acceptable Sports. The sports designated to meet the sports sponsorship criteria shall:

[7.3.1.7.1-(a) through 7.3.1.7.1-(c) unchanged.]

- (d) ~~One men's and one women's sport~~ **Two sports** required in Bylaw 7.3.1.7-(a) ~~or one men's and one women's sport required in Bylaw 7.3.1.7-(b)~~ may be sponsored in Division I; and

[7.3.1.7.1-(e) unchanged.]

~~7.3.1.7.1.1 Waiver. The Management Council, by a two-thirds majority of its members present and voting, may approve a request to designate one sport involving all male teams or mixed teams of males and females and one sport involving all female teams other than those set forth in Bylaw 7.3.1.7-(a).~~

~~7.3.1.7.1.2 Waiver of Minimum Women's Sports Sponsorship Criteria. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the Division II minimum women's sports sponsorship requirement in accordance with the procedure listed below:~~

- ~~(a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and it shall be received in the national office not later than October 1;~~
- ~~(b) The institution shall provide data demonstrating that the ratio of male to female enrollment prohibits the offering of the required number of sports for women; or~~
- ~~(c) The institution shall provide data demonstrating insufficient student interest in establishing or maintaining the requisite number of teams.~~

~~7.3.1.7.1.2.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02-6.~~

~~7.3.1.7.1.2.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum women's sports sponsorship requirement.~~

[7.3.1.7.1.3 renumbered as 7.3.1.7.1.1, unchanged.]

7.3.1.7.1.31.11 Failure to Meet Minimum Sports Sponsorship Criteria.

7.3.1.7.1.31.11.1 One-Year Probationary Period. An institution that fails to meet ~~either~~ the minimum ~~men's or women's~~ sports sponsorship criterion for its division shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance with sports sponsorship requirements

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is discovered. An institution shall be afforded the one-year probationary period for failure to comply with sports sponsorship criteria only once in every five-year period. The five-year period shall begin the September 1 after completion of the academic year in which the membership criterion is not met.

[7.3.1.7.1.3.11.2 through 7.3.1.7.1.3.11.3 renumbered as 7.3.1.7.1.1.11.2 through 7.3.1.7.1.1.11.3, unchanged.]

7.3.1.8 Three-Season Requirement.

~~7.3.1.8.1 Five-Sport/Three-Season Requirement. A member institution shall conduct or sponsor at least one sport involving an all-male team or a mixed team of males and females and at least one sport involving an all-female team in every sport season. An institution may use a sport to meet the three-season requirement only if the institution has met the minimum contest and participants requirements for sports sponsorship in that sport as set forth in Bylaw 7.3.1.7.1.3.~~

7.3.1.8.1.1 Five-Sport/Three-Season Requirement.

~~7.3.1.8.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.1.8.1 due to circumstances beyond an institution's control. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the five-sport/three-season requirement.~~

~~7.3.1.8.2 Counting Multiseason Sports. If an institution sponsors the same sport in two different seasons, it may count the sport only in the season in which its team participates in the most contests. To be counted as a fall sport, the majority of an institution's contests or dates of competition would have to occur from September through December; to be counted as a winter sport, December through March; to be counted as spring sport, February through May.~~

~~7.3.1.8.3 Male-Female Enrollment Ratio Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the sports sponsorship requirement for men or women in accordance with the procedure listed below:~~

- ~~(a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and shall be received in the national office not later than October 1; and~~
- ~~(b) The institution shall provide data demonstrating that the male-female enrollment ratio prohibits the offering of the required number of sports for one or the other gender.~~

~~7.3.1.8.3.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02.6.~~

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~~7.3.1.8.3.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's waiver appeal of a decision made by the Membership Committee in regard to an institution's waiver of the male-female enrollment ratio.~~

~~7.3.1.8.4 Three-Season Sport Waiver. The Management Council, by a two-thirds majority of its members present and voting, may waive the requirement that an active member shall conduct at least one sport in every sport season if the institution is precluded by its academic calendar and climatic conditions from conducting a sport in a particular season.~~

[7.3.2 through 7.3.4 unchanged.]

7.3.5 Conferences.

7.3.5.1 Privileges.

[7.3.5.1.1 through 7.3.5.1.3 unchanged.]

7.3.5.1.3.1 Competitive and Legislative Body. An active member conference shall be both a competitive and a legislative body on the conference level (see Bylaws 7.02.1.3.1 and 7.02.1.3.2).

7.3.5.1.3.2 Minimum Size and Division Status.

7.3.5.1.3.2.1 Full Voting Privileges. An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

7.3.5.1.3.2.2 Partial Voting Privileges. Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

7.3.5.1.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least ~~five sports for men and five sports for women, or four sports for men and six sports for women~~ **10 sports**. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

[7.3.5.1.3.3(a) through 7.3.5.1.3.3(c) unchanged.]

~~7.3.5.1.3.3.1 Three-Season Requirement. A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.~~

[7.3.5.1.3.3.2 renumbered as 7.3.5.1.3.3.1, unchanged.]

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7.3.5.1.3.3.32 Conference Member in Selected Sports. An active member institution that is a member of a voting conference in only selected sports (e.g., an affiliated conference member only in football) may not be considered when determining whether the conference has six member institutions that sponsor and compete in the sport.

7.3.5.1.3.3.43 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.5.1.3.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.

7.3.5.1.3.4 Football Issues. In addition to meeting the requirements of Bylaw 7.3.1.7 ~~for men's and/or women's sports~~, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

[7.3.5.1.3.5 through 7.3.5.1.3.6 unchanged.]

[7.3.5.2 through 7.3.5.8 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2023

Additional Information:

Current legislation specifies that an active member institution or conference in Division II shall sponsor a minimum of 10 sports, with a certain number of sports required by gender and sport season. This change will maintain the minimum sports sponsorship requirement of 10 sports but eliminates the requirements by gender and sport season. This will provide institutions and conferences more flexibility in determining their sport offerings. In addition, institutions and conferences will likely work together to provide student-athletes with a variety of sport options, thereby, creating meaningful participation opportunities. The delayed effective date will permit necessary changes to occur for the sports sponsorship form required by schools to complete following each academic year and for the changes to occur at the start of an academic year.

NO. NC-2023-28 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL
– ACTIVE MEMBERSHIP – INSTITUTIONS – ELIMINATION OF
AUDIT OF MEMBERSHIP REQUIREMENTS

Intent: To eliminate the audit of membership requirements legislation.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.8 unchanged.]

~~7.3.1.9 Audit of Membership Requirements.~~

~~7.3.1.9.1 Minimum Financial Aid and Sports Sponsorship Reports. The Membership Committee shall have the authority to conduct an audit of the~~

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information contained in a member institution's minimum financial aid report and minimum sports sponsorship report (see Bylaw 21-8.5.7.2).

7.3.1.9.2 Failure to Fulfill Membership Requirements -- Institution on Probation: If a member institution is placed on probation for failure to fulfill more than one membership requirement during a five-year period, the Membership Committee shall have the authority to conduct an audit of the institution's fulfillment of membership requirements (see Bylaw 21-8.5.7.2). The committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation. The committee may impose conditions or penalties that an institution must satisfy during the probationary period.

[7.3.2 through 7.3.6 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

Currently, the audit of membership requirements is outlined in the legislation. These items are more appropriate as policy and thus should be eliminated from the legislation.

NO. NC-2023-29 LEGISLATIVE PROCESS -- OTHER LEGISLATIVE AND AMENDMENT PROCEDURES -- INTERPRETATIONS OF BYLAWS -- DIVISION II INTERPRETATIONS PROCESS -- REVIEW OF LEGISLATION COMMITTEE OR ACADEMIC REQUIREMENTS COMMITTEE DECISION -- DECISION FINAL

Intent: To amend the appeals of interpretations process to specify that the Division II Legislation Committee and the Division II Academic Requirements Committee shall be the final authority of appealed interpretations.

Bylaws: Amend 9.4.1.2, as follows:

9.4.1.2 Interpretation Process.

9.4.1.2.1 Division II Process.

[9.4.1.2.1.1 unchanged.]

9.4.1.2.1.2 **Decision Final.**~~Review of Legislation Committee or Academic Requirements Committee Decision.~~ **Appeals of a staff interpretation reviewed and approved by the Legislation Committee, or an entity designated by the Legislation Committee, or the Academic Requirements Committee, shall be considered final.**~~The Management Council shall review all interpretations issued by the Legislation Committee and Academic Requirements Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislation Committee or Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's chancellor or president, faculty athletics representative or athletics director. The Management Council shall establish the procedures for such an appeal.~~

[9.4.1.2.1.3 through 9.4.1.2.1.4 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

The Division II Legislation Committee and Division II Academic Requirements Committee are comprised of individuals who are subject matter experts in the respective areas. In addition, the appeals of interpretations process to the Division II Management Council has not been used in some time. The immediate effective date will permit the respective committees to exercise their authority in the appeal process sooner rather than later.

NO. NC-2023-30 AMATEURISM AND FINANCIAL AID -- VARIOUS BYLAWS -- STUDENT-ATHLETE NAME, IMAGE AND LIKENESS ACTIVITIES

Intent: To amend the amateurism and financial aid legislation to align with and address the goals of the NCAA Interim Name, Image and Likeness (NIL) Policy, as follows: (1) Remove duplicative language; (2) Define a professional service provider; (3) Eliminate regulations regarding activities prior to initial full-time collegiate enrollment; (4) Codify the NCAA Interim NIL Policy; (5) Amend permissible and impermissible activities following initial full-time collegiate enrollment, as specified; (6) Specify that an employer may not use a student-athlete's reputation to promote a product or service unless the student-athlete has entered into an NIL agreement with the employer; and (7) Eliminate the promotional activities legislation.

A. Bylaws: Amend 12, as follows:

12 Amateurism

12.01 General Principles.

12.01.1 Eligibility for Intercollegiate Athletics. Only ~~an amateur~~ student-athlete who satisfies all eligibility requirements may participate in ~~is eligible for~~ intercollegiate athletics ~~participation~~ in a particular sport.

[12.01.2 unchanged.]

12.01.3 "Individual" Versus "Student-Athlete." NCAA ~~amateur~~ eligibility status may be lost as a result of activities before enrollment in college. If NCAA rules specify that an "individual" may or may not participate in certain activities, this term refers to a person before and after enrollment in a member institution. If NCAA rules specify a "student-athlete," the legislation applies only to that person's activities after enrollment.

[12.01.4 unchanged.]

12.02 Definitions and Applications.

[12.02.1 through 12.02.2 unchanged.]

12.02.3 Professional Service Provider. A professional service provider is an individual who provides third party services to an individual regarding their name, image and likeness. A professional service provider includes, but shall not be limited to, an agent, tax advisor, marketing consultant, attorney or anyone who is employed or associated with such persons.

[12.02.3 through 12.02.9 renumbered as 12.02.4 through 12.02.10, unchanged.]

12.1 General Regulations. An individual's (prospective student-athlete or enrolled student-athlete) ~~amateur-status~~ eligibility for participation in athletics shall be determined using the following provisions. (See Bylaw 14.2.4.2 regarding participation

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in organized competition prior to initial collegiate enrollment and Bylaw 14.13 regarding the eligibility restoration process.)

12.1.1 Validity of Amateur Status. As a condition and obligation of membership, it is the responsibility of an institution to determine the validity of the information on which the ~~amateur~~**eligibility** status of a prospective student-athlete (e.g., including a two-year and four-year college transfer initially enrolling at an NCAA Division II institution) and student-athlete is based. (See Bylaw 14.01.3.)

12.1.1.1 Amateurism Certification Process. An institution shall use an eligibility center approved by the Board of Governors to determine the validity of the information on which the ~~amateur~~**eligibility** status of a student-athlete is based.

12.1.1.1.1 Scope. The certification of ~~amateur~~**eligibility** status issued by the NCAA Eligibility Center is limited to activities that occur prior to a prospective student-athlete requesting a final ~~amateurism~~**eligibility** certification or their initial full-time collegiate enrollment at an NCAA Division II institution, whichever occurs earlier.

[12.1.1.1.2 unchanged.]

12.1.1.1.2.1 ~~Amateur~~**Eligibility** Status After Certification. An institution is responsible for certifying the ~~amateur~~**eligibility** status of a prospective student-athlete from the time they request a final certification be issued by the NCAA Eligibility Center or they initially enroll as a full-time student at an NCAA Division I or II institution (whichever occurs earlier).

12.1.1.1.2.2 Sharing Information and Reporting Discrepancies. An institution is responsible for notifying the NCAA Eligibility Center when it receives additional information, or otherwise has cause to believe, that a previously certified prospective student-athlete's ~~amateur~~**eligibility** status has been jeopardized. Further, an institution is responsible for promptly reporting all discrepancies in information related to a student-athlete's ~~amateurism~~ certification to the NCAA Eligibility Center.

12.1.1.1.3 Eligibility for Practice and Competition. Prior to engaging in practice or competition, a student-athlete shall receive a certification of ~~amateur~~**eligibility** status for activities that occur prior to the certification or initial full-time enrollment at an NCAA Division II institution (whichever occurs earlier).

12.1.1.1.3.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the student-athlete's ~~amateur~~**eligibility** status has been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have established minimum requirements as ~~an amateur~~**eligible for participation in athletics** (as certified by the NCAA Eligibility Center) to continue practicing or to compete.

12.1.1.1.3.1.1 Effect of Violation. A violation of Bylaw 12.1.1.1.3.1 in which the student-athlete is subsequently certified without conditions shall be considered an institutional violation

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per ~~Bylaw 7.01.7~~**Constitution Article 1-E** but shall not affect the student-athlete's eligibility.

~~12.1.2 Activities Prior to Initial Full-Time Collegiate Enrollment. An individual loses amateur status and thus shall not be eligible for intercollegiate participation in a particular sport if the individual enters into an agreement with or receives benefits from an agent (See Bylaws 12.02.1 and 12.3 for additional information regarding agents.)~~

12.1.2 Name, Image and Likeness.

12.1.2.1 Application. NCAA Bylaws, including prohibitions on pay-for-play and improper recruiting inducements, remain in effect, subject to the following:

- (a) For institutions in states without name, image and likeness laws or executive actions or with name, image and likeness laws or executive actions that have not yet taken effect, if an individual elects to engage in a name, image and likeness activity, the individual's eligibility for intercollegiate athletics will not be impacted by the application of Bylaw 12.**
- (b) For institutions in states with name, image and likeness laws or executive actions with the force of law in effect, if an individual or member institution elects to engage in a name, image and likeness activity that is protected by law or executive order, the individual's eligibility for and/or the membership institution's full participation in NCAA athletics will not be impacted by the application of NCAA Bylaws unless the state law is invalidated or rendered unenforceable by operation of law.**
- (c) Use of a professional services provider is also permissible for name, image and likeness activities, except as otherwise prohibited by state law or executive action with the force of law that has not been invalidated or rendered unenforceable by operation of law.**

12.1.2.2 Name, Image and Likeness Activities Related to Enrollment Decisions. A name, image and likeness agreement or the payments associated with such an agreement may not be guaranteed or promised contingent on initial or continuing enrollment at a particular institution (e.g., recruiting inducement).

12.1.2.3 Monitoring for Compliance. The NCAA will continue its normal regulatory operations but will not monitor name, image and likeness activities for compliance with state law.

12.1.2.4 Reporting Requirements. Individuals should report name, image and likeness activities consistent with state law and/or institutional requirements.

12.1.3 Permissible -- Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, participation in the following activities and receipt of the following benefits will not jeopardize the ~~amateur~~**athletics eligibility** status of an individual:

- ~~(a) Educational Expenses. Receipt of educational expenses awarded by the following sources:~~
 - ~~(1) The U.S. Olympic and Paralympic Committee or the U.S. national governing body (or, for international individuals, expenses awarded by the equivalent organization of a foreign country), in accordance with the applicable conditions set forth in Bylaw 15.2.2.4;~~
 - ~~(2) A professional team or league, in accordance with the applicable conditions set forth in Bylaw 15.2.2.5; or~~

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(3) *An outside sports team, in accordance with the applicable conditions set forth in Bylaw 15.2.2-3.*

- (b a) Actual and Necessary Expenses **for Participation on**~~From~~ an Outside Amateur Sports Team or Organization. Receipt of actual and necessary expenses from an outside amateur sports team or organization **or outside sponsor (e.g., neighbor, business), other than an agent, professional service provider, representative of an institution's athletics interests or professional sports organization,** for competition and practice held in preparation for such competition. Practice must be conducted in a continuous time period preceding the competition except for practice sessions conducted by a national team, which occasionally may be interrupted for specific periods of time before the competition;

~~(1) Donations From Outside Sponsors. An individual who participates in a sport as a member of a team may receive actual and necessary expenses for competition and practice held in preparation for such competition (directly related to the competition and conducted during a continuous time period preceding the competition) from an outside sponsor (e.g., neighbor, business) other than an agent, representative of an institution's athletics interests or professional sports organization. An individual who participates in a sport as an individual (not a member of a team) may receive actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from an outside sponsor (e.g., neighbor, business) other than an agent, representative of an institution's athletics interests or professional sports organization.~~

- (e b) Actual and Necessary Expenses for Participation in a Collegiate All-Star Contest. A student-athlete may receive actual and necessary expenses from an outside sponsor (e.g., neighbor, business), **other than an agent, professional service provider, representative of an institution's athletics interests or professional sports organization,** for participation in a collegiate all-star contest, provided the student-athlete has exhausted eligibility in the sport.

[12.1.3-(d) through 12.1.3-(f) relettered as 12.1.3-(c) through 12.1.3-(e), unchanged.]

- ~~(g) Participation in Institutional, Charitable or Educational Promotions or Fundraising Activities. Participation in institutional, charitable or educational promotions or fundraising activities that involve the use of athletics ability by an individual to obtain funds (e.g., "swim-a-thons") are permitted only if:~~

- ~~(1) The money is contributed directly to the institution, conference, or the charitable, educational or nonprofit agency;~~
- ~~(2) The individual receives no compensation or prizes for their participation; and~~
- ~~(3) The provisions of Bylaw 12.5.1 are satisfied.~~

[12.1.3-(h) relettered as 12.1.3-(f), unchanged.]

12.1.4 Impermissible – Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, an individual's participation in the following activities or receipt of the following benefits will jeopardize the individual's *amateur status***athletics eligibility** and eligibility for intercollegiate participation in a particular sport:

- (a) Use of Athletics Skill for Pay. Use of athletics skills for pay in any form in that sport **from any source (e.g., a professional team), including a promise of pay, receipt of direct or indirect salary, gratuity or comparable compensation or preferential treatment, benefits or services.**

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(b) Acceptance of a Promise of Pay. Acceptance of a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation.

(b) Name, Image and Likeness Agreements Based on Athletics Participation or Achievement. Receipt of compensation or incentives for enrollment decisions (e.g., signing a letter of intent or transferring), athletic performance (e.g., points scored, minutes played, winning a contest), achievement (e.g., starting position, award winner), or membership on a team (e.g., being on roster).

(c) Receipt of a Salary, Gratuity or Compensation. Receipt of any direct or indirect salary, gratuity or comparable compensation for participation in athletics.

[12.1.4-(d) relettered as 12.1.4-(c), unchanged.]

(d) Payment Based on Place Finish. Any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance or given on an incentive basis, or receipt of expenses in excess of the same reasonable amount for permissible expenses given to all individuals or team members involved in the competition.

(e) Contract to Play Professional Athletics. Signing a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received.

(f) Receipt of Funds From a Professional Team. Receipt, directly or indirectly, of a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletics skill or participation, except as permitted by NCAA rules and regulations.

(g) Competition on a Professional Team. Competition on any professional athletics team (per Bylaw 12.02.6), even if no pay or remuneration for expenses was received.

(h) Agreement With or Benefits From an Agent. Entrance into an agreement with or receipt of benefits from an agent.

(i) Educational Expenses. Receipt of educational expenses not permitted by the governing legislation of this Association (see Bylaw 15 regarding permissible financial aid to enrolled student athletes).

[12.1.4-(j) relettered as 12.1.4-(e), unchanged.]

(1) Exception — Prize Money Based on Place Finish — Individual Sports. In individual sports, a student-athlete may receive prize money based on place finish or performance in an open athletics event. The competition must occur outside the institution's declared playing season during the institution's official summer vacation period. In addition, such prize money shall not exceed the student-athlete's actual and necessary expenses and may be provided only by the sponsor of the event. Actual and necessary expenses shall not include the expenses or fees of anyone other than the student-athlete.

[12.1.4-(k) relettered as 12.1.4-(f), unchanged.]

(f) Expenses Above Actual and Necessary Expenses From Outside Amateur Sports Team or Organization. Receipt of expenses from an outside amateur sports team or organization in excess of actual and necessary travel, room and board expenses, and apparel and equipment (for individual and team use only from teams or organizations not affiliated with member institutions, including local sports clubs as set forth in Bylaw 13.11.2.4) for competition and practice held in

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~~preparation for such competition. Practice must be conducted in a continuous time period preceding the competition except for practice sessions conducted by a national team, which occasionally may be interrupted for specific periods of time before the competition.~~

- ~~(m) Expenses From Nonpermissible Entities. Receipt of any expenses, including actual and necessary expenses or any other form of compensation, to participate in athletics competition (while not representing an educational institution) from an agent, representative of an institution's athletics interests or professional sports organization.~~

[12.1.4-(n) relettered as 12.1.4-(g), unchanged.]

- ~~(o) Payment Based on Place Finish. Any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance or given on an incentive basis, or receipt of expenses in excess of the same reasonable amount for permissible expenses given to all individuals or team members involved in the competition.~~

- ~~(1) Exception — Prize Money Based on Place Finish — Individual Sports. In individual sports, a student-athlete may receive prize money based on place finish or performance in an open athletics event. The competition must occur outside the institution's declared playing season during the institution's official summer vacation period. In addition, such prize money shall not exceed the student-athlete's actual and necessary expenses and may be provided only by the sponsor of the event. Actual and necessary expenses shall not include the expenses or fees of anyone other than the student-athlete.~~

- ~~(p) Prize for Participation in Institutional Promotional Activity. Receipt of a prize for participation (involving the use of athletics ability) in a member institution's promotional activity that is inconsistent with the provisions of Bylaw 12.5.~~

- ~~(q) Pay for Competition Involving Use of Overall Athletics Skill. Participation for pay in competition that involves the use of overall athletics skill (e.g., "superstars" competition). (See Bylaw 12.5.2.3.3 for exception related to promotional contests.).~~

- ~~(r) Preferential Treatment, Benefits or Services. Receipt of preferential treatment, benefits or services because of the individual's athletics reputation, skill or pay-back potential as a professional athlete, unless such treatment, benefits or services are specifically permitted under NCAA legislation. [R]~~

12.1.5 Amateur Athletics Eligibility Status if Professional in Another Sport. A professional athlete in one sport may represent a member institution in a different sport. The institution may award institutional financial aid to a student-athlete, provided the student-athlete is not professional in the sport in which the student-athlete will participate at the certifying institution. However, a student-athlete who currently is receiving institutional financial aid and signs a contract in the same sport or receives compensation from an agent or a professional-sport organization may continue to receive such aid for the remainder of the term of the award, provided the student-athlete has completed their four seasons of competition. (See Bylaw 15.1.1.4.)

[12.1.5.1 unchanged.]

12.2 Involvement With Professional Teams.

[12.2.1 unchanged.]

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12.2.2 Practice Without Competition. Following initial full-time collegiate enrollment, an individual may participate in practice sessions conducted by a professional team, provided such participation meets the requirements of NCAA legislation governing tryouts with professional athletics teams (see Bylaw 12.2.1) and the individual does not: **receive any compensation or enter into a contract or agreement to practice or participate as a member of the professional athletics team. Such contracts or agreements would be separate from those that the individual may enter into with the professional team for name, image and likeness activities, as set forth in Bylaw 12.1.2.**

~~(a) Receive any compensation for participation in the practice sessions;~~

~~(b) Enter into any contract or agreement with a professional team or sports organization; or~~

~~(c) Take part in any outside competition (games or scrimmages) as a representative of a professional team.~~

[12.2.3 unchanged.]

12.2.4 Draft and Inquiry.

12.2.4.1 Inquiry. An individual may inquire of a professional sports organization about eligibility for a professional-league player draft or request information about the individual's market value without affecting their **amateureligibility** status.

12.2.4.2 Draft List. An enrolled student-athlete may enter a professional league's draft an unlimited number of times during their collegiate career and be drafted by any team in the league without jeopardizing eligibility in that sport, provided the student-athlete does not ever agree (orally or in writing) to be represented by an agent for the purposes of marketing their athletics ability or reputation in that sport, sign a professional sport contract or otherwise jeopardize their **amateureligibility** status.

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting their **amateureligibility** status. Further, the individual, their relatives or legal guardians, the institution's professional sports counseling panel or head coach may enter into negotiations with a professional sports organization without the loss of the individual's **amateureligibility** status. An individual who retains an agent **in order to secure a professional sports opportunity** shall lose **amateureligibility** status.

[12.2.5 unchanged.]

[12.3 unchanged.]

12.4 Employment.

12.4.1 Criteria Governing Compensation to Student-Athletes. All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete: [R]

[12.4.1-(a) through 12.4.1-(b) unchanged.]

(c) **In instances where the student-athlete does not have a contract or agreement (oral or written) for name, image and likeness activities,** An employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's product or services.

[12.4.2 unchanged.]

12.5 Promotional Activities.

12.5.1 Permissible.

12.5.1.1 Institutional, Charitable, Educational or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational, nonprofit or government agency (e.g., the armed services) may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:

- (a) The specific activity or project in which the student-athlete participates does not involve cosponsorship, advertisement or promotion by a commercial agency except as follows:*
 - (1) Identification (e.g., graphics, voice over, on-screen test) of the commercial entity must explain the commercial entity's affiliation with the permissible entity (e.g., entity is the official sponsor of the institution/event);*
 - (2) The appearance or description of the commercial product(s)/service(s) and/or the commercial entity's logo(s) may be included, but may not exceed 25 percent of the total promotional activity. Further, language or action included in the promotion may not directly encourage the use or purchase of the commercial product or service (e.g., "drink this product") with which the commercial entity is associated;*
 - (3) An advertisement on an institution's wallet-size playing schedule that includes the name or picture of a student-athlete may include language other than the commercial product's name, trademark or logo, provided the commercial language does not appear on the same page as the picture of the student-athlete;*
- (b) The student-athlete does not miss class;*
- (c) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational, nonprofit or government agency related to participation in such activity;*
- (d) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;*
- (e) Any commercial items with names or pictures of student-athletes (other than items specified per Bylaws 12.5.1.6 and 12.5.1.7) may be sold only by the member institution, member conference or NCAA, through outlets controlled by the member institution, member conference or the NCAA or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event);*
- (f) The student-athlete signs a release statement authorizing the use of their name, image or appearance in a manner consistent with the requirements of this section; and*

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- (g) ~~The institution provides educational material(s) to a representative of the charitable, educational, nonprofit or government agency regarding restrictions on the use of a student-athlete's name, image or appearance.~~

~~12.5.1.1.1 Exception – Promotional Activities Not Sponsored or Organized by a Member Institution's Athletics Department or Member Conference. The promotional activity conditions apply to activities sponsored or organized by an institution's athletics department or a conference office. Promotional activities in which a student-athlete participates independent of their status as a student-athlete (e.g., institutional community service requirement) are not subject to the legislation.~~

~~12.5.1.1.2 Signed Prospective Student-Athlete's Participation in Institutional Fundraisers or Promotional Activities. A prospective student-athlete may participate in institutional fundraisers or promotional activities prior to their initial collegiate enrollment, provided the prospective student-athlete has graduated from high school and has signed a National Letter of Intent or a written offer of admission and/or financial aid or the institution has received their financial deposit in response to its offer of admission.~~

~~12.5.1.1.3 Promotions Involving NCAA Championships, Events, Activities or Programs. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of an enrolled student-athlete to generally promote NCAA championships or other NCAA events, activities or programs.~~

~~12.5.1.1.4 Promotions Involving Commercial Locations/Sponsors. A member institution or a charitable, educational, nonprofit or government agency may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a cosponsor, if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.~~

~~12.5.1.1.5 Distribution of Institutional Noncommercial Items through Commercial Outlets. A member institution may distribute noncommercial items (items not for sale) at commercial establishments, provided the institution generally distributes such items to other commercial establishments in the community and the distribution of the items does not require the recipient to make a purchase at the commercial establishment.~~

~~12.5.1.1.5.1 Exception — Olympic, Paralympic or National Team. A national governing body may sell player/trading cards that bear the name or picture of a student-athlete who is a member of the Olympic, Paralympic or national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic, Paralympic or national team.~~

~~12.5.1.1.6 Player/Trading Cards. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational, nonprofit or government agency may distribute but may not sell player/trading cards that bear a student-athlete's name or picture.~~

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~~12.5.1.1.7 Effect of Violations: The following violations of Bylaw 12.5.1.1 shall be considered institutional violations per Bylaw 7.01.7; however, the student-athlete's eligibility shall not be affected:~~

- ~~(a) An institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.1.1;~~
- ~~(b) A student-athlete participates in an impermissible institutional promotional activity and receives not more than actual and necessary expenses;~~
- ~~(c) A violation in which the only condition of the legislation not satisfied is the requirement that the student-athlete sign a release statement and the institution provide educational material(s) to an authorized representative of the charitable, educational or nonprofit agency, provided the release statement would have been signed if such a request had been made.~~

~~12.5.1.2 Modeling and Other Nonathletically Related Promotional Activities: An individual may accept remuneration for or permit the use of their name or picture to advertise or promote the sale or use of a commercial product or service without jeopardizing their eligibility to participate in intercollegiate athletics only if all of the following conditions apply:~~

- ~~(a) The individual became involved in such activities for reasons independent of athletics ability;~~
- ~~(b) No reference is made in these activities to the individual's involvement in intercollegiate athletics;~~
- ~~(c) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way on the individual's athletics ability or reputation.~~

~~12.5.1.3 Congratulatory Advertisement: It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:~~

- ~~(a) The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team;~~
- ~~(b) The advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;~~
- ~~(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;~~
- ~~(d) The student-athlete has not signed a consent or release granting permission to use the student-athlete's name or picture in a manner inconsistent with the requirements of this section; and~~
- ~~(e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a member institution's promotional activities~~

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and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3.

~~12.5.1.4 Educational Products Related to Sport Skill Instruction. It is permissible for a student athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport skill demonstration, analysis or instruction, provided:~~

- ~~(a) Such print and electronic media productions are for educational purposes;~~
- ~~(b) There is no indication that the student athlete expressly or implicitly endorses a commercial product or service;~~
- ~~(c) The student athlete does not receive remuneration for such participation; however, the student athlete may receive actual and necessary expenses related to their participation;~~
- ~~(d) The student athlete does not miss class time to participate in the activity; and~~
- ~~(e) The student athlete has signed a release statement ensuring that the student athlete's name or image is used in a manner consistent with the requirements of this section and a copy of the statement is kept on file and shall be available for examination on request by an authorized representative of the NCAA.~~

~~12.5.1.5 Camps.~~

~~12.5.1.5.1 Institutionally Sponsored Camps. A member institution's camp may use the name or picture of any student athlete employed as a counselor or any student athlete from the member institution to publicize or promote the camp, including the use of the student athlete's name or picture in camp brochures or other advertising. [D]~~

~~12.5.1.5.2 Privately Owned Camps. A privately owned camp may use the name or picture of any student athlete employed as a counselor to publicize or promote the camp, including the use of the student athlete's name or picture in camp brochures or other advertising. [D]~~

~~12.5.1.6 Promotion by Third Party of Highlight Film, Videotape, Media Guide or Photographs. Any party other than the institution or a student athlete (e.g., a distribution company) or any party hired by the institution, conference or NCAA may sell and distribute an institutional highlight film or videotape or an institutional or conference highlight film, videotape or media guide that contains the names and pictures of enrolled student athletes or a picture of a student athlete only if:~~

- ~~(a) The institution, conference or NCAA specifically designates any agency that is authorized to receive orders for the film, videotape, media guide or photograph;~~
- ~~(b) The distribution company, retail store or a third party is precluded from using the name or picture of an enrolled student athlete in any poster or other advertisement to promote the sale or distribution of the film, videotape, media guide or photograph; and~~
- ~~(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution, conference or NCAA endorses the product or services of the advertiser or third party.~~

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~~12.5.1.7 Promotion of NCAA and Conference Championships: The NCAA [or third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of a student-athlete to generally promote NCAA championships. A student-athlete's name or picture may appear in a poster that promotes a conference championship, provided the poster is produced by a member institution that hosts a portion of the championship or by the conference.~~

~~12.5.1.8 Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) and World University Championships: A student-athlete's name or picture may be used to promote Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) or World University Championships as specified in this section.~~

~~12.5.1.8.1 Sale and Distribution of Promotional Items: Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete's name or picture. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item.~~

~~12.5.1.8.1.1 Corporate Sponsors: A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete.~~

12.5.2 Nonpermissible.

~~12.5.2.1 Advertisements and Promotions Following Enrollment: After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics, if the individual:~~

- ~~(a) Accepts any remuneration for or permits the use of their name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or~~
- ~~(b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.~~

~~12.5.2.1.1 Exceptions: The individual's eligibility will not be affected, provided the individual:~~

- ~~(a) Meets the conditions set forth in Bylaw 12.5.1.2; or~~
- ~~(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of their name or picture and ceases receipt of any remuneration for such an arrangement.~~

~~12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture: If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected.~~

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~~12.5.2.2 Use of a Student-Athlete's Name or Picture Without Knowledge or Permission: If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters, photographs) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain their eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.~~

~~12.5.2.3 Specifically Restricted Activities: A student-athlete's involvement in promotional activities specified in this section is prohibited.~~

~~12.5.2.3.1 Name-the-Player Contest: A student-athlete may not permit use of their name or picture in a "name-the-player" contest conducted by a commercial business for the purpose of promoting that business.~~

~~12.5.2.3.2 Athletics Equipment Advertisement: A student-athlete's name or picture may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's team uses its equipment.~~

~~12.5.2.3.3 Promotional Contests: Receipt of a prize for winning an institutional or noninstitutional promotional activity (e.g., making a half-court basketball shot, being involved in a money scramble) by a prospective or enrolled student-athlete (or a member of their family) does not affect their eligibility, provided the prize is won through a random drawing in which all members of the general public or the student body are eligible to participate.~~

~~12.5.3 Media Activities: A student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such an appearance or participation is related in any way to athletics ability or prestige provided:~~

- ~~(a) The student-athlete is eligible academically to represent the institution at the time of appearance or participation;~~
- ~~(b) The student-athlete does not receive any remuneration for the appearance or participation in the activity;~~
- ~~(c) The student-athlete does not make any endorsement, expressed or implied, of any commercial product or service. The institution or the entity sponsoring the activity may pay the actual and necessary expenses directly related to the appearance or participation by the student-athlete in the activity; and~~
- ~~(d) The student-athlete does not miss class to participate in the activity, except for class time missed in conjunction with away-from-home competition or to participate in NCAA or conference sponsored media activity.~~

~~12.5.3.1 Writing Activities for a Commercial Entity: It is permissible for a student-athlete to write a column in a newsletter produced by a commercial company provided the individual meets the conditions set forth in Bylaw 12.5.1.2.~~

~~12.5.4 Use of Logos on Equipment, Uniforms and Apparel: A student-athlete may use athletics equipment or wear athletics apparel that bears the trademark or logo of an athletics equipment or apparel manufacturer or distributor in athletics competition and pre- and postgame activities (e.g., celebrations on the court, pre- or postgame press conferences), provided the applicable sports playing rules are satisfied and the following criteria are met: [D]~~

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- (a) ~~Athletics equipment (e.g., shoes, helmets, baseball bats and gloves, batting or golf gloves, hockey and lacrosse sticks, goggles and skis) shall bear only the manufacturer's normal label or trademark, as it is used on all such items for sale to the general public; and~~
- (b) ~~The student-athlete's institution's official uniform (including numbered racing bibs and warm-ups) and all other items of apparel (e.g., socks, head bands, T-shirts, wrist bands, visors or hats, swim caps and towels) shall bear only a single manufacturer's or distributor's normal label or trademark (regardless of the visibility of the label or trademark), not to exceed 2 1/4 square inches in area (i.e., rectangle, square, parallelogram) including any additional material (e.g., patch) surrounding the normal trademark or logo.~~

~~12.5.4.1 Laundry Label. If an institution's uniform or any item of apparel worn by a student-athlete in competition contains washing instructions on the outside of the apparel on a patch that also includes the manufacturer's or distributor's logo or trademark, the entire patch must be contained within a four-sided geometrical figure (i.e., rectangle, square, parallelogram) that does not exceed 2 1/4 square inches. [D]~~

~~12.5.4.2 Pre or Postgame Activities. The restriction on the size of a manufacturer's or distributor's logo is applicable to all apparel worn by student-athletes during the conduct of the institution's competition, which includes any pre or postgame activities (e.g., postgame celebrations on the court, pre or postgame press conferences) involving student-athletes. [D]~~

~~12.5.4.3 Outside Team Uniforms and Apparel. The provisions of Bylaw 12.5.4(b) do not apply to the official uniforms and apparel worn by outside teams.~~

~~12.5.4.4 Title Sponsor Recognition. Racing bibs and similar competition identification materials (e.g., bowl game patches) worn by participants may include the name of the corporate sponsor of the competition, provided the involved commercial company is the sole title sponsor of the competition. [D]~~

[12.6 renumbered as 12.5, unchanged.]

B. Bylaws: Amend 15.2, as follows:

15.2 Permissible Sources of Financial Aid.

[15.2.1 through 15.2.2 unchanged.]

15.2.3 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

[15.2.3(a) through 15.2.3(b) unchanged.]

- (c) **In instances where the student-athlete does not have a contract or agreement (oral or written) for name, image and likeness activities,** The employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's products or services. (See Bylaw 12.4.)

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

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Aligning the legislation with the NCAA Interim Name, Image and Likeness (NIL) Policy and removing any legislation that directly conflicts with it will better assist the membership with managing the NIL environment. In addition, codifying the NCAA Interim NIL Policy will provide ease of reference to the membership when analyzing NIL issues.

NO. NC-2023-31 INFRACTIONS PROGRAM AND ENFORCEMENT POLICIES AND PROCEDURES – MERGE, REORGANIZE AND UPDATE BYLAWS 19 AND 32

Intent: To merge, update and reorganize Bylaws 19 and 32 into Bylaw 19; further, to remove duplicative provisions.

A. Bylaws: Amend 11, as follows:

11 Conduct and Employment of Athletics Personnel

11.01 General Principles.

11.01.1 Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.

[11.02 through 11.6 renumbered as 11.03 through 11.7, unchanged.]

B. Bylaws: Amend 14.12, as follows:

14.12 Ineligibility.

[14.12.1 unchanged.]

14.12.2 Ineligible Participation.

[14.12.2.1 unchanged.]

14.12.2.2 Restitution. If a student-athlete who is ineligible under the terms of the bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:

- (a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;**
- (b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;**
- (c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;**

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- (d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;
- (e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;
- (f) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;
- (g) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-athlete participates in the contest(s) selected for such telecast, or if the Management Council concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and
- (h) Require that the institution that has been represented in an NCAA championship by such a student-athlete be assessed a financial penalty as determined by the appropriate divisional Committee on Infractions in that division.

C. Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

[18.4.1 unchanged.]

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition:

[18.4.2.1-(a) through 18.4.2.1-(g) unchanged.]

18.4.2.1.1 Certification of Compliance -- Requirements. The institution's director of athletics shall certify that the following conditions have been satisfied. (See Bylaw 7.3.1.5.7.)

[18.4.2.1.1.1 unchanged.]

18.4.2.1.1.2 Coaching Staff Disciplinary Actions. At the time of such certification, and as a result of involvement in a violation of the Association's legislation as determined by the Committee on Infractions or the Management Council, no current member of the institution's coaching staff:

[18.4.2.1.1.2-(a) through 18.4.2.1.1.2-(b) unchanged.]

- (c) Shall have been permitted within the last two years to perform any coaching-related activities for the certifying institution that were prohibited after determination by the Committee on Infractions of an "appropriate disciplinary action" for the individual in

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accordance with the show-cause provision of Bylaw 19.5.2.2 of the NCAA enforcement procedures 19.12.2.1.

[18.4.2.1.1.2.1 through 18.4.2.1.1.2.2 unchanged.]

[18.4.2.1.1.3 through 18.4.2.1.1.4 unchanged.]

[18.4.2.1.2 through 18.4.2.1.3 unchanged.]

[18.4.2.2 unchanged.]

D. Bylaws: Amend 19, as follows:

19 Infractions Program.

19 Infractions Program

19.01 General Principles:

19.01.1 Mission of NCAA Infractions Program. It is the mission of the NCAA infractions program to uphold the integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. Member institutions are responsive to self-report violations. The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values.

19.01.2 Accountability. The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels.

19.01.3 Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.

19.01.4 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the bylaws of the Association.

19.01.5 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

19.01.6 Responsibility to Cooperate. All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Management Council to further the objectives of the Association and its infractions program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry.

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~~19.01.7 Violations by Institutional Staff Members. Institutional staff members found in violation of the NCAA bylaws shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.~~

~~19.01.8 Nature of Penalty Structure. As a guiding principle, a penalty prescribed under NCAA enforcement policies and procedures should be broad and severe if the violation or violations reflect a general disregard for the governing rules; in those instances in which the violation or violations are isolated and of relative insignificance, then the NCAA penalty shall be specific and limited. Previous violations of NCAA legislation shall be a contributing factor in determining the degree of penalty.~~

~~19.02 Definitions and Applications:~~

~~19.02.1 Show-Cause Order. A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests identified by the committee as having been involved in a violation of the NCAA bylaws that has been found by the committee.~~

~~19.02.2 Types of Violations:~~

~~19.02.2.1 Violation, Secondary. A secondary violation is a violation that is isolated or inadvertent in nature; provides or is intended to provide only a minimal recruiting, competitive or other advantage; and does not include any significant impermissible benefit (including, but not limited to, an extra benefit, recruiting inducement, preferential treatment, financial aid). Multiple secondary violations by a member institution may be collectively considered as a major violation.~~

~~19.02.2.2 Violation, Major. All violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage.~~

~~19.02.3 New Information. New information is information that could not reasonably be ascertained before the Committee on Infractions hearing.~~

~~19.1 Committee on Infractions. The Management Council shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA infractions program.~~

~~19.1.1 Composition. The Division II Committee on Infractions shall consist of seven members, including one member of the Division II Management Council, and one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity. One of the members shall serve as chair and one member shall serve as vice chair.~~

~~19.1.1.1 Term of Office. A member shall serve a three-year term, which shall commence on the first day of September following the member's election and shall be eligible for immediate re-election. A member shall not serve more than nine years on the committee.~~

~~19.1.1.2 Quorum. Four members present and voting shall constitute a quorum for conduct of committee business, it being understood that the chair will make a special effort to have full committee attendance when major infractions cases are to be considered.~~

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~~19.1.2 Authority of Committee: Disciplinary or corrective actions other than suspension or termination of membership may be effected by members of the Committee on Infractions present and voting at any duly called meeting, provided the call of such a meeting shall have contained notice of the situation presenting the disciplinary problem. Actions of the committee in cases involving major violations, however, shall be subject to review by the Infractions Appeals Committee per Bylaw 19.2, on appeal.~~

~~19.1.2.1 Authority of Vice President of Enforcement: On review of information developed by the enforcement staff or as self-reported by the member institution, the vice president of enforcement or their designee shall identify the case as involving alleged major or secondary violations, or multiple secondary violations that should be viewed as a major violation. Disciplinary or corrective actions in the case of secondary violations may be prescribed by the vice president of enforcement or their designee. Said actions shall be taken in accordance with the provisions of the enforcement policies and procedures and shall be subject to review by the Committee on Infractions.~~

~~19.1.2.2 Authority of Committee Chair: In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. For each hearing, the committee chair or chair's designee shall serve as the committee's appeals advocate for any appeal of a decision of the committee. If scheduling or availability issues prevent the appeal advocate from serving, the chair may designate another committee member to serve as a substitute. In major cases, the chair may consider and decide requests by an institution or involved individual for an accelerated hearing.~~

~~19.1.2.3 Temporary Substitutes: If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case.~~

~~19.1.2.4 Authority of Infractions Appeals Committee: The Infractions Appeals Committee per Bylaw 19.2 shall hear and act on an institution's or involved individual's appeal of the conclusions and/or penalties of major violations by the committee.~~

~~19.1.3 Duties: The committee shall:~~

- ~~(a) Consider complaints that may be filed with the Association charging the failure of any Division II member to maintain the academic or athletics standards required for membership or the failure of any Division II member to meet the conditions and obligations of membership in the Association;~~
- ~~(b) Adopt, formulate and revise in accordance with the requirements of Bylaw 19.3, a statement of its established internal operating procedures and enforcement policies and procedures, including investigative guidelines (see Bylaw 32);~~
- ~~(c) Review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to the procedures;~~
- ~~(d) Find facts related to alleged violations and conclude whether the facts constitute one or more violations of the NCAA bylaws;~~
- ~~(e) Upon concluding that one or more violations occurred, prescribe an appropriate penalty or "show-cause" requirement on a Division II member found to be involved in a major violation (or on appeal on a Division II member found to be involved in a~~

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~~secondary violation) or recommend to the Division II Presidents Council suspension or termination of membership;~~

~~(f) Review negotiated resolutions (see Bylaw 32.6); and~~

~~(g) Carry out any other duties directly related to the administration of the Association's infractions program.~~

~~19.2 Appeals Committee.~~

~~19.2.1 Infractions Appeals Committee. The Division II Infractions Appeals Committee shall hear and act on an institution's or involved individual's appeal of the conclusions and/or penalties of major violations by the Division II Committee on Infractions. The committee may establish or amend enforcement policies and procedures set forth in Bylaws 32.11 and 32.12 that relate directly to the infractions appeals process, subject to review and approval by Management Council. The Infractions Appeals Committee shall report to the Management Council.~~

~~19.2.1.1 Composition. The Infractions Appeals Committee shall consist of five members, including one member of the Division II Management Council, one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity, and three additional individuals selected "at-large" from the membership.~~

~~19.2.1.2 Term of Office. A member shall serve a three-year term. A member may be reappointed but shall not serve more than nine years on the committee. For the individual serving as the representative from the Management Council, service shall coincide with their service on the Council.~~

~~19.3 Establishment and Revision of Enforcement Policies and Procedures.~~

~~19.3 Establishment and Revision of Enforcement Policies and Procedures.~~

~~19.3.1 Amendment by Committee and Approval by Management Council. The Committee on Infractions may formulate and revise its internal operating procedures and the enforcement policies and procedures (see Bylaw 32), and review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to the procedures, in regard to issues other than those concerning institutional penalties, restitution, and committee duties and structure. Amendments to the committee's and enforcement staff's internal operating procedures shall be immediately effective when approved by the committee, but are subject to review and approval by the Division II Management Council. A member institution shall be provided notice of alleged NCAA rules violations for which it is charged before any penalty is prescribed, as well as the opportunity to appear before the committee and the opportunity to appeal the committee's conclusions of major violations or penalties (see Bylaws 19.4 and 19.5). The committee's and enforcement staff's internal operating procedures and enforcement policies and procedures governing the administration of the Association's infractions program, as set forth in Bylaw 32, are subject to review and approval by the Management Council.~~

~~19.3.1 Amendment by Committee and Approval by Management Council. The Committee on Infractions may formulate and revise its internal operating procedures and the enforcement policies and procedures (see Bylaw 32), and review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to the procedures, in regard to issues other than those concerning institutional penalties, restitution, and committee duties and structure. Amendments to the committee's and enforcement staff's internal operating procedures shall be immediately effective when approved by the committee, but are subject to review and~~

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~~approval by the Division II Management Council. A member institution shall be provided notice of alleged NCAA rules violations for which it is charged before any penalty is prescribed, as well as the opportunity to appear before the committee and the opportunity to appeal the committee's conclusions of major violations or penalties (see Bylaws 19.4 and 19.5). The committee's and enforcement staff's internal operating procedures and enforcement policies and procedures governing the administration of the Association's infractions program, as set forth in Bylaw 32, are subject to review and approval by the Management Council.~~

~~19.4 Notice of Allegations and Opportunity to Appear.~~

~~19.4 Notice of Allegations and Opportunity to Appear.~~

~~19.4.1 For Major Violations: A member under investigation for major violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts upon which such allegations are based; and~~
- ~~(b) An opportunity to appear before the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.1 For Major Violations: A member under investigation for major violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts upon which such allegations are based; and~~
- ~~(b) An opportunity to appear before the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.2 For Secondary Violations: A member under investigation for secondary violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts on which such allegations are based; and~~
- ~~(b) An opportunity to provide a written response to the vice president of enforcement or their designee (or to appear before the Committee on Infractions on appeal) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.2 For Secondary Violations: A member under investigation for secondary violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts on which such allegations are based; and~~
- ~~(b) An opportunity to provide a written response to the vice president of enforcement or their designee (or to appear before the Committee on Infractions on appeal) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.3 New Findings: When an institution and involved individual appear before the committee to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the committee from concluding a violation(s) occurred resulting from information developed or discussed during the hearing.~~

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~~19.4.3 New Findings: When an institution and involved individual appear before the committee to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the committee from concluding a violation(s) occurred resulting from information developed or discussed during the hearing.~~

~~19.5 Penalties, Disciplinary Measures and Corrective Actions: Penalties, disciplinary measures and corrective actions shall be specific and limited if the violation(s) are of relative insignificance and isolated or inadvertent. Penalties, disciplinary measures and corrective actions shall be broad and severe if the violation(s) are numerous, significant or intentional, or reflect a general disregard for the division's bylaws, institutional responsibilities as an active member of the Association or an institutional staff member's obligation to be in compliance with the legislation. Penalties, disciplinary measures and corrective actions for a major violation(s) shall be significantly more severe than those for a secondary violation(s). A previous violation(s) shall be a contributing factor in determining the number, type, scope and degree of penalties, disciplinary measures and corrective actions that may be prescribed.~~

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~~19.5.1 Penalties, Disciplinary Measures and Corrective Actions for Secondary Violations: Pursuant to the authority provided by the Committee on Infractions, the vice president of enforcement and the enforcement staff are responsible for administering secondary violations and prescribing penalties. Determination of applicable penalties includes the authority to accept an institutional or conference-imposed penalty as satisfactory or, if appropriate, prescribe a penalty. Penalties, disciplinary measures and corrective actions for secondary violations may include but are not limited to any and all of the following:~~

- ~~(a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, permanent ineligibility to represent the institution in intercollegiate competition (unless eligibility is restored by the Committee on Student-Athlete Reinstatement on appeal);~~
- ~~(b) Forfeit/vacate contests in which an ineligible student-athlete participated. Per Bylaw 18.1 and Administrative Bylaw 31.3.3, the Championships Committee shall nullify each contest in which a student-athlete competes while ineligible regardless of whether forfeiture is required;~~
- ~~(c) Prohibition of the head coach or other staff members in the involved sport from participating in any recruiting activities for up to one year;~~
- ~~(d) An institutional fine for each violation, with the monetary penalty up to \$5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition in which case the \$5,000 limit shall not apply;~~

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- ~~(e) A limited reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;~~
- ~~(f) Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA regulations;~~
- ~~(g) Suspension of the head coach or other staff members for one or more competitions;~~
- ~~(h) Public reprimand (to be invoked only in situations where the Committee on Infractions or the vice president of enforcement, on approval by the committee, determines that a penalty, in addition to any institutional or conference-determined penalty, is warranted);~~
- ~~(i) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why a penalty or an additional penalty should not be prescribed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee, if the circumstances warrant, or representatives of the institution's athletics interests;~~
- ~~(j) Other penalties, disciplinary measures and corrective actions, as appropriate.~~

~~19.5.1 Penalties, Disciplinary Measures and Corrective Actions for Secondary Violations. Pursuant to the authority provided by the Committee on Infractions, the vice president of enforcement and the enforcement staff are responsible for administering secondary violations and prescribing penalties. Determination of applicable penalties includes the authority to accept an institutional or conference-imposed penalty as satisfactory or, if appropriate, prescribe a penalty. Penalties, disciplinary measures and corrective actions for secondary violations may include but are not limited to any and all of the following:~~

- ~~(a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, permanent ineligibility to represent the institution in intercollegiate competition (unless eligibility is restored by the Committee on Student-Athlete Reinstatement on appeal);~~
- ~~(b) Forfeit/vacate contests in which an ineligible student-athlete participated. Per Bylaw 18.1 and Administrative Bylaw 31.3.3, the Championships Committee shall nullify each contest in which a student-athlete competes while ineligible regardless of whether forfeiture is required;~~
- ~~(c) Prohibition of the head coach or other staff members in the involved sport from participating in any recruiting activities for up to one year;~~
- ~~(d) An institutional fine for each violation, with the monetary penalty up to \$5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition in which case the \$5,000 limit shall not apply;~~
- ~~(e) A limited reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;~~
- ~~(f) Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA regulations;~~
- ~~(g) Suspension of the head coach or other staff members for one or more competitions;~~

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- (h) ~~Public reprimand (to be invoked only in situations where the Committee on Infractions or the vice president of enforcement, on approval by the committee, determines that a penalty, in addition to any institutional or conference-determined penalty, is warranted);~~
- (i) ~~Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why a penalty or an additional penalty should not be prescribed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee, if the circumstances warrant, or representatives of the institution's athletics interests;~~
- (j) ~~Other penalties, disciplinary measures and corrective actions, as appropriate.~~

~~19.5.2 Penalties, Disciplinary Measures and Corrective Actions for Major Violations. The Committee on Infractions has the authority to determine the penalties, disciplinary measures and corrective actions that are prescribed for an institution for major violations. The Infractions Appeals Committee shall hear and act on an institution's appeal per Bylaw 19.2. The committee(s) may consider institutional or conference-imposed penalties and, where appropriate, include those in the penalties. Institutional or conference-imposed penalties shall not displace or substitute for the committee's judgment regarding penalties. Penalties, disciplinary measures and corrective actions for major violations shall include those penalties, disciplinary measures and corrective actions prescribed for secondary violations (see Bylaw 19.5.1), and may include any and all of the following:~~

- (a) ~~Public reprimand and censure;~~
- (b) ~~Probation for up to five years. Conditions of probation shall be determined on a case-by-case basis. A failure to satisfy the conditions of probation may result in additional conclusions of violation(s), including the failure to cooperate, lack of institutional control and/or violations of conditions for membership, and shall result in a reconsideration of the initial penalties prescribed, including an extension of the probationary period and prescription of additional penalties. Conditions of probation shall include, but are not limited to, the following:~~
 - (1) ~~Information regarding the violation(s) committed, the term of probation and penalties must be noted on the home page of the institution's athletics website, in the media guide for the involved sport(s) and in recruiting materials provided to prospective student-athletes in the involved sport(s). Such information must be displayed and provided to prospective student-athletes for the full term of probation. Information to prospective student-athletes must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see Bylaw 13.3.1.2);~~
 - (2) ~~Annual written reports shall be submitted to the Office of the Committees on Infractions for review. These reports shall detail compliance with probationary conditions; and~~
 - (3) ~~At the conclusion of probation, the institution's president or chancellor shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied (see Bylaw 19.5.2.4.2).~~
- (c) ~~A reduction in the number of financial aid awards (as defined in Bylaw 15.2.1) that may be awarded during a specified period;~~

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- (d) ~~Ineligibility for postseason competition in the involved sport(s), particularly in situations when:~~
- ~~(1) Individual(s) involved in the violation(s) remain active in the sport program;~~
 - ~~(2) A significant competitive advantage resulted from the violation(s);~~
 - ~~(3) The violation(s) indicate a lack of institutional control or failure to monitor the involved sport(s) or athletics program;~~
 - ~~(4) The violation(s) include academic misconduct; or~~
 - ~~(5) The institution is a repeat violator (see Bylaw 19.5.2.3);~~
- (e) ~~A recommendation to the Committee for Legislative Relief that it waive the one-year residence requirement and permit full athletics participation in a sport for a student-athlete who transfers to another member institution when the Committee on Infractions renders the student-athlete's previous institution or team in that sport ineligible for postseason competition during all of the remaining seasons of the student-athlete's eligibility [see Bylaw 14.8.2.1 (c)];~~
- (f) ~~Ineligibility for participation in or hosting outside, invitational and/or NCAA championship competition in the involved sport(s);~~
- (g) ~~Vacation of records when a student-athlete(s) has competed while ineligible, particularly when a case involved academic misconduct, serious intentional violations, a large number of violations, direct or knowing involvement of a coach or high-ranking administrator, competition while academically ineligible, ineligible competition when there is a finding or failure to monitor or lack of institutional control or when vacation or a similar penalty would be prescribed if the underlying violation(s) were secondary. The penalties may include one or more of the following, as applicable:~~
- ~~(1) Vacation of individual records and performances in individual sports, including reconfiguration of the institution's team point totals after vacation of individual records and performances;~~
 - ~~(2) Vacation of relay, doubles and similar team records in individual sports when one or more team members compete while ineligible, including reconfiguration of the institution's team point totals after vacation of relay, doubles or similar results;~~
 - ~~(3) Vacation of team records and performances in individual or team sports;~~
 - ~~(4) Vacation of records of head coaches; and~~
 - ~~(5) Return of individual or team awards to the Association.~~
- (h) ~~A financial penalty;~~
- (i) ~~Ineligibility for selection involving discretionary Division II network and/or broadband television broadcasts during the regular season for the involved sport(s);~~
- (j) ~~A reduction in the number of expense-paid recruiting visits in the involved sport(s);~~
- (k) ~~A restriction on activities and benefits provided during unofficial visits;~~
- (l) ~~Limiting or prohibiting the recruiting activities of some or all coaching staff members in the involved sport(s);~~

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- ~~(m) An outside audit or review of the institution's athletics policies and procedures (including, but not limited to, compliance policies and procedures);~~
- ~~(n) A requirement that the institution must provide a copy of the infractions decision to the institution's regional accrediting agency when the violation(s) involves academic misconduct or reflects questionable academic conduct or procedures;~~
- ~~(o) Ineligibility of institutional staff members to serve on the Division II Presidents Council, Management Council or other standing or special committees, councils or task forces of the Association, including as representatives of their institution or conference;~~
- ~~(p) Requirement that the institution take disciplinary action against an institutional staff member(s) who knowingly committed or condoned a major violation, including suspension of the head coach or the staff member(s) for one or more competition(s), and other disciplinary action(s) approved by the Committee on Infractions;~~
- ~~(q) Issuance of a show cause order per Bylaw 19.5.2.2 against an institutional staff member if that staff member has committed unethical conduct (see Bylaw 10.1) or other serious violations;~~
- ~~(r) Exclusion of the individual or entity, including disassociation of a representative of an institution's athletics interests, from involvement in an institution's athletics program on a permanent basis or for a specified period of time. An institution may be required to take any action(s) within its authority to eliminate involvement, including:
 - ~~(1) Refraining from accepting financial or other assistance for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and~~
 - ~~(2) Prohibition of providing to the individual or entity an athletics benefit(s) or privilege(s) not generally available to the public at large or on a basis different from that provided to the public at large; and~~~~
- ~~(s) Other penalties, corrective actions and disciplinary measures, as appropriate.~~

~~19.5.2 Penalties, Disciplinary Measures and Corrective Actions for Major Violations. The Committee on Infractions has the authority to determine the penalties, disciplinary measures and corrective actions that are prescribed for an institution for major violations. The Infractions Appeals Committee shall hear and act on an institution's appeal per Bylaw 19.2. The committee(s) may consider institutional or conference-imposed penalties and, where appropriate, include those in the penalties. Institutional or conference-imposed penalties shall not displace or substitute for the committee's judgment regarding penalties. Penalties, disciplinary measures and corrective actions for major violations shall include those penalties, disciplinary measures and corrective actions prescribed for secondary violations (see Bylaw 19.5.1), and may include any and all of the following:~~

- ~~(a) Public reprimand and censure;~~
- ~~(b) Probation for up to five years. Conditions of probation shall be determined on a case-by-case basis. A failure to satisfy the conditions of probation may result in additional conclusions of violation(s), including the failure to cooperate, lack of institutional control and/or violations of conditions for membership, and shall result in a reconsideration of the initial penalties prescribed, including an extension of the probationary period and prescription of additional penalties. Conditions of probation shall include, but are not limited to, the following:~~

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- (1) ~~Information regarding the violation(s) committed, the term of probation and penalties must be noted on the home page of the institution's athletics website, in the media guide for the involved sport(s) and in recruiting materials provided to prospective student-athletes in the involved sport(s). Such information must be displayed and provided to prospective student-athletes for the full term of probation. Information to prospective student-athletes must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see Bylaw 13.3.1.2);~~
- (2) ~~Annual written reports shall be submitted to the Office of the Committees on Infractions for review. These reports shall detail compliance with probationary conditions; and~~
- (3) ~~At the conclusion of probation, the institution's president or chancellor shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied (see Bylaw 19.5.2.4.2).~~
- (c) ~~A reduction in the number of financial aid awards (as defined in Bylaw 15.2.1) that may be awarded during a specified period;~~
- (d) ~~Ineligibility for postseason competition in the involved sport(s), particularly in situations when:~~
 - (1) ~~Individual(s) involved in the violation(s) remain active in the sport program;~~
 - (2) ~~A significant competitive advantage resulted from the violation(s);~~
 - (3) ~~The violation(s) indicate a lack of institutional control or failure to monitor the involved sport(s) or athletics program;~~
 - (4) ~~The violation(s) include academic misconduct; or~~
 - (5) ~~The institution is a repeat violator (see Bylaw 19.5.2.3);~~
- (e) ~~A recommendation to the Committee for Legislative Relief that it waive the one-year residence requirement and permit full athletics participation in a sport for a student-athlete who transfers to another member institution when the Committee on Infractions renders the student-athlete's previous institution or team in that sport ineligible for postseason competition during all of the remaining seasons of the student-athlete's eligibility [see Bylaw 14.8.2.1 (e)];~~
- (f) ~~Ineligibility for participation in or hosting outside, invitational and/or NCAA championship competition in the involved sport(s);~~
- (g) ~~Vacation of records when a student-athlete(s) has competed while ineligible, particularly when a case involved academic misconduct, serious intentional violations, a large number of violations, direct or knowing involvement of a coach or high-ranking administrator, competition while academically ineligible, ineligible competition when there is a finding or failure to monitor or lack of institutional control or when vacation or a similar penalty would be prescribed if the underlying violation(s) were secondary. The penalties may include one or more of the following, as applicable:~~
 - (1) ~~Vacation of individual records and performances in individual sports, including reconfiguration of the institution's team point totals after vacation of individual records and performances;~~

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- ~~(2) Vacation of relay, doubles and similar team records in individual sports when one or more team members compete while ineligible, including reconfiguration of the institution's team point totals after vacation of relay, doubles or similar results;~~
- ~~(3) Vacation of team records and performances in individual or team sports;~~
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- (h) A financial penalty;
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- (k) A restriction on activities and benefits provided during unofficial visits;
- (l) Limiting or prohibiting the recruiting activities of some or all coaching staff members in the involved sport(s);
- (m) An outside audit or review of the institution's athletics policies and procedures (including, but not limited to, compliance policies and procedures);
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- (o) Ineligibility of institutional staff members to serve on the Division II Presidents Council, Management Council or other standing or special committees, councils or task forces of the Association, including as representatives of their institution or conference;
- (p) Requirement that the institution take disciplinary action against an institutional staff member(s) who knowingly committed or condoned a major violation, including suspension of the head coach or the staff member(s) for one or more competition(s), and other disciplinary action(s) approved by the Committee on Infractions;
- (q) Issuance of a show cause order per Bylaw 19.5.2.2 against an institutional staff member if that staff member has committed unethical conduct (see Bylaw 10.1) or other serious violations;
- (r) Exclusion of the individual or entity, including disassociation of a representative of an institution's athletics interests, from involvement in an institution's athletics program on a permanent basis or for a specified period of time. An institution may be required to take any action(s) within its authority to eliminate involvement, including:
 - (1) Refraining from accepting financial or other assistance for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and
 - (2) Prohibition of providing to the individual or entity an athletics benefit(s) or privilege(s) not generally available to the public at large or on a basis different from that provided to the public at large; and
- (s) Other penalties, corrective actions and disciplinary measures, as appropriate.

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~~19.5.2.1 Opportunity to Appear. In the event the committee considers additional penalties to be prescribed on an institution in accordance with Bylaw 19.5.2 (p) above, the involved institution shall be provided the opportunity to appear before the committee; further, the institution shall be provided the opportunity to appeal (per Bylaw 19.6.2) any additional penalty prescribed by the committee.~~

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~~19.5.2.2 Show-Cause Order. If a determination is made by the committee that an institution has not taken appropriate disciplinary or corrective actions regarding an individual found in violation of the NCAA bylaws, the committee may issue an order that the institution take additional disciplinary or corrective action, including but not limited to restriction of some or all athletically related duties unless the institution appears before the committee to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions.~~

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~~19.5.2.2.1 Obligation to Comply. If an institutional staff member who is subject to a show-cause order is employed by an institution other than the institution at which the violation(s) occurred, that institution must comply with the penalties prescribed unless and until it can show cause to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it need not comply. Failure to comply with the penalties may subject the institution to conclusions of violations, including failure to cooperate and lack of institutional control, as well as other penalties, corrective actions and disciplinary measures, as appropriate.~~

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~~19.5.2.2.1.1 Opportunity to Be Heard. If the individual is employed by another institution, the institution may show cause why it need not comply with an order either by written submission or in an appearance before the Committee on Infractions.~~

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~~19.5.2.2.1.1 Opportunity to Be Heard. If the individual is employed by another institution, the institution may show cause why it need not comply with an order either by written submission or in an appearance before the Committee on Infractions.~~

~~19.5.2.3 Repeat Violator Penalties. Previous violations of NCAA legislation are a contributing factor in determining the degree of penalties. Repeat violator status demonstrates a significant failure of an institution to comply with NCAA legislation. A repeat violator is subject to substantial enhancement of the penalties set forth in Bylaw 19.5.2 that would be prescribed for similar violations in a case not involving a repeat violator. In addition, a repeat violator may be subject to any or all of the following penalties:~~

- ~~(a) The prohibition of all outside competition in the sport(s) involved in the latest major violation for one or two sport seasons and the prohibition of all coaching staff members in that sport(s) from involvement directly or indirectly in any coaching activities at the institution during that period;~~
- ~~(b) The elimination of all recruiting activities in the sport(s) involved in the latest major violation(s) in question for up to a two-year period;~~
- ~~(c) The requirement that all institutional staff members serving on the Division II Presidents Council, Management Council or other standing or special cabinets, committees or task forces of the Association resign those positions, it being understood that all institutional representatives shall be ineligible to serve on any NCAA committee for a period of up to four years; and~~
- ~~(d) The requirement that the institution relinquish its voting privileges in the Association for a period of up to four years.~~

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- ~~(d) The requirement that the institution relinquish its voting privileges in the Association for a period of up to four years.~~

~~19.5.2.3.1 Time Period. An institution shall be considered a "repeat" violator, if the Committee on Infractions concludes that a major violation has~~

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occurred within five years of the starting date of a major penalty. For this provision to apply, at least one major violation must have occurred within five years after the starting date of the penalties in the previous case. It shall not be necessary that the Committee on Infractions' hearing be conducted or its report issued within the five-year period.

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19.5.2.4 Probationary Periods:

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19.5.2.4.1 Conditions of Probation: The committee (or the Infractions Appeals Committee per Bylaw 19.2) may identify possible conditions that an institution must satisfy during a probationary period. Such conditions shall be designed on a case-by-case basis to focus on the institution's administrative weaknesses detected in the case and shall include, but not be limited to, written reports from the institution pertaining to areas of concern to the committee (or the Infractions Appeals Committee per Bylaw 19.2); implementation of educational or deterrent programs, and audits for specific programs or teams. If the institution fails to satisfy such conditions, the committee (or the Infractions Appeals Committee per Bylaw 19.2) may reconsider the penalties in the case and may extend the probationary period and/or prescribe additional penalties.

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19.5.2.4.2 Review Prior to Restoration of Membership Rights and Privileges: In the event the committee prescribes a penalty involving a probationary period, at the end of the probationary period, the institution's president or chancellor shall affirm in writing to the NCAA Office of the Committees on Infractions that the institution's athletics policies and practices are in full compliance with NCAA rules. The NCAA Office of the Committees on Infractions shall review the written affirmation and will coordinate with the committee to restore the institution to full rights and privileges of membership in the Association.

19.5.2.4.2 Review Prior to Restoration of Membership Rights and Privileges: In the event the committee prescribes a penalty involving a probationary period, at the end of the probationary period, the institution's president or chancellor shall affirm in writing to the NCAA Office of the Committees on Infractions that the institution's athletics policies and practices are in full

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~~compliance with NCAA rules. The NCAA Office of the Committees on Infractions shall review the written affirmation and will coordinate with the committee to restore the institution to full rights and privileges of membership in the Association.~~

~~19.5.2.5 Review of Penalty.~~

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~~19.5.2.5.1 New Information or Prejudicial Error. When a penalty has been prescribed and publicly announced and the appeal opportunity has been exhausted, there shall be no review of the penalty except on a showing of new information (per Bylaw 19.02.3) that is directly related to the findings or conclusions in the case or that there was a prejudicial error in the procedure that was followed in the processing of the case by the committee. Any new information must be submitted no later than one year following the issuance of the committee decision to the parties, or for a party that appeals a decision, the issuance of the Infractions Appeals Committee decision to the appealing party.~~

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~~19.5.2.5.1.1 Review Process. Any institution that initiates such a review shall be required to submit a brief of its appeal to the committee. The committee shall review the brief and decide by majority vote whether it shall grant a hearing of the appeal.~~

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~~19.5.2.5.1.2 Institution or Conference Discipline as New Information. Disciplinary measures prescribed by the institution or its conference, after the NCAA action, may not be considered "new information" for the purposes of this section.~~

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~~19.5.2.5.1.3 No Calculation of New Penalty. If a hearing of the appeal is granted, the committee may reduce or eliminate any penalty but may not prescribe any new penalty. The committee's decision with respect to the penalty shall be final and conclusive for all purposes.~~

~~19.5.2.5.1.3 No Calculation of New Penalty. If a hearing of the appeal is granted, the committee may reduce or eliminate any penalty but may~~

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not prescribe any new penalty. The committee's decision with respect to the penalty shall be final and conclusive for all purposes.

19.5.2.5.2 Reconsideration of Penalty. The institution shall be notified that should any portion of the penalty in the case be set aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by the NCAA. In such cases, any extension or adjustment of a penalty shall be proposed by the Committee on Infractions after notice to the institution and hearing. Any such action by the committee shall be subject to appeal.

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19.6 Rights of Member to Appeal.

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19.6.1 Appeal of Secondary Violations. A member institution or involved individual subject to a show-cause order shall have the right to appeal to the Committee on Infractions penalties prescribed by the vice president of enforcement or their designee in reference to secondary violations. To appeal, the member institution must submit a notice of appeal through the online reporting system for secondary violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An involved individual subject to a show cause order must submit a written notice of appeal to the vice president of enforcement or their designee within 15 days after receipt of the enforcement staff's decision. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. The committee shall not deny an involved individual's request to appear in person if a show-cause order was prescribed.

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19.6.1.1 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by

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~~the enforcement staff that have been appealed shall be stayed during the pendency of the appeal.~~

~~19.6.1.1 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by the enforcement staff that have been appealed shall be stayed during the pendency of the appeal.~~

~~19.6.2 Appeal of Major Violations. A member shall have the right to give written notice of appeal of the committee's conclusions of major violations (subject to Bylaw 32.11.1), the penalty, or both to the Infractions Appeals Committee per Bylaw 19.2.~~

~~19.6.2 Appeal of Major Violations. A member shall have the right to give written notice of appeal of the committee's conclusions of major violations (subject to Bylaw 32.11.1), the penalty, or both to the Infractions Appeals Committee per Bylaw 19.2.~~

~~19.6.3 Appeal by an Institutional Staff Member. If any current or former institutional staff member participates in a hearing before the Committee on Infractions and is involved in a conclusion of a violation against that individual, the individual shall be given the opportunity to appeal any of the findings of fact, conclusions in question (subject to the conditions of Bylaw 32) or the committee's decision to prescribe a show-cause order (subject to the conditions of Bylaw 32) to the Infractions Appeals Committee. Under such circumstances, the individual and personal legal counsel may appear before the appeals committee at the time it considers the pertinent findings of fact, conclusions or prescribed penalties.~~

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~~19.6.4 Student-Athlete Appeal. If an institution concludes that continued application of the rule(s) would work an injustice on any student-athlete, an appeal shall be submitted to the Committee on Student-Athlete Reinstatement and promptly reviewed.~~

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~~19.6.4.1 Obligation of Institution to Take Appropriate Action. When the committee (or the Infractions Appeals Committee per Bylaw 19.2) concludes that there has been a violation of the NCAA bylaws affecting the eligibility of an individual student-athlete or student-athletes, the institution involved and its conference(s), if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved, it being understood that if the institution fails to take appropriate action, the involved institution shall be cited to show cause under the Association's enforcement policies and procedures why it should not be disciplined for a failure to abide by the conditions and obligations of membership (declaration of ineligibility) if it permits the student-athletes to compete.~~

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~~any, shall be notified of the violation and the name(s) of the student-athlete(s) involved, it being understood that if the institution fails to take appropriate action, the involved institution shall be cited to show cause under the Association's enforcement policies and procedures why it should not be disciplined for a failure to abide by the conditions and obligations of membership (declaration of ineligibility) if it permits the student-athletes to compete.~~

~~19.7 Restitution. If a student-athlete who is ineligible under the terms of the bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:~~

- ~~(a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;~~
- ~~(b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;~~
- ~~(c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;~~
- ~~(d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;~~
- ~~(e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;~~
- ~~(f) Determine that the institution is ineligible for one or more NCAA championships in the sports and in the seasons in which such ineligible student-athlete participated;~~
- ~~(g) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;~~
- ~~(h) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-athlete participates in the contest(s) selected for such telecast, or if the Management Council concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and~~
- ~~(i) Require that the institution that has been represented in an NCAA championship by such a student-athlete be assessed a financial penalty as determined by the appropriate divisional Committee on Infractions in that division.~~

~~19.7 Restitution. If a student-athlete who is ineligible under the terms of the bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such~~

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~~student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:~~

- ~~(a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;~~
- ~~(b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;~~
- ~~(c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;~~
- ~~(d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;~~
- ~~(e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;~~
- ~~(f) Determine that the institution is ineligible for one or more NCAA championships in the sports and in the seasons in which such ineligible student-athlete participated;~~
- ~~(g) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;~~
- ~~(h) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-athlete participates in the contest(s) selected for such telecast, or if the Management Council concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and~~
- ~~(i) Require that the institution that has been represented in an NCAA championship by such a student-athlete be assessed a financial penalty as determined by the appropriate divisional Committee on Infractions in that division.~~

19.01 General Principles.

19.01.1 Mission of NCAA Infractions Program. It is the mission of the NCAA infractions program to uphold the integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. Member institutions are responsible to self-report violations. The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values.

19.01.2 Accountability. The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels.

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19.01.3 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

19.02 Definitions and Applications.

19.02.1 Involved Individual. Involved individuals are former or current student-athletes and former or current institutional staff members who have received notice of significant involvement in alleged violations.

19.02.2 New Information. New information is information that could not reasonably be ascertained before the Committee on Infractions hearing.

19.02.3 Show-Cause Order. A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.5) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests found by the committee as having been involved in a violation of the NCAA bylaws.

19.1 Violation Structure.

19.1.1 Violation, Secondary. A secondary violation is a violation that is isolated or inadvertent in nature; provides or is intended to provide only a minimal recruiting, competitive or other advantage; and does not include any significant impermissible benefit (including, but not limited to, an extra benefit, recruiting inducement, preferential treatment, financial aid). Multiple secondary violations by a member institution may be collectively considered as a major violation.

19.1.2 Violation, Major. All violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage.

19.2 Responsibility to Cooperate and Expectations.

19.2.1 Responsibility to Cooperate. Current and former institutional staff members, and prospective and enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. Full cooperation includes, but is not limited to:

- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;
- (b) Timely participation in interviews and providing complete and truthful responses;
- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;
- (e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and

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(g) Instructing legal counsel and/or other representatives to also cooperate fully.

19.2.1.1 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to their conference, member institution and/or the Association.

19.2.2 Failure to Cooperate. In the event that a representative of an institution fails to satisfy the responsibility to cooperate, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.

19.2.2.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.12.

19.2.2.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and the individual is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.12.

19.2.3 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the bylaws of the Association.

19.2.4 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

19.3 Public Disclosure. Except as provided in this article, the Committee on Infractions, Infractions Appeals Committee and enforcement staff shall not make public disclosures about a pending case until the case has been announced in accordance with prescribed procedures. An institution and any individual subject to the NCAA bylaws involved in a case, including any representative or counsel, shall not make public disclosures about the case until a final decision has been announced in accordance with prescribed procedures.

19.3.1 Public Announcements. The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.

19.4 Committee on Infractions.

19.4.1 Composition of Committee. The Division II Management Council shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA infractions program. The committee shall consist of seven members, including one member of the Division II Management Council, and one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity. One of the members shall serve as chair and one member

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shall serve as vice chair. Four members present and voting shall constitute a quorum for conducting committee business.

19.4.2 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case.

19.4.3 Conflict of Interest. No member of a committee shall participate in a case if the member is directly connected with an institution under investigation or if the member has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the committee member to determine if a conflict exists. Objections to the participation of a committee member in a particular case should be raised as soon as recognized but will not be considered unless raised at least one week in advance of the committee's review of the case. Objections will be decided by the committee chair.

19.4.4 Term of Office. A member shall serve a three-year term, which shall commence on the first day of September following the member's election and shall be eligible for immediate re-election. A member shall not serve more than nine years on the committee.

19.4.5 Authority and Duties of Committee. Disciplinary or corrective actions other than suspension or termination of membership may be effected by members of the Committee on Infractions present and voting at any duly called meeting, provided the call of such a meeting shall have contained notice of the situation presenting the disciplinary problem. Actions of the committee in cases involving major violations, however, shall be subject to review by the Infractions Appeals Committee. The Committee on Infractions shall:

- (a) Find facts related to alleged bylaw violations;
- (b) Conclude whether the facts constitute one or more violations of the NCAA bylaws;
- (c) Upon concluding that one or more violations occurred, prescribe an appropriate penalty consistent with the provisions of this article;
- (d) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to implementation of the committee's decisions;
- (e) Consider complaints alleging the failure of any member to maintain the academic or athletics standards required for membership or the failure of any member to meet the conditions and obligations of membership in the Association;
- (f) Formulate and revise internal operating procedures and revise investigative guidelines. Committee amendments to the procedures and guidelines shall be effective immediately and subject to review and approval by the Management Council;
- (g) Review negotiated resolutions (See Bylaw 19.10);
- (h) Set the dates and times for all hearings before the committee and notify all relevant parties of the hearing date and site; and

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- (i) Carry out any other duties directly related to the administration of the Association's infractions program.

19.4.6 Duties of Committee Chair. The duties of the committee chair (or a designee) shall be as follows:

- (a) Consider and decide scheduling requests and extensions of time regarding hearing-related deadlines;
- (b) In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair;
- (c) For each hearing, the committee chair or chair's designee shall serve as the committee's appeals advocate for any appeal of a decision of the committee. If scheduling or availability issues prevent the appeals advocate from serving, the chair may designate another committee member to serve as a substitute;
- (d) At the request of the enforcement staff, determine whether to grant limited immunity to a current or former institutional employee with responsibilities related to athletics based on information that the employee reports when such an employee otherwise would be subject to disciplinary action as described in Bylaws 19.12.1-(i) and Bylaw 19.12.2.2 based on the information that individual reports. Such immunity shall not apply to the employee's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the employee or to action taken by an institution;
- (e) At the request of the enforcement staff, determine whether to grant limited immunity to a student-athlete or prospective student-athlete when such an individual otherwise might be declared ineligible for intercollegiate competition based on information reported to the enforcement staff by the student-athlete or a prospective student-athlete or a third party associated with the student-athlete or prospective student-athlete. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the individual or to any action taken by an institution;
- (f) Resolve or appoint another committee member to resolve procedural or other matters which may arise prior to the infractions hearing;
- (g) In major cases, consider and decide requests by an institution or involved individual for an accelerated hearing; and
- (h) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support.

19.5 Infractions Appeals Committee.

19.5.1 Composition of Committee. The Infractions Appeals Committee shall consist of five members, including one member of the Division II Management Council, one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity, and three additional individuals selected "at-large" from the membership.

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19.5.2 Conflict of Interest. No member of the Infractions Appeals Committee shall participate in a case if the member is directly connected with an institution under investigation or has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the committee member to determine if a conflict exists. Objections to the participation of a committee member in a particular case should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the committee's review of the case.

19.5.3 Term of Office. A member shall serve a three-year term. A member may be reappointed but shall not serve more than nine years on the committee. For the individual serving as the representative from the Management Council, service shall coincide with their service on the Council.

19.5.4 Authority and Duties of Committee. The Division II Infractions Appeals Committee shall hear and act on an institution's or involved individual's appeal of the conclusions and/or penalties of major violations by the Division II Committee on Infractions. The committee may formulate and revise internal operating procedures that relate directly to the infractions appeals process, subject to review and approval by Management Council. The Infractions Appeals Committee shall report to the Management Council.

19.6 Enforcement Staff Review and Investigation of Alleged Violations.

19.6.1 Enforcement Staff to Receive Information and Conduct Investigations. It is the responsibility of the enforcement staff to conduct investigations relative to an institution's failure to comply with NCAA legislation or to meet the conditions and obligations of membership. Information that an institution failed to meet these obligations shall be provided to the enforcement staff and, if received by the Committee on Infractions or NCAA president, will be channeled to the enforcement staff.

19.6.1.1 Conflict of Interest. Any enforcement staff member who has or had a personal relationship or institutional affiliation that reasonably would result in the appearance of prejudice should refrain from participating in any manner in the processing of the involved institution's or individual's infractions case.

19.6.1.2 Initial Determination. The enforcement staff shall identify information developed by it or as self-reported by the institution as alleged major or secondary violations (as defined in Bylaw 19.1). The enforcement staff shall have the discretion to submit information to the Committee on Infractions, or a designated member of the committee, for an initial determination of how that information should be processed.

19.6.2 Notice of Inquiry to Institution. Before the enforcement staff conducts an inquiry with current institutional staff and/or enrolled student-athletes, the enforcement staff shall notify the institution's president or chancellor (or their designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations pursuant to Bylaw 19.7.1.1. The institution shall be informed of its obligation to cooperate pursuant and of the confidential nature of the inquiry pursuant to Bylaw 19.2.1. The institution shall be notified that if the inquiry develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 19.8. In the alternative, the institution will be notified that the matter has been concluded.

19.6.3 Interviews.

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19.6.3.1 Interviews with Member Institution. The director of athletics or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews with enrolled student-athletes, coaching staff members or other institutional staff members with athletically related responsibilities or oversight who are believed to have knowledge of possible violations at the institution.

19.6.3.2 Presence of Institutional Representative During Interview. If interviewing an enrolled student-athlete or current athletics department staff member, an institutional representative (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student-athlete's eligibility or the staff member's employment at the institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject, institution or any involved individual.

19.6.3.3 Interview Notices.

19.6.3.3.1 Representation by Legal Counsel. When an enforcement staff member conducts an interview, the individual being questioned may be represented by personal legal counsel.

19.6.3.3.2 Disclosure of Purpose of Interview. The enforcement staff shall advise an interviewee that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly in any violations of NCAA bylaws.

19.6.3.3.3 Responsibility to Provide Truthful Information. The enforcement staff shall advise a prospective or enrolled student-athlete or a current or former institution staff member that refusing to furnish information may result in an allegation that the interviewee violated NCAA ethical conduct legislation.

19.6.3.4 Use of Transcriptionist During an Interview. For interviews involving the enforcement staff, institutional representatives or individuals may use a transcriptionist during an interview subject to the following conditions. The institution or individual shall:

- (a) Pay the transcriptionist's fee;
- (b) Provide a copy of the transcript to the enforcement staff at no charge; and
- (c) Submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview.

19.6.3.5 Statement of Confidentiality. Individuals and institutional representatives shall be required to agree not to release recording(s) or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to enter into such an agreement would preclude the individual and institutional representative from recording or transcribing the interview.

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19.6.4 Access to Information. For all cases to be considered by the Committee on Infractions, the enforcement staff shall make available to the institution and participating involved individuals recorded interviews, interview summaries and/or interview transcripts, and other factual information pertinent to the case. The institution and involved individuals may review such information through a secure website or at the NCAA national office.

19.6.5 Termination of Investigation. The enforcement staff shall terminate the investigation related to any notice of inquiry in which information is developed that does not appear to be of sufficient substance or reliability to warrant a notice of allegations.

19.7 Standards of Review and Resolution Methods (Major Cases).

19.7.1 Enforcement Allegation Standard. The enforcement staff shall make formal allegations if it determines there is credible and sufficient information (direct or circumstantial) that reasonably demonstrates a violation of one or more NCAA bylaws occurred.

19.7.1.1 Statute of Limitations. The enforcement staff shall limit allegations to possible violations occurring not earlier than four years before the date the notice of inquiry is provided to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation:

- (a) Allegations involving violations affecting the eligibility of a current student-athlete;
- (b) Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period; and
- (c) Allegations that indicate a blatant disregard for the Association's fundamental recruiting, extra-benefit, academic or ethical-conduct regulations or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have a one-year period after the date information concerning the matter becomes available to the NCAA to investigate and submit to the institution a notice of allegations concerning the matter.

19.7.2 Committee on Infractions Decision Standard. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.

19.7.3 Importation.

19.7.3.1 Importation of Facts. The Committee on Infractions may consider and accept as true facts established through proceedings outside the NCAA infractions process if those facts are in the record, not under appeal and are established by:

- (a) A decision or judgement of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction; or
- (b) A Commission or similar review of comparable independence authorized by a member institution or university system board of trustees (regardless of

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whether the facts are accepted by the institution or university system board of trustees).

19.7.3.2 Importation of Evidence and Positions. Evidence submitted to any court, agency, accrediting body or other administrative tribunal of competent jurisdiction, regardless of whether the matter is finally resolved and regardless of who offered the evidence, may be considered when alleging and/or concluding whether a violation occurred. Positions taken by a party in such a matter may be considered in the infractions process when determining whether to allege or conclude that the same party violated NCAA bylaws.

19.7.4 Inference for Failing to Produce Materials or Participate in the Infractions Process.

19.7.4.1 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.12.

19.7.4.2 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.12, occurred.

19.7.5 Information from Confidential Sources. In presenting information for consideration by the Committee on Infractions, the enforcement staff shall present only information that can be attributed to individuals who are willing to be identified. Information obtained from individuals not wishing to be identified shall not be relied on by the Committee on Infractions in making conclusions of violations. Such confidential sources shall not be identified to the Committee on Infractions, the institution or an involved individual.

19.7.6 Methods of Resolution (Major Cases). Cases involving allegations of major violations will be presented to and resolved by the Committee on Infractions. The Committee on Infractions shall resolve major allegations through a hearing pursuant to Bylaw 19.8, summary disposition pursuant to Bylaw 19.9 and/or negotiated resolution pursuant to Bylaw 19.10.

19.8 Hearing.

19.8.1 Notice of Allegations. The enforcement staff shall issue a cover letter and notice of allegations to the president or chancellor of the institution involved (with copies to the faculty athletics representative and the director of athletics and to the executive officer of the conference of which the institution is a member) and/ or any involved individuals participating in the hearing. The notice of allegations shall:

- (a) Inform the president or chancellor of the matter under inquiry and request the cooperation of the institution in obtaining all the pertinent facts.
- (b) Request the president or chancellor to respond to the allegations and to provide all relevant information which the institution has or may reasonably obtain, including information uncovered related to new violations. The responsibility to provide information continues until the case has been concluded.
- (c) Request the president or chancellor and other institutional staff to appear before the Committee on Infractions at a time and place determined by the committee.

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- (d) Inform the president or chancellor that if the institution fails to appear after having been requested to do so, it may not appeal the Committee on Infractions' findings of fact and conclusions of violations, or the prescribed penalty.
- (e) Direct the institution to provide any involved individual the opportunity to submit in writing any information the individual desires that is relevant to the allegation in question.
- (f) Inform the president or chancellor that the enforcement staff's primary investigator in the case will be available to discuss the development of its response and assist in locating various individuals who have, or may have, important information regarding the allegations.
- (g) A copy of the notification shall also be forwarded to the president or chancellor of the current institution of the involved individual.

19.8.2 Submission Deadlines.

19.8.2.1 Responses by Institution or Involved Individuals. Any response to the notice of allegations shall be submitted electronically to the Committee on Infractions, the institution, all involved individuals and the enforcement staff not later than 90 days from the date of the notice of allegations, unless the committee grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. An institution or involved individual may not submit additional documentary information (in addition to its initial response) without prior authorization from the Committee on Infractions (see Bylaw 19.8.3 for additional instructions regarding information submitted to the Committee on Infractions). Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred.

19.8.2.2 Prehearing Conference. Within 60 days after the institution and involved individuals, if any, submits a written response to a notice of allegations, the enforcement staff shall consult with the participating parties in order to clarify the issues to be discussed in the case during the hearing, make suggestions regarding additional investigation or interviews that should be conducted by the institution to supplement its response and identify allegations that the staff intends to withdraw. The enforcement staff shall conduct independent prehearing conferences with the institution and/or any involved individuals, unless mutually agreed by all parties to do otherwise. The Committee on Infractions may approve additional time for representatives of the involved individuals, institution and the enforcement staff to conduct such prehearing conferences.

19.8.2.3 Enforcement Staff Case Summary. The enforcement staff shall prepare a summary of the case that indicates the status of each allegation and identifies the individuals on whom and the information on which the staff will rely in presenting the case. Within 60 days after the institution and involved individuals, if any, submit written responses to the notice of allegations, the enforcement staff shall submit a case summary to the Committee on Infractions and the institution. Involved individuals will be provided those portions of the summary in which they are identified as at risk.

19.8.2.4 Submission of Written Material. Unless specifically approved by the Committee on Infractions for good cause shown, all written material to be considered by the Committee on Infractions hearing must be received by the committee, the enforcement staff, the institution and any involved individuals attending the hearing not later than 30 days prior to the date of the hearing.

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Information may be submitted at the hearing, but subject to the limitations set forth in Bylaw 19.8.3.

19.8.2.5 Accelerated Hearing Docket. In major cases, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule.

19.8.3 Information Presented at Hearings.

19.8.3.1 Obligation to Present All Relevant Information. At a hearing, the parties or their legal counsel have the obligation to present, to the extent reasonably possible, material, relevant information necessary for the committee to reach an informed decision, including information that corroborates or refutes an allegation. Subject to procedures of the Committee on Infractions, the parties or their legal counsel may deliver opening and closing statements, present factual information, make arguments, explain the alleged violations and answer questions from committee members. Any oral or documentary information may be received, but the committee may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.

19.8.3.2 Information Relevant to Possible Penalties. Institutional, conference and enforcement staff representatives and any involved individuals are encouraged to present all relevant information concerning mitigating or other factors that should be considered in arriving at appropriate penalties.

19.8.3.3 Scope of Inquiry. When an institution and/or involved individual appears before the Committee on Infractions to discuss a response to the notice of allegations, the hearing shall be directed toward the allegations set forth in the notice of allegations but shall not preclude the committee from concluding that any violation occurred resulting from information developed or discussed during the hearing.

19.8.4 Appearance of Individuals at Hearings. Except as otherwise provided herein or as ordered by the chair, hearing attendees shall be limited to institutional representatives, involved individuals, NCAA staff representatives, committee members, representatives from the office of the Committees on Infractions, the audio recorder, transcriptionist and other technical/support staff as permitted by chair. An individual who appears before the committee may appear with personal legal counsel or representative. The chair may exclude an individual and the individual's counsel from those portions of the hearing concerning matters in which the individual is not involved.

19.8.4.1 Representatives of Institution. Except as otherwise ordered by the chair, at the time an institution appears before the Committee on Infractions, its representatives should include the institution's president or chancellor, the head coach of the sport(s) in question, the institution's director of athletic and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator, legal counsel (if any), enrolled student-athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the committee. Additional individuals may be included among the institution's party only if specifically approved.

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19.8.4.1.1 Prohibited Attendance by Conflicted Committee Members. A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under the provisions of Bylaws 19.4.3 or 19.5.2 from participating in any NCAA proceedings may not attend a Committee on Infractions hearing involving the committee member's institution unless specifically requested by the committee to be present as a witness.

19.8.4.2 Representatives of Member Conference. The executive officer or other representative of a conference's executive office may attend an institutional hearing involving a conference member.

19.8.4.3 Request for Specific Individuals. Institutional representatives or enrolled student-athletes who are specifically requested to appear before the Committee on Infractions at a hearing are normally expected to appear and may be accompanied by personal legal counsel or representative. The Committee on Infractions also may request that former institutional staff members appear at a hearing. Such individuals also are normally expected to appear and may be accompanied by personal legal counsel or representative. In cases that involve a small number of contested issues or cases in which the contested issues are relatively uncomplicated, the institution and/or the involved individual may make a written request to appear before the committee by videoconference or other mode of distance communication as the Committee on Infractions may deem appropriate. The decision regarding the use of videoconferencing (or another mode of communication) rests with the Committee on Infractions. Failure to appear before the committee may result in a violation of this bylaw and a show-cause action by the Committee on Infractions.

19.8.5 Recordings of Proceedings. The proceedings of hearings shall be recorded by a transcriptionist (unless otherwise agreed) and shall be recorded by the Committee on Infractions. No additional verbatim recording of these proceedings will be permitted by the Committee on Infractions. The Committee on Infractions shall maintain custody of the recordings and any transcriptions. In the event of an appeal, a transcript of the hearing proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review at the NCAA national office or through the secure website. [Note: Involved individuals will receive only those portions of the hearing transcriptions in which they were in attendance at the hearing.]

19.8.6 Posthearing Committee Deliberations. After all presentations have been made and the hearing has been concluded, the Committee on Infractions shall excuse all others from the hearing, and deliberate in private.

19.8.6.1 Request for New Information. In arriving at its decision, the Committee on Infractions may request additional information from any source, including the institution, the enforcement staff, or an involved individual. In the event that new information is requested from the institution, the enforcement staff, or an involved individual to assist the Committee on Infractions, all parties shall be afforded an opportunity to respond at the time such information is provided to the committee.

19.8.6.2 Request for Interpretation. The Committee on Infractions may request that the NCAA academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted by the committee. If an interpretation is requested, the institution, involved individuals and the NCAA enforcement staff will be notified in writing of the interpretation request and the response. The institution may appeal the interpretation in accordance with Bylaw 9.4.1.2.

19.9 Summary Disposition.

19.9.1 Summary Disposition Election. In major infractions cases, institutions, involved individuals and the enforcement staff may elect to process the case through the summary disposition procedures specified below. The enforcement staff, involved individuals, if participating, and the institution must agree to use the summary disposition process. The institution, involved individuals or the enforcement staff may require, as a condition of agreement, that the parties jointly submit the proposed findings to the chair of the Committee on Infractions or their designee for a preliminary assessment of the appropriateness of the use of the summary disposition process.

19.9.2 Written Report. The institution, involved individuals and the NCAA enforcement staff shall submit a written report setting forth:

- (a) The proposed findings of fact;
- (b) A summary of information on which the proposed findings are based;
- (c) A stipulation that the proposed findings are substantially correct and complete;
- (d) The proposed findings that are violations of NCAA legislation; and
- (e) A statement of unresolved issues that are not considered substantial enough to affect the outcome of the case.

19.9.3 Proposed Penalties. The institution and involved individuals shall submit proposed penalties within the guidelines set forth in the penalty structure for major violations specified in Bylaw 19.12.2. The institution and involved individuals also may submit a statement regarding mitigating factors.

19.9.4 Committee on Infractions Review.

19.9.4.1 Review of Investigation. The Committee on Infractions shall determine that a thorough investigation of possible violations of NCAA legislation has been conducted. The investigation may be conducted by the enforcement staff and/or the institution, but the enforcement staff must agree that a complete and thorough investigation has been conducted and that the institution fully cooperated in the process.

19.9.4.2 Additional Information or Clarification. The Committee on Infractions may contact jointly the institution, enforcement staff and involved individuals for additional information or clarification prior to accepting or rejecting the proposed findings.

19.9.4.3 Acceptance of Proposed Findings and Penalties. If the proposed findings of fact and proposed penalties are accepted, the Committee on Infractions shall prepare a report of its decision, forward it to the institution and involved individuals, and publicly announce the resolution of the case under the provisions of Bylaw 19.11. The Committee on Infractions has the authority to make editorial or nonsubstantive changes in the proposed findings as long as these changes do not affect the substance of the findings.

19.9.4.4 Proposed Findings Not Accepted. If the Committee on Infractions does not accept the proposed findings, the hearing process set forth in Bylaw 19.8 shall be followed.

19.9.4.5 Proposed Penalties Not Accepted. If the Committee on Infractions accepts the proposed findings but proposes penalties in addition to those set forth in the summary disposition report, the institution and/or involved

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individuals may challenge the proposed penalties. The institution and/or involved individuals may appear before the committee in person, by videoconference or other mode of distance communication, as the committee deems appropriate, to discuss the proposed additional penalties. The committee shall only consider information relevant to the prescription of penalties during the expedited hearing. At the conclusion of the expedited hearing or written review, the committee shall prepare an infractions decision and provide notification of the committee's actions consistent with Bylaw 19.11. The institution and/or any involved individuals may appeal the additional penalties to the Infractions Appeals Committee in accordance with Bylaw 19.12.

19.10 Negotiated Resolution.

19.10.1 Scope. At any time from the beginning of the enforcement staff investigation until Committee on Infractions' review of a summary disposition report pursuant to Bylaw 19.9 or an infractions hearing held pursuant to Bylaw 19.8, the enforcement staff may negotiate a resolution with an institution or involved individual about alleged violations and proposed penalties. The negotiated resolution is subject to approval by the Committee on Infractions and must resolve all known violations for which the party or parties included in the negotiated resolution may be subject to penalty pursuant to Bylaw 19.12.

19.10.2 Involvement of Parties in a Negotiated Resolution.

19.10.2.1 All Participating Parties Agree on Resolution. If all parties participating in the case agree on a resolution of the case, they shall submit the written agreement of negotiated resolution to the chair for Committee on Infractions review and approval. The enforcement staff shall include the violations by and penalties related to any party not participating in the case in the written agreement. The Committee on Infractions shall review the negotiated resolution if the parties submit the written agreement prior to issuance of the summary disposition report or notice of allegations.

19.10.2.2 Not All Participating Parties Agree on Resolution. If some, but not all, parties participating in the case agree on resolution of the case, the enforcement staff shall include the written agreement of negotiated resolution in the summary disposition report or notice of allegations submitted in connection with parties who are not included in the negotiated resolution, or amended summary disposition report or notice of allegations if the agreement is reached after issuance of the summary disposition report or notice of allegations.

19.10.3 Written Agreement. Any negotiated resolution shall contain the following:

- (a) A brief description of the case, including the involvement of the parties included in the negotiated resolution;
- (b) The agreed-upon violation(s);
- (c) Other violations the enforcement staff considered and agreed or opted not to allege;
- (d) The agreed-upon type of agreed-upon violation(s) (major or secondary);
- (e) The agreed-upon penalties;
- (f) The nature of any participation or cooperation provided by a party pursuant to the negotiated resolution, and consequences for a party's failure or refusal to strictly adhere to the agreed-upon participation and cooperation conditions;

(g) Waiver of appellate opportunities; and

(h) Other material terms of the agreement.

19.10.4 Scope of Review. The Committee on Infractions shall only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12.

19.10.5 Preliminary Assessment of Penalties. Prior to submission of a written agreement of negotiated resolution, parties included in the negotiated resolution may request the Committee on Infractions to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12. The preliminary assessment is not binding.

19.10.5.1 Approval in Conjunction with Preliminary Assessment. If all parties participating in the case request a preliminary assessment of penalties in accordance with Bylaw 19.10.5 and the parties submit all required elements of an agreement of negotiated resolution set forth in Bylaw 19.10.3, the Committee on Infractions may approve the negotiated resolution in conjunction with its preliminary assessment unless the parties instruct otherwise in their request for preliminary assessment.

19.10.6 Negotiated Resolution Approved. If the Committee on Infractions approves the negotiated resolution, the committee shall forward the approval to the enforcement staff and the other parties, and publicly announce the resolution of the case. The approval shall be final and have no precedential value.

19.10.6.1 Approval When Not All Participating Parties Agree on Resolution. If some, but not all parties participating in the case agree on resolution of the case, the Committee on Infractions shall not approve the negotiated resolution until the committee resolves the remainder of the case.

19.10.7 Negotiated Resolution Not Approved. If the Committee on Infractions does not approve the negotiated resolution, the committee may return the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues identified by the committee that preclude approval of the negotiated resolution, and request that the parties submit an amended written agreement of negotiated resolution in response. In the alternative, the committee may reject the negotiated resolution and issue instructions for processing of the case pursuant to Bylaw 19.8 or Bylaw 19.9.

19.11 Committee on Infractions Decisions.

19.11.1 Infractions Decision. After resolution of all allegations pursuant to Bylaws 19.8, 19.9 and/or 19.10, the Committee on Infractions shall prepare and approve the final written infractions decision, which shall contain a statement of the findings of fact, conclusions of violations, penalties, corrective actions, requirements and (for institutions) any other conditions and obligations of membership. The decision shall be sent to the chancellor or president of the involved institution (or a designee), any involved individuals and the vice president of enforcement.

19.11.2 Public Infractions Decision. Once the infractions decision has been provided to the institution and involved individuals, the public infractions decision, with names of individuals deleted, shall be released. The Committee on Infractions shall forward a copy of the infractions decision, with names of individuals deleted, to the Infractions Appeals Committee at the time of the public announcement.

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19.11.3 Public Announcement. Once the public infractions decision has been released, the chair or a member of the Committee on Infractions may make a public announcement related to the infractions case. The institution and/or any involved individuals shall not comment publicly concerning the case prior to the time the NCAA's public announcement is released.

19.11.4 Reconsideration by the Committee on Infractions. Once the decision has been publicly announced by the Committee on Infractions, and the appeal opportunity has been exhausted, there shall be no reconsideration of the decision except as follows.

19.11.4.1 New Information or Prejudicial Error. When a penalty has been prescribed and publicly announced and the appeal opportunity has been exhausted, there shall be no review of the penalty except on a showing of new information (per Bylaw 19.02.2) that is directly related to the findings or conclusions in the case or that there was a prejudicial error in the procedure that was followed in the processing of the case by the committee. Any new information must be submitted no later than one year following the issuance of the committee decision to the parties, or for a party that appeals a decision, the issuance of the Infractions Appeals Committee decision to the appealing party.

19.11.4.1.1 Review Process. Any institution that initiates such a review shall be required to submit a brief of its appeal to the committee. The committee shall review the brief and decide by majority vote whether it shall grant a hearing of the appeal.

19.11.4.1.2 No Calculation of New Penalty. If a hearing of the appeal is granted, the committee may reduce or eliminate any penalty but may not prescribe any new penalty. The committee's decision with respect to the penalty shall be final and conclusive for all purposes.

19.11.4.2 Penalty Modified or Set Aside Outside the Association. The institution shall be notified that should any portion of the penalty in the case be set aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by the NCAA. In such cases, any extension or adjustment of a penalty shall be proposed by the Committee on Infractions after notice to the institution and hearing. Any such action by the committee shall be subject to appeal.

19.11.5 Finality of Decisions. Any decision by the Committee on Infractions that is not appealed or reconsidered pursuant to Bylaw 19.11.4 shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.12 Penalties.

19.12.1 Calculation of Penalty. If the Committee on Infractions concludes that a violation occurred, it shall prescribe an appropriate penalty; or it may recommend to the Management Council suspension or termination of membership in an appropriate case. Failure to fully implement the adopted and/or prescribed penalty may subject the institution, and/or involved individual under a show-cause order, to further disciplinary action by the Committee on Infractions.

19.12.2 Penalties, Disciplinary Measures and Corrective Actions. Penalties, disciplinary measures and corrective actions shall be specific and limited if the violation(s) are of relative insignificance and isolated or inadvertent. Penalties, disciplinary measures and corrective actions shall be broad and severe if the violation(s) are numerous, significant or intentional, or reflect a general disregard for the division's bylaws, institutional responsibilities as an active member of the

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Association or an institutional staff member's obligation to be in compliance with the legislation. Penalties, disciplinary measures and corrective actions for a major violation(s) shall be significantly more severe than those for a secondary violation(s). A previous violation(s) shall be a contributing factor in determining the number, type, scope and degree of penalties, disciplinary measures and corrective actions that may be prescribed. Self-disclosure may be considered in prescribing penalties, and, if an institution uncovers a violation before its being reported to the NCAA and/or its conference, such disclosure shall be considered as a mitigating factor in prescribing the penalty.

19.12.3 Penalties, Disciplinary Measures and Corrective Actions for Secondary Violations. Pursuant to the authority provided by the Committee on Infractions, the vice president of enforcement and the enforcement staff are responsible for administering secondary violations and prescribing penalties. Determination of applicable penalties includes the authority to accept an institutional- or conference-imposed penalty as satisfactory or, if appropriate, prescribe a penalty. Penalties, disciplinary measures and corrective actions for secondary violations may include but are not limited to any and all of the following:

- (a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, permanent ineligibility to represent the institution in intercollegiate competition (unless eligibility is restored by the Committee on Student-Athlete Reinstatement on appeal);
- (b) Forfeit/vacate contests in which an ineligible student-athlete participated. Per Bylaw 18.1 and Administrative Bylaw 31.3.3, the Championships Committee shall nullify each contest in which a student-athlete competes while ineligible regardless of whether forfeiture is required;
- (c) Prohibition of the head coach or other staff members in the involved sport from participating in any recruiting activities for up to one year;
- (d) An institutional fine for each violation, with the monetary penalty up to \$5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition in which case the \$5,000 limit shall not apply;
- (e) A limited reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;
- (f) Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA regulations;
- (g) Suspension of the head coach or other staff members for one or more competitions;
- (h) Public reprimand (to be invoked only in situations where the Committee on Infractions or the vice president of enforcement, on approval by the committee, determines that a penalty, in addition to any institutional- or conference-determined penalty, is warranted);
- (i) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why a penalty or an additional penalty should not be prescribed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee, if the

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circumstances warrant, or representatives of the institution's athletics interests; and

(j) Other penalties, disciplinary measures and corrective actions, as appropriate.

19.12.4 Penalties, Disciplinary Measures and Corrective Actions for Major Violations. The Committee on Infractions has the authority to determine the penalties, disciplinary measures and corrective actions that are prescribed for an institution for major violations. The Infractions Appeals Committee shall hear and act on an institution's appeal per Bylaw 19.5. The committee(s) may consider institutional- or conference-imposed penalties and, where appropriate, include those in the penalties. Institutional- or conference-imposed penalties shall not displace or substitute for the committee's judgment regarding penalties. Penalties, disciplinary measures and corrective actions for major violations shall include those penalties, disciplinary measures and corrective actions prescribed for secondary violations (see Bylaw 19.12.3), and may include any and all of the following:

(a) Public reprimand and censure;

(b) Probation for up to five years. Conditions of probation shall be determined on a case-by-case basis. A failure to satisfy the conditions of probation may result in additional conclusions of violation(s), including the failure to cooperate, lack of institutional control and/or violations of conditions for membership, and shall result in a reconsideration of the initial penalties prescribed, including an extension of the probationary period and prescription of additional penalties. Conditions of probation shall include, but are not limited to, the following:

(1) Information regarding the violation(s) committed, the term of probation and penalties must be noted on the home page of the institution's athletics website, in the media guide for the involved sport(s) and in recruiting materials provided to prospective student-athletes in the involved sport(s). Such information must be displayed and provided to prospective student-athletes for the full term of probation. Information to prospective student-athletes must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see Bylaw 13.3.1.2);

(2) Annual written reports shall be submitted to the Office of the Committees on Infractions for review. These reports shall detail compliance with probationary conditions; and

(3) At the conclusion of probation, the institution's president or chancellor shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied.

(c) A reduction in the number of financial aid awards (as defined in Bylaw 15.2.1) that may be awarded during a specified period;

(d) Ineligibility for postseason competition in the involved sport(s), particularly in situations when:

(1) Individual(s) involved in the violation(s) remain active in the sport program;

(2) A significant competitive advantage resulted from the violation(s);

(3) The violation(s) indicate a lack of institutional control or failure to monitor the involved sport(s) or athletics program;

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- (4) The violation(s) include academic misconduct; or
- (5) The institution is a repeat violator (see Bylaw 19.12.4.3);
- (e) A recommendation to the Committee for Legislative Relief that it waive the one-year residence requirement and permit full athletics participation in a sport for a student-athlete who transfers to another member institution when the Committee on Infractions renders the student-athlete's previous institution or team in that sport ineligible for postseason competition during all of the remaining seasons of the student-athlete's eligibility [see Bylaw 14.8.2.1-(c)];
- (f) Ineligibility for participation in or hosting outside, invitational and/or NCAA championship competition in the involved sport(s);
- (g) Vacation of records when a student-athlete(s) has competed while ineligible, particularly when a case involved academic misconduct, serious intentional violations, a large number of violations, direct or knowing involvement of a coach or high-ranking administrator, competition while academically ineligible, ineligible competition when there is a finding or failure to monitor or lack of institutional control or when vacation or a similar penalty would be prescribed if the underlying violation(s) were secondary. The penalties may include one or more of the following, as applicable:
- (1) Vacation of individual records and performances in individual sports, including reconfiguration of the institution's team point totals after vacation of individual records and performances;
 - (2) Vacation of relay, doubles and similar team records in individual sports when one or more team members compete while ineligible, including reconfiguration of the institution's team point totals after vacation of relay, doubles or similar results;
 - (3) Vacation of team records and performances in individual or team sports;
 - (4) Vacation of records of head coaches; and
 - (5) Return of individual or team awards to the Association.
- (h) A financial penalty;
- (i) Ineligibility for selection involving discretionary Division II network and/or broadband television broadcasts during the regular season for the involved sport(s);
- (j) A reduction in the number of expense-paid recruiting visits in the involved sport(s);
- (k) A restriction on activities and benefits provided during unofficial visits;
- (l) Limiting or prohibiting the recruiting activities of some or all coaching staff members in the involved sport(s);
- (m) An outside audit or review of the institution's athletics policies and procedures (including, but not limited to, compliance policies and procedures);
- (n) A requirement that the institution must provide a copy of the infractions decision to the institution's regional accrediting agency when the violation(s) involves academic misconduct or reflects questionable academic conduct or procedures;

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- (o) Ineligibility of institutional staff members to serve on the Division II Presidents Council, Management Council or other standing or special committees, councils or task forces of the Association, including as representatives of their institution or conference;
- (p) Requirement that the institution take disciplinary action against an institutional staff member(s) who knowingly committed or condoned a major violation, including suspension of the head coach or the staff member(s) for one or more competition(s), and other disciplinary action(s) approved by the Committee on Infractions;
- (q) Issuance of a show cause order per Bylaw 19.12.4.2 against an institutional staff member if that staff member has committed unethical conduct (see Bylaw 10.1) or other serious violations;
- (r) Exclusion of the individual or entity, including disassociation of a representative of an institution's athletics interests, from involvement in an institution's athletics program on a permanent basis or for a specified period of time. An institution may be required to take any action(s) within its authority to eliminate involvement, including:
 - (1) Refraining from accepting financial or other assistance for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and
 - (2) Prohibition of providing to the individual or entity an athletics benefit(s) or privilege(s) not generally available to the public at large or on a basis different from that provided to the public at large; and
- (s) Other penalties, corrective actions and disciplinary measures, as appropriate.

19.12.4.1 Show-Cause Order. If a determination is made by the committee that an institution has not taken appropriate disciplinary or corrective actions regarding an individual found in violation of the NCAA bylaws, the committee may issue an order that the institution take additional disciplinary or corrective action, including but not limited to restriction of some or all athletically related duties unless the institution appears before the committee to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions.

19.12.4.2 Show-Cause Penalties. If the committee prescribes additional penalties for an institution for major violations pursuant to Bylaw 19.12.4-(p), the institution shall be provided the opportunity to appear before the committee. Further, for show-cause penalties prescribed by the Committee on Infractions, the institution shall be provided the opportunity to appeal any additional penalty prescribed by the committee.

19.12.4.3 Repeat Violator Penalties. Previous violations of NCAA legislation are a contributing factor in determining the degree of penalties. Repeat violator status demonstrates a significant failure of an institution to comply with NCAA legislation. A repeat violator is subject to substantial enhancement of the penalties set forth in Bylaw 19.12.4 that would be prescribed for similar violations in a case not involving a repeat violator. In addition, a repeat violator may be subject to any or all of the following penalties:

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- (a) The prohibition of all outside competition in the sport(s) involved in the latest major violation for one or two sport seasons and the prohibition of all coaching staff members in that sport(s) from involvement directly or indirectly in any coaching activities at the institution during that period;
- (b) The elimination of all recruiting activities in the sport(s) involved in the latest major violation(s) in question for up to a two-year period;
- (c) The requirement that all institutional staff members serving on the Division II Presidents Council, Management Council or other standing or special cabinets, committees or task forces of the Association resign those positions, it being understood that all institutional representatives shall be ineligible to serve on any NCAA committee for a period of up to four years; and
- (d) The requirement that the institution relinquish its voting privileges in the Association for a period of up to four years.

19.12.4.3.1 Time Period. An institution shall be considered a "repeat" violator, if the Committee on Infractions concludes that a major violation has occurred within five years of the starting date of a major penalty. For this provision to apply, at least one major violation must have occurred within five years after the starting date of the penalties in the previous case. It shall not be necessary that the Committee on Infractions' hearing be conducted or its report issued within the five-year period.

19.12.4.4 Probationary Periods.

19.12.4.4.1 Conditions of Probation. The committee (or the Infractions Appeals Committee per Bylaw 19.5) may identify possible conditions that an institution must satisfy during a probationary period. Such conditions shall be designed on a case-by-case basis to focus on the institution's administrative weaknesses detected in the case and shall include, but not be limited to, written reports from the institution pertaining to areas of concern to the committee (or the Infractions Appeals Committee per Bylaw 19.5), implementation of educational or deterrent programs, and audits for specific programs or teams. If the institution fails to satisfy such conditions, the committee (or the Infractions Appeals Committee per Bylaw 19.5) may reconsider the penalties in the case and may extend the probationary period and/or prescribe additional penalties.

19.12.4.4.2 Review Prior to Restoration of Membership Rights and Privileges. In the event the committee prescribes a penalty involving a probationary period, at the end of the probationary period, the institution's president or chancellor shall affirm in writing to the NCAA Office of the Committees on Infractions that the institution's athletics policies and practices are in full compliance with NCAA rules. The NCAA Office of the Committees on Infractions shall review the written affirmation and will coordinate with the committee to restore the institution to full rights and privileges of membership in the Association.

19.12.4.5 Obligation of Institution to Take Appropriate Action. If a violation has been found that affects the eligibility of one or more student-athletes, the institution and its conference, if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved. If the institution fails to take appropriate action by declaring the student-athlete(s) ineligible, the institution shall be required to show cause to the Committee on Infractions why additional penalties should not be prescribed for a failure

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to abide by the conditions and obligations of membership if it permits the student-athlete(s) to compete in intercollegiate athletics.

19.13 Appeal of Committee on Infractions Decisions.

19.13.1 Basis for Granting an Appeal.

19.13.1.1 Penalties. A penalty prescribed by the Committee on Infractions shall not be set aside on appeal except on a showing by the appealing party that the penalty is excessive such that it constitutes an abuse of discretion.

19.13.1.2 Findings and Conclusions. Factual findings and conclusions of violations made by the Committee on Infractions shall not be set aside on appeal, except on a showing by the appealing party that:

- (a) A factual finding is clearly contrary to the information presented to the Committee on Infractions;
- (b) The facts found by the Committee on Infractions do not constitute a violation of the Association's rules; or
- (c) There was a procedural error and but for the error, the Committee on Infractions would not have made the conclusion of a violation.

19.13.2 Appeal by Institution or Involved Individual. A member institution may appeal the Committee on Infractions' findings, conclusions, penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed for the institution for violations of the NCAA bylaws. An involved individual participating in the proceedings of the Committee on Infractions and who the committee concluded committed a violation may appeal the committee's findings, conclusions and/or prescribed penalties regarding that individual for violations in which the individual is named. The notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date the Committee on Infractions releases the public infractions decision.

19.13.2.1 Contents of Notice to Appeal. The notice of intent to appeal shall include the following, unless otherwise ordered by the Infractions Appeals Committee:

- (a) The date on which the Committee on Infractions decision was released to the public;
- (b) A statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument. An appealing party may not request an in-person oral argument unless that party made an appearance before the Committee on Infractions; and
- (c) If the appealing party is an involved individual, a statement indicating whether the individual is employed at an NCAA institution. If the involved individual's employment status changes during the course of the appeal, the statement shall be amended promptly to reflect the change and the identity of the new employer.

19.13.2.2 Stay of Penalties. If a notice of intent to appeal is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal.

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19.13.3 Deadline for Submission of Appeal Documents. A deadline for the submission of a document shall be met if the document is submitted electronically to the Infractions Appeals Committees Office by 5 p.m. Eastern time on the due date. At the earliest opportunity after a document is submitted electronically, the submitting party shall provide a hard copy of the document directly to all members of the committee.

19.13.3.1 Initial Submission by Institution or Involved Individual. Within 30 days after receipt of the Infractions Appeals Committee's acknowledgement of the receipt of a timely notice of intent to appeal, an appealing institution or individual shall provide its initial submission in support of its appeal to the Infractions Appeals Committee.

19.13.3.2 Response by Committee Appeals Advocate. Within 30 days after acknowledgement of receipt of an initial submission by an institution or involved individual in support of its appeal, the committee appeals advocate shall submit a response to the Infractions Appeals Committee. The response shall include the issues raised in the appeal and the responses to the issues raised by the appealing parties.

19.13.3.3 Rebuttal by Institution or Involved Individual. Within 14 days after receipt of the committee appeals advocate's response, an institution or involved individual may submit a rebuttal to the Infractions Appeals Committee. The rebuttal may only address issues contained in the initial submission or the committee appeals advocate's response.

19.13.3.4 Enforcement Staff Statement. Within 10 days after the deadline for submission of all rebuttals, the enforcement staff may provide a written statement to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the initial submission(s), the committee appeals advocate's response and/or rebuttal documents.

19.13.4 Information Considered on Appeal. The Infractions Appeals Committee shall consider only the information contained in the record of proceedings before the Committee on Infractions, the record on appeal and arguments presented during the appeal oral argument, if any, unless otherwise ordered by the Infractions Appeals Committee. If an institution or involved individual seeks to introduce new information during the appeal process, the Infractions Appeals Committee shall determine whether it meets the threshold definition of new information per Bylaw 19.02.2 and, if so, may stay the appeal and remand the matter to the Committee on Infractions to conduct further proceedings as may be necessary to address whether the information affects the Committee on Infractions' decision and to amend the decision, if necessary.

19.13.5 Appeal Arguments. If one or more of the appealing parties request an appeal oral argument, an appeal oral argument may be conducted as set forth below, subject to procedures promulgated by the Infractions Appeals Committee or as otherwise directed by the committee.

- (a) Only those individuals identified in Bylaw 19.8.4 may attend the appeal oral argument;
- (b) The parties may be represented by legal counsel and shall be permitted a reasonable time to make an oral presentation to supplement the initial submission;

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- (c) The Infractions Appeals Committee may question representatives of appealing parties (institution or involved individual), the Committee on Infractions or enforcement staff, as well as any other persons appearing before it, in order to determine the issues related to the appeal;
- (d) Representatives from the enforcement staff may participate during the appeal oral argument but such participation shall be limited to the opportunity to provide information regarding perceived new information, errors, misstatements and omissions;
- (e) If an institution or involved individual appeared before the Committee on Infractions but waived the right to appeal, the institution or involved individual may elect to be present in person and/or by counsel as a silent observer during the appeal oral argument; and
- (f) If the institution or involved individual elects to appeal in writing only, the committee appeals advocate's written response specific to that written appeal shall be considered without any in-person appearance.

19.13.6 Decision of the Infractions Appeals Committee. After considering the appeal and deliberating privately, the Infractions Appeals Committee shall prepare a written decision and provide a copy to any appealing party (including the president or chancellor of an institution currently employing an involved individual), the chair of the Committee on Infractions, the committee appeals advocate and the vice president of enforcement, unless otherwise ordered by the committee. Once the decision has been provided to the parties, the committee shall release a public appeal decision. The public appeal decision will not include names of individuals.

19.13.7 Final Decision not Subject to Further Review. Any decision of the Infractions Appeals Committee shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.14 Notice of Allegations, Opportunity to Respond and Penalties (Secondary Cases).

19.14.1 General Process for Alleged Violations. A secondary case is a case presenting secondary violations that do not collectively constitute a major violation. An institution or involved individual subject to a show-cause order in a secondary case may be represented by legal counsel or representative and shall be provided the following:

- (a) Notice of any specific allegations and the facts upon which such allegations are based; and
- (b) An opportunity to provide a written response to the vice president of enforcement (or a designee) to answer such allegations by the production of factual information and to appeal to the Committee on Infractions.

19.14.2 Determination by Enforcement Staff. After reviewing relevant information and consulting with the institution or involved individual, the enforcement staff shall conclude whether one or more secondary violations occurred. If the enforcement staff concludes that the alleged violation(s) should not be processed as a secondary case, it may process the case as a major case, as appropriate, or determine that no further action is required.

19.14.3 Authority to Prescribe Penalties. As authorized by the Committee on Infractions, upon a conclusion that one or more secondary violations occurred, the vice president of enforcement (or a designee) may determine whether a penalty is warranted and, if so, prescribe and announce an appropriate penalty.

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pursuant to Bylaw 19.12.3. Failure to fully implement the penalty may be considered a violation and/or may subject the institution to further disciplinary action by the NCAA. Failure to fully implement self-imposed actions may also subject the institution to further disciplinary action by the NCAA.

19.14.4 Appeal to Committee on Infractions. A member institution or involved individual subject to a show-cause order shall have the right to appeal to the Committee on Infractions penalties prescribed by the vice president of enforcement or their designee in reference to secondary violations. To appeal, the member institution must submit a notice of appeal through the online reporting system for secondary violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An involved individual subject to a show cause order must submit a written notice of appeal to the vice president of enforcement or their designee within 15 days after receipt of the enforcement staff's decision. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. The committee shall not deny an involved individual's request to appear in person if a show-cause order was prescribed.

19.14.4.1 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by the enforcement staff that have been appealed shall be stayed during the pendency of the appeal.

E. Administrative: Amend 31.2, as follows:

31.2 Eligibility for Championships.

[31.2.1 unchanged.]

31.2.2 Student-Athlete Eligibility. To be eligible to enter teams or individual student-athletes in an NCAA championship, an institution shall recognize the sport involved as a varsity intercollegiate sport (see Bylaws 7.3.1.5.4 and 17.02.16) and shall meet the institutional requirements in Bylaw 18.4.2 applicable to the division in which the institution is a member or for which it is petitioning for eligibility in a sport, as well as any additional requirements specified in the applicable championships handbooks. All student-athletes must satisfy all general eligibility requirements established for NCAA championships participation. The general and academic eligibility requirements are set forth in detail in Bylaw 14. Other specific requirements for eligibility for NCAA championships are included in other bylaws in this Manual and are applicable and binding for championships participation.

[31.2.2.1 through 31.2.2.3 unchanged.]

31.2.2.4 Participation While Ineligible. When a student-athlete competing as an individual or representing the institution in a team championship is declared ineligible after the competition, or a penalty has been prescribed or action taken as set forth in Bylaw ~~19.12.4-(g)~~~~19.5.2-(g)~~ *or 19.7 of the NCAA enforcement program*, the Committee on Infractions may require the following:

[31.2.2.4-(a) through 31.2.2.4-(b) unchanged.]

[31.2.2.5 unchanged.]

[31.2.3 unchanged.]

F. Administrative: Amend 32, as follows:

32 Enforcement Policies and Procedures

32.1 Committee on Infractions—Special Operating Rules.

~~32.1.1 Public Disclosure. Except as provided in Bylaw 19 and Bylaw 32, the Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall not make public disclosures about a pending case, until the case has been announced in accordance with the prescribed procedures. An institution and any individual subject to the NCAA bylaws involved in a case, including any representative or counsel, shall not make public disclosure about the case until a final decision has been announced in accordance with prescribed procedures.~~

~~32.1.2 Conflict of Interest. Any member of the Committee on Infractions or the Infractions Appeals Committee shall neither appear at the hearing or oral argument nor participate on the committee when the member is directly connected with an institution under investigation or has a personal, professional or institutional affiliation that reasonably would result in the appearance of prejudice. It is the responsibility of the committee member or members of the Infractions Appeals Committee (per Bylaw 19.2) to remove themselves if a conflict exists. Objections to the participation of a committee member or the Infractions Appeals Committee member (per Bylaw 19.2) should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the affected hearing or oral argument.~~

~~32.1.3 Cooperative Principle. The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information to determine whether a possible violation of NCAA legislation has occurred and the details of the infraction. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of the investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution.~~

~~32.1.3.1 Full Cooperation. Full cooperation pursuant to the cooperative principle and responsibility to cooperate set forth in Bylaw 19.01.3 includes, but is not limited to:~~

- ~~(a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;~~
- ~~(b) Timely participation in interviews and providing complete and truthful responses;~~
- ~~(c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;~~
- ~~(d) Disclosing and providing access to all electronic devices used in any way for business purposes;~~
- ~~(e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;~~
- ~~(f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and~~
- ~~(g) Instructing legal counsel and/or other representatives to also cooperate fully.~~

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~~32.1.4 Definition of Involved Individual. Involved individuals are former or current student-athletes and former or current institutional staff members who have received notice of significant involvement in alleged violations.~~

~~32.2 Preliminary Review of Information.~~

~~32.2.1 Enforcement Staff to Receive Information and Conduct Investigations. It is the responsibility of the enforcement staff to conduct investigations relative to an institution's failure to comply with NCAA legislation or to meet the conditions and obligations of membership. Information that an institution failed to meet these obligations shall be provided to the enforcement staff and, if received by the Committee on Infractions or NCAA president, will be channeled to the enforcement staff.~~

~~32.2.1.1 Self-Disclosure by an Institution. Self-disclosure shall be considered in prescribing penalties, and, if an institution uncovers a violation before its being reported to the NCAA and/or its conference, such disclosure shall be considered as a mitigating factor in prescribing the penalty.~~

~~32.2.2 Investigative Procedures. The Committee on Infractions shall provide general guidance to the enforcement staff through approved and established investigative and administrative procedures.~~

~~32.2.2.1 Initial Enforcement Staff Responsibilities. The enforcement staff is responsible for evaluating information reported to the NCAA staff to determine whether the possible violation should be handled by correspondence with the involved institution or its conference, or whether the enforcement staff should conduct its own in-person inquiries.~~

~~32.2.2.1.1 Basic Information Gathering. The enforcement staff has a responsibility to gather basic information regarding possible violations and, in doing so, may contact individuals to solicit information. If information indicating a potential NCAA violation believed to be reliable is developed, the procedures provided in Bylaw 32.5 (notice of inquiry) are undertaken.~~

~~32.2.2.1.2 Identification of Major/Secondary Violation. The enforcement staff shall identify information developed by it or as self-reported by the institution as alleged major or secondary violations (as defined in Bylaw 19.02.2). The staff shall have the discretion to submit information to the Committee on Infractions, or a designated member of the committee, for an initial determination of how that information should be processed.~~

~~32.3 Investigative Procedures.~~

~~32.3.1 Conformance With Procedures. Investigations by the enforcement staff shall be conducted in accordance with the operating policies, procedures and investigative guidelines established by the Committee on Infractions, Management Council and membership in accordance with Bylaw 19.~~

~~32.3.1.1 Consultation With Committee. If questions arise concerning investigative procedures during the course of an investigation, the chair (or the full Committee on Infractions, if necessary) may be consulted by the enforcement staff.~~

~~32.3.2 Conflict of Interest. Any enforcement staff member who has or had a personal relationship or institutional affiliation that reasonably would result in the appearance of prejudice should refrain from participating in any manner in the processing of the involved institution's or individual's infractions case.~~

~~32.3.3 Interviews With Member Institution. The director of athletics or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews with enrolled student-athletes, coaching staff members or other institutional~~

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~~staff members with athletically related responsibilities or oversight who are believed to have knowledge of possible violations.~~

~~32.3.3.1 Presence of Institutional Representative During Interview. If interviewing an enrolled student-athlete or current athletics department staff member, an institutional representative (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student-athlete's eligibility or the staff member's employment at the institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject, institution or any involved individual.~~

~~32.3.4 Notice of Requirements.~~

~~32.3.4.1 Disclosure of Purpose of Interview. When an enforcement staff representative requests information that could be detrimental to the interests of the student-athlete or institutional employee being interviewed, that individual shall be advised that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly or indirectly in any violation of NCAA legislation.~~

~~32.3.4.2 Responsibility to Cooperate. At the beginning of an interview arranged or initiated by the enforcement staff, a prospective or enrolled student-athlete or current or former institutional staff member shall be advised that refusing to furnish information or providing false or misleading information to the NCAA, conference or institution may result in an allegation that the individual has violated NCAA ethical conduct legislation.~~

~~32.3.5 Use of Court Reporters. Institutional representatives or individuals being interviewed may use a court reporter to transcribe an interview subject to the following conditions. The institution or individual shall:~~

- ~~(a) Pay the court reporter's fee;~~
- ~~(b) Provide a copy of the transcript to the enforcement staff at no charge; and~~
- ~~(c) Agree that confidentiality standards of Bylaw 32.3.8 apply. An institutional representative or individual who chooses to use a court reporter shall submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview.~~
- ~~(d) If the enforcement staff chooses to use a court reporter, the NCAA will pay all costs of the reporter. A copy of the transcript prepared by the court reporter for the enforcement staff shall be made available to the institution and the involved individuals.~~

~~32.3.6 Representation by Legal Counsel. When an enforcement staff member conducts an interview the individual being questioned, may be represented by personal legal counsel.~~

~~32.3.7 Statement of Confidentiality. Individuals and institutional representatives shall be required to agree not to release recording(s) or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to~~

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~~enter into such an agreement would preclude the individual and institutional representative from recording or transcribing the interview.~~

~~32.3.8 Limited Immunity.~~

~~32.3.8.1 Athletics Personnel. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to a current or former institutional employee with responsibilities related to athletics based on information that the employee reports when such an employee otherwise would be subject to disciplinary action as described in Bylaws 19.5.1 (i) and Bylaw 19.5.2.2 based on the information that individual reports. Such immunity shall not apply to the employee's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the employee or to action taken by an institution.~~

~~32.3.8.2 Student-Athlete or Prospective Student-Athlete. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to a student-athlete or prospective student-athlete when such an individual otherwise might be declared ineligible for intercollegiate competition based on information reported to the enforcement staff by the student-athlete or a prospective student-athlete or a third party associated with the student-athlete or prospective student-athlete. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the individual or to any action taken by an institution.~~

~~32.3.9 Enforcement Staff's Responsibility to Maintain Case Information.~~

~~32.3.9.1 Access to Information. The enforcement staff shall make available recorded interviews, interview summaries and/or interview transcripts and other factual information pertinent to an infractions case. The institution and participating involved individuals may review such information in the national office or through a secure website in accordance with the provisions of Bylaw 32.7.4.~~

~~32.3.10 Failure to Cooperate. In the event that a representative of an institution fails to satisfy the responsibility to cooperate, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws and enforcement policies and procedures. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.~~

~~32.3.10.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5 (see Bylaw 32.9.7.3.2).~~

~~32.3.10.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and he or she is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred (see Bylaw 32.9.7.3.3).~~

~~32.3.11 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to his or her conference, member institution and/or the Association.~~

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~~32.3.12 Public Announcements: The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.~~

~~32.4 Processing Information for Secondary Violations:~~

~~32.4.1 Review of Institutional or Conference Actions or Penalties In Secondary Cases: If the Committee on Infractions or the enforcement staff, after review of institutional or conference action imposed in secondary cases, concludes that the corrective or punitive measures imposed by the institution or conference are sufficient, the committee or the enforcement staff, may accept the self-imposed measures and take no further action. Failure to fully implement the self-imposed measures may subject the institution to further disciplinary action by the NCAA.~~

~~32.4.1.1 Insufficient Actions: If the institutional or conference actions appear to be insufficient, the enforcement staff shall notify the institution of additional penalties in a secondary case.~~

~~32.4.2 Action Taken by Enforcement Staff (Not Institution or Conference): If the enforcement staff, after reviewing the information that has been developed and after consulting with the institution involved, determines that a secondary violation has occurred, the enforcement staff may conclude that no penalty is warranted or prescribe an appropriate penalty (see Bylaw 19.5.1). Failure to fully implement the self-imposed measures may subject the institution to further disciplinary action by the NCAA.~~

~~32.4.3 Appeal of Secondary Violations: A member institution or involved individual may appeal to the Committee on Infractions penalties prescribed by the enforcement staff for secondary violations by submitting a notice of appeal through the online reporting system for secondary violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An involved individual subject to a show cause order must submit a written notice of appeal to the vice president of enforcement or their designee within 15 days after receipt of the enforcement staff's decision. An institution or involved individual subject to a show cause order may request the opportunity to appear in person or by video or by telephone conference. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. The committee shall not deny a involved individual's request to appear in person if a show cause order was prescribed.~~

~~32.4.3.1 Stay of Penalties: If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by the enforcement staff that have been appealed shall be stayed during the pendency of the appeal.~~

~~32.5 Notice of Inquiry:~~

~~32.5.1 Notice to Institution: Before the enforcement staff conducts an inquiry with current institutional staff and/or enrolled student-athletes, the enforcement staff shall notify the institution's president or chancellor (or their designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations pursuant to Bylaw 32.7.3. The institution shall be informed of its obligation to cooperate pursuant to Bylaw 32.1.3 and of the confidential nature of the inquiry pursuant to Bylaw 32.1.1. The institution shall be notified that if the inquiry develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 32.7. In the alternative, the institution will be notified that the matter has been concluded.~~

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~~32.5.2 Termination of Investigation. The enforcement staff shall terminate the investigation related to any notice of inquiry in which information is developed that does not appear to be of sufficient substance or reliability to warrant a notice of allegations.~~

~~32.6 Negotiated Resolution.~~

~~32.6.1 Scope. At any time from the beginning of the enforcement staff investigation until Committee on Infractions review of a summary disposition report pursuant to Bylaw 32.8.1.4 or an infractions hearing held pursuant to Bylaw 32.9.6, the enforcement staff may negotiate a resolution with an institution or involved individual about alleged violations and proposed penalties. The negotiated resolution is subject to approval by the Committee on Infractions and must resolve all known violations for which the party or parties included in the negotiated resolution may be subject to penalty pursuant to Bylaw 19.5.~~

~~32.6.2 Written Agreement.~~

~~32.6.2.1 All Participating Parties Agree on Resolution. If all parties participating in the case agree on a resolution of the case, they shall submit the written agreement of negotiated resolution to the chair of the Committee on Infractions for Committee on Infractions review and approval. The enforcement staff shall include the violations by and penalties related to any party not participating in the case in the written agreement. The Committee on Infractions shall review the negotiated resolution if the parties submit the written agreement prior to issuance of the summary disposition report or notice of allegations.~~

~~32.6.2.2 Not All Participating Parties Agree on Resolution. If some, but not all, parties participating in the case agree on resolution of the case, the enforcement staff shall include the written agreement of negotiated resolution in the summary disposition report or notice of allegations submitted in connection with parties who are not included in the negotiated resolution, or amended summary disposition report or notice of allegations if the agreement is reached after issuance of the summary disposition report or notice of allegations.~~

~~32.6.2.3 Elements of Written Agreement. Any written agreement of a negotiated resolution shall contain the following:~~

- ~~(a) A brief description of the case, including the involvement of the parties included in the negotiated resolution;~~
- ~~(b) The agreed-upon violation(s);~~
- ~~(c) Other violations the enforcement staff considered and agreed or opted not to allege;~~
- ~~(d) The agreed-upon type of agreed-upon violation(s) (major or secondary);~~
- ~~(e) The agreed-upon penalties;~~
- ~~(f) The nature of any participation or cooperation provided by a party pursuant to the negotiated resolution, and consequences for a party's failure or refusal to strictly adhere to the agreed-upon participation and cooperation conditions;~~
- ~~(g) Waiver of appellate opportunities; and~~
- ~~(h) Other material terms of the agreement.~~

~~32.6.3 Scope of Review. The Committee on Infractions shall only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.5.~~

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~~32.6.4 Preliminary Assessment of Penalties: Prior to submission of a written agreement of negotiated resolution, parties included in the negotiated resolution may request the Committee on Infractions to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.5. The preliminary assessment is not binding.~~

~~32.6.5 Negotiated Resolution Approved: If the Committee on Infractions approves the negotiated resolution, the committee shall forward the approval to the enforcement staff and the other parties, and publicly announce the resolution of the case. The approval shall be final and have no precedential value.~~

~~32.6.5.1 Approval When Not All Participating Parties Agree on Resolution: If some, but not all parties participating in the case agree on resolution of the case, the Committee on Infractions shall not approve the negotiated resolution until the committee resolves the remainder of the case.~~

~~32.6.5.2 Approval in Conjunction with Preliminary Assessment: If all parties participating in the case request a preliminary assessment of penalties in accordance with Bylaw 32.6.4 and the parties submit all required elements of an agreement of negotiated resolution set forth in Bylaw 32.6.2.3, the Committee on Infractions may approve the negotiated resolution in conjunction with its preliminary assessment unless the parties instruct otherwise in their request for preliminary assessment.~~

~~32.6.6 Negotiated Resolution Not Approved: If the Committee on Infractions does not approve the negotiated resolution, the committee may return the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues identified by the committee that preclude approval of the negotiated resolution, and request that the parties submit an amended written agreement of negotiated resolution in response. In the alternative, the committee may reject the negotiated resolution and issue instructions for processing of the case pursuant to Bylaw 32.8 or Bylaw 32.9.~~

~~32.7 Notice of Allegations:~~

~~32.7.1 Notice to President or Chancellor: If the enforcement staff determines that there is sufficient information to warrant an allegation, it shall issue a cover letter and notice of allegations to the president or chancellor of the institution involved (with copies to the faculty athletics representative and the director of athletics and to the executive officer of the conference of which the institution is a member).~~

~~32.7.1.1 Contents of the Notice of Allegations Cover Letter: The cover letter accompanying each notice of allegations shall:~~

- ~~(a) Inform the president or chancellor of the matter under inquiry and request the cooperation of the institution in obtaining all the pertinent facts and provide specific information on how to investigate the allegation.~~
- ~~(b) Request the president or chancellor to respond to the allegations and to provide all relevant information which the institution has or may reasonably obtain, including information uncovered related to new violations. The responsibility to provide information continues until the case has been concluded.~~
- ~~(c) Request the president or chancellor and other institutional staff to appear before the Committee on Infractions at a time and place determined by the committee.~~

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- ~~(d) Inform the president or chancellor that if the institution fails to appear after having been requested to do so, it may not appeal the Committee on Infractions' findings of fact and conclusions of violations, or the prescribed penalty.~~
- ~~(e) Direct the institution to provide any involved individual the opportunity to submit in writing any information the individual desires that is relevant to the allegation in question.~~
- ~~(f) Inform the president or chancellor that the enforcement staff's primary investigator in the case will be available to discuss the development of its response and assist in locating various individuals who have, or may have, important information regarding the allegations.~~

~~32.7.1.1.1 Enforcement Staff Basis for Allegation. The enforcement staff shall allege a violation when it believes there is sufficient information to conclude that the Committee on Infractions could make a conclusion of a violation.~~

~~32.7.1.2 Contents of Notice of Allegations. The notice of allegations shall list the NCAA legislation alleged to have been violated, as well as the details of each allegation.~~

~~32.7.2 Notice to Involved Individuals. The enforcement staff shall notify involved individuals (as defined in Bylaw 32.1.4) of the allegations in a notice of allegations in which they are named. A copy of the notification shall also be forwarded to the president or chancellor of the current institution of the involved individual. All involved individuals shall submit responses to the Committee on Infractions, and the institution under inquiry shall provide a copy of pertinent portions of its response to each involved individual in the case. Involved individuals who have submitted a response must also share their response with the involved institutions or other involved individuals. Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred. The enforcement staff shall notify those involved individuals named in the notice of allegations who may be subject to the show-cause requirements as outlined in Bylaw 19.5.2.2.~~

~~32.7.3 Statute of Limitations. Allegations included in a notice of allegations shall be limited to possible violations occurring not earlier than four years before the date the notice of inquiry is provided to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation:~~

- ~~(a) Allegations involving violations affecting the eligibility of a current student-athlete;~~
- ~~(b) Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period; and~~
- ~~(c) Allegations that indicate a blatant disregard for the Association's fundamental recruiting, extra-benefit, academic or ethical conduct regulations or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have a one-year period after the date information concerning the matter becomes available to the NCAA to investigate and submit to the institution a notice of allegations concerning the matter.~~

~~32.7.4 Access to Information Through Secure Website. The institution and participating involved individuals shall have reasonable access to all pertinent factual information as described in Bylaw 32.3.9.1. Such information shall be made available within 30 days~~

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from the date the notice of allegations is provided by the enforcement staff to the institution and participating involved individuals.

32.7.5 Deadline for Responses. Any response to the notice of allegations shall be submitted electronically to the Committee on Infractions, the institution, all involved individuals and the enforcement staff not later than 90 days from the date of the notice of allegations, unless the committee grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. An institution or involved individual may not submit additional documentary information (in addition to its initial response) without prior authorization from the Committee on Infractions (see Bylaw 32.7.8 for additional instructions regarding information submitted to the Committee on Infractions).

32.7.6 Prehearing Conference. Within 60 days after the institution and involved individuals, if any, submits a written response to a notice of allegations, the enforcement staff shall consult with institutional representatives and other involved individuals who will attend the hearing in order to clarify the issues to be discussed in the case during the hearing, make suggestions regarding additional investigation or interviews that should be conducted by the institution to supplement its response and identify allegations that the staff intends to withdraw. The enforcement staff shall conduct independent prehearings with the institution and/or any involved individuals, unless mutually agreed by all parties to do otherwise.

32.7.6.1 Extension. The Committee on Infractions may approve additional time for representatives of the involved individuals, institution and the enforcement staff to conduct such prehearing conferences.

32.7.7 Enforcement Staff Case Summary. The enforcement staff shall prepare a summary of the case that indicates the status of each allegation and identifies the individuals on whom and the information on which the staff will rely in presenting the case. Within 60 days after the institution and involved individuals, if any, submit written responses to the notice of allegations, the enforcement staff shall submit a case summary to the members of the Committee on Infractions and to representatives of the institution. Involved individuals will be provided those portions of the summary in which they are identified as at risk.

32.7.8 Deadline for Submission of Written Material. Unless specifically approved by the Committee on Infractions for good cause shown, all written material to be considered by the committee at the infractions hearing must be received by the committee, the enforcement staff, the institution and any involved individuals attending the hearing not later than 30 days prior to the date of the hearing. Information may be submitted at the hearing, but subject to the limitations set forth in Bylaw 32.9.7.4.

32.7.9 Prehearing Procedural Issues. The chair of the Committee on Infractions (or their designee) has the authority to resolve procedural matters that arise prior to an infractions hearing.

32.8 Summary Disposition and Expedited Hearing.

32.8.1 Summary Disposition Election. In major infractions cases, institutions, involved individuals and the enforcement staff may elect to process the case through the summary disposition procedures specified below. The enforcement staff, involved individuals, if participating, and the institution must agree to use the summary disposition process. The institution, involved individuals or the enforcement staff may require, as a condition of agreement, that the parties jointly submit the proposed findings to the chair of the Committee on Infractions or their designee for a preliminary assessment of the appropriateness of the use of the summary disposition process.

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~~32.8.1.1 Thorough Investigation: The Committee on Infractions shall determine that a thorough investigation of possible violations of NCAA legislation has been conducted. The investigation may be conducted by the enforcement staff and/or the institution, but the enforcement staff must agree that a complete and thorough investigation has been conducted and that the institution fully cooperated in the process.~~

~~32.8.1.2 Written Report: The institution, involved individuals and the NCAA enforcement staff shall submit a written report setting forth:~~

- ~~(a) The proposed findings of fact;~~
- ~~(b) A summary of information on which the proposed findings are based;~~
- ~~(c) A stipulation that the proposed findings are substantially correct and complete;~~
- ~~(d) The proposed findings that are violations of NCAA legislation; and~~
- ~~(e) A statement of unresolved issues that are not considered substantial enough to affect the outcome of the case.~~

~~32.8.1.3 Proposed Penalties: The institution and involved individuals shall submit proposed penalties within the guidelines set forth in the penalty structure for major violations specified in Bylaw 19.5.2. The institution and involved individuals also may submit a statement regarding mitigating factors.~~

~~32.8.1.4 Committee on Infractions Review:~~

~~32.8.1.4.1 Acceptance of Proposed Findings and Penalties: If the proposed findings of fact and proposed penalties are accepted, the Committee on Infractions shall prepare a report of its decision, forward it to the institution and involved individuals, and publicly announce the resolution of the case under the provisions of Bylaw 32.10.~~

~~32.8.1.4.2 Proposed Findings Not Accepted: If the Committee on Infractions does not accept the proposed findings, the hearing process set forth in Bylaws 32.9 and 32.10 shall be followed.~~

~~32.8.1.4.3 Proposed Penalties Not Accepted: If the Committee on Infractions accepts the proposed findings but proposes penalties in addition to those set forth in the summary disposition report, the institution and/or involved individuals may request an expedited hearing on penalties before the Committee on Infractions. The institution and/or involved individuals may appear before the committee in person, by videoconference or other mode of distance communication, as the committee deems appropriate, to discuss the proposed additional penalties. The institution and/or involved individuals also have the option to provide a written submission in lieu of a hearing. The committee shall only consider information relevant to the prescription of penalties during the expedited hearing or written review. At the conclusion of the expedited hearing or written review, the committee shall prepare an infractions decision and provide notification of the committee's actions consistent with Bylaw 32.10. The institution and/or any involved individuals may appeal the additional penalties to the Infractions Appeals Committee in accordance with Bylaws 32.11 and 32.12.~~

~~32.8.1.4.4 Additional Information or Clarification: The Committee on Infractions may contact jointly the institution, enforcement staff and involved individuals for additional information or clarification prior to accepting or rejecting the proposed findings.~~

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~~32.8.1.4.5 Authority to Amend Findings. The Committee on Infractions has the authority to make editorial or nonsubstantive changes in the proposed findings as long as these changes do not affect the substance of the findings.~~

~~32.9 Committee on Infractions Hearings.~~

~~32.9.1 Committee Authority. The Committee on Infractions shall hold a hearing to determine the existence of the alleged violation of NCAA legislation and to prescribe any appropriate penalties.~~

~~32.9.2 Accelerated Hearing Docket. In major cases, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule.~~

~~32.9.3 Determination of Hearing Date. The Committee on Infractions shall set the dates and times for all hearings before the committee. The Committee on Infractions shall notify all relevant parties of the hearing date and site.~~

~~32.9.4 Obligation to Provide Full Information. At any appearance before the Committee on Infractions, the involved institution, involved individuals and the enforcement staff, to the extent reasonably possible, have the obligation to ensure that the committee has benefit of full information concerning each allegation, whether such information corroborates or refutes an allegation.~~

~~32.9.5 Appearance of Individuals at Hearings.~~

~~32.9.5.1 Request for Specific Individuals. Institutional officials, staff members or enrolled student athletes who are specifically requested to appear before the Committee on Infractions at an institutional hearing are normally expected to appear in person and may be accompanied by personal legal counsel. The Committee on Infractions also may request that former institutional staff members appear at a hearing. Such individuals also are normally expected to appear in person and may be accompanied by personal legal counsel. In cases that involve a small number of contested issues or cases in which the contested issues are relatively uncomplicated, the institution and/or the involved individual may make a written request to appear before the committee by videoconference or other mode of distance communication as the Committee on Infractions may deem appropriate. The decision regarding the use of videoconferencing (or another mode of communication) rests with the Committee on Infractions. Failure to appear before the committee may result in a violation of this bylaw and a show-cause action by the Committee on Infractions.~~

~~32.9.5.2 Attendance at Hearings. Except as otherwise ordered by the chair, at the time an institution appears before the committee, its representatives should include the institution's president or chancellor, the head coach of the sport(s) in question, the institution's director of athletics and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator, legal counsel (if any), enrolled student athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the committee. Additional individuals may be included among the institution's party only if specifically approved.~~

~~32.9.5.3 Exclusion of Individuals from Hearings.~~

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~~32.9.5.3.1 Exclusions Requested by the Institution: At the request of the institution, the Committee on Infractions may exclude an individual from certain portions of the hearing when the matters to be discussed are not those in which the individual is at risk. When an individual is excluded from the hearing room for a period of time, it shall be with the understanding that matters discussed in the hearing during that time will not relate to that individual.~~

~~32.9.5.3.2 Limited Attendance of Student-Athletes: Any student-athlete (and personal legal counsel) included among the institution's representatives may attend the hearing only during the discussion of the allegations in which the student-athlete is involved.~~

~~32.9.5.4 Representation of Member Conference: The executive officer or other representative of a conference's executive office may attend an institutional hearing involving a conference member.~~

~~32.9.5.5 Prohibited Attendee: A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under the provisions of Bylaw 32.1.2 from participating in any NCAA proceedings may not attend a Committee on Infractions hearing involving the committee member's institution unless specifically requested by the committee to be present as a witness.~~

~~32.9.6 Hearing Procedures: The exact procedures to be followed in the conduct of the hearing will be determined by the Committee on Infractions.~~

~~32.9.6.1 Information From Confidential Sources: In presenting information for consideration by the Committee on Infractions during a hearing, the enforcement staff shall present only information that can be attributed to individuals who are willing to be identified. Information obtained from individuals not wishing to be identified shall not be relied on by the Committee on Infractions in making conclusions of violations. Such confidential sources shall not be identified to either the Committee on Infractions or the institution.~~

~~32.9.6.1 Scope of Inquiry: If an institution appears before the Committee on Infractions to discuss its response to the notice of allegations, the hearing shall be directed toward the allegations set forth in the notice of allegations but shall not preclude the committee from concluding that any violation occurred resulting from information developed or discussed during the hearing.~~

~~32.9.6.1 Information Concerning Mitigating Factors: Institutional, conference and enforcement staff representatives and any involved individuals are encouraged to present all relevant information concerning mitigating or other factors that should be considered in arriving at appropriate penalties.~~

~~32.9.6.2 Recording of Proceedings: The proceedings of hearings shall be recorded by a court reporter (unless otherwise agreed) and shall be recorded by the Committee on Infractions. No additional verbatim recording of these proceedings will be permitted by the Committee on Infractions. The Committee on Infractions shall maintain custody of the recordings and any transcriptions. In the event of an appeal, a transcript of the hearing proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review at the NCAA national office or through the secure website. [Note: Involved individuals will receive only those portions of the hearing transcriptions in which they were in attendance at the hearing.]~~

~~32.9.7 Posthearing Committee Deliberations: After all presentations have been made and the hearing has been concluded, the Committee on Infractions shall excuse all others from the hearing, and deliberate in private.~~

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~~32.9.7.1 Request for New Information. In arriving at its decision, the Committee on Infractions may request additional information from any source, including the institution, the enforcement staff, or an involved individual. In the event that new information is requested from the institution, the enforcement staff, or an involved individual to assist the Committee on Infractions, all parties shall be afforded an opportunity to respond at the time such information is provided to the committee.~~

~~32.9.7.2 Request for Interpretation. The Committee on Infractions may request that the NCAA academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted by the committee. If an interpretation is requested, the institution, involved individuals and the NCAA enforcement staff will be notified in writing of the interpretation request and the response. The institution may appeal the interpretation in accordance with Bylaw 9.4.1.2.~~

~~32.9.7.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.~~

~~32.9.7.3.1 Importation of Facts. 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 and regardless of whether the facts are accepted by the institution or the institution's university system's board of trustees, may be accepted as true in the infractions process in concluding whether an institution or individual participating in the previous matter violated NCAA legislation. Evidence submitted and positions taken in such a matter may be considered in the infractions process.~~

~~32.9.7.3.2 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5.~~

~~32.9.7.3.3 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred.~~

~~32.9.7.4 Calculation of Penalty. If the Committee on Infractions concludes that a violation occurred, it shall prescribe an appropriate penalty (see Bylaw 19.5); or it may recommend to the Management Council suspension or termination of membership in an appropriate case. Failure to fully implement the adopted and/or prescribed penalty may subject the institution, and/or involved individual under a show-cause order, to further disciplinary action by the Committee on Infractions.~~

~~32.10 Notification of Committee Action.~~

~~32.10.1 Infractions Decision. The Committee on Infractions, without prior public announcement, shall be obligated to submit promptly an infractions decision to the president or chancellor of the institution (with copies to those individuals receiving~~

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copies of the notice of allegations) and to all involved individuals as defined in Bylaw 32.1.4. The following procedures shall apply to the infractions decision:

- (a) After a hearing, the Committee on Infractions shall prepare and approve the final infractions decision;
- (b) The infractions decision(s) of the Committee on Infractions and the Infractions Appeals Committee shall contain a consolidated statement of all findings and penalties, corrective actions, requirements, and other conditions and obligations of membership imposed on a member institution found in violation of NCAA legislation. The statement of such actions shall include, but not be limited to, the penalties prescribed upon the institution, eligibility rules to be applied, applicable executive regulations, the adjustment of individual and team standings in NCAA championship events, and the request for the return of any awards and net receipts received for participation in an NCAA championship; and
- (c) The Committee on Infractions' decision shall be sent electronically to the president or chancellor of the involved institution and any involved individuals under the chair's signature or under the signature of a committee member selected to act for the chair. In addition, the committee will notify all involved individuals directly of the appeal opportunities outlined in Bylaws 32.11 and 32.12.

32.10.2 Release to Media: Once the infractions decision has been received by the institution and involved individuals, the decision, with names of individuals deleted, shall be made available to the national wire services and other media outlets.

32.10.2.1 Public Comment Prior to Release: The Committee on Infractions' public announcement related to an infractions case shall be made available to the national wire services and other media outlets. In this regard, the involved institution and/or any involved individuals shall be advised of the text of the announcement before its release and shall be requested not to comment publicly concerning the case before the time the NCAA's public announcement is released.

32.10.2.2 Public Announcement and Comment at Release: The chair or a member of the Committee on Infractions shall make the committee's public announcement related to major infractions when the committee determines that an announcement is warranted in addition to distribution of the infractions decision.

32.10.3 Infractions Decision to Infractions Appeals Committee: The Committee on Infractions shall forward a copy of the infractions decision, with names of individuals deleted, to the Infractions Appeals Committee at the time of the public announcement.

32.11 Appeal Procedure:

32.11.1 Notice of Intent to Appeal: A notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date of the public release of the Committee on Infractions' public infractions decision. The notice of intent to appeal shall contain a statement identifying the date of the public release of the Committee on Infractions' decision and a statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument before the Infractions Appeals Committee.

32.11.1.1 Appeal by Institution: The institution may appeal the Committee on Infractions' findings and penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed for violations of NCAA legislation. An institution may not request an in-person oral argument before the Infractions Appeals Committee unless the institution has made an in-person appearance before the Committee on Infractions.

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~~32.11.1.2 Appeal by Involved Individual: An involved individual may appeal the Committee on Infractions' conclusions and/or show-cause order prescribed for violations of NCAA legislation in which they are named. An involved individual may not request an in-person oral argument before the Infractions Appeals Committee unless the involved individual has made an in-person appearance before the Committee on Infractions. The notice of appeal must state whether the individual is employed at an NCAA institution (regardless of division). Further, if the individual's employment changes during the course of the appellate process (from the time of the submission of the notice of appeal through the release of final Infractions Appeals Committee report), the individual must notify the Infractions Appeals Committee of the change, including the identity of the employer.~~

~~32.11.1.3 Stay of Penalties: If a notice of appeal is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal.~~

~~32.11.2 Committee on Infractions' Response to an Appeal: The Committee on Infractions shall submit a response to the Infraction Appeals Committee on each case that has been appealed. This response shall include:~~

- ~~(a) A statement of the origin of the case;~~
- ~~(b) The violations of the NCAA bylaws, as determined by the Committee on Infractions;~~
- ~~(c) Disciplinary or corrective actions taken by the institution or conference or any other agency involved in the particular incident;~~
- ~~(d) A statement of the Committee on Infractions' penalties, corrective actions, requirements and other conditions and obligations of membership prescribed for violations of NCAA legislation;~~
- ~~(e) The issues raised in the appeal;~~
- ~~(f) The Committee on Infractions' response to the issues raised in the appeal; and~~
- ~~(g) A transcript of any hearing conducted by the Committee on Infractions (submitted as an attachment to the response).~~

~~32.11.3 Enforcement Staff Information: The enforcement staff may provide written information to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the written appeal, Committee on Infractions' response and/or rebuttal documents, as long as any such written information is received by the Infractions Appeals Committee not later than 10 calendar days from notification from the Infractions Appeals Committee of whether rebuttal materials have been submitted as established under the policies and procedures of the Infractions Appeals Committee.~~

~~32.11.4 Basis for Granting an Appeal.~~

~~32.11.4.1 Penalties: A penalty prescribed by the Committee on Infractions shall not be set aside on appeal except on a showing by the appealing party that the penalty is excessive such that it constitutes an abuse of discretion.~~

~~32.11.4.2 Conclusions: Conclusions of violations made by the Committee on Infractions shall not be set aside on appeal, except on a showing by the appealing party that:~~

- ~~(a) A conclusion is clearly contrary to the information presented to the Committee on Infractions;~~

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- (b) ~~The facts found by the Committee on Infractions do not constitute a violation of the Association's rules; or~~
- (c) ~~There was a procedural error and but for the error, the Committee on Infractions would not have made the conclusion of a violation.~~

~~32.11.5 New Information. In making a determination pursuant to Bylaw 32.11.4, the Infractions Appeals Committee shall consider only the information contained in the record(s) of proceedings before the Committee on Infractions and the record on appeal. If an institution or involved individual seeks to introduce information during the appeals process that was not presented to the Committee on Infractions for its consideration, the Infractions Appeals Committee shall:~~

- (a) ~~Determine whether the information is "new information" per Bylaw 19.02.3. If the Infractions Appeals Committee determines that the information meets the definition of "new information" per Bylaw 19.02.3, the Infractions Appeals Committee, after input from a Committee on Infractions' designee, shall determine whether the "new information" could have materially affected any decision made by the Committee on Infractions, and if so, the case shall be referred back to the Committee on Infractions for its review. If the information does not meet the definition of "new information" per Bylaw 19.02.3 or if the "new information" would not have materially affected a decision made by the Committee on Infractions, the information shall not be included in the record on appeal and shall not be considered by the Infractions Appeals Committee; and~~

- (b) ~~Provide notice to all parties regarding all decisions made pursuant to Bylaw 32.11.5-~~
~~(a)-~~

~~32.11.6 Infractions Appeals Committee -- Determination of Appeal Procedure. The specific procedures to be followed during the written appeals process will be determined by the Infractions Appeals Committee.~~

~~32.12 Appeal Oral Arguments:~~

~~32.12.1 Appeal Oral Argument Procedures. An institution or involved individual may appeal the Committee on Infractions' conclusions and penalties, corrective actions, requirements and other conditions and obligations of membership prescribed by the Committee on Infractions for violations of NCAA legislation. Should one or more of the parties request an appeal oral argument, the appeal oral argument will be conducted according to the following procedures:~~

- (a) ~~Consistent with the requirements of Bylaw 32.11.1, if the institution and/or involved individual elects to be represented in person before the Infractions Appeals Committee, the institution and/or involved individual shall be permitted a reasonable time to make its oral presentation to supplement the written appeal. The coordinator of appeals or another member of the Committee on Infractions then shall be permitted a reasonable time to make its oral presentation. The period of time for the presentation by the institution, involved individual and the Committee on Infractions shall be left to the discretion of the chair of the Infractions Appeals Committee;~~
- (b) ~~The enforcement staff may elect to be represented in person, by a maximum of three persons, and may participate during the appeal oral argument. Any participation by the enforcement staff shall be limited to the opportunity to provide information regarding perceived new information, errors, misstatements and omissions;~~
- (c) ~~If an institution or involved individual appeared before the Committee on Infractions but waived the right to appeal, the institution or involved individual may elect to be present in person and/or by counsel, by a maximum of three persons, as a silent~~

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~~observer during the appeal oral argument before the Infractions Appeals Committee;~~

- ~~(d) If the institution or involved individual elects to appeal in writing only, the Committee on Infractions' written response specific to that written appeal shall be considered without an in-person appearance by a Committee on Infractions representative; and~~
- ~~(e) Consistent with Bylaw 32.11.2, the Infractions Appeals Committee then shall act on the institution's and/or involved individual's appeal, by majority vote of the members of the Infractions Appeals Committee present and voting, and may affirm, reverse or vacate and remand the Committee on Infractions' conclusions of violations and/or prescribed penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed by the Committee on Infractions for violations of NCAA legislation.~~

~~32.12.2 Consideration by Infractions Appeals Committee. The Infractions Appeals Committee shall consider the statements and information presented and, at the discretion of any of its members, may question representatives of the institution, the Committee on Infractions or enforcement staff, as well as any other persons appearing before it, in order to determine the issues related to the appeal. Further, under the direction of the Infractions Appeals Committee, questions and information may be exchanged between and among those individuals present and participating in the appeal oral argument.~~

~~32.12.3 Infractions Appeals Committee -- Determination of Appeal Oral Argument Procedures. The procedure to be followed in the conduct of the appeal oral argument will be determined by the Infractions Appeals Committee, but shall be consistent with the operating policies and procedures that apply to hearings conducted by the Committee on Infractions.~~

~~32.12.4 Decision Final. Any decision in an infractions case by the Infractions Appeals Committee shall be considered final.~~

~~32.12.5 No Further Review. Findings of fact and conclusions of violations arrived at in the foregoing manner by the Committee on Infractions or by the Infractions Appeals Committee, on appeal, shall be final, binding and conclusive and shall not be subject to further review by the Management Council or any other authority.~~

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2023

Additional Information:

The Division II President Council tasked the Division II Implementation Committee to review and combine Bylaws 19 and 32. The bylaws have been merged, reorganized and updated to reflect current practices and remove redundancies.

NO. NC-2023-32 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL
– ACTIVE MEMBERSHIP – ELIMINATION OF DISCIPLINE OF MEMBERS

Intent: To eliminate references to the discipline of members.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

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[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.10 unchanged.]

~~7.3.1.5.11 Discipline of Members. In accordance with directions of the Management Council or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19).~~

[7.3.1.5.12 through 7.3.1.5.24 renumbered as 7.3.1.5.11 through 7.3.1.5.23, unchanged.]

[7.3.1.6 through 7.3.1.9 unchanged.]

[7.3.2 through 7.3.3 unchanged.]

~~7.3.4 Discipline of Active Institutions. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~7.3.4.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention by vote of a majority of the members present and voting.~~

[7.3.5 renumbered as 7.3.4, unchanged.]

7.3.6~~5~~ Conferences.

[7.3.6.1 through 7.3.6.7 renumbered as 7.3.5.1 through 7.3.5.7, unchanged.]

~~7.3.6.8 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be imposed during the period between annual Conventions for a violation(s) of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~7.3.6.8.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a majority vote of the Committee on Infractions present and voting, or at the annual Convention by vote of a majority of the members present and voting.~~

[7.3.6.9 renumbered as 7.3.5.8, unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

This proposal eliminates outdated and/or duplicative references to discipline in the current Bylaws 7, 19 and 32.

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NO. NC-2023-33 PLAYING AND PRACTICE SEASONS – WOMEN'S BEACH VOLLEYBALL – NONCHAMPIONSHIP SEGMENT COMPETITION

Intent: In women's beach volleyball, to permit up to four multiple-day pairs tournaments during the nonchampionship segment.

Bylaws: Amend 17.5, as follows:

17.5 Beach Volleyball.

Regulations for computing the beach volleyball playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1 and Figure 17-2.)

[17.5.1 through 17.5.6 unchanged.]

17.5.7 Number of Contests.

17.5.7.1 Maximum Limitations – Institutional. A member institution shall limit its total playing schedule with outside competition in beach volleyball during the institution's beach volleyball playing season to 16 dates of competition during the segment that ends with a National Collegiate Championship event, and four dates of competition during the nonchampionship segment, except for those dates of competition excluded under Bylaws 17.5.7.3 and 17.5.7.4 (see Bylaw 7.3.1.7.1.3 for minimum contests and participants requirements).

17.5.7.1.1 Pairs Tournament -- Institutional -- Nonchampionship Segment. During the nonchampionship segment, a pairs tournament shall count as a single institutional date of competition, regardless of the number of days during which tournament competition takes place.

17.5.7.1.2 Participation in Multiple Tournaments on the Same Day or Days -- Nonchampionship Segment. During the nonchampionship segment, an institution that participates in multiple pairs tournaments on the same day or days may select any day on which all the tournaments are conducted as one institutional date of competition.

17.5.7.2 Maximum Limitations – Student-Athlete. An individual student-athlete may participate each academic year in 16 dates of competition in beach volleyball during the segment in which a National Collegiate Championship is conducted and four dates of competition during another segment. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.

17.5.7.2.1 Pairs Tournament -- Student-Athlete -- Nonchampionship Segment. During the nonchampionship segment, a pairs tournament shall count as a single date of competition for participating individuals, regardless of the number of days during which tournament competition takes place.

[17.5.7.3 through 17.5.7.4 unchanged.]

[17.5.8 through 17.5.10 unchanged.]

Source: NCAA Division II Management Council (Legislation Committee).

Effective Date: Immediate

Additional Information:

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The requirement that each date of a pairs tournament count as a single date of competition during the nonchampionship segment significantly restricts the competitive opportunities available to women's beach volleyball student-athletes during the nonchampionship segment. In a sport experiencing rapid growth, it is essential that student-athletes who compete only in women's beach volleyball, rather than both women's beach volleyball and women's volleyball, are provided meaningful competitive opportunities during the nonchampionship segment. This proposal would not result in an extension of the women's volleyball playing and practice season, but would only provide additional competition opportunities. Additionally, such a change will align Division II women's beach volleyball programs with their Division I counterparts, which they compete against in the women's beach volleyball National Collegiate Championship.

NO. NC-2023-34 PLAYING AND PRACTICE SEASONS – WATER POLO – NUMBER OF DATES OF COMPETITION – FOUR DATES OF COMPETITION DURING NONCHAMPIONSHIP SEGMENT

Intent: In water polo, to specify that an institution shall limit its total playing schedule with outside competition during the playing season to 21 dates of competition during the segment in which the National Collegiate Championship is conducted and four dates of competition during the nonchampionship segment.

Bylaws: Amend 17.27, as follows:

17.27 Water Polo.

Regulations for computing the men's and women's water polo playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1 and Figure 17-2.)

[17.27.1 through 17.27.4 unchanged.]

17.27.5 Number of Dates of Competition.

17.27.5.1 Maximum Limitations -- Institutional. A member institution shall limit its total playing schedule with outside competition during the institution's water polo playing season to 21 dates of competition **during the segment in which the National Collegiate Championship is conducted and four dates of competition during the nonchampionship segment**, except for those dates of competition excluded under Bylaws 17.27.5.3 and 17.27.5.4.

[17.27.5.1.1 unchanged.]

17.27.5.2 Maximum Limitations -- Student-Athlete. An individual student-athlete may participate in each academic year in not more than 21 dates of competition in water polo **during the segment in which the National Collegiate Championship is conducted and four dates of competition during the nonchampionship segment**. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.

[17.27.5.3 through 17.27.5.4 unchanged.]

[17.27.6 through 17.27.9 unchanged.]

Source: NCAA Division II Management Council (Legislation Committee).

Effective Date: Immediate

Additional Information:

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Currently, an institution is permitted 21 dates of competition, which may be divided between the championship and nonchampionship segments. Under the current legislation, programs are struggling to establish a competitive championship segment while also saving playing dates to help develop student-athletes in the nonchampionship segment. This proposal would enhance the student-athlete experience and the development of student-athletes in the nonchampionship segment. Additionally, such a change will align Division II water polo programs with their Division I counterparts, which they compete against in the water polo National Collegiate Championship.

NO. NC-2023-35 RECRUITING -- PUBLICITY -- MEDIA RELEASE REGARDING SIGNING

Intent: To eliminate the requirement that, prior to an institution publicly commenting on a prospective student-athlete's commitment, a prospective student-athlete must provide the institution with their financial deposit in response to the institution's offer of admission; further, to specify that after an institution receives a prospective student-athlete's signed written offer of admission and/or financial aid, an institution may publicly comment on a prospective student-athlete's commitment.

Bylaws: Amend 13.10, as follows:

13.10 Publicity.

[13.10.1 unchanged.]

13.10.2 Comments Prior to Signing. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's **receives the prospective student-athlete's signed** written offer of admission and/or financial aid ~~or the institution has received their financial deposit in response to its offer of admission~~, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. [See Bylaws 13.1.3.3.1 and 13.4.4.]. [D]

[13.10.2.1 through 13.10.2.3 unchanged.]

[13.10.3 unchanged.]

13.10.4 Media Release Regarding Signing. Publicity released by an institution concerning a prospective student-athlete's commitment to attend the institution shall occur only after the prospective student-athlete has signed a National Letter of Intent or after the **institution receives the** prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid ~~or after the institution has received their financial deposit in response to its offer of admission~~. Such communications, which are not limited in number or content, may be released to media outlets at the institution's discretion. [D]

[13.10.4.1 unchanged.]

Source: NCAA Division II Management Council.

Effective Date: Immediate

Additional Information:

This proposal would streamline the process of confirming permissibility for a media release for prospective student-athletes that will not be receiving athletics aid. It will provide a better experience for those prospective student-athletes, more comparable to the experience of those that sign a National Letter of Intent and create a more positive connection with the institution. This may reduce the financial burden for

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nonscholarship prospective student-athletes by not requiring the financial deposit requirement for publication.

NO. NC-2023-36 RECRUITING – PUBLICITY – COMMENTS PRIOR TO SIGNING -- ANNOUNCER FOR HIGH SCHOOL BROADCAST

Intent: To permit conference office personnel to serve as an announcer or commentator for high school, college-preparatory school or two-year college contest or appear on a radio or television broadcast of such a contest.

Bylaws: Amend 13.10, as follows:

13.10 Publicity.

[13.10.1 unchanged.]

13.10.2 Comments Prior to Signing. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid or the institution has received their financial deposit in response to its offer of admission, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. [See Bylaws 13.1.3.3.1 and 13.4.4]. [D]

[13.10.2.1 through 13.10.2.2 unchanged.]

13.10.2.3 Announcer for High School Broadcast. A member of an institution's coaching staff ~~and conference office personnel~~ may not serve as an announcer or commentator for a high school, college-preparatory school or two-year college contest, or appear (in person or by means of film, audiotape or videotape) on a radio or television broadcast of such contest in the staff member's sport during any time that the staff member is under contract with the member institution. This restriction does not apply to contests involving national teams in which prospective student-athletes may be participants, including the Olympic or Paralympic Games. [D]

[13.10.3 through 13.10.4 unchanged.]

Source: NCAA Division II Management Council.

Effective Date: Immediate

Additional Information:

Under current legislation, conference office personnel are prohibited from serving as an announcer or commentator for a high school, college-preparatory school or two-year college contest or appearing on a radio or television broadcast of such contest. This proposal would provide conference office personnel the opportunity to support their local communities as well as to increase their supplemental income. Conference office personnel that do not have coaching responsibilities should also be permitted to be an announcer for a high school broadcast, like institutional staff member without any coaching responsibilities.

Appendix B

Convention Voting Procedures

The following terms and procedures involved in voting at NCAA Conventions have been reviewed by the Association's parliamentarian.

Significant Terms

1. **Vote Announcement** - After a paddle, roll-call or secret ballot vote, the chair announces the vote and states whether the motion passed or failed.
2. **Retake a Vote** - A retake occurs when a paddle vote is taken again or when a paddle vote is counted. A retake may occur before the statement of the next question. After the statement of the next question, a motion to reconsider must be used to retake a vote. During a retake, voters may change their votes and new eligible voters may participate. A retake motion would be considered dilatory and, therefore, denied after a roll-call vote and out of order after a secret-ballot vote unless it is clear that the question was misunderstood or that fraud had occurred.
3. **Change a Vote** - In a paddle vote, a vote may be changed if a retake occurs or by rising for that purpose before the result is announced by the chair. After the announcement of the vote, but before the next question is stated, a change may be made only by permission of the assembly by a majority vote after a nondebatable motion. In a roll-call vote, a change may occur before closing the polls or the polls may be reopened to change a vote before the statement of the next question. In a secret-ballot vote, no change may be made once the ballot is cast. After the statement of the next question following a roll-call vote and after a vote is cast in a secret ballot, a vote change can occur only through a successful motion to reconsider.
4. **Recount a Vote** - This applies only to a secret-ballot vote. The ballots simply are counted again as cast and can be ordered only by a majority vote of the assembly.
5. **Closing the Polls** - For roll-call and secret-ballot votes, the polls are opened when the chair calls for the vote. When the chair has ascertained that all who so desire have voted or have changed their votes, the chair will state that the polls are closed. If there is disagreement on closing the polls, they may be closed by a two-thirds vote on a nondebatable motion to do so. Once the polls are closed, the polls may be reopened before the statement of the next question by majority vote on a nondebatable motion to do so. Once the polls are closed, however, the chair will move to the next item on the agenda.
6. **Statement of Next Question** - When a new motion is made and seconded, the chair will announce that "The motion before you is.... Is there any discussion?" This is the statement of the next question and ends the opportunity to retake a vote or reopen the polls in regard to the preceding question.
7. **Reconsideration** - After the statement of the next question, only one motion to reconsider any foregoing question may be made before adjournment of the Convention by any member that voted on the prevailing side in the original consideration. Reconsideration of a vote taken in a division or subdivision business session must occur in that division's or subdivision's business session, except that such reconsideration also may occur during a designated period at the beginning of the general business session.

Voting Procedures

1. Paddle Voting

- a. The chair calls for a vote by paddles, and determines the result by sound or sight from the dais.
- b. The chair may retake the vote if there is doubt.
- c. The chair must have the vote counted if requested by a voting delegate. The chair also may choose to retake a paddle vote and have it counted by hand or by the wireless voting system.
- d. During a retake, new voters may participate or votes may be changed. Vote changes also may occur before the result is announced by the chair.
- e. A retake will not be permitted after the next question has been stated. A request to retake a counted vote will be regarded as dilatory by the chair and will not be allowed.

2. Roll-Call Voting (by Wireless Voting System)

- a. A roll-call vote may be designated by the Presidents Council or ordered by a majority of the voters, following a nondebatable motion to vote in that manner. If both a secret-ballot and a roll-call vote are moved, the assembly votes first on whether or not to vote by roll call. A motion to conduct a secret ballot on an issue designated for roll call by the Presidents Councils will be considered out of order.
- b. Once ordered, the chair shall call for a roll-call vote by use of wireless voting system.
- c. The chair shall determine if everyone who wishes to has voted, or if anyone wishes to change a vote. When it appears that all ballots have been cast, the chair shall state that polls are closed.
- d. The chair will move to the next available item on the agenda while votes are being tallied. No new votes, changes or corrections to the prior question are permitted unless the polls are reopened, and such a motion will be out of order after the next question is stated by the chair. Once the new question is stated by the chair, the only way to return to any foregoing question is by reconsideration, and only one motion for reconsideration of a given item is permitted.
- e. Abstentions will not be counted in the determination of a majority.

3. Ballot Voting (Secret Ballot)

- a. A secret ballot may be ordered by the assembly before, during or after any ordinary vote (but before the next question is stated) by a majority vote on a nondebatable motion to do so.
- b. Once ordered, the chair shall ask for the vote by wireless voting system. Votes will be tallied electronically, but only a summary printout of results will be reported.
- c. After the chair determines that all who wish to vote have voted, the polls shall be closed. A vote change shall not be permitted once the vote is cast.
- d. The chair will move to the next available item on the agenda while votes are being tallied. Once the next question is stated by the chair, the polls may not be reopened for a new vote on the prior issue.
- e. Abstentions will not be counted in the total for determination of a majority.

Appendix C

NCAA Governance Structure

Board of Governors

Chair - Linda A. Livingstone

Div.	Name, Institution	Conference	Term Exp.
FBS	Jere Morehead, University of Georgia	Southeastern Conference	AUG 2023
FBS	Linda A. Livingstone, Baylor University	Big 12 Conference	AUG 2024
FCS	Elizabeth E. DeBauche, Ohio Valley Conference	Ohio Valley Conference	AUG 2024
FCS	Javaune Adams-Gaston, Norfolk State University*	Mid-Eastern Athletic Conference	AUG 2024
DI	John DeGioia, Georgetown University	Big East Conference	AUG 2023
I	Bryce Choate, Oral Roberts University*	The Summit League	AUG 2023
II	Jim Johnson, Pittsburg State University*	Mid-America Intercollegiate Athletics Association	JAN 2023
II	Madeleine McKenna, Pennsylvania Western University, California	Pennsylvania State Athletic Conference	AUG 2024
II	Steven Shirley, Minot State University	Northern Sun Intercollegiate Conference	AUG 2023
III	Michelle Morgan, John Carroll University*	Ohio Athletic Conference	JAN 2023
III	Isaiah Swann, University of Texas at Dallas*	American Southwest Conference	AUG 2024
III	Mary Beth Cooper, Springfield College	New England Women's and Men's Athletic Conference	AUG 2024
Independent	Grant Hill, Atlanta Hawks		AUG 2023
Independent	Nadja West, Independent		AUG 2024
Independent	Mark Emmert*		

*Ex Officio Member

NCAA Staff Liaisons:
Stephanie Quigg, Cari Van Senus

SUPPLEMENT NO. 2

Division II Presidents Council

Chair - Steven Shirley

Name, Institution	Term Exp.
Roslyn Artis, Benedict College	JAN 2028
Michaela Boyd, Palm Beach Atlantic University	JAN 2025
Carlos Campo, Ashland University	JAN 2026
Davaris Cheeks, Concordia University, St. Paul	JAN 2025
Michael Driscoll, Indiana University of Pennsylvania	JAN 2024
John Y. Gotanda, Hawaii Pacific University	JAN 2026
Donna Price-Henry, The University of Virginia's College at Wise	JAN 2026
Gayle E. Hutchinson, California State University, Chico	JAN 2023
Colleen Perry Keith, Goldey-Beacom College	JAN 2026
Steven Shirley, Minot State University	JAN 2025
William Thierfelder, Belmont Abbey College	JAN 2024
Blake Thompson, Mississippi College	JAN 2027
Dwaun Warmack, Claflin University	JAN 2028
Sandra Woodley, University of Texas Permian Basin	JAN 2027
Frank Wu, Queens College (New York)	JAN 2028

NCAA Staff Liaisons:

Terri M. Steeb Gronau, Vice President for Division II

Maritza S. Jones, Managing Director of Division II

Ryan Jones, Director of Division II

Chelsea Hooks, Associate Director of Academic and Membership Affairs

Angela Red, Associate Director of Academic and Membership Affairs

Jordan Lysiak, Assistant Director of Academic and Membership Affairs

Jill Waddell, Executive Assistant for Division II

SUPPLEMENT NO. 2

Division II Management Council

Chair - Jim Johnson

Name, Institution	Term Exp.
Curtis Campbell, Morehouse College	JAN 2027
Brenda Cates, University of Mount Olive	JAN 2024
Teresa Clark, Cedarville University	JAN 2023
Marcus Clarke, Central Intercollegiate Athletic Association	JAN 2025
Mark A. Corino, Caldwell University	JAN 2024
Robert Dranoff, East Coast Conference	JAN 2023
Laura L. Clayton Eady, University of West Georgia	JAN 2023
Courtney Lovely Evans, Palm Beach Atlantic University	JAN 2023
Marty Gilbert, Mars Hill University	JAN 2023
David Hansburg, Colorado School of Mines	JAN 2026
Theresa Hanson, Simon Fraser University	JAN 2027
Amy Henkelman, Dominican University of California	JAN 2025
Jim Johnson, Pittsburg State University	JAN 2023
Kristi Kiefer, Fairmont State University	JAN 2024
David B. Kuhlmeier, Valdosta State University	JAN 2023
Erin Lind, Northern Sun Intercollegiate Conference	JAN 2026
Grace Martin, West Virginia State University	JAN 2023
Daniel McCabe, Adelphi University	JAN 2025
Carrie Michaels, Shippensburg University of Pennsylvania	JAN 2024
Sandee Mott, Texas Woman's University	JAN 2026
John 'Bo' Pagliasotti, Southwestern Oklahoma State University	JAN 2026
Julie Rochester, Northern Michigan University	JAN 2023
Corbin Thaete, California State University, San Marcos	JAN 2024
Cameron Trudell, Great Lakes Intercollegiate Athletic Conference	JAN 2026
Christina Whetsel, Augusta University	JAN 2026
Jerry Wollmering, Truman State University	JAN 2024

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Jill Waddell, Executive Assistant for Division II

2023 NCAA CONVENTION – DIVISION II BUSINESS SESSION

Official Notice No. (SPOPL No.)	Title	Effective Date	Presidents Council Position (Source)	Speaker (Back-Up)	Topical Grouping	Type of Vote	FARA Position	SAAC Position	Notes
Consent Package				Johnson					
2023-1 (2-2)	NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL – ACTIVE MEMBERSHIP – INSTITUTIONS – CONDITIONS AND OBLIGATIONS OF ACTIVE MEMBERSHIP – FINANCIAL DATA REQUIREMENT – PENALTY FOR FAILURE TO SUBMIT FINANCIAL DATA	August 1, 2025, for implementation of the penalty for failure to submit the data.	NCAA Division II Presidents Council [Management Council (Membership Committee)].	(Dranoff)	Consent Package	Paddle	No position	Support	
2023-2 (2-3)	NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL – ACTIVE MEMBERSHIP – INSTITUTIONS – CONDITIONS AND OBLIGATIONS OF ACTIVE MEMBERSHIP – ELIMINATION OF SELF-STUDY AND EVALUATION	August 1, 2023.	NCAA Division II Presidents Council [Management Council (Implementation Committee)].	(Murphy)	Consent Package	Paddle	Support	Support	
2023-3 (2-5)	LEGISLATIVE PROCESS -- AMENDMENT PROCESS -- NOTIFICATION TO MEMBERSHIP -- ELIMINATION OF INITIAL PUBLICATION AND SECOND PUBLICATION -- TIMING OF OFFICIAL NOTICE	August 1, 2023, for proposals submitted for the 2024 NCAA Convention.	NCAA Division II Presidents Council [Management Council (Implementation Committee)].	(Gilbert)	Consent Package	Paddle	No position	Support	
2023-4 (2-10)	ELIGIBILITY – FRESHMAN ACADEMIC REQUIREMENTS – ELIMINATION OF STANDARDIZED TEST–SCORE REQUIREMENTS (SAT OR ACT)	August 1, 2023, for student-athletes initially enrolling full-time at a collegiate institution on or after August 1, 2023.	NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].	(McCabe)	Consent Package	Paddle	Support	Support	
2023-5 (2-12)	EXECUTIVE REGULATIONS – ADMINISTRATION OF NCAA CHAMPIONSHIPS – AVAILABILITY OF ALCOHOLIC BEVERAGES AT DIVISION II CHAMPIONSHIPS	August 1, 2023.	NCAA Division II Presidents Council [Management Council (Implementation Committee)].	(Michaels)	Consent Package	Paddle	No position	Support	

Official Notice No. (SPOPL No.)	Title	Effective Date	Presidents Council Position (Source)	Speaker (Back-Up)	Topical Grouping	Type of Vote	FARA Position	SAAC Position	Notes
2023-6 (2-1)	NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL, FINANCIAL AID AND PLAYING AND PRACTICE SEASONS – EMERGING SPORTS FOR WOMEN – STUNT	August 1, 2023.	NCAA Division II Presidents Council [Management Council (Committee on Women’s Athletics)].	TBD	Emerging Sport for Women	Paddle	Support	Support	One vote on the proposal – merits.
2023-7 (2-4)	DIVISION II ORGANIZATIONAL STRUCTURE – PRESIDENTS COUNCIL – MANAGEMENT COUNCIL – ADMINISTRATIVE COMMITTEE – PLANNING AND FINANCE COMMITTEE	Sections A, B, C, D, F: February 1, 2024. Section E: August 1, 2023.	NCAA Division II Presidents Council [Management Council (Implementation Committee)].	President Keith (Graham)	Organizational Structure	Roll-call	Support	Support	
2023-8 (2-6)	AMATEURISM -- VARIOUS BYLAWS -- DEFINITION OF AGENT AND USE OF AGENTS	August 1, 2023.	NCAA Division II Presidents Council [Management Council (Implementation Committee)].	Gilbert	Amateurism	Roll-call	Support	Support	One vote on the proposal – merits.
2023-9 (2-7)	RECRUITING AND PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING-SEASON REGULATIONS -- TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES -- WEEKLY HOUR LIMITATIONS -- OUTSIDE OF PLAYING SEASON -- SUMMER ACCESS -- VOLUNTARY WORKOUTS FOR TEAM SPORTS	Immediate.	Great Lakes Intercollegiate Athletic Conference and Mid-America Intercollegiate Athletics Association	Lovely-Evans	Recruiting	Roll-call	Oppose	Oppose	<i>Membership-sponsored proposal</i> Two votes on the proposal – effective date, followed by merits. <i>Committee on Competitive Safeguards and Medical Aspects of Sports agreed to take <u>no position</u> on this proposal.</i> <i>Presidents Council, Management Council and Legislation Committee agreed to <u>oppose</u> this proposal.</i>

Official Notice No. (SPOPL No.)	Title	Effective Date	Presidents Council Position (Source)	Speaker (Back-Up)	Topical Grouping	Type of Vote	FARA Position	SAAC Position	Notes
2023-10 (2-8)	ELIGIBILITY AND PLAYING AND PRACTICE SEASONS -- SEASONS OF COMPETITION: 10-SEMESTER/15-QUARTER RULE AND FOOTBALL -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY AND OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- EXCEPTION -- COMPETITION IN THE NONCHAMPIONSHIP SEGMENT AND SPRING PRACTICE -- SCRIMMAGE AGAINST A FOUR-YEAR COLLEGIATE INSTITUTION	Immediate.	Great American Conference, Great Lakes Intercollegiate Athletic Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association, and South Atlantic Conference.	None	Eligibility	Roll-call	No position	Support	<i>Football only vote.</i> <i>Membership-sponsored proposal</i> Two votes on the proposal – effective date, followed by merits. <i>Presidents Council, Management Council, Committee on Competitive Safeguards and Medical Aspects of Sports and Legislation Committee agreed to take <u>no position</u> on this proposal.</i> <i>Football Committee agreed to <u>support</u> this proposal.</i>
2023-11 (2-9)	ELIGIBILITY -- SEASONS OF COMPETITION: 10-SEMESTER/15-QUARTER RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- MINIMUM AMOUNT OF COMPETITION -- UP TO THREE CONTESTS -- FOOTBALL	August 1, 2023.	Great Lakes Intercollegiate Athletic Conference, Great Lakes Valley Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association, Rocky Mountain Athletic Conference and South Atlantic Conference.	None.	Eligibility	Roll-call	Support	Support	<i>Football only vote.</i> <i>Membership-sponsored proposal</i> One vote on the proposal – merits. <i>Committee on Competitive Safeguards and Medical Aspects of Sports and Committee on Student-Athlete Reinstatement agreed to take <u>no position</u> on this proposal.</i> <i>Football Committee agreed to <u>support</u> this proposal.</i> <i>Legislation Committee agreed to <u>oppose</u> the proposal.</i>

2023-12 (2-11)	PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING-SEASON REGULATIONS AND BASKETBALL -- BASKETBALL FIRST PERMISSIBLE PRACTICE DATE	August 1, 2023.	Great American Conference, Gulf South Conference and Northern Sun Intercollegiate Conference.	None	Playing and Practice Seasons	Roll-call	Support	Support	<i>Membership-sponsored proposal</i> One vote on the proposal – merits. <i>Presidents Council, Management Council and Committee on Competitive Safeguards and Medical Aspects of Sports agreed to take <u>no position</u> on this proposal.</i> <i>Men’s Basketball and Women’s Basketball Committees agreed to <u>support</u> this proposal.</i> <i>Legislation Committee and Volleyball Committee agreed to <u>oppose</u> this proposal.</i>

2023 NCAA Convention Procedural Issues and Clarifications
Regarding NCAA Division II Proposals

1. Corrections. There are no corrections to the 2023 NCAA Convention Division II Official Notice.
2. Reordering of proposals. There are no reordering issues at this time.
3. Withdrawal issues. There are no withdrawal issues at this time.
4. Mootnicity issues. There are no mootnicity issues at this time.
5. Immediate effective date. The following proposals have an immediate effective date. The effective date must be considered first, followed by a vote on the merits of the proposal. The vote on the effective date requires a two-thirds vote to pass and will be done by paddle. If the immediate effective date is defeated and the proposal is adopted, the effective date will be August 1, 2023.
 - a. Proposal No. 2023-9.
 - b. Proposal No. 2023-10.
6. Alternate effective date. There are no proposals that have an alternate effective date, prior to August 1, 2023.
7. Delayed effective date. The following proposals have a delayed effective date.
 - a. Proposal No. 2023-1 (August 1, 2025, for implementation of the penalty for failure to submit the data).
 - b. Proposal No. 2023-7 [February 1, 2024, for Sections A, B and F (see Item No. 10 below)].
8. Football only votes. The following proposals affect only football. Only those institutions and conferences that sponsor football may vote on these proposals. However, any delegates with speaking rights may speak to the proposals on the Convention floor.
 - a. Proposal No. 2023-10.
 - b. Proposal No. 2023-11.
9. Interpretations. There are no official interpretations of the proposals at this time.
10. Noncontroversial legislation amendments. The NCAA Division II Presidents Council adopted the following noncontroversial proposal.

- **Noncontroversial Proposal to Amend Proposal No. 2023-7 (Division II Organizational Structure – Presidents Council – Management Council – Administrative Committee – Planning and Finance Committee), Page Nos. 23-31.** The Presidents Council has adopted the following noncontroversial proposal to amend Proposal No. 2023-7 (Division II Organizational Structure – Presidents Council – Management Council – Administrative Committee – Planning and Finance Committee). The noncontroversial proposal will amend the effective date for Sections C (Management Council composition) and D (Management Council duties and responsibilities) from August 1, 2023, to February 1, 2024.
11. Motion to divide a proposal. A voting delegate may "divide" a properly moved proposal into two or more parts to be voted on separately only if the parts make sense as they stand alone and only if each part may be adopted without any of the others.
- a. A voting delegate may make a motion to divide a proposal after it is properly moved and seconded.
 - b. A motion to divide a proposal:
 - (1) Requires the delegate making the motion to clearly articulate the division;
 - (2) Requires a second;
 - (3) Is a debatable motion; and
 - (4) Requires a simple majority for adoption.
 - c. The chair of the business session will facilitate a motion to divide a proposal.
12. Reconsideration of a proposal. A "window of reconsideration" is available to delegates at the end of the business session following a brief break to reconsider the outcome of a particular vote on a proposal. A motion to "reconsider" a proposal should only be made during this period.
- a. A voting delegate on the prevailing side of the vote on a proposal may make a motion to reconsider a proposal.
 - b. The chair of the business session will facilitate the reconsideration of a proposal.
 - c. The first vote is on the motion to reconsider the outcome (pass or fail) of a proposal and is a debatable motion. Motions to reconsider the outcome (pass or fail) of a proposal require a majority approval. If the motion to reconsider is approved, the delegates may debate the merits of the proposal and will vote on whether the proposal should be adopted or defeated.

- d. Delegates with speaking rights may only speak to the merits of a particular proposal twice. For example, if a delegate spoke once on the merits during the original consideration of the proposal, the delegate may only speak once on the merits of the proposal during reconsideration of the proposal.

If a voting delegate has any questions regarding the reconsideration of a proposal, representatives from the NCAA Division II Membership Committee will be available during the "window of reconsideration."

**2023 NCAA Convention
Procedural Issues Reminders**

1. Motion to pull proposal from consent package (does not require a second).
 - a. Proposal is removed on request (no debate and no vote are necessary).
 - b. If proposal pulled from the consent package has an immediate effective date, it will require a separate vote (two-thirds vote required for an immediate effective date).
2. Motion to divide proposal.
 - a. Individual making the motion must clearly articulate the division.
 - b. Requires a second.
 - c. A motion to divide a proposal is a debatable motion.
 - d. Requires a simple majority.
 - e. Vote may be done by paddle, even if the merits of the proposal will be voted on by roll call.
4. Motion to challenge (or appeal) the ruling by the chair (e.g., "I appeal the decision of the chair.").
 - a. A motion to appeal must be seconded and is debatable.
 - b. During such an appeal, each delegate may speak only once, except the chair, who speaks twice - once to begin the debate and once at the end to explain the ruling and/or rebut any comments made by the delegates.
 - c. The question is "Shall the decision of the chair be sustained?"
 - d. A 50-percent vote to affirm (a tie vote affirms the ruling of the chair).
 - e. A majority in the negative overturns the ruling of the chair.
5. Motion to reconsider proposal ("mationer" must be on prevailing side to make this motion; "seconder" is not required to be on the prevailing side).
 - a. We have set aside a "window of reconsideration" at the end of the business session, and such motions should be delayed until that point.

- b. The first vote will be on the motion to reconsider.
 - (1) A motion to reconsider is a debatable motion.
 - (2) Requires a simple majority.
 - (3) If the motion is successful, a vote must first be taken on the immediate/alternate effective date (if the effective date is different than August 1 of the convention year), followed by a vote on the merits of the proposal.
 - (4) If the motion to reconsider is successful, debate on the merits of the proposal may begin immediately after the vote to reconsider.
- c. If the proposal was originally voted on by roll call vote, all subsequent votes must be done by roll call (e.g., motion to reconsider, second vote on the merits), except the vote on the immediate or alternate effective date, which can be done by paddle vote.
- d. The delegates may only reconsider a proposal one time during the window of reconsideration.
- e. Delegates with speaking rights may only speak to the merits of a particular proposal twice. For example, if a delegate spoke once on the merits during the original consideration of the proposal, the delegate may only speak once on the merits of the proposal during reconsideration of the proposal.
 - The opportunity to speak twice on the merits of a proposal is separate and distinct from a delegate's opportunity to speak to whether a proposal should be reconsidered. A delegate may speak twice to the merits of a particular proposal and twice as to whether a proposal should be reconsidered.
- f. The process used for reconsideration of an amendment-to-amendment.

[Note: Not applicable during the 2023 NCAA Division II Convention business session Saturday, January 14, as there are no amendments-to amendments.]

 - (1) If the proposal and the amendment-to-amendment both pass, reconsideration is on both with the amendment-to-amendment considered first.

- (2) If the amendment-to-amendment passed, anyone wishing to reconsider the amendment must move reconsideration of the main proposal as amended (see above).
 - g. If the amendment-to-amendment failed and the main proposal passed, the amendment-to-amendment can be reconsidered during the window of reconsideration.
 - (1) If the amendment-to-amendment then passes, the main proposal, as now amended, should be brought back before the delegates for action.
 - (2) If the main proposal failed (whether amended or not), it can be reconsidered. If the motion to reconsider the main proposal passes and it is back before the delegates, it would be in order for a member to move reconsideration of the amendment-to-amendment. The amendment-to-amendment is considered first and then the main proposal is finally dealt with.
- 6. Immediate effective date and alternate effective date (prior to August 1, 2023) votes.
 - a. Requires two-thirds vote to pass.
 - b. Vote may be done by paddle vote, even though it is a roll call proposal.
- 7. Abstention votes.
 - a. Treated as present and voting.
 - b. Not counted for majority or two-thirds vote requirement (only "yes" and "no" votes tallied).
- 8. Calling for the question on a motion (or the motion "previous question").
 - a. Is not a debatable question.
 - b. Requires two-thirds vote to "cut off" debate.
 - c. Vote can be done by paddle.

- d. Chair should take the vote immediately, even if there are delegates at the microphones to speak to the motion.
- 9. Motion for "secret ballot."
 - a. Is not a debatable motion.
 - b. Requires a simple majority.
 - c. A motion to conduct a secret ballot on an issue designated for roll call by the NCAA Division II Presidents Council will be considered out of order (2023 NCAA Convention Division II Official Notice, Page No. 308, Subsection 3).



2023 NCAA Convention Division II Legislative Proposals
Question and Answer Guide

(Last Updated: December 8, 2022)

Please note this is the final edition of the 2023 NCAA Convention Division II Legislative Proposals Question and Answer Guide. A hard-copy version of the guide will not be distributed at the Convention in San Antonio, Texas. The delegates should plan accordingly.

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Question No. 1: What is the current legislation?

Answer: Currently, under NCAA Constitution 2-D-1-(c), institutions are required to submit annually to the division, and the NCAA, financial data determined by the division detailing operating revenues, expenses and capital relating to the institution's intercollegiate athletics program.

Question No. 2: How will active Division II institutions submit the annual financial data?

Answer: All data must be submitted via the NCAA Member Financial Reporting System (MFRS) to satisfy the annual requirement.

Question No. 3: If adopted, how will this proposal change the current legislation?

Answer: If adopted, this proposal will establish a penalty for those active Division II institutions that fail to submit its financial data by January 15.

Question No. 4: If adopted, what will be the penalty for active Division II institutions that fail to submit its financial data?

Answer: Active Division II institutions that fail to submit its financial data via the MFRS shall forfeit Division II Institutional Equal Distribution Funds for the following academic year.

Question No. 5: If adopted, will the data collected still be made available to Division II institutions and conferences?

Answer: Yes. The financial data will be made available within the Institutional Performance Program (IPP).

NCAA Division II Proposal No. 2023-2 (No. 2-3) – NCAA Division II Membership and Institutional Control – Active Membership – Institutions – Conditions and Obligations of Active Membership – Elimination of Self-Study and Evaluation.

Question No. 1: What is the current legislation?

Answer: Currently, active Division II institutions are required to conduct a comprehensive self-study and evaluation of their intercollegiate athletics program at least once every five years, using the Institutional Self-Study Guide (ISSG) to facilitate the process.

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, active Division II institutions will no longer be required to complete the ISSG.

Question No. 3: If adopted, is the submission of the ISSG still required as part of the Division II provisional membership process?

Answer: Yes.

Question No. 4: If adopted, will the NCAA Division II Membership Committee consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies?

Answer: Yes.

NCAA Division II Proposal No. 2023-3 (No. 2-5) – Legislative Process – Amendment Process – Notification to Membership – Elimination of Initial Publication and Second Publication – Timing of Official Notice.

Question No. 1: What is the current legislation?

Answer: Currently, the Division II legislative process is as follows:

- Submission of membership-sponsored proposals by July 15;
- Release of the Initial Publication of Proposed Legislation (IPOPL) by August 15;
- Submission of NCAA Division II Presidents Council proposals by September 1;
- End of the sponsor modification period for membership-sponsored proposals on September 15;
- Release of the Second Publication of Proposed Legislation (SPOPL) by September 23;
- Amendment-to-amendment period from September 23 to November 1;
- Committees provide feedback on membership-sponsored proposals by October 7; and
- Release of the Official Notice by November 15.

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, this proposal will eliminate the IPOPL and SPOPL and amend the release date of the Official Notice to be not later than December 10.

The Division II legislative process would become as follows:

- Submission of membership-sponsored proposals by July 15;
- Submission of Presidents Council proposals by September 1;
- End of the sponsor modification period for membership-sponsored proposals on September 15;
- Amendment-to-amendment period from September 23 to November 1;
- Committees provide feedback on membership-sponsored proposals by October 7; and
- Release of the Official Notice not later than December 10.

Question No. 3: If adopted, will educational resources related to the proposals continue to be released annually?

Answer: Yes. NCAA staff will provide the proposals and other educational resources (e.g., Question and Answer Guide, voiceover recording) to the Division II membership in the late fall time period.

NCAA Division II Proposal No. 2023-4 (No. 2-10) – Eligibility – Freshman Academic Requirements – Elimination of Standardized Test-Score Requirements (SAT or ACT).

Question No. 1: What is the current legislation for NCAA initial eligibility certification?

Answer: Currently, standardized test scores are required for initial-eligibility certification; however, this requirement was waived as part of the COVID-19 alternative initial-eligibility standards for students who initially enroll full-time in the 2020-21, 2021-22, 2022-23 or 2023-24 academic years.

Question No. 2: If adopted, what would be the new legislated Division II initial-eligibility standards?

Answer: If adopted, the new requirements would be as follows:

Division II Initial-Eligibility Requirements	
Early Academic Qualifier Athletics aid, practice, and competition.	Pre-7th Semester: • 14 core-course units in the required subject areas; and • At least a 2.500 core-course GPA.
Qualifier Athletics aid, practice, and competition.	Complete Academic Record: • 16 core-course units in the required subject areas; • At least a 2.200 core-course GPA; and • Proof of graduation.
Partial Qualifier Athletics aid and practice.	Does not meet requirements to be a Qualifier.

Question No. 3: If adopted, what is the effective date of this proposal?

Answer: If adopted, this proposal would apply to students who initially enroll full-time in a collegiate institution on or after August 1, 2023.

Question No. 4: Does this proposal include other Division II policies related to pass/fail grades, unofficial documents, and nontraditional courses?

Answer: No.

Question No. 5: If adopted, can institutions still submit initial-eligibility waivers for students who do not meet the new legislated initial-eligibility standards?

Answer: Yes.

Question No. 6: If adopted, will this proposal impact the admissions requirements set by individual institutions?

Answer: No. This proposal is specific to Division II initial-eligibility requirements, which are separate and distinct from admissions requirements that are determined and maintained by individual member institutions.

NCAA Division II Proposal No. 2023-5 (No. 2-12) – Executive Regulations – Administration of NCAA Championships – Availability of Alcoholic Beverages at Division II Championships.

Question No. 1: What is the current legislation?

Answer: Currently, at Division II championships, alcoholic beverages shall not be sold or otherwise made available for public consumption at any championship event sponsored by or administered by the Association, nor shall any such beverages be brought to the site during the championship (i.e., during the period from the time access to the site is available to spectators until all patrons have left the facility or area used for competition).

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, this proposal will eliminate the restrictions on the availability to sell alcohol at Division II championships.

Question No. 3: If adopted, will hosts be required to sell alcohol at the Division II championship?

Answer: No.

Question No. 4: If adopted, will hosts be permitted to sell alcohol at all rounds of the Division II championship or is this change applicable to final sites only?

Answer: Hosts will be permitted to sell alcohol at all rounds of the Division II championship.

Question No. 5: If adopted, will there be any restrictions in place on what type of alcohol will be available at a championship venue?

Answer: Yes. Hard liquor would only be permitted in designated suites and hospitality areas.

NCAA Division II Proposal No. 2023-6 (No. 2-1) – NCAA Division II Membership and Institutional Control, Financial Aid and Playing and Practice Seasons – Emerging Sports for Women – Stunt.

Question No. 1: What is an emerging sport?

Answer: An emerging sport is a women's sport recognized by the NCAA that is intended to help schools provide more athletics opportunities for women and see if the sport grows to championship level. The NCAA Committee on Women's Athletics is charged with identifying and managing progress of emerging sports for women. Additional information about the NCAA emerging sport for women program, including the policies and procedures, is located through:

<http://www.ncaa.org/about/resources/inclusion/emerging-sports-women>.

When the NCAA adopted the recommendations of the Gender-Equity Task Force in 1994, one of the recommendations was the creation of the list of emerging sports for women. Nine sports were on that first list. Since then, some have become championship sports (rowing, ice hockey, water polo, beach volleyball and bowling), while others have been added to the list. Any sport, with proper documented support, can self-identify as an emerging sport and begin the process to be part of the emerging sport for women program.

Question No. 2: How long may a sport be identified as an emerging sport?

Answer: NCAA bylaws require that emerging sports must gain championship status within 10 years or show steady progress toward that goal to remain on the list.

Question No. 3: How many institutions must sponsor an emerging sport for it to gain championship status?

Answer: A National Collegiate Championship or division championship may be established if 40 institutions sponsor the sport at the varsity level.

Question No. 4: May an emerging sport be used to satisfy sport sponsorship requirements?

Answer: A Division II institution may use emerging sports to meet the NCAA membership minimum sports-sponsorship requirements, provided minimum contests and participants requirements are met.

Question No. 5: What are the minimum number of participants and contests required for an institution to use stunt for sport sponsorship?

Answer: An institution must complete at least eight contests against varsity programs from four-year, degree-granting collegiate institutions. In addition, the

institution must have at least a minimum of 16 participants in each contest that is counted toward meeting the minimum-contests requirements. The minimum participant requirement for a team sport is added for the safety of the student-athlete because of the impact of training and meeting skill requirements of events.

Question No. 6: What is the proposed championship segment for stunt?

Answer: Spring.

Question No. 7: Are all three divisions considering proposals to add stunt to the emerging sports list for women?

Answer: Yes.

Question No. 8: Have the playing rules for stunt been developed?

Answer: The USA Federation for Sport Cheering is reviewing and considering the playing rules that are appropriate for collegiate stunt. The NCAA does not create or administer playing rules for emerging sports until there is an established National Collegiate Championship or division championship for that sport.

Question No. 9: If a Division II institution has a varsity stunt team, will the team be required to apply NCAA Division II legislation?

Answer: Yes. Any NCAA sponsored sport or emerging sport for women recognized by the institution as a varsity team must apply the constitution, bylaws, interpretations and other legislation of the Association.

Question No. 10: Will stunt prospective student-athletes be required to receive amateurism certification from the NCAA Eligibility Center consistent with all other sports?

Answer: Yes.

Question No. 11: What would be the length of the playing and practice season for stunt?

Answer: The length of the playing and practice season would be 144 days, which may consist of two segments.

Question No. 12: What is the maximum number of dates of competition for the team and the student-athlete?

Answer: An institution's stunt team and student-athletes may only participate in 16 dates of competition.

Question No. 13: Will stunt be considered a team or individual sport?

Answer: Stunt will be considered a team sport; however, there are aspects of stunt that are similar to individual sports. A stunt coach may participate in individual-workout sessions with stunt student-athletes during an institutional vacation period and/or summer, provided the request is initiated by the student-athlete. Further, a stunt coach may be present during voluntary individual workouts and provide safety or skill instruction but may not conduct individual workouts under the safety exception legislation.

Question No. 14: Are acrobatics and tumbling, cheer and stunt considered the same sport?

Answer: No.

Question No. 15: For purposes of the outside competition legislation, are acrobatics and tumbling, gymnastics and stunt considered the same sport?

Answer: No. For the purpose of outside competition legislation acrobatics and tumbling, gymnastics and stunt are considered different sports. A student-athlete in the sport of stunt may compete on an outside acrobatics and tumbling or gymnastics team.

Question No. 16: If adopted, will Division II institutions be required to sponsor the sport of stunt?

Answer: No. Institutions maintain autonomy regarding the sports it sponsors at the varsity level.

Question No. 17: May a stunt student-athlete participate as a cheerleader?

Answer: Yes, for purposes of NCAA legislation. Cheerleading is not considered to be an NCAA sport.

Question No. 18: What is the financial aid equivalency limit in the sport of stunt?

Answer: Nine.

NCAA Division II Proposal No. 2023-7 (No. 2-4) – Division II Organizational Structure – Presidents Council – Management Council – Administrative Committee – Planning and Finance Committee.

Division II Presidents Council/Executive Board

Question No. 1: If adopted, will the Division II Presidents Council be renamed?

Answer: Yes. The Presidents Council will be known as the Division II Executive Board.

Question No. 2: What is the current composition of the Division II Presidents Council?

Answer: Currently, the Division II Presidents Council consists of the following members:

- One president/chancellor per region for every 22 institutions in that region;
- Two “at-large” positions to enhance diversity; and
- Two members of the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports).

The geographical regions utilized for selections of one president/chancellor for every 22 institutions in the region are as follows:

- Region 1 -- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;
- Region 2 -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;
- Region 3 -- Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and
- Region 4 -- Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.

Question No. 3: If adopted, what will be the composition of the Division II Executive Board?

Answer: If adopted, the Division II Executive Board will consist of the following members:

- Eight presidents/chancellors based on Division II championships regions;
- One “at-large” president/chancellor to enhance diversity on the board;

- Two independent members who are not salaried by an NCAA member institution, conference or affiliated member and shall be approved, appointed, and verified as independent by the board;
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports); and
- Management Council chair as an ex officio, nonvoting member.

Question No. 4: What is the current legislation related to the length of a member's term on the Division II Presidents Council?

Answer: Currently, Division II Presidents Council members serve a six-year term, which concludes following the annual NCAA Convention.

Question No. 5: If adopted, what shall be the length of a member's term on the Division II Executive Board?

Answer: If adopted, presidents, chancellors and independent members of the Executive Board shall serve two-year terms, that are renewable for an additional two-year term, while the two student-athletes shall serve one-year terms that are renewable for an additional one-year term.

Question No. 6: Under the current legislation, what is the length of the terms of the chair and vice chair of the Division II Presidents Council?

Answer: Currently, the chair and vice chair of the Division II Presidents Council shall serve terms not to exceed three years and are not eligible for immediate re-election to that position.

Question No. 7: If adopted, what shall be the length of the terms of the chair and vice chair of the Division II Executive Board?

Answer: If adopted, the chair and vice chair of the Division II Executive Board shall serve terms not to exceed two years and are not eligible for immediate re-election to that position.

Question No. 8: If adopted, what duties and responsibilities will be removed from the Division II Executive Board?

Answer: If adopted, the Division II Executive Board will no longer be responsible for the following duties and responsibilities:

- Identify the Division II proposals that require a roll-call vote at the NCAA Convention;
- Establish the final sequence of the Division II proposals in the agenda of the Division II Business Session at the NCAA Convention;
- Develop the Division II budget; and

- Appoint committees or subcommittees for executing the provisions of the NCAA Constitution or Division II bylaws.

Question No. 9: If adopted, will the Division II Executive Board still have the authority to approve the budget and the use of funds allotted to Division II?

Answer: Yes. If adopted, the board's duties and responsibilities related to the division's budget would consist of issuing approval of the budget established by the Division II Strategic Planning and Finance Committee and recommended by the Division II Management Council.

Question No. 10: If adopted, will the vice chair of the Division II Executive Board continue to serve as the chair of the Division II Strategic Planning and Finance Committee?

Answer: No. The vice chair of the Division II Executive Board would not be required to serve as the chair of the Division II Strategic Planning and Finance Committee; however, they may do so if elected.

Division II Management Council

Question No. 11: What is the current composition of the Division II Management Council?

Answer: Currently, the Division II Management Council consists of the following members:

- One member from all voting, multisport conferences;
- One member from a Division II independent institution, provided there are at least eight Division II independent institutions;
- Two at-large positions to enhance diversity; and
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports).

Further, the members of the council must include the following:

- At least four directors of athletics;
- At least four senior woman administrators;
- At least four faculty athletics representatives; and
- At least one conference administrator.

Question No. 12: If adopted, what will be the composition of the Division II Management Council?

Answer: If adopted, the Division II Management Council will consist of the following members:

- One member from all voting, multisport Division II conferences;

- Four at-large members to enhance diversity; and
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports).

Further, if adopted, the members of the council shall include:

- At least five directors of athletics;
- At least five senior woman administrators;
- At least five faculty athletics representatives; and
- At least two conference office staff members.

Once these minimums are met, the council may include individuals working in athletics administration and individuals that supervise athletics, including but not limited to: a vice president, athletic trainer, assistant/associate/deputy director of athletics, and/or other individuals involved in the administration of athletics.

Question No. 13: If adopted, what are the additional duties and responsibilities of the Division II Management Council?

Answer: If adopted, the Division II Management Council's additional duties and responsibilities are as follows:

- Sponsor legislative proposals for vote at the NCAA Convention;
- Identify the Division II proposals that require a roll-call vote at the NCAA Convention;
- Establish the final sequence of the Division II proposals in the agenda of the Division II Business Session at the NCAA Convention;
- Appoint committees or subcommittees for executing the provisions of the NCAA Constitution or Division II bylaws; and
- Recommend the creation of committees or other bodies (e.g., project teams) to study and recommend courses of action on specific issues or to fulfill the duties and responsibilities of Division II, subject to the approval by the Executive Board.

Question No. 14: If adopted, will the vice chair of the Division II Management Council serve on the Division II Strategic Planning and Finance Committee?

Answer: Yes.

Division II Administrative Committee

Question No. 15: What is the current composition of the Division II Administrative Committee?

Answer: Currently, the Division II Administrative Committee consists of five members, including:

- Chair and vice chair of the Presidents Council;
- Chair and vice chair of the Management Council; and
- One additional member from the Presidents Council.

Question No. 16: If adopted, what will be the composition of the Division II Administrative Committee?

Answer: If adopted, the Division II Administrative Committee will consist of five members, including:

- Chair and vice chair of the Executive Board;
- Chair and vice chair of the Management Council; and
- Chair of Division II Student-Athlete Advisory Committee.

Division II Strategic Planning and Finance Committee

Question No. 17: If adopted, will the Division II Planning and Finance Committee be renamed?

Answer: Yes. The committee will be known as the Division II Strategic Planning and Finance Committee.

Question No. 18: What is the current composition of the Division II Planning and Finance Committee?

Answer: Currently, the Division II Planning and Finance Committee consists of seven members, including:

- Vice chair of the Division II Presidents Council;
- Vice chair of the Division II Management Council;
- Three additional members of the Division II Presidents Council;
- Two additional members of the Division II Management Council; and
- Chairs of the Presidents Council and Management Council serving as ex officio, nonvoting members.

Question No. 19: If adopted, what will be the composition of the Division II Strategic Planning and Finance Committee?

Answer: If adopted, the Division II Strategic Planning and Finance Committee will consist of 11 members, including:

- Vice chair of the Division II Executive Board;
- Two members of the Division II Management Council, one of which must be the vice chair;
- One conference commissioner;
- One member from the Division II Student-Athlete Advisory Committee; and

- Six additional members, from Division II institutions.

Of the 11 members on the Division II Strategic Planning and Finance Committee, at least one member shall be from a minority-serving institution.

Question No. 20: If adopted, how will the members of the Division II Strategic Planning and Finance Committee be selected?

Answer: If adopted, the members serving on the Division II Strategic Planning and Finance Committee from the Executive Board and Management Council will be selected by the Executive Board and Management Council, respectively. Additionally, the one member from the Division II Student-Athlete Advisory Committee will be selected by the Division II Student-Athlete Advisory Committee. Finally, the one conference commissioner and the remaining members of the Division II Strategic Planning and Finance Committee will be recommended by the Division II Nominating Committee and approved by the Division II Management Council.

NCAA Division II Proposal No. 2023-8 (No. 2-6) – Amateurism – Various Bylaws – Definition of Agent and Use of Agents.

Question No. 1: What is the current legislation related to agents?

Answer: Currently, an individual shall be ineligible for participation in an intercollegiate sport, if they ever have agreed (orally or in writing) to be represented by an agent for the purpose of marketing their athletics ability or reputation in that sport.

Additionally, an agent is defined as any individual who, directly or indirectly: (a) Represents or attempts to represent an individual for the purpose of marketing their athletics ability or reputation for financial gain; or (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

Question No. 2: If adopted, how will the legislation related to agents change?

Answer: If adopted, an individual shall be ineligible if they (or their relatives or friends) accept transportation or other material benefits from an agent or any person who represents any individual in the marketing of their athletics ability.

Additionally, an agent would be defined as any individual who, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

Question No. 3: What is the current legislation related to an agency contract?

Answer: An agency contract is applicable to all NCAA sports, and an individual shall be ineligible to participate in any sport if they have signed an agency contract.

Question No. 4: If adopted, how will the application of the agency contract legislation change?

Answer: If adopted, a student-athlete may enter into an agency contract, provided the student-athlete, or their relatives or friends, do not receive transportation or material benefits from an agent.

Further, an agency contract would be any agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

Question No. 5: If adopted, may a student-athlete utilize legal counsel for negotiations?

Answer: Yes.

Question No. 6: If adopted, may a student-athlete utilize talent evaluation services?

Answer: Yes.

Question No. 7: If adopted, may an individual utilize an agent for enrollment-based decisions at a particular institution?

Answer: No. An individual shall be ineligible if they enter into an agreement (orally or in writing) with an agent for securing initial or continuing enrollment at a particular institution.

Question No. 8: If adopted, may a Division II student-athlete utilize a professional service provider for advice or activities related to the student-athlete's name, image or likeness?

Answer: Yes. [See NC-2023-30 (amateurism and financial aid -- various bylaws -- student-athlete name, image and likeness activities)]

Question No. 9: May a student-athlete use an institutional athletics department staff member as a professional service provider (e.g., agent, tax advisor)?

Answer: No.

Question No. 10: May a non-athletics staff member (e.g., admissions officer, professor) serve as a professional service provider for a current student-athlete?

Answer: Yes.

Question No. 11: If adopted, may a student-athlete, or their relatives or friends, accept transportation or material benefits from an agent?

Answer: No.

Question No. 12: Is it permissible for a prospective student-athlete to receive transportation or other material benefits from an agent prior to initial full-time collegiate enrollment at a Division II institution?

Answer: Yes, however, upon their enrollment at a Division II institution, the individual would be required to cease any and all activities that do not align with NCAA legislation. Please note, the individual would still be required to receive a certification by the NCAA Eligibility Center. [See NC-2023-30 (amateurism and financial aid -- various bylaws -- student-athlete name, image, and likeness activities)]

Question No. 13: If adopted, may a Division II student-athlete enter into an agreement with an agent for representation in a professional league's draft without jeopardizing their eligibility?

Answer: Yes, provided the student-athlete (or their relatives or friends) does not accept transportation or other material benefits from an agent or any person who represents any individual in marketing their athletics ability or reputation, sign a professional team contract or otherwise jeopardize their eligibility status.

Question No. 14: If adopted, may a student-athlete enter into a verbal or written agreement with an agent for representation in future professional sports negotiations?

Answer: Yes.

Question No. 15: Will an agent be required to be registered with and receive certification from the NCAA prior to representing a Division II student-athlete?

Answer: No, however, all agents should adhere to all state/national registration and certification requirements.

Question No. 16: Will a professional service provider be required to be registered with and receive certification from the NCAA prior to representing a Division II student-athlete?

Answer: No.

NCAA Division II Proposal No. 2023-9 (No. 2-7) – Recruiting and Playing and Practice Seasons – General Playing-Season Regulations – Time Limits for Athletically Related Activities – Weekly Hour Limitations – Outside of Playing Season – Summer Access – Voluntary Workouts for Team Sports.

Question No. 1: What is the current legislation?

Answer: Currently, a team sport student-athlete may not participate in countable athletically related activities outside the playing season during any institutional vacation period (e.g., summer, academic year).

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, this proposal will permit a signed prospective student-athlete and a student-athlete in team sports to participate in up to two hours per week of individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term, for a period up to three weeks, provided the request for assistance is made by the signed prospective student-athlete or student-athlete.

Question No. 3: If adopted, will this proposal amend the current exception which allows fall sport student-athletes to participate in workouts designed and conducted by the institution's strength and conditioning personnel [see NCAA Division II Bylaw 17.1.6.3.5.1 (exception – fall championships sports)]?

Answer: No.

Question No. 4: If adopted, what is required to confirm a prospective student-athlete has signed with the institution?

Answer: The individual must have either signed a National Letter of Intent or the institution's written offer of admission and/or financial aid agreement.

Question No. 5: May multiple signed prospective student-athletes or student-athletes in team sports participate in an individual workout-session with a coaching staff member at the same time?

Answer: Yes, provided the request for such assistance is initiated by each signed prospective student-athlete or student-athlete.

Question No. 6: May multiple coaches conduct an individual workout-session with a signed prospective student-athlete or student-athlete in team sports?

Answer: Yes, provided the signed prospective student-athlete or student-athlete requests the presence of each involved coaching staff member.

Question No. 7: May sport-specific equipment (e.g., basketball, sled, soccer ball) be used during an individual workout-session?

Answer: Yes, provided the signed prospective student-athlete or student-athlete in team sports requests the use of such equipment during the workout-session.

Question No. 8: Are there any restrictions on the location of individual workout-sessions?

Answer: No.

Question No. 9: What is the definition of a week as it relates to this proposal?

Answer: A week shall consist of seven consecutive calendar days, to be determined at the institution's discretion.

Question No. 10: Must the three-week period occur over consecutive weeks?

Answer: No, however, all individual workout-sessions must conclude prior to the start of the institution's fall term. Institutions are responsible for monitoring that individual signed prospective student-athletes or student-athletes do not participate in more than three weeks between July 5 and the start of the institution's fall term.

Question No. 11: Must the three-week period be the same for all signed prospective student-athletes or student-athletes?

Answer: No.

Question No. 12: May a transfer prospective student-athlete in team sports (e.g., NCAA, two-year college, NAIA) request individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term?

Answer: Yes, provided the prospective student-athlete satisfies the applicable transfer requirements prior to requesting the assistance of the coaching staff member.

Question No. 13: Does a transfer prospective student-athlete's participation in individual workout-sessions with an institutional coaching staff member trigger transfer status to the institution?

Answer: No. [see Division II Bylaw 14.5.2 (conditions affecting transfer status)]

Question No. 14: Is it permissible for a signed prospective student-athlete or student-athlete to post/share their workout-sessions on their personal social media account?

Answer: Yes. A signed prospective student-athlete or student-athlete may post to their own social media account a voluntary athletically related activity, not at the direction of an institutional staff member. However, a coaching staff member may repost or share the post.

Question No. 15: Is it permissible for a signed prospective student-athlete or student-athlete to post/share their workout-sessions on an institutional social media account?

Answer: No. A signed prospective student-athlete or student-athlete may not report voluntary athletically related activities to institutional coaches or staff members.

Question No. 16: Must a full-time coaching staff member who is conducting the individual workout-session have a current certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use?

Answer: Yes.

Question No. 17: Must a coaching staff member complete the coaches certification examination prior to conducting the individual workout session?

Answer: No because the individual-workouts sessions are considered voluntary activities. The required completion of the coaches certification examination must occur prior to the coaching staff member's ability to direct, supervise or observe countable athletically related activities. [see Bylaw 11.6.1.1.1 (certification administration)]

Question No. 18: Must a member of the institution's athletic training staff be present during the individual workout-session?

Answer: An institution's athletic training staff's attendance at summer voluntary workout-sessions is determined by institutional policy. Please note, NCAA bylaws in Division II require that the sports medicine staff members to have unchallengeable authority to cancel or modify workouts for health and safety reasons.

Question No. 19: Prior to being able to request participation in individual workout-sessions with a member of the coaching staff, must a signed prospective student-athlete or student-athlete complete all mandatory medical examinations [see Division II Bylaw 17.1.5 (mandatory medical examinations)]?

Answer: Yes.

NCAA Division II Proposal No. 2023-10 (No. 2-8) – Eligibility and Playing and Practice Seasons – Seasons of Competition: 10-Semester/15-Quarter Rule and Football – Criteria for Determining Season of Eligibility and Out-of-Season Athletically Related Activities – Exception – Competition in the Nonchampionship Segment and Spring Practice – Scrimmage Against a Four-Year Collegiate Institution.

Question No. 1: What is the current legislation?

Answer: Currently, in the sport of football during the spring practice period, an institution may participate in no more than three 11-on-11 scrimmages. However, it is currently impermissible for an institution to participate in a scrimmage against an outside team.

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, in the sport of football during the spring practice period, an institution may participate in one scrimmage against a four-year collegiate institution as one of the three 11-on-11 scrimmages on or after the 10th day of spring practice.

Additionally, participation in the scrimmage would not count as a season of competition, provided the student-athlete was academically eligible during the segment that concludes with the NCAA championship.

Playing and Practice Seasons

Question No. 3: Does the scrimmage against a four-year collegiate institution need to occur during the 36-consecutive calendar days of the football spring practice period?

Answer: Yes.

Question No. 4: If adopted, when is it permissible for a scrimmage against a four-year collegiate institution to occur?

Answer: If adopted, the scrimmage may occur on or after the 10th day of the spring practice period.

Question No. 5: Will participation in the scrimmage against a four-year collegiate institution count towards the 15 total practices during the football spring practice period?

Answer: Yes.

Question No. 6: Will participation in the scrimmage against a four-year collegiate institution count towards the 12 total contact practices during the football spring practice period?

Answer: Yes.

Question No. 7: Is it permissible for a football student-athlete to miss class to participate in the scrimmage against a four-year collegiate institution during the spring practice period?

Answer: No.

Eligibility

Question No. 8: May a football student-athlete who is academically ineligible during the NCAA championship segment and regains eligibility for the spring term participate in the scrimmage against a four-year collegiate institution?

Answer: Yes, however, the student-athlete would be charged with a season of competition.

Question No. 9: If adopted, is it permissible for a football midyear transfer student-athlete to participate in the scrimmage against a four-year collegiate institution during the spring practice period and not use a season?

Answer: Yes, provided the student-athlete was academically eligible during the preceding fall term and is certified as eligible for the spring term.

Question No. 10: Is a student-athlete required to satisfy Bylaw 14.1.7.1 (requirement for practice or competition) to be eligible to participate in practice during the spring practice period?

Answer: Yes.

NCAA Division II Proposal No. 2023-11 (No. 2-9) – Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Minimum Amount of Competition – Up to Three Contests – Football.

Question No. 1: What is the current legislation?

Answer: Currently, a football student-athlete utilizes a season of competition when they participate in a contest during the academic year.

Question No. 2: If adopted, how will this proposal change the current legislation?

Answer: If adopted, a football student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests without using a season of competition.

Question No. 3: If adopted, will a football student-athlete in their initial year of collegiate enrollment use a season of competition if they participate in more than three contests?

Answer: Yes.

Question No. 4: If adopted, may the exception be applied retroactively?

Answer: No.

Question No. 5: If adopted, will any football student-athlete, including transfers, have access to the exception?

Answer: No. A football student-athlete must be enrolled at a Division II institution in their initial year of collegiate enrollment in order to have access to the exception.

Question No. 6: If adopted, will a student-athlete who initially enrolls midyear at a Division II institution and remains at the institution for the subsequent fall term have access to the exception?

Answer: Yes.

Question No. 7: If adopted, will a student-athlete who initially enrolls midyear at a collegiate institution and transfers to a Division II institution for the subsequent fall term have access to the exception?

Answer: Yes.

For example, if a student-athlete initially enrolls full-time at a collegiate institution for the 2023 spring term but then transfers and enrolls full-time at a Division II institution for the 2023 fall term, they would have access to the exception at the Division II institution, provided they do not participate

in more than three contests during the 2023 fall term. The institution is responsible for ensuring that the transfer student-athlete is still in their initial year of collegiate enrollment.

Question No. 8: If adopted, will a non-Division II transfer student-athlete who previously utilized an exception to the use of a season of competition have access to the Division II exception upon transfer to a Division II institution?

Answer: No, however, the decisions made by other divisions or associations related to the use of a season would follow the student-athlete upon transfer to a Division II institution. [see Division II Bylaw 14.2.4.1.1 (transfer from a non-Division II institution)]

Question No. 9: May the participation in the three contests occur at any time?

Answer: Yes. There is not a restriction in place related to when the contests must occur and the contests may take place during regular or postseason competition. A Division II football student-athlete will have access to the exception provided they do not participate in more than three contests during their initial year of collegiate enrollment.

Question No. 10: Does a football student-athlete retain access to the exception if they compete on both the varsity and junior varsity teams and the student-athlete's total participation does not exceed three contests?

Answer: Yes, provided the football student-athlete does not compete in more than three contests, they would qualify for the exception.

Question No. 11: Does a football student-athlete retain access to the exception if they compete on both the varsity and junior varsity teams and the student-athlete's total participation does exceed three contests?

Answer: No.

Question No. 12: If adopted, does this proposal impact an institution's ability to file a medical hardship waiver for a student-athlete?

Answer: No.

NCAA Division II Proposal No. 2023-12 (No. 2-11) – Playing and Practice Seasons – General Playing-Season Regulations and Basketball – Basketball First Permissible Practice Date.

Question No. 1: What is the current legislation surrounding the first permissible on-court practice date?

Answer: Currently, in the sport of basketball, an institution shall not commence on-court preseason basketball practice sessions before October 15.

Question No. 2: What is the current legislation surrounding the first permissible contest date?

Answer: An institution shall not play its first contest with outside competition in basketball before the second Friday in November, unless an exception under Bylaw 17.4.3.1 (exceptions) is satisfied.

Question No. 3: What is the current legislation surrounding when basketball student-athletes may begin participation in weight training, conditioning and/or team activities outside of the playing season?

Answer: In basketball, while outside of the playing season, student-athletes may participate in weight training, conditioning and/or team activities from September 7 or the institution's fourth day of classes for the fall term, whichever is earlier, through the day before October 15.

Question No. 4: If adopted, how will this proposal change the current legislation surrounding the first permissible on-court practice date?

Answer: If adopted, in the sport of basketball, an institution may begin on-court preseason basketball practice sessions 35 days before the institution's first regular-season contest.

Please note, contests that may permissibly occur prior to the second Friday in November (i.e., Division II Conference Commissioners Association's Tip-Off Classic, discretionary exemptions) shall not be used to determine the start of the 35-day practice period.

Question No. 5: What is considered the date of the institution's first regular season contest?

Answer: The institution's first regular season contest is any contest on or after the second Friday in November.

Question No. 6: If adopted, how many days of countable athletically related activities may an institution participate in during the 35-day practice period?

Answer: If adopted, an institution shall not engage in more than 25 days of countable athletically related activities during the 35-day practice period.

Question No. 7: If adopted, will this proposal change the daily and weekly hour limitations or required day off during the 35-day practice period?

Answer: No.

Question No. 8: If adopted, will this proposal change the first permissible regular-season contest date for basketball?

Answer: No.

Question No. 9: If adopted, will this proposal amend the outside of the playing season legislation for basketball?

Answer: Yes. The out-of-season segment for basketball would conclude 36 days prior to the institution's first regular-season contest.

NONCONTROVERSIAL

Attached is one noncontroversial proposal. NCAA Division II Proposal No. NC-2024-1 is new for you to review in legislative form. This proposal has been approved by the NCAA Division II Management Council in concept but has yet to be approved in legislative form.

The Management Council has determined, pursuant to NCAA Division II Bylaw 9.3.1.1, that the following proposal is noncontroversial and necessary to promote the normal and orderly administration of the Association's legislation.

The Management Council, by a three-fourths majority of its members present and voting, shall have the authority to adopt noncontroversial amendments. Proposals that are ratified by the Management Council shall be effective as of the date the proposal is posted on LSDBi. Once ratified, the proposals will be submitted by the Management Council as legislation at the 2024 NCAA Convention.

Title: DIVISION II ORGANIZATIONAL STRUCTURE -- PRESIDENTS COUNCIL -- MANAGEMENT COUNCIL -- ADMINISTRATIVE COMMITTEE -- PLANNING AND FINANCE COMMITTEE -- EFFECTIVE DATE FOR MANAGEMENT COUNCIL'S COMPOSITION AND DUTIES AND RESPONSIBILITIES

Convention Year: 2024

Effective Date:

Sections A, B, C, D, F: February 1, 2024
Section E: August 1, 2023

Proposal Number: NC-2024-1

Source: NCAA Division II Presidents Council (Management Council).

Category: Noncontroversial

Topical Area: Organization

Status: Ready for Consideration by Management Council

Intent: To amend the effective date of Sections C (Management Council composition) and D (Management Council duties and responsibilities) of NCAA Proposal No. 2023-7 from August 1, 2023, to February 1, 2024.

A. Bylaws: Amend 8.1, as follows: *(February 1, 2024)*

8.1 Division II ~~Presidents Council~~ **Executive Board**.

8.1.1 Composition. The composition of the ~~Presidents Council~~ **Executive Board** shall ~~be based on a weighted regional representation by institutions that shall include one~~ **eight** ~~chancellor or president~~ **presidents/ chancellors per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1).** ~~based on Division II championships region. In addition, two~~ **one** ~~"at-large" positions shall exist~~ **president/chancellor to enhance efforts to achieve diversity of representation and to accommodate independent institutions on the board, and two independent members who are not salaried by an NCAA member institution, conference or affiliated member and shall be approved, appointed and verified as independent by the Executive Board.** The ~~Presidents Council~~ **Executive Board** shall also include two ~~members~~ **student-athletes of serving on and chosen by** the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports) (see Bylaw 21.8.5.9.5). **The chair of the Division II Management Council shall serve on the Executive Board as an ex-officio, nonvoting member.**

8.1.1.1 Same Conference. To the extent possible, chancellors or presidents from the same conference shall not serve concurrently on the ~~Presidents Council~~ **Executive Board**.

8.1.1.2 Same Institution. To the extent possible, members of the ~~Presidents Council~~ **Executive Board** and the Management Council (see Bylaw 8.2) shall not be employed at the same institution.

~~8.1.1.3 Eligibility for Membership. The Presidents Council shall be composed of chancellors or presidents representing Division II active member institutions.~~

~~8.1.1.4 Geographical Areas:~~

~~8.1.1.4.1 Geographical Areas. For the purpose of representation on the Presidents Council, the Association shall be divided into geographical areas. The Division II geographical areas are as follows:~~

~~(a) Region 1 -- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;~~

~~(b) Region 2 -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;~~

~~(c) Region 3 -- Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and~~

(d) *Region 4 -- Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.*

8.1.1.5 Student-Athlete Advisory Committee Members. The two members of the Division II Student-Athlete Advisory Committee shall each have a vote on the Presidents Council.

[8.1.2 unchanged.]

8.1.3 Election/Term of Office.

8.1.3.1 Selection Process. When a vacancy on the Presidents Council occurs, a formal call for nominations shall be published on the NCAA website. In addition, an informational letter to solicit nominations will be mailed to institutions and conference offices in the region in which the vacancy exists. The members of the Council shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.

8.1.3.2¹ Term of Office. ~~Members~~**Presidents, chancellors and independent members** of the Presidents Council~~Executive Board~~ shall serve ~~six~~**two**-year terms, ~~which shall conclude following the annual NCAA Convention~~**that are renewable for an additional year two-year term**. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.**The two student-athletes appointed to the Executive Board shall serve one-year terms that are renewable for an additional one-year term.**

8.1.3.2^{1.1} Chair and Vice Chair. The chair and the vice chair of the ~~Council~~**Executive Board** shall each serve terms not to exceed ~~three~~**two** years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the ~~Presidents Council~~**Executive Board** before serving as chair or vice chair.

8.1.3.2.2 Student-Athletes. *The two student-athletes appointed to the Presidents Council shall each serve a one-year term that is renewable for an additional one-year term.*

[8.1.4 unchanged.]

B. Bylaws: Amend 8.1.2, as follows: (February 1, 2024)

8.1.2 Duties and Responsibilities. The ~~Presidents Council~~**Executive Board** shall:

(a) Implement policies adopted by the ~~Association's~~**NCAA** Board of Governors;

[8.1.2-(b) unchanged.]

(c) Establish a strategic plan **and/or a set of strategic priorities** for Division II;

[8.1.2-(d) unchanged.]

~~(e) Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;~~

[8.1.2-(f) through 8.1.2-(g) relettered as 8.1.2-(e) through 8.1.2-(f), unchanged.]

~~(h g) Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur~~**Adopt emergency legislation;**

~~(i) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;~~

[8.1.2-(j) through 8.1.2-(k) relettered as 8.1.2-(h) through 8.1.2-(i), unchanged.]

~~(l j)~~ **Approve recommendations of the Management Council (see Bylaw 8.2), including the composition of the Management Council;**

[8.1.2-(m) relettered as 8.1.2-(k), unchanged.]

(~~h~~ **l**) Ensure ~~that~~ there is gender and ethnic diversity among its membership, the membership of the Management Council (see Bylaw 8.2) and the membership of each of the other bodies in the Division II governance structure;

(~~e~~ **m**) ~~Develop and a~~ Approve the budget and the use of funds allotted to Division II (e.g., institutional equal distribution funds, funds for the operation of championships);

[8.1.2-(p) through 8.1.2-(r) relettered as 8.1.2-(n) through 8.1.2-(p), unchanged.]

(~~s~~ **q**) Appoint a Division II ~~Presidents Council~~**Executive Board** member to the NCAA Board of Governors;

[8.1.2-(t) through 8.1.2-(u) relettered as 8.1.2-(r) through 8.1.2-(s), unchanged.]

(~~v~~ **t**) ~~Appoint such~~**Create** committees or ~~subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws~~**other bodies (e.g., project teams) to study and recommend courses of action on specific issues or to fulfill duties and responsibilities of Division II.**

8.1.2.1 Duties of the Chair. The chair of the ~~Presidents Council~~**Executive Board** shall:

[8.1.2.1-(a) unchanged.]

(b) Preside at ~~Presidents Council~~**Executive Board** meetings;

[8.1.2.1-(c) through 8.1.2.1-(d) unchanged.]

(e) Serve as an ex officio, nonvoting member of the Division II **Strategic** Planning and Finance Committee.

8.1.2.2 Duties of the Vice Chair. The vice chair of the ~~Presidents Council~~**Executive Board** shall:

[8.1.2.2-(a) through 8.1.2.2-(c) unchanged.]

(d) Serve ~~as chair of~~**on** the Division II **Strategic** Planning and Finance Committee.

C. Bylaws: Amend 8.2, as follows: (February 1, 2024)

8.2 Division II Management Council.

8.2.1 Composition. The **composition of the** Management Council shall ~~be comprised of~~**include** one ~~administrator or representative~~**member** from each of the Division II multisport voting conferences; ~~one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two~~**four** "at-large" ~~positions~~**members** to enhance efforts to achieve diversity of representation; and two ~~members of~~**student-athletes serving on and chosen by** the **Division II** Student-Athlete Advisory Committee **(one representing male sports and one representing female sports)** (~~per see~~ Bylaw 21.8.5.9.4). The members shall be representatives of Division II active member institutions. The members of the Council shall include:

(a) At least ~~four~~**five** directors of athletics;

(b) At least ~~four~~**five** senior woman administrators;

(c) At least ~~four~~**five** faculty athletics representatives; and

(d) At least ~~one~~**two** conference ~~administrator~~**office staff**.

Once the minimums are met, the Council may include individuals working in athletics administration and individuals that supervise athletics, including but not limited to a vice president, athletic trainer, assistant/associate/deputy director of athletics, and/or other individuals involved in the administration of athletics.

[8.2.1.1 through 8.2.1.3 unchanged.]

[8.2.2 through 8.2.4 unchanged.]

D. Bylaws: Amend 8.2.2, as follows: (February 1, 2024)

8.2.2 Duties and Responsibilities. The Management Council shall:

(a) Implement policies adopted by the ~~Association's~~**NCAA** Board of Governors and the ~~Presidents Council~~**Executive Board**;

(b) Make recommendations to the ~~Presidents Council~~**Executive Board** on matters it deems appropriate;

(c) ~~Recommend the adoption of~~**Adopt** noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, ~~subject to ratification by the Presidents Council~~;

(d) Sponsor legislative proposals for a vote at the annual NCAA Convention;

(~~d e~~) Take final action on matters delegated to it by the ~~Presidents Council~~**Executive Board**;

(~~e~~) ~~Make interpretations of the bylaws of Division II;~~

(f) Review and act on the recommendations of the Division II committee structure and the recommendations of ~~Division II representatives to~~ committees with Association-wide functions;

[8.2.2-(g) unchanged.]

(h) Identify, before the printing of the Official Notice for any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;

(i) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;

[8.2.2-(h) through 8.2.2-(j) relettered as 8.2.2-(j) through 8.2.2-(l), unchanged.]

(~~k m~~) Recommend the ~~appointment of such committees or subcommittees as may be necessary for executing the provisions of this constitution or the~~**creation of committees or other bodies to study and suggest courses of action on specific issues or to fulfill the duties and responsibilities of** Division II bylaws, subject to ~~ratification~~**approval** by the ~~Presidents Council~~**Executive Board**.

8.2.2.1 Duties of the Chair. The chair of the Management Council shall:

[8.2.2.1-(a) through 8.2.2.1-(f) unchanged.]

8.2.2.2 Duties of the Vice Chair. The vice chair of the Management Council shall:

[8.2.2.2-(a) through 8.2.2.2-(b) unchanged.]

(c) Serve as a member of the Division II **Strategic** Planning and Finance Committee; and

[8.2.2.2-(d) unchanged.]

[8.2.2.3 unchanged.]

E. Bylaws: Amend 8.3, as follows: (*August 1, 2023*)

8.3 Division II Administrative Committee.

8.3.1 Composition. The Administrative Committee shall consist of five members, including the chairs and vice chairs of the ~~Presidents Council~~**Executive Board** ~~and~~, Management Council, **and the chair of the Division II Student-Athlete Advisory Committee.** ~~The fifth member shall be another member of the Presidents Council.~~

[8.3.1.1 unchanged.]

[8.3.2 through 8.3.3 unchanged.]

F. Bylaws: Amend 8.4, as follows: (*February 1, 2024*)

8.4 Division II **Strategic** Planning and Finance Committee.

8.4.1 Composition. The Division II **Strategic** Planning and Finance Committee shall consist of ~~seven~~**11** members, including the vice chair of the ~~Presidents Council~~**Executive Board**, **two members** ~~the vice chair~~ of the Management Council, **one of which must include the vice chair**, ~~three additional members of the~~

~~Presidents Council and two additional members of the Management Council.~~ **one conference commissioner, one member from the Division II Student-Athlete Advisory Committee, and six additional members.** ~~The chairs of the Presidents Council and the Management Council shall serve as ex officio, nonvoting members.~~ **At least one of the 11 members shall be from a minority-serving institution.**

[8.4.1.1 unchanged.]

8.4.2 Duties. The Division II **Strategic** Planning and Finance Committee shall:

- (a) ~~Review budgetary recommendations related to the annual Division II budget.~~ **Monitor the Division II strategic plan/strategic priorities; and assess and report on its implementation and recommend updates, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Executive Board;**
- (b) ~~Advise both the Division II Presidents Council and Management Council regarding the division's financial affairs.~~ **Provide regular reports on the implementation of the strategic plan/strategic priorities of the Division II Management Council and Executive Board;**
- (c) ~~Monitor the Division II strategic plan, assess and report on its implementation and recommend updates of the plan, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Presidents Council.~~ **Make recommendations related to the Division II budget and budget guidelines and principles; and**
- (d) ~~Provide regular reports on the implementation of the strategic plan to the Division II Management Council and Presidents Council.~~ **Ensure alignment of the division's strategic plan/strategic priorities with financial allocations; and**
- (e) Advise both the Division II Executive Board and Management Council regarding the division's financial affairs.**

Additional Information:

Delaying the effective date for the change in composition and duties and responsibilities for the Management Council will provide an opportunity for an expanded pool of candidates to meet the new requirements in Proposal No. 2023-7 (Division II organizational structure -- presidents council -- management council -- administrative committee -- planning and finance committee).

Review History:

Oct 18, 2022: Recommended Concept - NCAA Division II Management Council.

Oct 26, 2022: Approved in Concept - NCAA Division II Presidents Council.



REPORT OF THE
NCAA DIVISION II ACADEMIC REQUIREMENTS COMMITTEE
DECEMBER 12, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Review of data related to NCAA Division II Bylaw 14 progress-toward-degree and two-year college transfer requirements.** The NCAA Division II Academic Requirements Committee continued its discussion regarding the referrals from the NCAA Division II Implementation Committee. Specifically, the committee reviewed data related to progress-toward-degree and two-year college transfer requirements and will continue the discussion at its February videoconference.
2. **Review of September 20, 2022, Academic Requirements Committee in-person meeting report.** The committee reviewed and approved its September 20 in-person meeting report, as presented.
3. **Future meeting dates.**
 - a. February 8, 2023; videoconference.
 - b. June 2023; videoconference.
 - c. September 2023; to be determined.

Committee Chair: David Haase, University of West Georgia
Staff Liaisons: Susan Britsch, Academic and Membership Affairs
Jeremy Christoffels, Academic and Membership Affairs
Robert Turick, Research

NCAA Division II Academic Requirements Committee December 12, 2022, Videoconference	
Attendees:	
Timothy Briles, Georgian Court University.	
Bennett Cherry, California State University, San Marcos.	
David Haase, University of West Georgia.	
Molly Hansen, University of Montevallo.	
Theresa Hanson, Simon Fraser University.	
Karen Hjerpe, Pennsylvania Western University, California.	
Danny McCabe, Adelphi University.	
Madison Peterson, Augustana University (South Dakota).	
Ryan Quann, Goldey-Beacom College.	
Kelli Wooley, Cameron University.	
Absentees:	
None.	
NCAA Liaison in Attendance:	
Susan Britsch, Jeremy Christoffels and Robert Turick.	
Other NCAA Staff Members in Attendance:	
Terri Steeb Gronau and Angela Red.	



REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
NOVEMBER 3, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. LEGISLATIVE ITEMS.

- NONE.

2. NONLEGISLATIVE ITEMS.

a. **NCAA Division II Men's and Women's Swimming and Diving Championships – schedule adjustment.**

- (1) Recommendation. Adjust the start of swimming competition at the NCAA Division II Men's and Women's Swimming and Diving Championships from Wednesday to Tuesday evening to conduct the men's and women's 800-yard freestyle relays.
- (2) Effective date. 2023 NCAA Division II Men's and Women's Swimming and Diving Championships.
- (3) Rationale. The change is desired due to the removal of the student-athlete banquet, which typically took place on Tuesday evening and now presents the opportunity to balance the competition schedule throughout championship week. The 800 free relays have traditionally been conducted on Friday evening, which has been the longest day of championship competition. Beginning competition on Tuesday evening will not create any logistical challenges for student-athletes and coaches as teams are arriving on site for practice on Sunday or Monday. Overall, this adjustment will provide additional recovery opportunities for student-athletes racing in multiple events.
- (4) Estimated budget impact. There also is no estimated budget impact for this adjustment. Although competition will begin one day earlier, individual sports do not cover per diem for the full duration of championship competition because each student-athlete does not compete each day. Likewise, officials are paid a flat rate for the championship week and would not receive additional funds.
- (5) Student-athlete impact. Competitors in the 800 free relays will benefit from additional rest and recovery time by having those races conducted on Tuesday instead of during an already crowded Friday schedule.

[Note: The recommendation noted above were approved November 28 by the Administrative Committee. It is included in the document for ease of reference.]

b. **Championships team replacement policy – seeding of replacement team.**

- (1) Recommendation. Adopt the revised team sport replacement policy for teams not able to compete after selections [Attachment].
- (2) Effective date. Immediate, for championships beginning in fall 2022.
- (3) Rationale. The change amends where a replacement team is placed in the bracket so that rather than just take the seed line of the team being replaced, the replacement team would be placed in the bracket at the sport committee's discretion (i.e., to align with rankings) so as not to disadvantage higher-seeded teams that have earned that status.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. The policies help manage and maintain the integrity of the bracket and the student-athlete championship experience.

[Note: The recommendation noted above were approved November 28 by the Administrative Committee. It is included in the document for ease of reference.]

INFORMATIONAL ITEMS.

1. **Welcome and review of agenda.** Championships Committee Chair Reid Amos welcomed the group and reviewed the agenda.
2. **Review of previous reports.** The committee approved reports from its October 6 videoconference and October 14 electronic vote as presented.
3. **Triennial budget update.** The committee received an update on discussions during the recent Division II Presidents Council meeting in preparation for the 2023-26 triennial budget cycle, which included the Council's approval of a concept the NCAA Division II Planning and Finance Committee proposed regarding future allocations. These include a 5% annual increase in the travel budget, as well as the following increases into the triennial budget over the remainder of the media rights agreement period (fiscal years 2025, 2028 and 2031):
 - \$10 increase in per diem.
 - 1% increase for committee expenses.
 - 3% increase for game operations.
 - \$1,050,000 increase for championships enhancements.
4. **Swimming and diving report.** The Championships Committee approved a recommendation from the NCAA Division II Men's and Women's Swimming and Diving Committee to adjust the start of swimming competition at the NCAA Division II Men's and Women's Swimming and Diving

Championships from Wednesday to Tuesday evening to conduct the men's and women's 800-yard freestyle relays, effective with the 2023 championships. (See Action Item No. 2a)

5. **Team replacement policy.** The committee reviewed and approved editorial changes to the team replacement policy that have been made to align with how Division II used this policy during the years impacted by the pandemic. The committee also adjusted one of the components of the policy regarding the seeding of replacement teams. (See Action Item No. 2b)
6. **Elite 90 presentation at joint championships.** The committee reviewed the issue of when the Elite 90 should be awarded at joint championships. In 2016 during the joint women's basketball championships with Divisions I and III, the Divisions II and III Elite 90 awards were based on the two teams participating in the championship game in Indianapolis. The committee discussed whether that should continue but ultimately agreed that the Elite 90 recipient should be honored at the Elite Eight site as in "normal" years. If the recipient is a member of one of the teams that advance to the championship game in joint championship years, that individual would be recognized in additional ways (e.g., videoboard recognition) at the final site.
7. **Joint lacrosse championships update.** The Championships Committee during its September meeting had asked the Division II Women's Lacrosse Committee's to provide a status update regarding concerns about conducting the Divisions II and III women's championship games at venues other than Gillette Stadium for the men's and women's lacrosse joint championships in 2025 and 2026. The Divisions II and III Women's Lacrosse Committees believe that including four of the six championships at one site (all three divisions' men's finals and the Division I women's finals) and conducting two of the championships at nearby campus sites (the Divisions II and III women's championship games) will provide a much different experience for those student-athletes. Staff noted that the six committee chairs convened via videoconference on November 1, and while the group did not reach a consensus one way or another, it did agree to continue collaborating on the best way to provide the best student-athlete experiences in future years, whether it be via a joint championship for both genders or not.
8. **Implementation Committee referrals.**
 - a. **Review of legislation versus policy.** The committee reviewed an updated draft of a document that combines Bylaws 18 and 31 to create a significantly revised overarching championships bylaw that moves several existing bylaws to policy. The committee intends to finalize its review by February 2023 to allow for an August 1, 2023, effective date (i.e., for the 2023-24 NCAA Division II Manual).
 - b. **Football earned access history.** Among concepts the NCAA Division II Implementation Committee referred to the Championships Committee is to develop a championships structure that among other things focuses on access ratio and automatic qualification (AQ) privileges (in addition to the appropriate number of sponsoring institutions to create and maintain a championship). The Championships Committee reviewed the recommendation at its September meeting and requested a legislative history as to why football awards earned

access for championships participation instead of automatic qualification to help inform its review.

The intent of the original earned access proposal that became effective in 2004 (the year in which the championship bracket expanded to 24 teams) was to allow the NCAA Division II Football Committee to award earned access to the championship to Division II football-playing conferences with at least six members from which at least one member finishes in the top 10 of the final regional rankings. The rationale stated that although access must be earned annually, conference champions will usually secure access to the championship in most years. Also, given that at the time automatic qualification was reserved only in those sports that had a championship bracket of 48 or more teams, the football community considered earned access as a welcome alternative. The legislation underwent minor adjustments in 2009 (requiring the conference member to finish in the top eight rather than top 10 of the region), 2012 (only be made available to conference that had six active members but also offered a grace period for conferences with five) and 2013 (clarified conference requirements).

The committee noted that the Implementation Committee focused its discussion regarding automatic qualification on sports that don't have it at all and did not express particular concern with football's earned access model. Rather, the discussion within the Implementation Committee focused on the challenges presented when some sports have AQ and some don't, and that there is an expectation among many in athletics that winning your conference should be rewarded with a postseason experience. The Championships Committee acknowledged that, but agreed that an AQ model would not be in football's best interests. Members did note, however, that there may be an opportunity to adjust earned access to ensure inclusion of all conferences and that this discussion on the historical perspective was helpful as the committee continues to deliberate what the best championship model should be across sports in the future for Division II sports.

9. Future meetings and videoconferences.

- December 8, 2-3:30 p.m. Eastern time (monthly videoconference).
- January 5, 2023, 2-3:30 p.m. Eastern time (monthly videoconference).
- February 23-24, 2023 (in-person meeting; Indianapolis).
- June 26-27, 2023 (meeting via videoconference).
- September 14-15, 2023 (in-person meeting; Indianapolis).

Committee Chair: Reid Amos, Mountain East Conference
Staff Liaison(s): Karen Kirsch, Championships and Alliances
Micaela Liddane, Championships and Alliances
Angela Red, Academic and Membership Affairs

Division II Championships Committee November 3, 2022, Videoconference	
Attendees:	
Reid Amos, Mountain East Conference.	
Kristy Bayer, Rockhurst University.	
Marcus Clarke, Central Intercollegiate Athletic Association.	
Chris Colvin, Conference Carolinas.	
Courtney Lovely Evans, Palm Beach Atlantic University.	
Nathan Gibson, University of Colorado, Colorado Springs.	
Regan McAthie, Concordia University, St. Paul.	
Gary Pine, Azusa Pacific University.	
Carol Rivera, California Collegiate Athletic Association.	
Cade Smith, University of Alabama at Huntsville.	
Jerry Wollmering, Truman State University (Management Council Vice Chair).	
Absentees:	
Matt Kilcullen, Mercy College.	
Thomas Webb Jr., Western New Mexico University.	
Guests in Attendance:	
Gary Brown, NCAA Contractor.	
NCAA Staff Support in Attendance:	
Karen Kirsch, Championships and Alliances.	
Micaela Liddane, Championships and Alliances.	
Angela Red, Academic and Membership Affairs.	
Other NCAA Staff Members in Attendance:	
Terri Gronau, Maritza Jones and Liv Sappington.	



**NCAA DIVISION II CHAMPIONSHIPS TEAM
REPLACEMENT POLICY**
Updated November 4, 2022

The Division II Championships Committee approved the team replacement policy considering the possibility of unforeseen circumstances impacting championship fields. The policy will be implemented in accordance with the terms set forth below when, despite its best efforts, a team within the championship field is impeded or hindered from participating in the championship for reasons beyond its control.

The following tenets are fundamental to implementation of the Team Replacement Policy:

- Once the brackets are finalized and released, the championships will not be reseeded, nor will the brackets change.
- A reasonable effort will be made to ensure full fields are in place before the start of the championships. No replacement teams will be introduced after the championships begin.
- Every eligible automatic qualifying conference should have the opportunity for at least one team in the championship field.
- Beyond the goal of having at least one team from every conference, replacement teams must be among the best teams being considered for an at-large bid.

Due to the time needed to coordinate travel and other participation logistics, the following provisions constitute the team replacement policy:

1. Before to the announcement of the championship fields and brackets.

- a. Should an automatic qualifier, as determined by each conference, be unable to participate in its first game of the championship, the conference may designate a replacement team, as determined by its declared AQ policy submitted prior to the start of its conference tournament or final weekend to designate its AQ.
- b. The replacement AQ team shall be appropriately seeded and placed into the bracket prior to announcement of the championship fields and brackets.
- c. Any potential at-large team that is determined by the institution to be unable to participate in its first game of the championship must notify the respective sport committee prior to announcement of the bracket.

2. After the announcement of the championship fields and brackets.

- a. Conferences may replace its AQ, if it is unable to participate, with the conference's preapproved contingency replacement team. The replacement team from the conference will take the place of its fellow conference member in the same place on the bracket.

b. For any at-large team unable to participate, the policy for replacing that team is as follows:

- (1) The top teams not selected as at-large teams for the original field shall be considered a potential replacement team.
- (2) The replacement team will be placed in the bracket based on the final rankings compared to the teams in the field. For example, if the eight seed in the region was an automatic qualifier and the replacement team was ranked higher, the replacement team would be placed in the bracket as the seven seed.

The deadline for consideration of replacing a team unable to participate is within 24 hours after the selection announcement. No replacement teams will be introduced into the NCAA championship bracket after this deadline.

Once the tournament/championship has begun, no team will replace a team that can no longer participate in the championship. Its opponent would advance to the next round via the NCAA's no-contest rule.

If a team must withdraw once competition has begun, opponents would advance to the next round via the NCAA's no-contest rule.

In the event one or both teams do not have enough players to compete in the final of a championship, the following policy would take effect:

- If one team is unable to compete in the final, the sport committee will declare the competition as a no-contest and the available team will be the champion.
- If both teams are unable to compete in the final, the competition will be declared a no-contest and the two teams will be declared co-champions.



**REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
DECEMBER 8, 2022, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- **NCAA Division II Softball Championship format in festival years.**

- a. Recommendation. Approve a change to the Division II Softball Championship date formula during years in which the Division II National Championships Festival for spring sports takes place by moving the super regionals a day earlier to begin Tuesday and conclude Wednesday (see the Attachment). The date formula for championship selection and regional competition would remain the same as currently in festival years.
- b. Effective date. 2024 NCAA Division II Softball Championship (the next spring sports festival year).
- c. Rationale. The recent expansion in the finals site format for the softball championship from five days to seven days affects the schedule for the Division II National Championships Festival by compressing the time between each round of the softball championship. To accommodate for travel, weather and student-athlete health and safety, the Division II Softball Committee explored multiple format models and recommended that moving the super regionals to Tuesday and Wednesday would provide the best championship experience and create the least disruption for student-athletes, coaches and administrators. The Championships Committee agreed with this assessment and supports the sport committee's recommendation. (Note: Prior to the expanded finals site format, the super regionals were conducted Wednesday/Thursday in festival years and Thursday/Friday in non-festival years.)
- d. Estimated budget impact. None.
- e. Student-athlete impact. The recommendation provides participating teams an additional day between finishing super regionals and arriving on site for the festival.

INFORMATIONAL ITEMS.

1. **Welcome and review of agenda.** Championships Committee Chair Reid Amos welcomed the group and reviewed the agenda. Mr. Amos also congratulated all of those involved in

administering the recent Division II National Championships Festival in Seattle for fall sports, including the staff from host institution Seattle Pacific University.

2. Review of previous reports. The committee approved the report from its November 3 videoconference as presented.

3. Future meetings and videoconferences.

- January 5, 2023, 2-3:30 p.m. Eastern time (monthly videoconference; tentative).
- February 23-24, 2023 (in-person meeting; Indianapolis).
- June 26-27, 2023 (meeting via videoconference).
- September 14-15, 2023 (in-person meeting; Indianapolis).

4. Other business. The committee also discussed an opportunity to provide feedback to Warner Bros. Discovery Sports (WBD Sports) on potential development of a new service that would further highlight Division II and III championships. Members were encouraged to take advantage of the opportunity as well as forward to any interested individuals on their campuses.

Given the possibility that the January 5 videoconference, which would be the final meeting for current member Courtney Lovely Evans, may be canceled unless pressing agenda items emerge before then, the committee thanked Ms. Lovely Evans for her significant contributions to the committee during her term as a representative from the Division II Management Council. The committee also thanked Division II Student-Athlete Advisory Committee representative Thomas Webb Jr. for his service, though his term on the Division II SAAC lasts another year. The SAAC will conduct elections for assignments in 2023 during the January Convention, and while it is possible that Mr. Webb could be reassigned to the Championships Committee, it is also possible that he would be appointed to another committee or council for the coming year.

Committee Chair: Reid Amos, Mountain East Conference
Staff Liaison(s): Karen Kirsch, Championships and Alliances
Micaela Liddane, Championships and Alliances
Angela Red, Academic and Membership Affairs

Division II Championships Committee December 8, 2022, Videoconference	
Attendees:	
Reid Amos, Mountain East Conference.	
Kristy Bayer, Rockhurst University.	
Marcus Clarke, Central Intercollegiate Athletic Association.	
Chris Colvin, Conference Carolinas.	

Courtney Lovely Evans, Palm Beach Atlantic University.
Nathan Gibson, University of Colorado, Colorado Springs.
Matt Kilcullen, Mercy College.
Regan McAthie, Concordia University, St. Paul.
Carol Rivera, California Collegiate Athletic Association.
Cade Smith, University of Alabama at Huntsville.
Thomas Webb Jr., Western New Mexico University.
Jerry Wollmering, Truman State University (Management Council Vice Chair).
Absentees:
Gary Pine, Azusa Pacific University.
Guests in Attendance:
Gary Brown, NCAA Contractor.
NCAA Staff Support in Attendance:
Karen Kirsch, Championships and Alliances.
Micaela Liddane, Championships and Alliances.
Angela Red, Academic and Membership Affairs.
Other NCAA Staff Members in Attendance:
Terri Gronau, Leslie Havens, Maritza Jones, Ryan Jones, Connor Lancashire, Alyssa Rice and Liv Sappington.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday Opening Ceremonies	Tuesday	Wednesday	Thursday	Friday	Saturday Closing ceremonies
2016	Selection Call	Selection Show			Regionals	Regionals	Regionals				Super Regionals	Super Regionals			Arrive in Denver	Practices	Games 1-4	Games 5-8	Games 9-12	Games 13, 14, F1	Games F2, F3
2024, if no schedule adjustments	Selection Call	Selection Show			Regionals	Regionals	Regionals				Super Regionals	Super Regionals	Arrive in Orlando	Practices + Community Engagement	Games 1-4	Games 5-6	Games 7-10	Games 11-12	Games 13-14	Game F1	Games F2, F3
2024, moving regionals and super regionals up a day	Selection Call	Selection Show		Regionals	Regionals	Regionals				Super Regionals	Super Regionals		Arrive in Orlando	Practices + Community Engagement	Games 1-4	Games 5-6	Games 7-10	Games 11-12	Games 13-14	Game F1	Games F2, F3
2024, moving super regionals up a day	Selection Call	Selection Show			Regionals	Regionals	Regionals			Super Regionals	Super Regionals		Arrive in Orlando	Practices + Community Engagement	Games 1-4	Games 5-6	Games 7-10	Games 11-12	Games 13-14	Game F1	Games F2, F3

1. With no schedule adjustment, a tight turnaround is created for teams from super regionals to Orlando and leaves no room for weather error.
2. With the adjusted schedule, only two game would be played Monday, which would allow teams to attend opening ceremonies. (no team eliminated until Wednesday)
3. Do you want to consider moving the selection show to Sunday night, rather than 10 a.m. Monday morning, to allow for more time for teams to make arrangements for regionals?

a. Monday selection show may impact teams ability to practice.

b. Sunday selection show would require working with conference commissioners to ensure conference championship are wrapped up by Saturday and only use Sunday in case of weather with a set deadline.

Key:

Format selected by DII Softball Committee



REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
NOVEMBER 1-2, 2022, IN-PERSON MEETING

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- Request for Feedback from NCAA Division II Student-Athlete Advisory Committee, NCAA Division II Coaches Connection and NCAA Division II Conference Commissioners Association Compliance Administrators -- NCAA Bylaw 14.5.5.3.9 – Eligibility – Transfer Regulations – Four-Year College Transfers – Exceptions for Transfers from Four-Year Colleges – One-Time Transfer Exception – Transfers from Non-Division II Institutions.

(1) **Recommendation.** That the NCAA Division II Management Council request the Division II Student-Athlete Advisory Committee, Division II Coaches Connection groups and Division II Conference Commissioners Association Compliance Administrators provide feedback on the current application of NCAA Division II Bylaw 14.5.5.3.9 (one-time transfer exception) and whether Division II should consider a legislative exception to the June 15 written notification of transfer deadline for non-Division II transfer student-athletes.

(2) **Effective date.** Immediate.

(3) **Rationale.** During the 2022 NCAA Convention, the Division II membership adopted NCAA Division II Proposal No. 2022-4 (recruiting, eligibility and financial aid – transfer regulations – four-year college transfers – exceptions for transfers from four-year colleges – notification of transfer, one-time transfer exception and financial aid legislation). Since its adoption, NCAA staff has seen an increase in legislative relief waivers for transfer student-athletes who have missed the June 15 written notification of transfer deadline. There has been a particular increase in legislative relief waivers for non-Division II transfer student-athletes (e.g., NAIA.) The Legislation Committee requests the feedback from the Student-Athlete Advisory Committee, Coaches Connection groups and Conference Commissioners Association Compliance Administrators on whether a legislative exception should be provided to those student-athletes that transfer from non-Division II institutions.

(4) **Estimated budget impact.** None.

- (5) **Student-athlete impact.** None.

INFORMATIONAL ITEMS.

1. **Review of 2023 Convention Division II Second Publication of Proposed Legislation and the Legislative Proposals Question and Answer Guide.** The Division II Legislation Committee reviewed the 2023 Convention proposals and the Legislative Proposals Question and Answer Guide to resolve all possible questions and procedural issues prior to the 2023 Convention Division II business session on January 14, 2023. The Question and Answer Guide was approved, as amended. Staff also provided the committee with an update on the timing of the release of the Question and Answer Guide and noted that the final version of the guide for the 2023 Convention will be available in early December.
2. **Discussion regarding the NCAA Division II Implementation Committee Legislative Process and Compliance Subcommittee priority two and three items.** The committee continued its discussion on the Division II Implementation Committee's Legislative Process and Compliance Subcommittee's priority two and three items. Specifically, the committee began its discussion regarding Bylaw 13 (recruiting). The committee will continue this discussion at their February meeting.
3. **Division II University update and selection of modules for coaches certification in the 2023-24 academic year.** The committee reviewed data from the 2022-23 coaches' certification required educational modules. Further, the committee selected six educational modules that will be required for certification in the 2023-24 academic year, as follows: (a) NCAA Coaches Assist for Mental Health; (b) NCAA Coaches Assist for Substance Misuse; (c) Eligibility: Progress-Toward-Degree; (d) Eligibility: Seasons of Competition; (e) Recruiting and Communication; and (f) Recruiting: Who, What, When. The committee will review and approve test questions for the six modules at its March 2023 videoconference.
4. **Discussion regarding future Division II compliance forms.** The committee engaged in preliminary conversations surrounding the Division II compliance forms, specifically regarding whether the forms are still useful and serving their intended purpose. The committee will continue this discussion at its March 2023 videoconference.
5. **Discussion regarding the application of the June 15 written notification of transfer deadline and legislative relief waivers received.** Staff provided an update on the legislative relief waivers that have been processed related to student-athletes that have transferred after the June 15 written notification of transfer deadline. The committee also received an update on the guidance that the NCAA Division II Committee for Legislative Relief provided staff during its October 5 videoconference regarding the processing of these waiver requests. The committee discussed the June 15 deadline and its application to transfer student-athletes; specifically, non-Division II transfer student-athletes. The committee requested feedback from the Division II Student-Athlete Advisory Committee, the Division II Conference Commissioners Association Compliance Administrators and

coaches connection groups regarding the current application of the legislation to non-Division II transfer student-athletes. The committee will review the feedback at their March 2023 videoconference. [See Nonlegislative Action Item]

6. **Update on action from the NCAA Division I Board of Directors regarding institutional involvement in enrolled student-athletes name, image and likeness activities.** The committee received an update on the action taken by the Division I Board of Directors to adopt a policy which clarifies institutional involvement related to name, image and likeness activities. In light of the recent legislative changes and NCAA Division II Proposal No. 2023-8 (amateurism – various bylaws – definition of agent and use of agents), the committee determined the adoption of a similar policy would provide clarity to the Division II membership and would be beneficial for institutions and student-athletes alike. The committee will discuss and propose a formal policy for Division II during its March 2023 videoconference.
7. **Discussion regarding the Division I transfer window.** Staff provided an update regarding the recent changes made to the Division I transfer legislation and its impact on student-athletes who may transfer to Division II institutions.
8. **Discussion regarding the application of Bylaw 13.1.1.2 (four-year college prospective student-athlete) to a transfer student-athlete from an institution not a part of the NCAA or National Association of Intercollegiate Athletics (NAIA).** The committee discussed Bylaw 13.1.1.2 (four-year college prospective student-athlete); specifically, the notification of transfer requirements that must be satisfied prior to a Division II institution having contact with a four-year college transfer from the United States Collegiate Athletic Association. The committee determined that, prior to a Division II institution having contact with a student-athlete at an institution not a part of the NCAA or NAIA, the Division II institution must follow the rule of the applicable association related to making contact with student-athletes.
9. **Review of the Division II Priorities.** The committee received an overview of the 2022-23 Division II Priorities.
10. **Update from the NCAA Division II Presidents Council and Management Council October 2022 Meetings.** The committee received an update on the actions taken at the October 2022 Presidents Council and Management Council quarterly meetings.
11. **Update from the NCAA Board of Governors.** Staff provided an update on key items from the October Board of Governors meeting.
12. **Review of September 29, 2022, teleconference report.** The committee reviewed and approved the September 29, 2022, teleconference report.

13. **Subcommittee appointment.** The committee appointed Kevin Schriver, faculty athletics representative, Southwest Baptist University, to the Legislative Review Subcommittee, effective immediately.
14. **Future meeting dates.**
 - a. March 21-22, 2023; videoconference.
 - b. June 28-29, 2023; Indianapolis.
 - c. September 2023, date to be determined, videoconference.

Committee Chair: Carlin Chesick, Pennsylvania State Athletic Conference
Staff Liaison(s): Susan Britsch, Academic and Membership Affairs
Chelsea Hooks, Academic and Membership Affairs
Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Legislation Committee November 1-2, 2022, In-Person Meeting	
Attendees:	
Brenda Cates, University of Mount Olive.	
Carlin Chesick, Pennsylvania State Athletic Conference.	
Audra Kedy, Great American Conference.	
Kara Lindaman, Winona State University.	
Alex Pappas, Metropolitan State University of Denver.	
Pennie Parker, Rollins College.	
Christopher Ratcliff, Rogers State University.	
Kevin Schriver, Southwest Baptist University (via teleconference).	
Jason Stock, California State University, San Marcos.	
Melinda Terry, St. Edward's University.	
Absentees:	
Ismael Contreras, Purdue Northwest University.	
Guests in Attendance:	
Austin Mondello, Colorado Mesa University (via teleconference).	
NCAA Staff Liaisons in Attendance:	
Susan Britsch, Chelsea Hooks and Jordan Lysiak.	
Other NCAA Staff Members in Attendance:	
Olivia Beach, Terri Steeb Gronau, Maritza Jones, Angela Red and Olivia Sappington.	

REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
DECEMBER 13, 2022, TELECONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Review of December 5, 2022, NCAA Interpretations Subcommittee of the Division II Legislation Committee teleconference report.** The committee reviewed and approved the Interpretations Subcommittee teleconference report. The committee approved the subcommittee's recommendation to incorporate the following official interpretation into the Division II Manual.

An Institution's Ability to Publicly Comment on a Prospective Student-Athlete's Commitment Upon Receiving a Financial Deposit in Response to an Offer of Admission (II).

Date Issued: December 5, 2022

Date Published:

Item Ref: 1

The NCAA Interpretations Subcommittee of the Division II Legislation Committee determined that a Division II institution may publicly comment on a prospective student-athlete's commitment to attend their institution upon receiving a financial deposit in response to its offer of admission.

[References: NCAA Division II Bylaws 13.10.2 (comments prior to signing) and 13.10.4 (media release regarding signing)]

2. **Future meeting dates.**
 - a. February 1, 2023; videoconference.
 - b. March 21-22, 2023; videoconference.
 - c. June 28-29, 2023, in-person meeting; Indianapolis.

Committee Chair: Carlin Chesick, Pennsylvania State Athletic Conference
Staff Liaison(s): Susan Britsch, Academic and Membership Affairs
Chelsea Hooks, Academic and Membership Affairs
Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Legislation Committee December 13, 2022, Teleconference	
Attendees:	
Brenda Cates, University of Mount Olive.	
Carlin Chesick, Pennsylvania State Athletic Conference.	
Ismael Contreras, Purdue Northwest University.	
Audra Kedy, Great American Conference.	
Kara Lindaman, Winona State University.	
Alex Pappas, Metropolitan State University of Denver.	
Pennie Parker, Rollins College.	
Kevin Schriver, Southwest Baptist University.	
Jason Stock, California State University, San Marcos.	
Melinda Terry, St. Edward's University.	
Absentees:	
Christopher Ratcliff, Roger State University.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Susan Britsch, Chelsea Hooks and Jordan Lysiak.	
Other NCAA Staff Members in Attendance:	
Olivia Beach and Angela Red.	



July 19, 2022

VIA EMAIL

Mr. Shane Lyons, chair
NCAA Division I Council
Director of Athletics
West Virginia University
3450 Monongahela Boulevard
Morgantown, West Virginia 26506

Dear Shane:

During its July 18-19 in-person meeting, the NCAA Division II Management Council received a report from the NCAA Division II Implementation Committee as part of its charge to review the division's rules and policies and recommend changes that strengthen the division in accordance with the principles agreed upon in the new NCAA Constitution. The Management Council also received an update on the work being done by Division III and Division I to implement the new constitution.

The Management Council discussed at length the enhanced transfer model recommendations that the NCAA Division I Transformation Committee submitted to the NCAA Division I Board of Directors and what the board is asking the NCAA Division I Council to review. In particular, the discussion focused on the proposed academic eligibility exception and transfer windows that would replace the one-time transfer exception in Division I.

Following discussion and concern regarding the potential application of different transfer rules in different divisions, the Management Council voted to ask the Division I Council to consider confirming the application of transfer rules for a student-athlete transferring to a different division. The Management Council believes that a student-athlete transferring to a different division should follow the transfer rules of the division the student-athlete is transferring to. For example, if a Division I student-athlete intends to transfer to a Division II institution and wants to use the one-time transfer exception, the student-athlete should be permitted to enter the NCAA Transfer Portal through June 15, which is the Division II written notification of transfer date.

Likewise, if the academic eligibility exception is adopted in Division I, a Division II student-athlete transferring to a Division I institution would need to meet the new Division I rule, including providing written notification of transfer within Division I specified windows.

Mr. Shane Lyons

July 19, 2022

Page No. 2

The Division II Management Council requests that the Division I Council consider this application and clarify its intent as part of its discussion of the enhanced transfer model recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Johnson", with a stylized, cursive script.

Jim Johnson, chair
NCAA Division II Management Council and
Director of Athletics, Pittsburg State University

JRJ:jcw

cc: Selected NCAA Staff Members

REPORT OF THE
NCAA DIVISION II MEMBERSHIP COMMITTEE
NOVEMBER 9, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Discussion regarding referrals from the NCAA Division II Implementation Committee.** The committee continued its discussion regarding the referrals from the Implementation Committee. Specifically, the committee continued its discussion regarding the consideration of a new institutional engagement program/tool to replace the Institutional Self-Study Guide (ISSG). The committee reviewed the current ISSG and discussed what a potential new program/tool could look like. The committee also discussed key sections of the ISSG that should remain in the new program/tool. Further, the committee reviewed the current NCAA Division II provisional membership process to determine what, if anything, should be changed. Finally, NCAA staff provided an update on the work of the NCAA Division I Transformation Committee and the NCAA Division III Advisory Group. The committee will continue its discussions regarding a new institutional engagement program and changes to the provisional membership process at its February in-person meeting.
2. **Review of 2023 NCAA Convention Division II legislative proposals.** Staff provided an overview of the 12 legislative proposals that will be voted on by the membership during the Saturday, January 14, 2023, business session, during the NCAA Convention.
3. **Review of Convention meeting with provisional institutions.** Staff provided an overview of the programming for the provisional member meeting that will occur Thursday, January 12, 2023, during the Convention.
4. **Review of Convention assignments.** The committee discussed its role and responsibilities during the Convention for credentialing and vote counting during the business session.
5. **Update on institutions in the membership process.** The committee received an update on the seven institutions currently in the membership process.
6. **Review of 2022-23 NCAA Division II priorities.** Staff provided an update on the Division II priorities for the current year.
7. **Review and approval of September 23, 2022, videoconference report.** The committee reviewed and approved its September 23 videoconference report, as presented.
8. **Update from the NCAA Board of Governors.** Staff provided an update on key items from the October Board of Governors meeting.

9. **Update from the October NCAA Division II Management Council and NCAA Division II Presidents Council meetings.** Staff provided an update on key items from the October Management Council and Presidents Council meetings.
10. **Update from the October Division II Conference Commissioners Association and Division II Athletics Directors Association meetings.** Staff provided an update on the October meetings of the Conference Commissioners Association and Athletics Directors Association.
11. **Future scheduled meetings.**
 - a. February 7, 2023, in-person meeting; Indianapolis.
 - b. April 2023, videoconference; date and time to be determined.
 - c. July 11-12, 2023, in-person meeting; Indianapolis.
 - d. November 8, 2023, in-person or videoconference.

Committee Chair: Kirby Garry, California State University, Monterey Bay
Staff Liaisons: Jeremy Christoffels, Academic and Membership Affairs
Angela Red, Academic and Membership Affairs

NCAA Division II Membership Committee November 9, 2022, Videoconference	
Attendees:	
Keri Becker, Grand Valley State University.	
Melanie Brunson, Winona State University.	
Andrew Carter, Missouri Western State University.	
Robert Dranoff, East Coast Conference.	
Kirby Garry, California State University, Monterey Bay.	
Curtis Janz, University of Arkansas, Fort Smith.	
Will Prewitt, Great American Conference.	
Debbie Snell, Hawaii Pacific University.	
Jennifer Virgil, Bloomfield College.	
Christina Whetsel, Augusta University.	
Absentees:	
Bashar Hanna, Bloomsburg University of Pennsylvania.	
Jessica McIntyre, Lee University.	
Guests in Attendance:	
Jackson Stava, Seattle Pacific University.	
NCAA Liaisons in Attendance:	
Jeremy Christoffels.	
Other NCAA Staff Members in Attendance:	
Terri Steeb Gronau, Chelsea Hooks, Maritza Jones and Jordan Lysiak.	



REPORT OF THE
NCAA DIVISION II NOMINATING COMMITTEE
NOVEMBER 8, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. **Legislative Items.**
 - None.
2. **Nonlegislative Items.**
 - None.

INFORMATIONAL ITEMS.

1. **Reports of previous meetings.** The committee approved the report from its October 11, 2022, videoconference.
2. **Review of Nominating Committee's Policies and Procedures.** The committee received a request to review the policies and procedure regarding the limitation on serving on more than one NCAA committee at a time and determined to table the discussion until its January meeting to discuss.
3. **Association-wide Committee Nominee Review.** The committee reviewed the nominees for the immediate vacancies for the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS) and the NCAA Honors Committee (Honors). They identified their preferred candidates and will forward those to be reviewed by the chairs of all three nominating committees.
4. **Future meetings.**
 - a. Videoconference – 2 p.m. Eastern time Tuesday, December 13.
 - b. In-person meeting – January 10, 2023, in conjunction with the NCAA Convention.

Committee Chair: Molly Belden, Northeast-10 Conference
Staff Liaison: Jen Roe, Governance and Policy

Report of the NCAA Division II Nominating Committee

November 8, 2022, Videoconference

Page No. 2

NCAA Division II Nominating Committee November 8, 2022, Videoconference	
Attendees:	
Molly Belden, Northeast-10 Conference.	
Jessica Chandler, University of Missouri, St. Louis.	
James Crawley, Dominican College (New York).	
Tony Duckworth, Albany State University (Georgia).	
Bob Hogue, Pacific West Conference.	
Roberta Page, Slippery Rock University of Pennsylvania.	
Todd Thurman, Metropolitan State University of Denver.	
Absentees:	
Santee Mott, Texas Women's University.	
Eric Schoh, Winona State University.	
Guests in Attendance:	
None.	
NCAA Staff Liaison in Attendance:	
Jen Roe.	
Other NCAA Staff Members in Attendance:	
None.	



EXCERPT FROM THE REPORT OF THE
NCAA DIVISION II NOMINATING COMMITTEE
DECEMBER 13, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

a. NCAA International Student Records Review Committee (immediate vacancy replacing Greg Gilbert). [Attachment A]

- (1) Recommendation. Appoint **Scott Glenn**, faculty athletics representative, Goldey-Beacom College, Central Atlantic Collegiate Conference.
- (2) Effective Date. Immediate.
- (3) Rationale. The committee forwards Mr. Glenn as its choice to fill this vacancy. His coaching and teaching background will add value to this committee. Mr. Glenn's appointment will add ethnic diversity to the committee.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

b. NCAA Division II Nominating Committee (immediate vacancy Atlantic region). [Attachment B]

- (1) Recommendation. Appoint **Derrick Price**, director of athletics, Bluefield State University, Independent.
- (2) Effective Date. Immediate.
- (3) Rationale. Mr. Price has Division II experience as both a coach and administrator. His varied experience will be an asset to this committee. Mr. Price's appointment will add ethnic diversity to the committee.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

g. NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (immediate vacancy mental health practitioner). [Attachment C]

- (1) Recommendation. Appoint **Sarah Dowd**, director of student-athlete wellness & clinical counselor, Michigan Technological University, Great Lakes Intercollegiate Athletic Conference.
- (2) Effective Date. Immediate.
- (3) Rationale. Ms. Dowd is a former NCAA student-athlete. She is a licensed mental health provider and is an embedded clinician for Michigan Technological University, where she also serves as the senior woman administrator. Ms. Dowd also serves on the conference's student-athlete welfare committee. Her appointment will be an asset to the committee and provide divisional diversity.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Reports of previous meetings.** The committee approved the report from its November 8, 2022, videoconference.
2. **Informational documents.** The committee reviewed the informational documents and took no action.
3. **NCAA Division II Strategic Alliance Matching Grant Selection Committee.** The Nominating Committee appointed Kevin Forde, director of athletics, Minot State University, Northern Sun Intercollegiate Conference, to fill an immediate vacancy on the committee.
4. **Additional nominations.** The committee requested that the following vacancy be reposted to seek additional nominations:
 - NCAA Men's and Women's Soccer Rules Committee – immediate vacancy replacing Patrick Britz.
5. **Future meetings.**
 - a. In-person meeting – January 10, 2023, in conjunction with the NCAA Convention.

- b. Videoconference – 2 to 3 p.m. Eastern time Tuesday, March 14, 2023.

Committee Chair: Molly Belden, Northeast Conference

Staff Liaison: Jen Roe, Governance and Policy

NCAA Division II Nominating Committee December 13, 2022, Videoconference	
Attendees:	
Molly Belden, Northeast-10 Conference.	
Jessica Chandler, University of Missouri, St. Louis.	
James Crawley, Dominican College (New York).	
Bob Hogue, Pacific West Conference.	
Santee Mott, Texas Women's University.	
Roberta Page, Slippery Rock University of Pennsylvania.	
Matthew Pope, Carson-Newman University.	
Eric Schoh, Winona State University.	
Todd Thurman, Metropolitan State University of Denver.	
Absentees:	
Tony Duckworth, Albany State University (Georgia).	
Guests in Attendance:	
None.	
NCAA Staff Liaison in Attendance:	
Jen Roe.	
Other NCAA Staff Members in Attendance:	
Lynn Dickey and Maritza Jones.	

2022-23 INTERNATIONAL STUDENT RECORDS COMMITTEE

Composition: The committee shall consist of six members, including two Division I representatives, two Division II representatives and two representatives who may be from either Division I or Division II. **Three-year renewable terms (maximum of three terms).**

Duties: Assist in reviewing initial-eligibility standards for international students. This committee shall report to the Committee on Academics.

Vacancies: **One immediate DII Vacancy, Greg Gilbert resigned.**

Reappoint:

Preference: **Individuals with expertise in international records review.**

Staff Liaison: Alyson Grady, Morgan Adcock

Chair:

DIV.	EM/ GEN	POS.	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25
FBS	N/M	Sr. Assoc AD	Josh Daume Arkansas State University	Sun Belt Conference	Daume (term 1)		
DI	N/M	Dir of Student Services	Jim Stein University of Hawaii, Manoa	Big West	Stein (term 1)	Stein (term 1)	
FCS	Y/M	Deputy AD	Drew Sanchez High Point University	Big South	Sanchez (term 1)		
II	N/F	Asst AD	Hanna Lantz Texas A&M University- Kingsville	Lone Star	Lantz (term 1)	Lantz (term 1)	
II	N/M	Asst AD	Greg Gilbert University of Findlay	Great Midwest Athletic	Gilbert (term 3)	Gilbert (term 3)	Gilbert (term 3)*
II	N/F	International Student Advisor	Heidi Leonard King University	Conference Carolinas	Leonard (Term 1)	Leonard (Term 1)	

* Not eligible for reappointment 11/15/2022

2022-23 DIVISION II NOMINATING COMMITTEE

Composition: Eleven members, including two members of the Division II Management Council.

Vacancies: **One immediate vacancy, ATL region.**

Appointment: **The committee should have at least one representative from each region (Atlantic, Central, East, Midwest, South, South Central, Southeast, West). Preference should be given to individuals with previous experience and/or Division II longevity.**

Preferences:

Staff Liaison: Jen Roe

REG	EM/GEN	ROLE	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
West	N/M	Comm	Bob Hogue Pacific West Conference	Pacific West	Hogue*			
East	N/F	Sr. Assoc Comm	Molly Belden Northeast-10 Conference	Northeast-10	Belden	Belden*		
MidW	N/F	Assoc AD/ SWA	Jessica Chandler University of Missouri St. Louis	Great Lakes Valley	Chandler	Chandler	Chandler	Chandler*
SoCen	N/M	AD	Todd Thurman Metropolitan State University of Denver	Rocky Mountain Athletic	Thurman	Thurman	Thurman*	
Atl	N/F	AD	Roberta Page Slippery Rock University of Pennsylvania	Pennsylvania State Athletic	Page	Page	Page	Page*
South	N/M	AD	Tony Duckworth Albany State University (Georgia)	Southern Intercollegiate Athletic	Duckworth	Duckworth	Duckworth*	
Cen	N/M	AD	Eric Schoh Winona State University	Northern Sun Intercollegiate	Schoh	Schoh*		
East	N/M	FAR	James Crawley Dominican College (New York)	Central Atlantic Collegiate	Crawley	Crawley*		
SoE	N/M	VP/ AD	Matthew Pope Carson-Newman	South Atlantic Conference	Pope	Pope	Pope	Pope*
	N/F	AD (MC Rep)	Roberta Page ² Slippery Rock University of Pennsylvania	Pennsylvania State Athletic	Page ²	Page ²	Page ²	Page ² (1/27*)
	N/F	AD (MC Rep)	Sandee Mott ² Texas Woman's University	Lone Star	Mott ²	Mott ²	Mott ²	Mott ² (1/26*)

* Not eligible for reappointment

² Term concurrent with service on Division II Management Council. 10/27/2022

2022-23 COMMITTEE ON COMPETITIVE SAFEGUARDS AND MEDICAL ASPECTS OF SPORTS

Legislated Requirements: **25 members total, including seven positions allocated for individuals who identify as male, seven allocated for individuals who identify as female (11 unallocated).** In Division I all subdivisions must be represented.

Duties: Advocates for research, legislation and best practices supporting health and safety of student-athletes. This committee is subject to the direction of the Board of Governors and in conjunction with the NCAA Sport Science Institute.

- 2 AD or SWA (1 M/ 1F);
- **4 medicine (at least 2 F**, 1 primary-care physician who is board certified in family practice, internal medicine or emergency medicine, and shall have a current Certificate of Added Qualifications in Sports Medicine; 1 board-certified orthopedic surgeon ; **1 expertise in endocrinology**; 1 physician from the general public.
- 1 Football Rules Committee;
- 1 active coach;
- 2 athletic trainers (1 M and 1 F; one must be responsible for total athletic training program);
- 1 secondary school representative (National High School Federation);
- **1 drug testing expert - Physician**
- 3 S/As (1 from each division (SAAC);
- **2 licensed mental health practitioners (1 M/ 1F)**;
- 1 registered dietitian who specializes in sports nutrition;
- 1 strength and conditioning specialist certified by an accredited strength and conditioning certification body;
- 1 law (active lawyer practicing in sports law or a related field, or a faculty member in sports law or a related field);
- 1 sport-science research;
- 1 expertise in drug education
- 1 Division II MC representative;
- 1 Division III MC representative;
- 1 Division I Council representative.

Policies: Representatives from all divisions and subdivisions.

CHAIR 1/06 – All divisions approved a proposal that would allow the committee chair’s term to be extended if he was appointed as chair with one year of less remaining on his or her four-year term.

Vacancies: Two immediate vacancies, Physician (expertise in endocrinology), mental health practitioner (female);

Staff Liaisons: John Parsons, Ann Rohlman

DIV.	EM	GEN	POSITION	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
FBS	N	F	Team physician – (primary care)	Amanda Phillips-Savoy University of Louisiana at Lafayette	Sun Belt	Phillips-Savoy	Phillips-Savoy	Phillips-Savoy	Phillips-Savoy*
FCS	Y	M	Team physician (orthopedist)	Alan Hirahara California State University, Sacramento	Big Sky	Hirahara	Hirahara	Hirahara*	
DI	N	F	Team physician Drug-Testing	Deena Casiero University of Connecticut	Big East	Casiero	Casiero	Casiero*	
			Physician – (expertise in endocrinology)						
	Y	F	Psychiatrist (general public physician)	Yolanda Malone-Gilbert	Public Physician	Malone-Gilbert*			
FBS	N	F	Director of Nutrition (Dietitian)	Auburn Weisensale University of Pittsburgh	Atlantic Coast	Weisensale*			

DIV.	EM	GEN	POSITION	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
DI	N	F	(FAR/Prof) <i>(Drug education)</i>	Nadine Mastroleo Binghamton University	America East	Mastroleo	Mastroleo*		
FBS	N	F	FAR <i>(Sport-science research)</i>	Pam Hinton-Bruzina University of Missouri	Southeastern	Hinton-Bruzina	Hinton-Bruzina*		
FBS	N	M	Sr. Assoc. AD <i>(Strength and Cond)</i>	Luis Feigenbaum University of Miami (FL)	Atlantic Coast	Feigenbaum*			
FBS	N	M	Sport Psychologist <i>(mental health practitioner)</i>	James Houle The Ohio State University	Big Ten	Houle	Houle*		
		F	<i>mental health practitioner</i>						
II	N	M	AD (M)	Richard Hendricks Jr. Shorter University	Gulf South	Hendricks Jr	Hendricks Jr	Hendricks Jr	Hendricks Jr.*
II	N	M	Athletic Trainer (M)	Jack Entriken Kutztown University of Pennsylvania	Pennsylvania State Athletic	Entriken	Entriken	Entriken	Entriken*
FBS	Y	F	Athletic Trainer (F)	Kim Terrell University of Oregon	Pac-12	Terrell*			
DI	N	M	Head Womens' Swimming Coach	Matt Barany University of Richmond	Atlantic 10	Barany	Barany	Barany	Barany*
III	N	F	Assoc AD/SWA <i>[SWA or AD(F)]</i>	Nicole Pieart, Lake Forest College	Midwest	Pieart*			
FCS	N	M	Professor of Law <i>(Law)</i>	N. Jeremi Duru American University	Patriot	Duru*			
II	N	F	Division II MC	Julie Rochester ² Northern Michigan Univeristy	Great Lakes Intercollegiate	Rochester ² (1/23*)			
III	N	F	Div. III MC	Michelle Walsh ³ Vassar College	Liberty League	Walsh ³	Walsh ³ (1/24*)		

DIV.	EM	GEN	POSITION	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
I	N	M	Div. I Council	Tim Coffey ¹ Longwood University	Big South	Coffey ¹	Coffey ¹	Coffey ¹	Coffey ¹ (7/26)*
I	N	M	(Football Rules Committee Rep)	Richard Wanninger Patriot League	Patriot League	Wanninger	Wanninger	Wanninger*	
	N	M	High School Federation	Bob Colgate National Federation of State High School Associations		Colgate ⁴			
<i>I</i>	<i>Y</i>	<i>M</i>	<i>S/A (SAAC)</i>	<i>Cody Shimp</i> <i>St Bonaventure University</i>	<i>A-10</i>	<i>Shimp*</i> <i>(6/23)</i>			
<i>II</i>	<i>Y</i>	<i>F</i>	<i>S/A (SAAC)</i>	<i>Leshlie Ramirez</i> <i>University of Puerto Rico,</i> <i>Mayaguez</i>	<i>Independent</i>	<i>Ramirez</i> <i>(1/23)*</i>			
<i>III</i>	<i>Y</i>	<i>F</i>	<i>S/A (SAAC)</i>	<i>Talia Williams</i> <i>Carleton College</i>	<i>Minnesota</i> <i>Intercollegiate</i> <i>Athletic</i>	<i>Williams</i> <i>(1/23)*</i>			

* Not eligible for reappointment. ²Term concurrent with service on Division II Management Council ³ Term concurrent with service on Division III Management Council 10/05/2022

⁴ Eligible for reappointment without restrictions, individual shall be the National Federation of State High School Association's staff liaison to the Sport Medicine Advisory Board.

FBS – 6, FCS – 2, DI – 2, DII – 3, DIII - 3
 Male – 11; Female – 12; EM – 76
 DR – 4; AD – 1; FAR – 3; Coach – 1; SWA – 1
 AT – 2; OTH – 8; SA - 3

REPORT OF THE
NCAA DIVISION II PLANNING AND FINANCE COMMITTEE
DECEMBER 9, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

a. Fiscal Year 2021-22 Division II Surplus Recommendations.

- (1) Recommendation. Approve allocating the fiscal year 2021-22 surplus of \$4,554,941 in the following ways:

Item	Amount
Division II Supplemental Distribution (\$6,000 per school)	\$1,734,000
Joint Championships Roll-Over	\$450,000
Game Day Initiative Roll-Over	\$270,000
Division II 50 th Anniversary Funds	\$250,000
Championships Festival Roll-Over	\$94,900
Update Division II Championships Signage	\$50,000
Coaches Connection (in-person meeting)	\$30,000
Softball Championship Finals Site Format Expansion (from six days to seven days)	\$25,000
Drug-Testing Contract Increase	\$5,000
Reserve	\$1,646,041
TOTAL	\$4,554,941

Notes:

Supplemental Distribution. Sent to each active and eligible institution that received the equal distribution in April 2022 and is still an active Division II institution at the time of the distribution in February 2023.

Joint Championships Roll-Over. This line item rolls over each fiscal year to ensure dollars are available for joint championships events. A portion of these funds will be used for the joint women's basketball championships in Dallas in March/April 2023.

Game Day Initiative Roll-Over. Funds were allocated for this initiative to implement over three years. The remaining dollars will be used to continue paying the Disney Institute for facilitating training sessions and continuing implementing the modules via Division II University.

Division II 50th Anniversary Funds. Division II will be celebrating its 50th anniversary during the 2023-24 academic year. The funds will be used to purchase signage, 50th anniversary team recognition trophies and other initiatives to celebrate the division. These funds will be used in FY23 and the remaining funds will be rolled over to FY24.

Championships Festival Roll-Over. The remaining funds from FY22 will be used to pay for the fall championships festival expenses in FY23.

Update Division II Championships Signage. With the rebrand of the overall NCAA and Division II logos, the signage in inventory needs to be updated with the new logos.

Coaches Connection (in-person meeting). With five new connectors for the 2022-23 academic year, as well as new national office staff in championships and academic and membership affairs, it is recommended to gather all connectors for an in-person meeting to ensure continued success of this program

Softball Championship Finals Site Format Expansion (six days to seven days). At the fall council meetings, the councils approved expanding the softball championship format at the finals site from six days to seven days. With this approval, the Planning and Finance Committee recommended using surplus funds for the 2023 championship and will base budget the expansion starting in FY24.

Drug-Testing Contract Increase. The contract with the NCAA's drug-testing provider increased at a higher percentage than originally forecast. Additional dollars are required to meet the contractual obligation.

Reserve. The remaining FY22 surplus funds will be placed in the Division II reserve for future possible needs.

- (2) Effective date. Immediate.
- (3) Rationale. The Planning and Finance Committee reviewed options for using the surplus and agreed that the uses outline in the above chart are appropriate.
- (4) Estimated budget impact. N/A.
- (5) Student-athlete impact. The recommendation prioritizes the membership distribution to help with supporting programs that benefit the student-athlete experience.

b. Timeline for the 2026-32 Division II Strategic Plan.

- (1) Recommendation. Approve the following timeline for the development of the 2026-32 Division II Strategic Plan:

Date(s)	Action
December 2022	Division II Planning and Finance Committee considers the timeline and makes a recommendation to the Division II Management Council and the Division II Presidents Council.
January 2023	Management and Presidents Councils consider and/or approve strategic planning timeline.
January to August 2023	Using the SWOT analyses completed in 2021, facilitate discussions for the new plan and gather feedback from committees/councils and associations. Questions to consider: 1. Is there anything new or different that needs to be updated in the DII SWOT analysis from 2021? 2. Given recent events (e.g., Division II Implementation Committee, Division I Transformation Committee, Board of Governors Subcommittee on Congressional Engagement), any new ideas or areas for review for Division II? 3. Additional comments or considerations.
Summer to Fall 2023	Create the Division II Membership Census.
January to February 2024	Distribute the census to the membership for completion. (NOTE: Effective February 1, 2024, the division will have a new Division II Strategic Planning and Finance Committee and a new Division II Executive Board if legislation is adopted in January 2023.)
April 2024	Census results reviewed by the Planning and Finance Committee/Strategic Planning and Finance Committee, the Management Council and the Presidents Council/Executive Board.
May 2024 to Summer 2025	Share census results with other committees and constituent groups, gather recommendations and draft the new strategic plan.

Date(s)	Action
October 2025	Management Council and Presidents Council/Executive Board provide their final approval of the 2026-32 Division II Strategic Plan.
January 2026	Launch of the 2026-32 Division II Strategic Plan at the NCAA Convention.
Fall 2028 to Spring 2029	The Planning and Finance Committee/Strategic Planning and Finance Committee conducts check-ups on the strategic plan and recommends adjustments and updates as needed to the Management Council and Presidents Council/Executive Board.

- (2) Effective date. Immediate.
- (3) Rationale. Division II began a strategic planning process in 2021 to create a successor to the existing six-year plan adopted in 2015 by conducting SWOT analyses with all Division II governance committees and councils. The goal was to distribute a Division II census to the membership in January 2022 and have a new strategic plan to share with the Division II membership at the 2024 NCAA Convention.

With the creation of the NCAA Constitution Committee in August 2021 and anticipated vote by the membership at the 2022 Convention, the Division II Administrative Committee at its August 2021 meeting agreed to pause the strategic planning process. With the adoption of the new constitution, completed work of the Division II Implementation Committee, and expected report(s) from the NCAA Division I Transformation Committee, the Planning and Finance Committee believes it is now appropriate for the division to consider a new strategic planning timeline.

Additionally, the current Division II strategic plan will conclude with the 2024 Convention. The recommendation is to not extend the plan past January 2024 but rather use the suggested timeline above and the establishment of yearly priorities to direct the division until a new strategic plan is launched.

- (4) Estimated budget impact. None.
- (5) Student-athlete impact. No immediate impact; however, given the increased emphasis on including the student-athlete voice in decision-making (e.g., increased representation/voting within the governance structure, continuing the super region conventions for student-athletes, and other initiatives), the new strategic plan will inherently reflect more student-athlete input than in previous strategic planning processes.

INFORMATIONAL ITEMS.

1. **Welcome and review of agenda.** Minot State University President Steven Shirley welcomed the committee and noted that he is chairing the videoconference because the chair, Gayle Hutchinson, was unable to attend. President Shirley welcomed Jerry Wollmering, director of athletics at Truman State University and the new Management Council vice chair, who is attending his first meeting as a member of this committee.
2. **Approval of September 2022 Planning and Finance Committee Report.** The committee approved the report from its September 2022 videoconference, as presented.
3. **Fiscal Year 2021-22 Division II Surplus Recommendations.** The committee reviewed options for the fiscal year surplus and recommended the allocations outlined in Action Item No. 2-a.
4. **Timeline for the 2026-32 Division II Strategic Plan.** The committee discussed the status of the division's next strategic plan and recommended the timeline noted in Action Item No. 2-b.
5. **Division II Conference Sports Sponsorship Fund.** The committee continued its review begun during the August meeting regarding the referral from the Division II Implementation Committee about the Conference Sports Sponsorship Fund. At issue is how to accommodate conferences that fall below the minimum of six institutions sponsoring a sport for purposes of the Conference Sports Sponsorship Fund calculation.

Currently, the Conference Sports Sponsorship Fund is distributed to active Division II conferences in April based on the number of sports sponsored in the previous academic year, but a working group of Planning and Finance Committee members is recommending to calculate the funds based on sponsorship two years prior to the distribution. The full committee generally supports the additional flexibility that a calculation two years in arrears would provide, particularly since the primary concern from the Division II Conference Commissioners Association (CCA) about the current policy is that it is hard for a conference to budget appropriately if it loses the unit immediately prior to the start of the fiscal year.

The working group is currently targeting the 2024 distribution as the effective date, and members are aware that this would create a two-year delay in receiving funds for conferences that are working to add sports. However, the group believes the two-year delay is preferred to a different option that would require manipulation of data or payment for sports not sponsored at the minimum level.

A final version of the recommendation will be before the committee during its April meeting, following receipt of additional feedback from the CCA.

6. **Conference Sports Sponsorship Fund Distributions.** The committee reviewed the 2023 conference sports sponsorship fund distributions calculated by dividing the total fund

budget by the total qualifying sports from each conference from the previous academic year. Conferences were notified of their 2023 estimated distributions earlier this month following the November 1 verification deadline.

7. Future meetings. The committee will convene virtually in April 2023.

Committee Chair: Gayle Hutchinson, President, California State University, Chico

Staff Liaisons: Terri Steeb Gronau, Division II Governance

Maritza Jones, Division II Governance

Ryan Jones, Division II Governance

Andrea Worlock, Administrative Services

Division II Planning and Finance Committee December 9, 2022, Videoconference	
Attendees:	
Carlos Campo, Ashland University.	
Mark Corino, Caldwell University.	
Michael Driscoll, Indiana University of Pennsylvania.	
Jim Johnson, Pittsburg State University.	
Collen Perry Keith, Goldey-Beacom College.	
Erin Lind, Northern Sun Intercollegiate Conference.	
Steven Shirley, Minot State University.	
Jerry Wollmering, Truman State University .	
Absentees:	
Gayle Hutchinson, California State University, Chico.	
Guests in Attendance:	
Gary Brown, NCAA Contractor.	
NCAA Staff Support in Attendance:	
Terri Steeb Gronau, Maritza Jones, Ryan Jones and Andrea Worlock.	
Other NCAA Staff Members in Attendance:	
Becca Burchette, Olivia Sappington and Jill Waddell.	



**REPORT OF THE
NCAA DIVISION II STUDENT-ATHLETE ADVISORY COMMITTEE
NOVEMBER 19-20, 2022, VIDEOCONFERENCE**

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- **Division II Championships and Enforcement Fine Allocation.**
 - a. Recommendation. Approve a new allocation model for championships and enforcement fine dollars to Division II honorees of the Division II Award of Excellence; to Team IMPACT[®] for current and new Division II matches; and to Make-A-Wish[®] for Division II campus wish reveals, as follows:
 - 1) Award of Excellence. Approximately \$7,500.
 - 2) Team IMPACT. Sixty percent of remaining funds after Award of Excellence distribution.
 - 3) Make-A-Wish. Forty percent of remaining funds after Award of Excellence distribution to supplement Division II institutions that fundraise less than the national average cost of a wish reveal in an academic year, which is currently \$10,000.
 - b. Effective Date. Sept. 1, 2023. The championships and enforcement fine money received during the 2023-24 fiscal year that begins on Sept. 1, 2023, and ends on Aug. 31, 2024, will go towards the 2025 Award of Excellence finalists (including the top three recipients, conference winners, independent winners and at-large winners); Team IMPACT; and Make-A-Wish.
 - c. Rationale. In November 2004, the Division II Administrative Committee approved that monetary fines collected by sports committees for violations of NCAA Bylaws 31.1.8 (misconduct), 31.1.9 (failure to adhere to policies and procedures) and 31.1.9.2 (late-entry fines) and any fine established by the Division II Championships Eligibility Project Team be distributed to the Division II Student-Athlete Advisory Committee's fundraising efforts. From 2004 to 2015, these fine monies benefitted Make-A-Wish as a lump sum donation from Division II. In summer 2015, the Division II Presidents Council and Management Council approved a recommendation from SAAC to (1) allocate fine monies to ensure that all Division II conferences experience a wish reveal on one of their campuses; (2) use a portion of remaining fine

monies to enter into a formal partnership with Team IMPACT; and (3) any remaining fine monies following the two items above would be donated to Make-A-Wish on behalf of Division II student-athletes.

SAAC has regularly reviewed the above allocation model and evaluated the progress in their partnerships. In January 2019, the Presidents Council approved the division's current allocation model for its championships and enforcement fine dollars to benefit Team IMPACT and Make-A-Wish. The action taken by the Presidents Council was effective starting with the 2018-19 fiscal year. The recommendation approved the division donating 75 percent of its championships and enforcement fine money to Team IMPACT and 25 percent to Make-A-Wish to supplement Division II institutions that fundraise less than the national average cost of a wish reveal in an academic year, which is currently \$10,000.

In the current model, in 2021-22, Team IMPACT received \$94,489.37 and Make-A-Wish received \$31,496.46, with seven schools receiving fine money to host a reveal. The committee would like to continue using fine monies to support these two partnerships and also to increase the award monies for Award of Excellence recipients. The committee is requesting the fine monies be earmarked in the following ways starting with the 2023-24 fiscal year:

- 1) Award of Excellence. The award that each conference winner, independent winner and at-large winner receives will increase by \$250 from the championships and enforcement fine money. This increase will result in the award going from \$500 to \$750 for each conference winner, independent winner and at-large winner. In addition, the award that the top three national finalists (first place, second place and third place) receive will increase by \$500 from the championships and enforcement fine money. This increase will result in the award going from \$1,000 to \$1,500 for third place; from \$1,250 to \$1,750 for second place; and from \$2,500 to \$3,000 for the national winner. Over the last seven years, the Award of Excellence has averaged 24 honorees each year, which would result in approximately \$7,500 of the championships and enforcement fine money being allocated annually towards Division II honorees to make a larger impact within their community.
- 2) Team IMPACT. Sixty percent of the fine monies remaining after the Award of Excellence distribution. The Team IMPACT model provides teams with an opportunity to build a multiyear relationship that the committee believes can continue to impact student-athletes across an athletics department.

- 3) Make-A-Wish. Forty percent of the fine monies remaining after the Award of Excellence distribution to supplement Division II institutions that fundraise less than the national average cost of a wish reveal in an academic year, which is currently \$10,000. The committee believes it is important to continue to supplement wish reveals for the impact they provide to the child, their family and the institution. Additionally, the committee would like to continue to support the conferences and institutions that fundraise for Make-A-Wish and the division's long-standing partnership.

The money in the championships and enforcement fine account at the end of the 2023-24 fiscal year will go towards the 2025 Award of Excellence finalists, including the top three recipients, conference winners, independent winners and at-large winners, Team IMPACT and Make-A-Wish. Since Division II is currently in the 2022-23 fiscal year, the allocation model changes will be notified to Team IMPACT and Make-A-Wish prior to the 2023-24 fiscal year. Division II will donate a portion of its championships and enforcement fine money to Team IMPACT and Make-A-Wish using the new allocation model for the first time in fall 2024. Further, by November 2024, Division II conferences and institutions will nominate for the 2025 Award of Excellence that will be given at the 2025 NCAA Convention. Therefore, the first time the new championships and enforcement fine allocation model will benefit the Award of Excellence top three recipients, conference winners, independent winners and at-large winners will be for the 2025 award.

- d. Estimated Budget Impact. None.
- e. Estimated Student-Athlete Impact. The distribution to the Award of Excellence recipients will continue to encourage institutions and conferences to make an impact within their communities. This recommendation will also support further growth of Team IMPACT throughout the division; thereby giving more teams the opportunity to be matched with a child. The recommendation shows a continued commitment by Division II campus and conference student-athlete advisory committees to raise funds for Make-A-Wish.

INFORMATIONAL ITEMS.

1. **Establish Division II Student-Athlete Advisory Committee Positions for 2023 NCAA Convention.** The committee reviewed and supported 11 of the 12 legislative proposals that will be voted on by the Division II membership at the 2023 Convention. The committee opposed Proposal No. 2023-9 due to concerns the proposal would negatively affect the division's Life in the Balance philosophy and put unnecessary stress on prospective and current student-athletes. Committee members discussed how their conference voted on each proposal and offered additional feedback they received. The

2023 Division II business session marks the eighth time national SAAC will cast its vote on the proposed legislation.

The committee discussed the following pieces of proposed legislation:

- a. **Proposal No. 2023-1 (2-2):** NCAA Division II Membership and Institutional Control – Active Membership – Institutions – Conditions and Obligations of Active Membership – Financial Data Requirement – Penalty for Failure to Submit Financial Data. **Committee Position: Supports.**
- b. **Proposal No. 2023-2 (2-3):** NCAA Division II Membership and Institutional Control – Active Membership – Institutions – Conditions and Obligations of Active Membership – Elimination of Self-Study and Evaluation. **Committee Position: Supports.**
- c. **Proposal No. 2023-3 (2-5):** Legislative Process – Amendment Process – Notification to Membership – Elimination of Initial Publication and Second Publication – Timing of Official Notice. **Committee Position: Supports.**
- d. **Proposal No. 2023-4 (2-10):** Eligibility – Freshman Academic Requirements – Elimination of Standardized Test Score Requirements (SAT or ACT). **Committee Position: Supports.**
- e. **Proposal No. 2023-5 (2-12):** Executive Regulations – Administration of NCAA Championships – Availability of Alcoholic Beverages at Division II Championships. **Committee Position: Supports.**
- f. **Proposal No. 2023-6 (2-1):** NCAA Division II Membership and Institutional Control, Financial Aid and Playing and Practice Seasons – Emerging Sports for Women – Stunt. **Committee Position: Supports.**
- g. **Proposal No. 2023-7 (2-4):** Division II Organizational Structure – Presidents Council – Management Council – Administrative Committee – Planning and Finance Committee. **Committee Position: Supports.**
- h. **Proposal No. 2023-8 (2-6):** Amateurism – Various Bylaws – Definition of Agent and Use of Agents. **Committee Position: Supports.**
- i. **Proposal No. 2023-9 (2-7):** Recruiting and Playing and Practice Seasons – General Playing-Season Regulations – Time Limits for Athletically Related Activities – Weekly Hour Limitations – Outside of Playing Season – Summer Access – Voluntary Workouts for Team Sports. **Committee Position: Opposes.**
- j. **Proposal No. 2023-10 (2-8):** Eligibility and Playing and Practice Seasons – Seasons of Competition: 10-Semester/15-Quarter Rule and Football – Criteria for

Determining Season of Eligibility and Out-Of-Season Athletically Related Activities – Exception – Competition in the Nonchampionship Segment and Spring Practice – Scrimmage Against a Four-Year Collegiate Institution. **Committee Position: Supports.**

- k. **Proposal No. 2023-11 (2-9):** Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Minimum Amount of Competition – Up to Three Contests – Football. **Committee Position: Supports.**
- l. **Proposal No. 2023-12 (2-11):** Playing and Practice Seasons – General Playing-Season Regulations and Basketball – Basketball First Permissible Practice Date. **Committee Position: Supports.**
2. **Preparation for 2023 Convention Division II Business Session.** The committee assigned members to speak on legislative proposals for the 2023 Division II business session.
3. **2023 Convention Overview.** The committee was presented with the 2023 Convention schedule. SAAC members will attend their January meeting, then participate in Convention programming.
4. **2023 Convention Education Sessions.** This year, five education sessions will be offered by Division II. The education session “Civic Engagement Best Practices” will include a national SAAC member. The other four education sessions are “Mental Wellness from a Coaches’ Perspective,” “FAR Programming,” “The Great Resignation of Athletic Trainers” and “Make Game Day Yours Resources.”
5. **2023 SAAC Elections.** The committee will hold its annual elections during its January 11 committee meeting. The committee received a preview of the positions that will be open for election. Committee members will submit nominations for the open positions before the January committee meeting.
6. **Discussion on SAAC Elections Process.** The committee amended its policies and procedures document as it relates to its election process. SAAC members who are currently serving on another Division II or Association-wide committee do not need to resign from that committee to run for another committee. SAAC members who do not serve on the executive board may serve on up to two additional committees (standing or temporary). Executive board members are permitted to serve on a project teams or task forces that are limited in scope or duration. The order of the committee’s elections is chair, vice chair, internal operations coordinator, external communications coordinator, Presidents Council, Management Council, remaining Division II committees in alphabetical order and Association-wide committees in alphabetical order. The committee elected to table for a future discussion whether it should have a hard nominations deadline; whether executive board members, except for the vice chair who

as part of their responsibilities serves on the Legislation Committee, can serve on additional Division II or Association-wide committees; and the committee's current policy that requires committee members interested in running for Presidents Council or Management Council to serve at least one year on SAAC.

7. **Updates on 2022-23 SAAC Goals.** Each task force discussed its designated goal and provided the committee with an update on their recent and upcoming action items. The areas of emphasis discussed were part of the committee's overarching goal, "Total Package Student-Athlete," which includes diversity and inclusion, mental health and Life After the Game.
 - a. **Diversity and Inclusion.** The diversity and inclusion task force will interview Division II student-athletes on their student-athlete experience. The task force will select a variety of student-athletes from diverse backgrounds to be interviewed by members of the task force. Once the interviews are complete, they will be shared on the Division II National SAAC Twitter.
 - b. **Mental Health.** The mental health task force created their first Mental Health Newsletter and shared the document on the Division II National SAAC Twitter. The newsletter focuses on back-to-school resources to share, and initiatives student-athletes can start at their institution. The next newsletter will focus on tips to deal with the holidays and possible isolation and provide helpful campus SAAC resources. This upcoming newsletter will be released around the winter holidays.
 - c. **Life After the Game.** The Life After the Game task force continues to share their "Champions for Life" podcast on the Division II National SAAC Twitter. Each month a new podcast is shared that focuses on preparing student-athletes for life once their playing careers conclude. The task force also created a professional development resource that offers a variety of resources and provides helpful tips to keep in mind when creating a resume.
8. **Division II's Inaugural Civic Engagement Day Recap.** At the 2022 Convention, Division II adopted legislation that prohibits countable athletically related activities , including practices and games on the Tuesday following the first Monday in November every year. The purpose of the legislation is to give student-athletes an opportunity to take part in civic engagement activities such as volunteering and voting on one day annually.

This past November 8 was the first day all Division II student-athletes had a civic engagement day. The committee discussed how campuses across Division II engaged in the day and how the committee can support student-athletes who may need additional educational resources. A civic engagement working group is creating a resource that can be used as an informational guide for both campuses and student-athletes who are looking for ways to engage in the day. The resource will be sent out to conferences and institutions once completed.

9. **Referral from Implementation Committee.** The committee reviewed a referral from the Implementation Committee to look at the current committee structure within Division II. The committee will determine if there is a benefit of adding a SAAC representative to Division II committees that do not already have a SAAC member. The committee was also tasked with determining if there is a benefit of adding an additional student-athlete representative not on national SAAC to Division II committees that do have a SAAC representative to add additional student-athlete voices. The committee will work with their respective conference SAACs to compile feedback on giving student-athletes not on national SAAC the opportunity to serve and have additional discussion at its January meeting.
10. **Board of Governors Update.** The committee received an update from the current Board of Governors Division II student-athlete representative, Madeleine McKenna. The update included various tasks the Board of Governors is working on and an update on the search for the next NCAA president.
11. **2022 Dr. Dave Pariser Faculty Mentor Award.** The committee chose its 2022 Dr. Dave Pariser Faculty Mentor Award winner. The award honors an institutional faculty member who has demonstrated dedication, support and guidance to student-athletes and the institution's athletics program. The story on the 2022 Dr. Dave Pariser Faculty Mentor Award winner will be announced on NCAA.org and the division's social media channels prior to the 2023 NCAA Convention. The winner will be recognized during a reception at the 2023 Convention.
12. **2023 Division II Award of Excellence.** The committee received an update on the 2023 Division II Award of Excellence nominations. Forty-one institutions self-nominated and 19 conferences were represented. The committee will choose the 2023 Division II Award of Excellence national winner, runner-up and third place finalist in December. The top three recipients will be recognized during the 2023 Division II business session.
13. **April 2023 SAAC Super Region Convention.** The April 2023 SAAC Super Region Convention is scheduled to occur April 14-16 at the Westin in Pittsburgh, Pennsylvania. One administrator and two student-athletes will be invited to attend from each active member institution in the Central Atlantic Collegiate Conference, Central Intercollegiate Athletic Association, East Coast Conference, Mountain East Conference, Northeast-10 Conference, Pennsylvania State Athletic Conference and the super region's independent institutions. Information about the super region convention will be communicated to the six participating conferences and independent institutions in early 2023. The division will host its sixth super region convention for conferences and schools in the South Region in November 2023 at a location to be announced. After the details are finalized, the eligible conferences and institutions will be notified about the dates, location and timeline for nominations.
14. **Make-A-Wish.** The committee received a Make-A-Wish update on the total donations and number of wish reveals granted for the 2021-22 academic year in Division II. More than

\$185,000 was raised, with the University of North Georgia leading all schools raising more than \$13,000. In addition, 10 schools earned wish reveals. Three institutions raised over \$10,000 to earn a wish reveal and seven other institutions received supplemental funds from the Division II championships and enforcement fine allocation to earn wish reveals. The committee was notified that the 2023 Week of Wishes will occur Feb. 18-25, 2023.

15. **Team IMPACT.** The committee was informed that Division II donated about \$95,000 from its championships and enforcement fines to Team IMPACT. The organization continues to work on increasing the number of matches and is developing new ways to connect with future matches.
16. **July and September Meeting Reports.** The July 2022 and September 2022 committee meeting reports were reviewed and approved.
17. **New SAAC Member.** SAAC welcomed Dani Mabry, a lacrosse student-athlete from Rockhurst University, as the newest Great Lakes Valley Conference representative.
18. **Future Meetings.**
 - a. Jan. 10-14, 2023, in conjunction with 2023 NCAA Convention; San Antonio, Texas.
 - b. April 13-16, 2023, in conjunction with SAAC Super Region Convention; Pittsburgh, Pennsylvania.
 - c. July 14-16, 2023; SAAC/Management Council Summit; Indianapolis.
 - d. Fall 2023; legislation videoconference, date to be determined.
 - e. Nov. 2023, in conjunction with SAAC Super Region Convention; date and location TBD.
 - f. Jan. 9-13, 2024; in conjunction with 2024 NCAA Convention; Phoenix, Arizona.

Committee Chair: Wiley Cain, Kentucky Wesleyan College, Great Midwest Athletic Conference
Staff Liaisons: Ryan Jones, Governance
Amanda Benzine, Women's Basketball
Marcus Brown, Academic and Membership Affairs
Haydyn Gibson, Governance

NCAA Division II Student-Athlete Advisory Committee November 19-20, 2022, Videoconference	
Attendees:	
Laura Amaya, Roberts Wesleyan College, East Coast Conference.	
Kara Amos, Missouri Southern State University, Mid-America Intercollegiate Athletics Association.	
Michaela Boyd, Palm Beach Atlantic University, Sunshine State Conference.	

Zach Brown, University of North Georgia, Peach Belt Conference.
Wiley Cain, Kentucky Wesleyan College, Great Midwest Athletic Conference.
Davaris Cheeks, Concordia University, St. Paul, Northern Sun Intercollegiate Conference.
Ismael Contreras, Purdue University Northwest, Great Lakes Intercollegiate Athletic Conference.
Nicholas Dill, Northwestern Oklahoma State University, Great American Conference.
Cullen Dore, Francis Marion University, Conference Carolinas.
Marty Gilbert, Mars Hill University, South Atlantic Conference.
Molly Hansen, University of Montevallo, Gulf South Conference.
Shani Idlette, Clark Atlanta University, Southern Intercollegiate Athletic Conference.
Emma Kramer, Simon Fraser University, Great Northwest Athletic Conference.
Margaret Ann Langheim, Mars Hill University, South Atlantic Conference.
Dani Mabry, Rockhurst University, Great Lakes Valley Conference.
Grace Martin, West Virginia State University, Mountain East Conference.
David Mayser, University of Hawaii at Hilo, Pacific West Conference.
Courtney Medwin, West Chester University, Pennsylvania State Athletic Conference.
Leshlie Ramirez, University of Puerto Rico, Mayaguez, Independent.
Skylar Ross, Dominican University (New York), Central Atlantic Collegiate Conference.
Corbin Thaete, California State University, San Marcos, California Collegiate Athletic Association.
Thomas Webb Jr., Western New Mexico University, Lone Star Conference.
Katie Williamson, Southern Connecticut State University, Northeast-10 Conference.
Sandra Woodley, University of Texas of Permian Basin, Lone Star Conference.
Absentees:
Zach Brown, University of North Georgia, Peach Belt Conference. <i>(November 20, 2022)</i>
Bianca Lockamy, Virginia Union University, Central Intercollegiate Athletic Association.
Austin Mondello, Colorado Mesa University, Rocky Mountain Athletic Conference.
Cam Trudell, Great Lakes Intercollegiate Athletic Conference.
Kiana Wiggins, Caldwell University, At-Large.
Katie Williamson, Southern Connecticut State University, Northeast-10 Conference. <i>(November 19, 2022)</i>
Absentees (cont.):
Sandra Woodley, University of Texas of Permian Basin, Lone Star Conference. <i>(November 20, 2022)</i>
Guests in Attendance:
Madeleine McKenna.
NCAA Staff Members in Attendance:
Amanda Benzine, Susan Britsch, Marcus Brown, Michael Cioroianu, Mark Emmert, Haydyn Gibson, Terri Steeb Gronau, Chelsea Hooks, Maritza Jones, Ryan Jones, Kaylen Overway, Angela Red and Liv Sappington.

REPORT OF THE
NCAA DIVISION II COMMITTEE ON STUDENT-ATHLETE REINSTATEMENT
NOVEMBER 15, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Review of season-of-competition waivers – competition while eligible based on coach’s documented misunderstanding of the legislation.** The committee reviewed season-of-competition waivers when coach’s documented misunderstanding of the legislation was asserted as mitigation for limited regular-season competition. The committee affirmed the student-athlete reinstatement staff should continue to apply the legislation as written for coach’s documented misunderstanding. Specifically, the committee directed the NCAA student-athlete reinstatement staff not to approve waivers involving coach’s documented misunderstanding if the student-athlete’s participation occurred during regular-season contests or dates of competition.
2. **Review of NCAA Division II Student-Athlete Reinstatement Previously Approved Request List.** The committee approved the addition of NCAA Division II Bylaw 14.2.2.4 (ten-semester/15-quarter rule waivers) for extension of eligibility waivers for two-year student-athletes related to COVID-19.

Bylaw 14.2.2.4: Ten-Semester/15-Quarter Rule Waiver – COVID-19 Year – Two-Year Institutions.

Spring Sports – 2020

If all of the following are satisfied, the institution may apply a two-semester/three-quarter extension to the student-athlete’s 10-semester/15-quarter period of eligibility:

1. The student-athlete was academically and athletically eligible to compete at the two-year institution during spring 2020;
2. The student-athlete participated in a sport that is considered a spring sport by NCAA legislation;
3. The student-athlete received a season-of-competition waiver from the two-year institution or was unable to compete due to COVID-19; and
4. Spring 2020 season was cancelled due to COVID-19.

Fall Sports – 2020-21

If all of the following are satisfied, the institution may apply a two-semester/three-quarter extension to the student-athlete’s 10-semester/15-quarter period of eligibility:

1. The student-athlete was academically and athletically eligible at any point during the academic year;
2. The student-athlete participated in a sport that is considered a fall sport by NCAA legislation; and
3. Student-athlete was unable to compete due to COVID-19, opted out of participating due to COVID-19 or qualified for a season-of-competition waiver from two-year institution.

Winter Sports – 2020-21

If all of the following are satisfied, the institution may apply a two-semester/three-quarter extension to the student-athlete's 10-semester/15-quarter period of eligibility:

1. The student-athlete was academically and athletically eligible at any point during the academic year;
 2. The student-athlete participated in a sport that is considered a winter sport by NCAA legislation; and
 3. Student-athlete was unable to compete due to COVID-19, opted out of participating due to COVID-19, or qualified for a season-of-competition waiver from two-year institution.
3. **Review philosophy statement.** The committee reviewed the student-athlete reinstatement philosophy statement.
 4. **Review of NCAA Division II Committee on Student-Athlete Reinstatement videoconference report.** The committee reviewed and approved the report from its May 17-18, 2022, in-person meeting.
 5. **NCAA Division II Summary of Legislative Actions.** The committee received an update on legislative actions relevant to student-athlete reinstatement.
 6. **Review of Division II priorities and governance update.** The committee received an update from the NCAA Division II governance staff on the Division II priorities for 2022-23.
 7. **Review of the Division II guidelines document.** The committee reviewed and approved editorial revisions to the NCAA Division II Committee on Student-Athlete Reinstatement Guidelines.
 8. **Review of flexible case decisions.** The committee reviewed reinstatement staff decisions for which the reinstatement staff provided relief from established case precedent and/or committee guidelines or where no case precedent existed.

9. **Future meetings.** The committee established the following future meeting dates and locations:

- a. May/June 2023, Indianapolis.
- b. November/December 2023, videoconference.

Committee Chair: Jessica Harbison-Weaver, Pacific West Conference.
Staff Liaison(s): Maison Hubbard, Academic and Membership Affairs.
Jess Rigler, Academic and Membership Affairs.

NCAA Division II Committee on Student-Athlete Reinstatement November 15, 2022	
Attendees:	
Teresa Clark, Cedarville University.	
Jessica Harbison-Weaver, Pacific West Conference.	
Marcus Grant, Central Intercollegiate Athletic Association.	
Lynn Griffin, Coker University.	
Scott Larson, Lubbock Christian University.	
Absentees:	
Kiana Wiggins, Caldwell University.	
Guests in Attendance:	
None.	
NCAA Support Staff in Attendance:	
Maison Hubbard and Jess Rigler.	
Other NCAA Staff Members in Attendance:	
Connor Bush, Karlee Curtis, Chelsea Hooks, Maritza Jones, Brad Rochman and Jerry Vaughn.	



REPORT OF THE
NCAA COMMITTEE ON COMPETITIVE SAFEGUARDS
AND MEDICAL ASPECTS OF SPORTS
SEPTEMBER 26-27, 2022, MEETING

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Approval of meeting report.** CSMAS approved its June 21-22, 2022, meeting report.
2. **Governance updates.** CSMAS received a governance update from each of the divisions.
3. **Litigation updates.** CSMAS received a briefing from the Office of Legal Affairs of ongoing and relevant litigation.
4. **Policies and procedures for standardization of evidence- and consensus-based guidance.** CSMAS approved, in principle, the procedural and operating considerations for the identification of consensus guidance to support student-athlete mental and physical health, safety and performance and recommended socializing the potential policies and procedures with the NCAA membership. CSMAS will review the membership's feedback at its December meeting, where it will consider recommending to the NCAA Board of Governors that the newly identified policies and procedures replace the existing Uniform Standards of Care process.
5. **Mental health.**
 - a. Student-Athlete Advisory Committees' statement. CSMAS discussed a statement drafted by the divisional Student-Athlete Advisory Committees and referred continued review and response (including suggested edits and consideration of formal support) to its Administrative Subcommittee. CSMAS also directed AdCom to create a complementary statement to accompany its response.
 - b. Mental Health Advisory Group. CSMAS received an update on the progress of the Mental Health Advisory Group, which was commissioned by CSMAS following the 2020 Diverse Student-Athlete Mental Health and Well-Being Summit. The MHAG was charged with reviewing and updating mental health resources, including the Mental Health Best Practices document. The MHAG's initial meeting is scheduled for October 6.
 - c. Education-impacting disability. CSMAS received a presentation on education-impacting disabilities, including information on mental health and disability, long COVID and disability, medical and social justice models of disability and perspectives about disability.

6. **Drug-Free Sport International report.** CSMAS received an update from Drug-Free Sport International on the NCAA year-round, summer and championship drug testing programs for the 2021-22 academic year. The program summary included several aspects such as the rate of NCAA banned substances detected, the number of appeals conducted, and the increasing number of administrative reviews conducted for student-athlete exit tests. The update also highlighted data resulting from recent changes to the drug testing program which aligned the THC threshold and T/E ratio with World Anti-Doping Agency standards.
7. **Subcommittee reports.**
 - a. **Drug-Testing Subcommittee.**
 - (1) Review of subcommittee activity. CSMAS received the reports of its Drug-Testing Subcommittee since June 2022.
 - (2) Drug-testing program review and United States Anti-Doping Agency partnership. CSMAS discussed interest from the United States Anti-Doping Agency to enhance collaboration. CSMAS previously reviewed opportunities to address external questions and to further align with USADA in 2020. Since that review, USADA has provided additional information about potential collaboration. As such, CSMAS agreed to renew its consideration of potential adjustments to the NCAA Drug-Testing Program, as advocated by USADA, and referred the review to its Drug-Testing Subcommittee.
 - b. **Prevention and Performance Subcommittee.**
 - Review of subcommittee activity. CSMAS received the reports of its Prevention and Performance Subcommittee since June 2022.
 - c. **Research Subcommittee.**
 - (1) Review of subcommittee activity. CSMAS received the reports of its Research Subcommittee since June 2022.
 - (2) Institutional Performance Program 2022-23 Health and Safety Survey. CSMAS approved changes to the 2022-23 version of the Institutional Performance Program Health and Safety Survey. The changes enhance clarity and readability but are not substantive in nature. Schools in Divisions I and II are legislatively required to complete the survey on an annual basis. The data from the survey are housed in the NCAA Institutional Performance Program for the purpose of providing member schools with information that can facilitate institutional assessment of various aspects of health care delivery and administration. The 2022-23 survey will be distributed to all

NCAA Divisions I and II Athletics Health Care Administrators Tuesday, November 15, 2022, and will close Friday, January 20, 2023.

- (3) Injury Surveillance Program codebook updates. CSMAS approved updates to the 2023-24 NCAA Injury Surveillance Program codebook. The codebook identifies variables to be submitted to the ISP from participating schools' electronic medical records systems.

d. Administrative Subcommittee.

- (1) Review of subcommittee activity. CSMAS received the reports of its Administrative Subcommittee meetings since June 2022.
 - (2) 2022-23 legislative proposals.
 - (a) Division II Legislative Proposals. CSMAS took positions, as recommended by AdCom, on select 2022-23 Division II legislative proposals. (See Attachment A)
 - (b) Division III Legislative Proposals. CSMAS provided feedback, as recommended by AdCom, on select 2022-23 Division III legislative proposals. (See Attachment B)
 - (3) Strategic priorities for student-athlete health and safety. CSMAS approved, in principle, revisions to the Association's strategic health, safety and performance priorities, including the addition of an introductory statement (See Attachment C). CSMAS also approved a plan to socialize the possible revisions with membership feedback to be considered at its December meeting. After considering membership feedback, CSAMS may recommend the Board of Governors approve the updated priorities.
- 8. Summit on Cannabis in Collegiate Athletics.** CSMAS reviewed the prospectus for the Summit on Cannabis in Collegiate Athletics, which is scheduled to occur in December 2022. The summit was commissioned by CSMAS in September 2021 following review of the Association's drug-testing policy on cannabinoids.
- 9. Subcommittee policy adjustments.** CSMAS approved updates to its subcommittee charters to improve the consistency and efficiency of subcommittee work. Approved updates include changes to subcommittee sizes, composition requirements, term limits and the appointment process.

10. **Transgender Student-Athlete Participation Policy.** CSMAS preliminarily supported considering ways to simplify the NCAA transgender student-athlete participation policy. For example, CSMAS discussed a concept that would create two categories of sport: primarily skill-based sports (e.g., bowling) and primarily speed, strength, endurance and contact sports that would have separate requirements for trans women competing on women's teams. CSMAS requested additional discussion and feedback on the concept from both the membership and expert groups. It will continue to discuss the topic at future meetings.
11. **Concussion.**
 - a. Concussion Safety Advisory Group. CSMAS received an update that the Concussion Safety Advisory Group will meet to discuss the findings of a recent publication on concussion and chronic traumatic encephalopathy.
 - b. National Academies Report. CSMAS was notified that the National Academies of Sciences, Engineering and Medicine have held or will hold meetings from April 2022 through October 2023 to explore opportunities to address emerging issues related to short- and long-term strategic planning for advancing traumatic brain injury research and care.
12. **Pregnant and parenting resources.** CSMAS discussed publicly available [resources on pregnant and parenting student-athletes](#), and recommended the following:
 - a. Update the website to remove outdated or errant links and references.
 - b. Complete an inclusive language review of the remaining resources in collaboration with the NCAA Office of Inclusion and appropriate governance bodies.
 - c. Complete a legal assessment of the remaining resources that specifically addresses the impact of the *Dobbs v. Jackson*, U.S. Supreme Court decision.
 - d. Explore the creation of a sexual and reproductive health advisory group that could be charged with a review and updates to the pregnant and parenting student-athlete resources, as well as other topics related to gender identity and sexual and reproductive health.
13. **Injury Surveillance Program.** CSMAS received a report on data from the Injury Surveillance Program.

Committee Chair: Nicole Pieart, Lake Forest College
Staff Liaisons: Leilani Hubbard, NCAA Academic and Membership Affairs
John Parsons, NCAA Sport Science Institute
Anne Rohlman, NCAA Sport Science Institute

Committee on Competitive Safeguards and Medical Aspects of Sports September 26-27, 2022, Meeting	
Attendees:	
Matt Barany, University of Richmond	
Pam Hinton-Bruzina, University of Missouri, Columbia	
N. Jeremi Duru, American University	
Jack Entiken, Kutztown University of Pennsylvania	
Luis Feigenbaum, University of Miami (Florida)	
Richard Hendricks, Shorter University	
Alan Hirahara, California State University, Sacramento	
James Houle, The Ohio State University (vice-chair)	
Yolanda Malone-Gilbert, Genesis Behavioral Health and Collaborative SVC, Inc.	
Nadine Mastroleo, Binghamton University	
Nicole Pieart, Lake Forest College (chair)	
Julie Rochester, Northern Michigan University	
Cody Shimp, St. Bonaventure University	
Kim Terrell, University of Oregon	
Michelle Walsh, Vassar College	
Rich Wanninger, Patriot League	
Auburn Weisensale, University of Pittsburgh	
Douglas Zipp, Ohio Wesleyan University	
Absentees:	
Pat Chun, Washington State University	
Bob Colgate, National Federation High School Associations	
Leshlie Ramirez, University of Puerto Rico, Mayaguez	
Talia Williams, Carleton University	
Guests in Attendance:	
Adrian Boltz, Datalys	
Avinash Chandran, Datalys	
Maggie Langheim, Mars Hill University	
Neal Rao, Datalys	
Marci Ridpath, NCAA disability contractor	
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:	
Leilani Hubbard, John Parsons and Anne Rohlman	

Other NCAA Staff Members in Attendance:
Laura Arnett, Amanda Conklin, Amanda Dickey, LaGwyn Durden, Jennifer Fraser, Brian Hainline, Maritza Jones, Jean Merrill, Mallory Mickus, Greg Pottorff, Bill Regan, Crystal Rogers, Jared Tidemann, Carey Wheelhouse and Justin Whitaker.

**NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Feedback on Select 2022-23 NCAA Division II Legislative Proposals**

This supplement represents feedback from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports on select 2022-23 NCAA Division II legislative proposals.

Proposal Number	Title	Intent	CSMAS Feedback
2023	RECRUITING AND PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING-SEASON REGULATIONS -- TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES -- WEEKLY HOUR LIMITATIONS -- OUTSIDE OF PLAYING SEASON -- SUMMER ACCESS -- VOLUNTARY WORKOUTS FOR TEAM SPORTS	To specify that a signed prospective student-athlete and a student-athlete may participate in up to two hours per week of individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term, for a period up to three weeks, provided the request for such assistance is initiated by the student-athlete.	- No position. - CSMAS noted a concern with the potential impact and burden on institutional medical and athletic training staff. - However, it also noted a potential benefit of limited, continuous athletic activity during the summer in reducing the risk of injury leading into the fall term.
2023	ELIGIBILITY AND PLAYING AND PRACTICE SEASONS -- SEASONS OF COMPETITION: 10-SEMESTER/15- QUARTER RULE AND FOOTBALL -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY AND OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- EXCEPTION -- COMPETITION IN THE NONCHAMPIONSHIP SEGMENT AND SPRING PRACTICE -- SCRIMMAGE AGAINST A FOUR-YEAR COLLEGIATE INSTITUTION	In football, to permit a scrimmage against a four-year collegiate institution during spring practice as one of the three permissible 11-on-11 scrimmages to occur on or after the 10th day of spring practice; further, to specify that participation in a scrimmage against a four-year collegiate institution does not trigger use of a season of competition, provided the student-athlete was academically eligible during the segment in the same academic year that concludes with the NCAA championship.	- No position. - CSMAS noted it may be helpful to identify data on injury risk associated with scrimmages with other institutions.
2023	ELIGIBILITY -- SEASONS OF COMPETITION: 10-SEMESTER/15- QUARTER RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- MINIMUM AMOUNT OF COMPETITION -- UP TO THREE CONTESTS -- FOOTBALL	In football, to specify that a student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests in a season without using a season of competition.	- No position. - CSMAS noted this proposal does not include health and safety rationale.

ATTACHMENT A

Proposal Number	Title	Intent	CSMAS Feedback
2023	PLAYING AND PRACTICE SEASONS – GENERAL PLAYING-SEASON REGULATIONS AND BASKETBALL – BASKETBALL FIRST PERMISSIBLE PRACTICE DATE	In basketball, to specify that an institution shall not commence on-court preseason basketball practice sessions before the date that is 35 days before the institution's first regular-season contest; further to specify that an institution shall not engage in more than 25 days of countable athletically related activities during the on-court preseason practice period.	• No position. • CSMAS noted the proposal would allow for more rest and recovery time. • However, CSMAS also noted a concern about the potential impact starting earlier in the fall may have on student-athletes other time demands (e.g., academics).

**NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Feedback on Select 2022-23 NCAA Division III Legislative Proposals**

This supplement represents feedback from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports on select 2022-23 NCAA Division III legislative proposals.

Proposal Number	Title	Intent	CSMAS Feedback
2023-c	PLAYING AND PRACTICE SEASONS – FALL PRESEASON PRACTICE FORMULA – SPORTS OTHER THAN FOOTBALL – PRESEASON ACCLIMATIZATION FOR FALL SPORTS	To amend the preseason legislation for all fall sports, except football and men’s water polo, as follows (1) to calculate the first permissible start date by counting back 18 days; (2) required an acclimatization period during the first seven days during preseason practice; (3) require one day off per defined week of the preseason, including the acclimatization period; and (4) require all student-athletes, including those who arrive to preseason practice after the first day of practice to undergo the seven-day acclimatization period.	CSMAS noted the following: - While the proposal references acclimatization, it appears the sponsors are attempting to address transition period considerations. The terminology in the proposal should be updated to reflect “transition period” rather than “acclimatization”. - In general, the requirement of a transition period is a positive, as it gives formal structure and accountability to existing guidance. However, it should be noted that existing guidance provides institutions with a flexible framework to plan transition periods that can accommodate local decision-making and needs within existing legislation. - In Division III, there is no required athletically related during the summer. As such, a required transition period may uniquely benefit DIII student-athletes. - Transition periods should be considered for all sports and seasons.
2023-e	PLAYING AND PRACTICE SEASON – GENERAL PLAYING SEASON – DEFINING PLAYING AND PRACTICE SEASON NON-CONSECUTIVE DAYS	The intent of this proposal is to be more permissible and flexible to enhance the overall student experience by allowing for a total of 114/144 days of athletically related contact with their coaching staff. These would be days that do not have to be consecutive in nature but must include at least one day off from activity/contact each week.	CSMAS noted the following: - The proposal will require additional health care resources and medical personnel availability in order to adequately address student-athlete health and safety obligations throughout the year. Specifically, the issue of athletic trainer availability has become more salient in recent years. - The possibility for additional athletically related activity brings the associated increase in risk of injury. - The proposal does not address transition periods, which may become more necessary as the proposal allows greater flexibility to pause athletic activity. Conversely, the flexibility may provide the ability for additional days off and recovery. - The potential for additional required athletic activity will impact student-athlete time, recovery and mental health.

Proposal Number	Title	Intent	CSMAS Feedback
2023-d	PLAYING SEASONS – ELIMINATING WEEKS AS THE MEASUREMENT FOR A SEASON AND ESTABLISHING A NEW PLAYING SEASONS STRUCTURE	To restructure the playing and practice seasons for all sports (except football) as follows: (1) eliminate using “weeks” as a measure for defining the seasons; (2) establish the fall and spring traditional segments by a start and end date; (3) increase the nontraditional segment interaction for fall and spring sports from 16 to 24 days; (4) measure the winter sport season by 114 days, with flexibility to use eight of those days before or after the season; and (5) measure period sports (golf, rowing and tennis) seasons by 114 days.	CSMAS noted the following: • The proposal provides both flexibility and guardrails. While this may limit impact, additional attention and time may be necessary for teams to appropriately implement transition periods following any additional breaks in athletic activity. Schools should be reminded of guidance provided in the Prevention Catastrophic Injury and Death document, which is Association-wide policy. • The proposal will require additional health care resources and medical personnel availability in order to adequately address student-athlete health and safety obligations throughout the year. Specifically, the issue of athletic trainer availability has become more salient in recent years. • The possibility for additional athletically related activity brings the associated increase in risk of injury. • The potential for additional required athletic activity will impact student-athlete time, recovery and mental health. • Proposal would still allow for 12 consecutive days of practice between days off. A requirement to limit consecutive days of practice to no more than six could be considered. • Transition periods should be considered for all sports and seasons.

**NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Possible Updates to Association Health, Safety and Performance Strategic Priorities**

The below represents possible updates to the NCAA strategic priorities for student-athlete health, safety and performance, as developed by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Additionally, an accompanying introductory statement was developed to provide context to the strategic priorities.

NCAA Strategic Priorities for Student-Athlete Health, Safety and Performance

As identified by CSMAS and approved by the membership, the following NCAA strategic priorities for student-athlete health, safety and performance reflect the Association's constitutional commitment to student-athlete physical and mental health, safety, performance and education. The priority areas are intentionally thematic and flexible enough to guide the membership in its response to emerging science, current events, medical infrastructure and [social determinants](#) of health that may impact student-athlete well-being. Any work in support of the priority areas, including the development of membership guidance shall account for social factors (non-medical conditions that influence health outcomes) and the ways they may impact student-athlete [health equity](#).

- *Mental and physical health.*
- *Sport-related illness and injury.*
- *Training and performance.*
- *Education and policy.*



EXCERPT FROM THE REPORT OF THE
NCAA COMMITTEE ON COMPETITIVE SAFEGUARDS
AND MEDICAL ASPECTS OF SPORTS
DECEMBER 12, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. **Policies and procedures for identification of evidence- and consensus-based guidance to support student-athlete mental and physical health, safety and performance.**
 - a. Recommendation. That the NCAA Board of Governors approve policies and procedures for the identification of evidence- and consensus-based guidance to support student-athlete mental and physical health, safety and performance (see Attachment A) that will replace the Uniform Standards of Care Process.
 - b. Effective date. Immediate.
 - c. Rationale. The new NCAA Constitution outlines association and member school responsibilities for student-athlete physical and mental health, safety and performance. Specifically, the constitution establishes that the Association shall provide evidence-and consensus-based guidance when requested by a BOG recognized committee, the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports or a division. The proposed policies and procedures build on previous advisory group (e.g., Concussion Safety Advisory Group) and Uniform Standards of Care processes to outline the threshold and method in which such guidance will be identified and provided to the membership. The new policies and procedures address the changes to the Constitution and provide transparency to the membership on how health, safety and performance guidance will be identified and maintained.
 - d. Estimated budget impact. None.
 - e. Student-athlete impact. Provides policies and procedures for how evidence- and consensus- based health, safety and performance guidance will be identified for the membership in its effort to support student-athletes.
2. **Strategic priorities for mental and physical health, safety and performance.**
 - a. Recommendation. That the BOG endorse revisions to the Association's strategic health, safety and performance priorities, including a new introductory statement (see Attachment B).
 - b. Effective date. Immediate.

- c. Rationale. The proposed revisions respond to and more accurately reflect the Association's constitutional commitment to student-athlete physical and mental health, safety and performance, as described in the new constitution. The revised priority areas are intentionally designed to be thematic and flexible enough to guide the membership in its response to ongoing areas of importance and areas of emerging science and current events that may impact student-athlete well-being. The recommended, thematic priorities were developed to capture and continue work around all nine of the 2016 BOG-endorsed health and safety priorities (e.g., concussion, sexual assault and interpersonal violence). Therefore, the revised priorities include but are not limited to the previously endorsed priorities.
- d. Estimated budget impact. None.
- e. Student-athlete impact. The revisions provide new perspective and flexibility in identifying priorities that impact the health, safety and performance of student-athletes.

3. Transgender student-athlete participation policy.

- a. Recommendation. That the BOG extend Phase Two of the NCAA transgender student-athlete participation policy through the 2023-24 academic year with Phase Three to begin in the 2024-25 academic year.
- b. Effective date. Immediate.
- c. Rationale. Extending Phase Two implementation through the 2023-24 academic year allows: (1) Sufficient time to fully consider the evolving landscape of sport-governing policies for transgender athletes and how those trends may impact implementation of Phase Three of the policy; (2) Sufficient time and resources to address administrative considerations associated with implementing Phase Three, which includes policy components in addition to testosterone thresholds; and (3) Sufficient notice to the membership regarding competition requirements for the 2023-24 academic year. The extension would continue a phase of the policy that has been effectively implemented during the 2022-23 academic year and would maintain testosterone thresholds as informed by sport-governing bodies' policies.
- d. Estimated budget impact. Delayed cost, if any, of implementing Phase Three.
- e. Student-athlete impact. Provides notice and clarity to student-athletes regarding requirements for 2023-24 academic year.

**POLICIES AND PROCEDURES FOR THE IDENTIFICATION OF CONSENSUS-BASED
GUIDANCE SUPPORTING STUDENT-ATHLETE HEALTH, SAFETY AND
PERFORMANCE**

POLICIES AND PROCEDURES FOR IDENTIFYING CONSENSUS-BASED GUIDANCE.

When requested by a Board of Governors recognized committee, CSMAS or a division, the Association shall identify and promulgate guidance, rules and policies based on consensus of the medical, scientific, sports medicine and sport governing communities. The following policies and procedures outline the threshold and method in which such guidance will be identified and provided to the membership:

1. Threshold for Recommending Identification / Maintenance of Consensus-Based Guidance.

- a. An issue aligns with proposed NCAA strategic priorities for student-athlete physical and mental health, safety, and performance:
 - (1) Mental and physical health.
 - (2) Sport-related illness and injury.
 - (3) Performance and training.
 - (4) Education and policy.

AND

- b. One or more evaluative criteria satisfied:
 - (1) Involves an issue characterized by new or rapidly evolving information with relevance to Association commitments to student-athlete health and safety.
 - (2) Impacts a core Association-wide value(s).

2. Directly supports the constitutional responsibilities assigned to member schools in support of student-athlete physical and mental health, safety and performance. Consensus-Based Guidance Identification: Advisory Groups.

- a. Consensus-based guidance will be identified through a process involving the creation of expert advisory groups. Advisory groups should:
 - (1) Be constituted to reflect the landscape of relevant medical, scientific, sports medicine and sport governing communities.
 - (2) Represent the Association's three divisions.
 - (3) Be organized around broad, rather than specific topical areas (e.g., mental health vs. anxiety or depression).
 - (4) Work with topics that are expected to require regular attention, review and monitoring, and regular and substantive updates in order for guidance to remain both contemporary and maximally useful to the Association and its member schools.

- b. Advisory groups are not indicated for topics that are either 1) sport-specific and/or 2) narrow in both scope and impact. They should be reserved for the identification of new guidance or the substantive update/revision to existing guidance.

- 3. **Advisory Group Structure.** As noted, advisory groups should be constituted to facilitate consensus from topically relevant medical, scientific, sports medicine and sport governing communities. When possible, a core of professional organizations representing those professions essential to the delivery of athletic healthcare in the collegiate setting (e.g., medicine; athletic training; mental health) shall be included in all advisory groups. This core group would be supplemented with additional organizations or individuals with relevance and/or expertise germane to the topic, subject to feedback from CSMAS.

Advisory groups should also include representation from the three divisional governance structures, as well as representatives from divisional student-athlete advisory committees.

- 4. **Process Oversight.** Any group created by CSMAS for the purpose of developing consensus-based guidance will be overseen by CSMAS.
- 5. **Meeting Structure.** Advisory groups will meet as needed to identify consensus-based guidance. Advisory groups will then on a semi-regular basis for the purpose of reviewing and updating existing guidance and monitoring developments relevant to the designated topic.
- 6. **Possible Outcomes & Deliverables.**
 - a. Consensus-based guidance (previously referred to as *Interassociation Recommendations*) identified and published for membership consideration.
 - (1) All guidance will be socialized with appropriate membership bodies (e.g., divisional councils) prior to final publication.
 - (2) Recommendation to CSMAS to request BOG consider guidelines for association-wide policy.
 - b. Peer-reviewed manuscript - reflecting the content of the consensus guideline.
 - c. Other policy and/or legislative recommendations.
 - d. Other collateral in support of membership socialization and education efforts - as recommended by the CSMAS.

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**NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Recommended Updates to Association Health, Safety and Performance Strategic Priorities**

The below represents the recommended updates to the NCAA strategic priorities for student-athlete mental and physical health, safety and performance, as developed by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Additionally, an accompanying introductory statement was developed to provide context to the strategic priorities.

NCAA Strategic Priorities for Student-Athlete Health, Safety and Performance

As identified by CSMAS and approved by the membership, the following NCAA strategic priorities for student-athlete health, safety and performance reflect the Association's constitutional commitment to student-athlete physical and mental health, safety, performance and education. The priority areas are intentionally thematic and flexible enough to guide the membership in its response to emerging science, current events, medical infrastructure and [social determinants](#) of health that may impact student-athlete well-being. Any work in support of the priority areas, including the development of membership guidance shall account for social factors (non-medical conditions that influence health outcomes) and the ways they may impact student-athlete [health equity](#).

- *Mental and physical health.*
- *Sport-related illness and injury.*
- *Training and performance.*
- *Education and policy.*



REPORT OF THE
NCAA HONORS COMMITTEE
SEPTEMBER 30, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome.** The chair welcomed the committee members.
2. **Committee report.** The committee approved the report of its July 14, 2022, videoconference.
3. **Policies and procedures.** Staff reviewed the policies and procedures for the Today's Top 10 Award. After the committee selects the honorees, the next step is to confirm their participation with the nominators.

Also, minor administrative updates were made to the committee expense policy to reflect the change from a fall in-person meeting to a teleconference. In addition, staff received permission to begin evaluating the Today's Top 10 athletics rubric, which has not been updated for several years. Several committee members volunteered to assist in the process, and recommended changes will be brought to the full committee for review and approval.

4. **Honors Celebration overview.** Staff shared plans for honoring the awardees in January 2023.
5. **Today's Top 10 Award Selection.** The committee selected the 2023 Today's Top 10 Award recipients and two alternates.
6. **Promotion of Silver Anniversary nominations.** Staff reviewed a plan to increase the number of worthy nominations so the Honors Committee is able to consider a quality pool of Silver Anniversary candidates.
7. **Selection of the 2022-23 committee chair.** The committee selected Jerry Wollmering, director of athletics, Truman State University, as the 2022-23 committee chair. He will begin serving as chair in January.

- 8. Future meeting.** The next committee meeting will be held virtually in June or July, 2023.
- 9. Adjournment.** The videoconference was adjourned at approximately 1:30 p.m. Eastern time.

Committee Chair: Col. Margaret Martin, U.S. Air Force Academy
Staff Liaisons: Stacey Preston, Communications
Russell Register, Regulatory Affairs

NCAA Honors Committee September 30, 2022, Videoconference	
Attendees:	
Andrew Alia, Northeast Conference.	
Charles (Chuck) Brown, Pennsylvania State University, Erie, The Behrend College.	
Christopher Davis, Walmart.	
Anita DeFrantz, The Tubman Truth Corporation.	
Hilary Link, Allegheny College.	
Col. Margaret Martin, U.S. Air Force Academy.	
LaRee Sugg, University of Richmond.	
Jerry Wollmering, Truman State University.	
Charles (Chuck) Brown, Pennsylvania State University, Erie, The Behrend College.	
Absentees:	
Chaunte Lowe. Olympian and motivational speaker.	
Guests in Attendance:	
None.	
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:	
Stacey Preston and Russell Register.	
Other NCAA Staff Members in Attendance:	
Melody Lawrence and Carly Lyvers.	



REPORT OF THE
NCAA MINORITY OPPORTUNITIES AND INTERESTS COMMITTEE
OCTOBER 6, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome, announcements and review of mission and duties.** The chair of the Minority Opportunities and Interest Committee welcomed the committee members and staff to the videoconference, including new members, Marshall Fey, Lonnie Folks, Olivia Summiel and Zulma Toro. The chair also acknowledged former vice-chair, Harry Stinson's service, Stinson's transition to a new role and the need to elect a new vice-chair. Finally, two committee members read aloud the committee's mission and duties.
2. **Review and approval of April 20, 2022, and July 19, 2022, videoconference reports.** The committee reviewed and approved the April 20, 2022, and July 19, 2022, videoconference reports.
3. **Selection of vice chair.** The committee voted via an anonymous poll, and selected Brian Baptiste, as vice chair.
4. **NCAA Student-Athlete Advisory Committee updates.**
 - a. **Division I.** The NCAA Division I SAAC representative shared an update on three issues of importance to Division I SAAC. First, Division I SAAC is recommending a "5-in-5" eligibility model that would align the current student-athlete five-year eligibility rule and the current progress-toward-degree legislation. The new model would reduce issues for redshirt student-athletes, while increasing the opportunity for student-athletes to obtain a graduate degree within their period of eligibility. Next, Division I SAAC is also recommending sport-specific student-athlete groups at the conference level to ensure the voice of student-athletes is included in decisions that affect their respective sports. Finally, Division I SAAC is discussing measures to enhance the student-athlete experience.
 - b. **Division II.** The NCAA Division II SAAC representative shared that Division II SAAC is currently reviewing the 12 legislative proposals sponsored for the 2023 NCAA Convention and is in the process of distributing grids to campuses and conferences for feedback. The Division II SAAC representative also shared that two student-athletes from national SAAC were added to the composition of the Division II Presidents Council. Lastly, Division II SAAC discussed amending its civic engagement legislation, but ultimately agreed to support the current rule.

- c. **Division III.** The Division III SAAC representative reported Division III SAAC reviewed the season-of-participation waiver legislation and the legislative proposals sponsored for the 2023 NCAA Convention. The Division III SAAC representative also shared that two members of DIII SAAC will serve on the Mental Health Advisory Board.
5. **Senior minority administrator updates and discussion.** The committee discussed its goal of increasing the number of people of color in higher level college athletics administration and agreed to form a working group to work collaboratively with stakeholders to explore the feasibility of the senior minority administrator designation and other possible recommendations. The committee discussed the composition of the working group to ensure the inclusion of diverse perspectives, and the possibility of inviting industry experts to provide insight on topics that will inform the working group recommendations. NCAA staff shared information about the composition of the NCAA Standardized Test Score Task Force as a potential guide for the composition of the working group. The committee will report back to the Division I Men's Basketball Oversight Committee in May 2023.
6. **Current issues and impact on intercollegiate athletics.** The committee discussed reports of racially charged incidents occurring during regular season competitions, and that national office leadership had in-depth discussions surrounding these incidents. Staff noted that the national office is working on guidelines for inclusive environments at NCAA-sponsored events and additional educational resources that support the NCAA Board of Governors Non-Discrimination Policy. The committee expressed concern over how hosts and institutions will be held accountable to the policy considering the discontinuation of the NCAA Championships Host Nondiscrimination Questionnaire.

The committee also expressed concern over the tracking of equity and inclusion efforts on campuses. Staff noted that the national office has a new diversity, equity, and inclusion resource available to all athletic departments. The Diversity, Equity and Inclusion Review Framework encourages the membership to evaluate the climate on their campuses as it relates to diversity, equity, and inclusion. The resource is designed for all divisions; however, Division I legislated a required review once every four years.
7. **2023 NCAA/MOAA Award for Diversity and Inclusion.** The committee discussed that the window to apply for the 2023 NCAA/MOAA Award for Diversity and Inclusion closed on September 30. Staff noted that there were 40 applications submitted across the three divisions, and that the application review process will begin on October 7. The awardee and honorable mentions will be selected during the week of October 25.
8. **2022 NCAA/MOIC/SAAC Diversity and Inclusion Social Media Campaign.** The committee discussed that the 5th annual NCAA/MOIC/SAAC Diversity and Inclusion Social Media Campaign will be held October 18-20. A NCAA Social Series was produced to discuss the history of the Social Media Campaign. NCAA staff asked the committee to encourage participation on their campuses and conferences. Staff also noted that the social media

campaign is expanding its reach by engaging on multiple social media platforms. Finally, staff announced the themes for each day.

- a. Tuesday, October 18: “Exploring My Identities”: exploring student-athletes’ intersectional identities, perspectives and experiences.
 - b. Wednesday, October 19: “Allyship Is...”: defining and highlighting examples of allyship to cultivate communities of belonging within athletics.
 - c. Thursday, October 20: “Strength in Unity”: outlining collective and institutional action steps for fostering belonging and inclusive excellence.
9. **Champions of Diversity and Inclusion.** The committee discussed that the NCAA Champions of Diversity and Inclusion Recognition nomination process will open in December, and that champions will be recognized in the spring and summer of 2023. The committee further discussed that a subcommittee will be formed to support the recognition, and interested members are encouraged to participate.
10. **Updates on athletics diversity and inclusion designees’ resources and programming.** NCAA staff, in collaboration with RISE, hosted six athletics diversity and inclusion designee focus groups. The committee discussed that the data gathered from the focus groups will be used to inform an ADID education session at the 2023 NCAA Convention and the 2023 NCAA Inclusion Forum, in addition to creating more resources for ADIDs. There will also be additional ADID resource and program co-sponsored by Diversity, Inclusion and Equity Council of Excellence.
11. **NCAA Summit on Diverse Student-Athlete Mental Health and Well-Being next steps.** An academic article was published in the British Journal of Sports Medicine describing the purpose and findings from the summit, including several consensus statements that may be best used to inform ways to support mental health for student-athletes of color. Additionally, the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports recognized a need to update the NCAA Mental Health Best Practices and subsequently created the Mental Health Advisory Group in September 2021. The composition of the Mental Health Advisory Group includes 29 representatives, with 18 of those representatives being from external organizations with an expertise in mental health, and 11 representatives from the three divisions, including one representative from the Committee on Competitive Safeguards and Medical Aspects of Sports and seven student-athletes. The Mental Health Advisory group will convene for the first time on October 6, to begin updating the Mental Health best practices.

12. Other business.

- **Office of inclusion resources.** NCAA staff shared there is a new Diversity, Equity, and Inclusion Review resource available, and that additional resources are in development in the core areas of disability and international student-athletes. Staff also noted that the NCAA Inclusive Language Guide will also be made available to the membership.

13. Future meeting schedule.

- a. October 20, 2022, 12 to 3 p.m. Eastern time, joint videoconference with the NCAA Committee on Women's Athletics.
- b. February 8, 2022, 1 to 4 p.m. Eastern time.

14. Adjournment. The meeting adjourned at 2:30 p.m. Eastern time.

Committee Chair: Marquetta Dickens, William Peace University
Staff Liaison(s): Tiffany Alford, Academic and Membership Affairs
Niya Blair Hackworth, Office of Inclusion
Abigail Edwards, Office of Inclusion
Dee Kennedy, Enforcement
Sade' Sleet, Office of Inclusion

NCAA Minority Opportunities and Interests Committee October 6, 2022, Videoconference	
Attendees:	
Cheryl Aaron, Wentworth Institute of Technology.	
Brian Baptiste, LaSalle University.	
Michaela Boyd, Palm Beach Atlantic University.	
Marquetta Dickens, William Peace University.	
Marshall Fey, Mid-America Intercollegiate Athletics Conference.	
Lonnie Folks, Maryville University of Saint Louis.	
Ahleasha McNeal, Lincoln Memorial University.	
Mercy Ogutu, Trinity Washington University.	
Stuart Robinson, New York University.	
Olivia Summiel, Wake Forest University.	
Zuma Toro, Central Connecticut State University.	
Framroze Virjee, California State University, Fullerton.	
Absentees:	

Lisa Freeman, Northern Illinois University.
Tony Gaskew, University of Pittsburgh, Bradford.
William Kelly, U.S. Coast Guard Academy.
Carrie A. Michaels, Shippensburg University of Pennsylvania.
Dwaun Warmack, Claflin University.
Guests in Attendance:
None.
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:
Abigail Edwards, Niya Blair Hackworth, Dee Kennedy and Sade' Sleet.
Other NCAA Staff Members in Attendance:
Kina Davis, Felicia Martin, Gretchen Miron, Solomon Siskind, Jared Tidemann and Amy Wilson.



REPORT OF THE
NCAA MINORITY OPPORTUNITIES AND INTERESTS COMMITTEE AND
COMMITTEE ON WOMEN'S ATHLETICS
OCTOBER 20, 2022, JOINT VIDEOCONFERENCE

KEY ITEMS.

- **Operationalizing Equity Impact Statement.** The NCAA Minority Opportunities and Interests Committee and NCAA Committee on Women's Athletics approved recommendations to request that the divisional committees require an evaluation of equity impact prior to approving legislation and that the NCAA Board of Governors adopt a policy to require an evaluation of equity impact prior to it approving any policy action. The committees agreed to forward this recommendation to the divisions, and to the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity for review and consideration at its November 9, videoconference.
- **NCAA Ethnic Minority and Women's Enhancement Scholarship Working Group.** The committees approved the establishment of a working group to review applications for the NCAA Ethnic Minority and Women's Enhancement Scholarship. Previously, the committees reviewed these applications. The working group will consist of one Athletics Diversity and Inclusion Designee from each division and the chairs from the Minority Opportunities and Interest Committee and the Committee on Women's Athletics. The committees also elected two chairs.

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- **Divisions I, II and III – Operationalizing Equity Impact Statement – Legislative Proposals.**
 - (1) Recommendation. That the divisional governance bodies adopt a policy to require a review of the equity impact of a proposal prior to approving legislation.
 - (2) Effective date. Immediate.
 - (3) Rationale. This action contributes to systemic change that prioritizes equity across the Association. This action aligns with NCAA Constitution Articles 1- F (Diversity, Equity, and Inclusion) and 1-G (Gender Equity).
 - (4) Estimated budget impact. None.

- (5) Student-athlete impact. Consideration of equity in legislative decisions provides support for the equitable treatment and experiences of student-athletes consistent with Constitution Article 1 F.
- **Board of Governors – Operationalizing Equity Impact Statement – Policy Proposals.**
- (6) Recommendation. That the Board of Governors adopt a policy to require a review of the equity impact prior to approving policy changes.
- (7) Effective date. Immediate.
- (8) Rationale. This action contributes to systemic change that prioritizes equity across the Association. This action aligns with NCAA Constitution Articles 1- F (Diversity, Equity, and Inclusion) and 1-G (Gender Equity).
- (9) Estimated budget impact. None.
- (10) Student-athlete impact. Consideration of equity in policy decisions provides support for the equitable treatment and experiences of student-athletes consistent with Constitution Article 1-F.

INFORMATIONAL ITEMS.

1. **Welcome and review of roster.** The chairs of the NCAA Minority Opportunities and Interests Committee and the Committee on Women's Athletics welcomed committee members, guests and staff to the videoconference.
2. **Review and approval of NCAA Minority Opportunities and Interests Committee and NCAA Committee on Women's Athletics joint April 25, 2022, videoconference report.** The committees reviewed and approved the April 25, 2022, joint videoconference report.
3. **Update on the NCAA Division I Transformation Committee, Division II Implementation Committee and Division III Advisory Council.**
 - a. **Division I Transformation Committee.** The Transformation Committee will complete its work in December. Any remaining items will be addressed by the Division I governance structure. The committee has focused its attention on membership expectations, student-athlete benefits and support, championships, and decision-making processes.
 - b. **Division II Implementation Committee.** Since the Implementation Committee began meeting in January, over 40 recommendations have been made by the committee. The

c. **Division III Advisory Council.** The Advisory Council is exploring several topics, such as access to championships and the impact of the new constitution on the responsibilities of the faculty athletics representative. The Advisory Council is also assisting with the review of the Division III philosophy statement.

4. **Updates and discussion related to NCAA antidiscrimination policy.** The committees received updates from the NCAA office of inclusion staff on creating a document that provides key considerations on how to create an inclusive environment at NCAA championships and events. This document is being developed after the NCAA Board of Governors discontinued the championships host questionnaire. The office of inclusion staff will seek feedback on the document from national office colleagues and membership committees. The intention is to make this document available to the membership once it is complete.
5. **Ethnic Minority and Women's Enhancement Scholarship Committee.** The committees approved the establishment of a working group to review applications for the NCAA Ethnic Minority and Women's Enhancement Scholarship. Previously, the committees reviewed these applications. The working group will consist of one Athletics Diversity and Inclusion Designee from each division and the chairs from the Minority Opportunities and Interest Committee and the Committee on Women's Athletics. The committees also elected two chairs. Stuart Robinson from the Minority Opportunities and Interest Committee and Miriam Merrill from the Committee on Women's Athletics.
6. **Progress on NCAA external gender equity review recommendations.** NCAA staff discussed the assessment report from the 2022 NCAA Division I Men's and Women's Basketball Championships, which was created by an outside entity. In the assessment report, NCAA staff highlighted the issues addressed, modifications from the recommendations, the work in progress, future considerations to enhance equity, and recommendations considered but not implemented.
 - **Gender Equity Review Phases I and II.** NCAA staff shared with the committees that they have been meeting with all championships managers regarding the ongoing review of sports in all divisions. These meetings have included using a series of questions derived from the Gender Equity checklist to evaluate every championship.
7. **Operationalizing Gender Impact Statement based on Recommendation 1.8 from the external equity review of NCAA championships.** Staff reminded the committees that the statement was originally developed by the committees with input from the Gender Equity Task Force and the Board of Governors Committee to Promote Cultural Diversity and Equity in

October 2021. The committees emphasized the consideration of equity impact broadly and that language in the impact statement reflect this focus. The committee approved the recommendations that divisional governance committees consider the equity impact of proposed legislation prior to voting on legislation and that the NCAA Board of Governors require an evaluation of equity impact prior to it approving any policy action. The committees agreed to forward these recommendations to the divisional governance committees and to the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity for review and consideration at its November 9, videoconference.

8. **Updates from Social Justice Working Group.** The chair shared discussions from the group, including how social justice is defined and how the working group can be operational. The chair also shared the timeline of service and the group composition. The group will be meeting in the coming weeks to discuss future projects and budgetary needs.
9. **Chair Updates.**
 - a. **Committee on Women's Athletics.** The chair shared that the Woman of the Year winner was selected at the last videoconference and will be announced at the 2023 Convention. The chair also provided updates regarding emerging sports for women, including an application from squash. In its last meeting, the committee also discussed the recent U.S. Supreme Court decision of Dobbs v. Jackson Health Organization and any potential implications for college sports.
 - b. **Minority Opportunities and Interests Committee.** The chair shared that Brian Baptiste, Director of Athletics at LaSalle University, was elected as vice chair. The chair also discussed the committee's role with the Senior Minority Administrator working group and anticipated next steps. The fifth annual Diversity and Inclusion Social Media Campaign was also featured.
10. **Discuss key items related to the NCAA Sport Science Institute/Office of Inclusion partnerships.**
 - a. **NCAA Transgender Student-Athlete Participation Policy.** NCAA staff provided an overview of the Transgender Student-Athlete Participation Policy. The NCAA Committee on Competitive Safeguards and Medical Aspects of Sports continues to review the policy as it moves into Phase III. The committee is engaging with multiple groups to garner feedback.
 - b. **NCAA Pregnant and Parenting Student-Athlete Resources.** NCAA staff shared that the Committee on Competitive Safeguards and Medical Aspects of Sports has four recommendations for existing resources and continued work in light of recent legislation in many states around reproductive health that could impact student-athletes. These recommendations include removing errant and outdated references, improvement of the existing pregnant and parenting resources through an inclusive language review, legal

assessment to comply with the Dobbs U.S. Supreme Court decision, and the exploration of a sexual and reproductive health advisory group.

- c. **NCAA Summit on Diverse Student-Athlete Mental Health and Well-Being.** NCAA staff shared an article published in the British Journal of Sports Medicine regarding the summit's findings. The article identifies concepts that may facilitate NCAA efforts to assist member institutions in addressing the unique mental health needs of student-athletes of color.
- d. **NCAA Mental Health Advisory Group.** NCAA staff provided an update on the Mental Health Advisory Group, which is empowered by the Committee on Competitive Safeguards and Medical Aspects of Sports to update the NCAA Mental Health Best Practices and mental health materials. The Mental Health Advisory Group has 29 representatives, with 18 representatives representing external organizations with expertise in mental health and seven student-athletes. It was noted that the Mental Health Advisory Group will meet in coming weeks.

11. Other business. NCAA office of inclusion staff shared updates regarding Title IX at 50 celebrations, support for the Athletics Diversity and Inclusion Designee and the release of new resources, including the Diversity, Equity, and Inclusion Review Framework and resources to support student-athletes with disabilities and international student-athletes. Inclusion staff stated that additional resource would be released soon: the Inclusive Language Guide and the Native American Heritage Month resource

12. Future meeting schedule. Dates to be determined.

13. Adjournment. The videoconference adjourned at 2:50 p.m. Eastern time.

<i>Committee Chairs:</i>	<i>Marquetta Dickens, William Peace University</i> <i>Ragean Hill, University of North Carolina at Charlotte</i>
<i>Staff Liaisons (CWA):</i>	<i>Micaela Liddane, Championships</i> <i>Gretchen Miron, Office of Inclusion</i> <i>Shay Wallach, Office of Inclusion</i> <i>DeAnna Wiley, Academic and Membership Affairs</i>
<i>Staff Liaisons (MOIC):</i>	<i>Tiffany Alford, Academic and Membership Affairs</i> <i>Niya Blair Hackworth, Office of Inclusion</i> <i>Dee Kennedy, Enforcement</i> <i>Sade' Sleet, Office of Inclusion</i>

NCAA Minority Opportunities and Interests Committee and Committee on Women's Athletics October 20, 2022, Joint Videoconference	
Attendees:	
Brian Baptiste, LaSalle University.	
Greg Bamberger, Fairmont State University.	
Michaela Boyd, Palm Beach Atlantic University.	
Renee Bostic, State University of New York at New Paltz.	
Marquetta Dickens, William Peace University.	
Marshall Fey, Mid-America Intercollegiate Athletics Association.	
Lonnie Folks, Maryville University of St. Louis.	
Donna Price Henry, University of Virginia's College at Wise.	
Ragean Hill, University of North Carolina at Charlotte.	
William Kelly, Coast Guard Academy.	
Emma Kramer, Simon Fraser University.	
David Kuhlmeier, Valdosta State University.	
Mónica M. Lebrón, University of Tennessee.	
Miguel Martinez-Saenz, St. Francis College Brooklyn.	
Ahlesha McNeal, Lincoln Memorial University.	
Miriam Merrill, Pomona-Pitzer Colleges.	
LaWanda Miler, Fayetteville State University.	
Kelli Milliner, West Chester University of Pennsylvania.	
Betsy Mitchell, California Institute of Technology.	
Robert Nelsen, California State University, Sacramento.	
Mercy Ogutu, Trinity Washington University.	
Maya Riddlesprigger, California State University, Fullerton.	
Stuart Robinson, New York University.	
Chuck Sack, Neumann University.	
Renie Shields, Saint Joseph's University.	
Marion Terenzio, State University of New York at Cobleskill.	
Zulma R. Toro, Central Connecticut State University.	
Framroze Virjee, California State University, Fullerton.	
Absentees:	
Cheryl Aaron, Wentworth Institute of Technology.	
Gabby Elliott, Denison University.	
Lisa Freeman, Northern Illinois University.	
Tony Gaskew, University of Pittsburgh, Bradford.	

Carrie A. Michaels, Shippensburg University of Pennsylvania.
Chaunte O'Neil, University of Miami.
Olivia Summiel, Wake Forest University.
Dwaun Warmack, Claflin University.
Guests in Attendance:
Alisse Ali-Joseph, Northern Arizona University.
Sarah Wilhelmi, United States Olympic and Paralympic Committee.
NCAA Staff Liaisons in Attendance:
Niya Blair Hackworth, Dee Kennedy, Gretchen Miron and Sade' Sleet.
Other NCAA Staff Members in Attendance:
Mark Aiken, Kina Davis, Gail Dent, Clint Hangebrauck, Maritza Jones, Micaela Liddane, Felicia Martin, Jean Merrill, Bill Regan, Ann Rohlman, Solomon Siskind, Lori Thomas, Jared Tidemann, Jerry Vaughn and Amy Wilson.



REPORT OF THE NCAA
COMMITTEE ON WOMEN'S ATHLETICS
SEPTEMBER 27, 2022, VIDEOCONFERENCE

KEY ITEMS.

- The committee selected the 2022 Woman of the Year award winner, to be announced at the 2023 NCAA Convention in San Antonio, Texas.

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** The chair of the NCAA Committee on Women's Athletics convened the meeting and welcomed committee members and staff to the videoconference, including two new members.
2. **Discussion on Supreme Court's decision in Dobbs and potential impact on intercollegiate athletics.** The committee invited NCAA legal staff to share context around the Supreme Court's decision in Dobbs v. Jackson Women's Health Organization, and how the decision may impact college athletics, specifically current and prospective student-athletes. Specifically, the committee engaged in a discussion about supporting and advocating for healthcare access for student-athletes who may become pregnant, and how institutions may financially support pregnant student-athletes. The committee also discussed collecting data, such as the number of student-athletes who cite pregnancy or parenting as the mitigating hardship in waiver requests. Staff noted this committee would likely collaborate with the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports on efforts pertaining to sexual and reproductive health, including potential implications for student-athletes in some states about access to contraception. Further, the committee discussed the NCAA Board of Governors antidiscrimination policy and encouraged the Board to continue discussing the policy as it relates to this decision.
3. **Review and approval of NCAA Committee on Women's Athletics April 21, 2022, videoconference report.** The committee reviewed and approved its April 21, 2022, videoconference report.
4. **2022 NCAA Woman of the Year award.** The committee acknowledged the 577 nominees submitted by NCAA member schools, the 156 nominees selected by NCAA member conferences and the top nine, three from each Division, selections made by the Woman of the Year Selection Subcommittee. The committee thanked those who served on the selection subcommittee and invited them to provide context and insight on their evaluation process.

Staff shared an overview of the nomination and award process and selection guidelines. The committee reviewed the top nine rankings and voted to select the 2022 Woman of the Year Award winner, to be announced at the 2023 NCAA Convention in San Antonio, Texas.

5. **Discussion and updates on emerging sports.** The committee received updates on the progress of each emerging sport for women: acrobatics and tumbling, equestrian, rugby, triathlon, and women's wrestling, including current sports sponsorship numbers. In addition, staff noted that the three divisions will vote on a proposal to add stunt as an emerging sport for women at the 2023 NCAA Convention. The committee discussed concerns from the membership regarding similarities between acrobatics and tumbling and stunt. Staff provided clarity around the emerging sports process and highlighted the distinctions of each sport. In addition, the committee began the review process for an application from squash. Staff reminded the committee that squash was previously an emerging sport, but it was removed in all three divisions in 2011 due to a lack of growth in institutional sponsorship. The committee identified members to serve on a subcommittee to conduct an in-depth review of the squash application and report findings to the full committee during its February videoconference.
6. **Student-Athlete Advisory Committee updates.** The committee received updates from student-athlete representatives on initiatives from each divisional SAAC group. It was noted that the NCAA Division I Student-Athlete Advisory Committee is focused on efforts to celebrate national Hispanic Heritage Month, preparing for the NCAA Diversity and Inclusion Social Media Campaign in October, and sharing monthly newsletters about their various initiatives. In addition, the NCAA Division II Student-Athlete Advisory Committee's current goals are mental health, life after the game, and diversity, equity and inclusion. The Division II student-athlete representative further noted that the Division II Student-Athlete Advisory Committee is planning to recognize its first civic engagement day in November and will be voting on legislative grids at its next meeting. Finally, the NCAA Division III Student-Athlete Advisory Committee discussed proposed Division III legislation which will be voted on during the 2023 NCAA Convention. The Division III student-athlete representative expressed support for recent modifications to the Woman of the Year nomination and award process and requested additional details about the emerging sports process. Staff agreed to follow up with the Division III Student-Athlete Advisory Committee to provide an overview of the information requested.
7. **Progress on NCAA external gender equity review recommendations.** Staff shared that Recommendation 1.8 from Phase I of the external gender equity review, which supports a gender equity evaluation process for the national office and the Association, is being operationalized. Staff is in the process of meeting with managers of NCAA championship sports to gather information to support ongoing improvements to gender equity with emphasis on the student-athlete experience. Staff noted that additional updates will be shared during the October joint videoconference with the NCAA Minority Opportunities and Interests Committee.

8. Assessment report from the 2022 NCAA Division I Men's and Women's Basketball Championships. Staff provided a brief overview of the external assessment of progress on the Phase I recommendations from the external gender equity review of NCAA championships, which focus on the Division I Men's and Women's Basketball Championships. Staff noted that there will be a presentation and discussion on this topic during the October joint videoconference with MOIC.

9. Future meeting schedule.

- a. October 20, 2022, noon to 3 p.m. Eastern time, joint videoconference with MOIC.
- b. February 14, 2023, 1 to 4 p.m. Eastern time.

10. Other business. The chair shared an update on NCAA staff's current efforts to support and ensure inclusive environments at NCAA championships, referencing recent events.

11. Adjournment. The videoconference adjourned at 2:15 p.m. Eastern time.

Committee Chair: Ragean Hill, University of North Carolina at Charlotte
Staff Liaisons: Micaela Liddane, Championships and Alliances
Gretchen Miron, Office of Inclusion
Shay Wallach, Office of Inclusion
DeAnna Wiley, Academic & Membership Affairs

Committee on Women's Athletics September 27, 2022, Videoconference	
Attendees:	
Greg Bamberger, Fairmont State University.	
Chuck Sack, Neumann University.	
Ragean Hill, University of North Carolina at Charlotte.	
Emma Kramer, Simon Fraser University.	
David B. Kuhlmeier, Valdosta State University.	
Mónica Lebrón, University of Tennessee.	
Miriam Merrill, Pomona-Pitzer Colleges.	
LaWanda Miller, Fayetteville State University.	
Kellianne Milliner, West Chester University of Pennsylvania.	
Betsy Mitchell, California Institute of Technology.	
Donna Price-Henry, The University of Virginia's College at Wise.	
Maya Riddlesprigger, California State University at Fullerton.	

Renie Shields, Saint Joseph's University.
Marion Terenzio, State University of New York at Cobleskill
Absentees:
Renee Bostic, State University of New York at New Paltz.
Gabby Elliott, Denison University.
Miguel Martinez-Saenz, St. Francis College Brooklyn.
Robert Nelsen, California State University, Sacramento.
Guests in Attendance:
None.
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:
Micaela Liddane, Gretchen Miron and Shay Wallach.
Other NCAA Staff Members in Attendance:
Zandria Conyers, Kina Davis, Gail Dent, Abigail Edwards, Jessi Faulk, Melody Lawrence, Carly Lyvers, Felicia Martin, Corbin McGuire, Jean Merrill, Stacey Preston, Stephanie Quigg, Bill Regan, Solomon Siskind, Sadé Sleet, Shay Wallach, and Amy Wilson.



REPORT OF THE
NCAA COMMITTEE ON WOMEN'S ATHLETICS
DECEMBER 16, 2022, VIDEOCONFERENCE

ACTION ITEM.

1. Legislative items.

- Refer stunt proposals to the NCAA Committee on Women's Athletics for further review and discussion.
 - (1) Recommendation. That the divisional governance bodies refer the proposals to add stunt as an emerging sport for women to the Committee on Women's Athletics for further review and discussion.
 - (2) Effective date. Immediate.
 - (3) Rationale. The committee oversees the emerging sports for women program and is tasked with vetting potential emerging sports to help grow participation opportunities for women. Accordingly, the committee reviewed and discussed new information that has become available related to stunt that was not available at the time of the committee's February 2022 recommendation for the divisional governance bodies to sponsor legislation to add stunt as an emerging sport for women. In particular, the committee noted the need to prioritize student-athlete health and well-being, which could be adversely affected by the new information. The committee deems it important to create opportunities for further discussions regarding possible impacts on the health and well-being of female student-athletes and to monitor pending legal cases before forwarding its recommendation. The committee also discussed the importance of receiving feedback from member schools that sponsor stunt to understand whether these new legal developments have impacted their programs, student-athlete well-being and the overall culture of the sport. This further review would allow the committee to make a more informed recommendation to the divisions.
 - (4) Estimated budget impact. None. Schools currently sponsoring stunt or considering sponsoring stunt may continue to do so and may use institutional funds to support these programs at their discretion.
 - (5) Student-athlete impact. This recommendation prioritizes the health and well-being of student-athletes by allowing further review to examine the culture of stunt. A referral back to the committee also allows current stunt student-athletes to continue participating and competing in the sport without interference.

2. Nonlegislative items.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** The chair welcomed the committee and shared the meeting purpose to discuss new information regarding current legislative proposals to add stunt as an emerging sport for women [see NCAA Division I Proposal No. 2022-38 (Division I Membership, Personnel, Financial Aid, and Playing and Practice Seasons – Emerging Sports for Women – Women's Stunt), 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) and Division III Proposal No. 2023-13 (Division Membership – Establishing Stunt as an Emerging Sport for Women)].
2. **Background on stunt's emerging sport application and legislative process.** NCAA staff provided historical context for stunt's engagement with the emerging sport process including the committee's recommendation in February 2022 and current divisional proposals.
3. **Discussion on new information related to stunt.** The chair led a discussion regarding legal complaints that could impact student-athlete health and well-being, and the development and culture of stunt. The legal complaints include allegations of sexual abuse in youth cheerleading programs and were filed in September 2022, after the committee's recommendation in February 2022. NCAA legal staff noted that similar lawsuits have been filed since then and are at various stages of legal proceedings.
4. **Overview of potential next steps for stunt legislation.** The committee agreed that it would like to have further discussion about stunt given these legal complaints. Because the legislative proposals are properly sponsored in each division, the committee voted to recommend that the divisional governance bodies refer the proposals back to the committee. The committee also noted a desire to review the overall requirements for the Emerging Sport for Women program at a future meeting.
5. **Other Business.** No other business was discussed. The chair thanked the committee for its engagement and thanked outgoing committee members David Kuhlmeier and Betsy Mitchell for their service and dedication.
6. **Adjournment.** The meeting adjourned at 3:16 p.m. Eastern time.

Committee Chair: Ragean Hill, University of North Carolina at Charlotte
Staff Liaisons: Maison Hubbard, Academic and Membership Affairs
Micaela Liddane, Championships and Alliances
Gretchen Miron, Office of Inclusion
Shay Wallach, Office of Inclusion

Committee on Women's Athletics December 16, 2022, Videoconference	
Attendees:	
Renee Bostic, State University of New York at New Paltz.	
Ragean Hill, University of North Carolina at Charlotte.	
Emma Kramer, Simon Fraser University.	
David B. Kuhlmeier, Valdosta State University.	
Monica M. Lebron, University of Tennessee.	
Miriam Merrill, Pomona-Pitzer Colleges.	
LaWanda Miller, Fayetteville State University.	
Kellianne Milliner, West Chester University of Pennsylvania.	
Robert Nelson, California State University, Sacramento.	
Maya Riddlesprigger, California State University, Fullerton.	
Chuck Sack, Neumann University.	
Renie Shields, Saint Joseph's University.	
Marion Terenzio, State University of New York at Cobleskill.	
Absentees:	
Greg Bamberger, Fairmont State University.	
Gabby Elliott, Denison University.	
Miguel Martinez-Saenz, St. Francis College Brooklyn.	
Betsy Mitchell, School; Conference.	
Donna Price Henry, University of Virginia's College at Wise.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Micaela Liddane, Gretchen Miron, Shay Wallach.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Amanda Conklin, Chelsea Hooks, Maritza Jones, Felicia Martin, Jean Merrill, Stephanie Quigg, Angela Red, Bill Regan, Amy Wilson.	



REPORT OF THE
NCAA RESEARCH COMMITTEE
SEPTEMBER 19-20, 2022, MEETING

ACTION ITEMS.

- NONE.

INFORMATIONAL ITEMS.

1. **Discussion of the NCAA Graduate Student Research Grant Program process.** The NCAA Research Committee reviewed the 2022 NCAA Graduate Student Research Grant Program review process. The committee agreed that the process ran smoothly and recommended maintaining the format in the future. Minor suggestions were made for improving the resources available to applicants on the program website, including updating the budget templates and creating a grant writing education video for applicants with the assistance of past grant recipients. Additionally, the committee recommended that the research department request \$40,000 in grant funding during the next fiscal year, in order to support at least one additional graduate student annually.
2. **2021 NCAA Graduate Student Research Grant Program Panel discussion.** The committee met with the 2021 Graduate Student Research Grant Program grantees and discussed the impact of the program and possible improvements or areas where change was needed. Panelists emphasized that that grant played a key role in decreasing their financial stress and allowed them to complete their graduate degree more quickly. Many panelists discussed institutional challenges with accessing their grant funding. It was suggested that the NCAA grant agreement be modified to require that grantees meet with their campus sponsored projects representative early in the funding process to discuss the grant tracking and reimbursement process specific to the institution. Panelists also recommended NCAA research staff create a LinkedIn group for grant recipients to expand their professional network.
3. **Graduate Student Research Grant proposal review discussion.** The committee reviewed the 2022 proposals and determined that it would fund the following four proposals:
 - a. **Chris Boyer, North Carolina State University:** *Perceptions of Division I College Student-Athletes on Mental Health Strategies and Support Being Offered by Their Universities;*
 - b. **Morgan Ferrara, University of Houston:** *The Development and Validation of the Student-Athlete Resource Inventory;*
 - c. **Hannah Kloetzer, Temple University:** *A Holistic Evaluation of Transition From Sport Programming Offered by NCAA Athletic Departments; and*
 - d. **Hannah Levy, Washington State University:** *A Good Coach Can Change a Game, A Great Coach Can Change a Life: The Association Between Athletic Staff and Athlete Perceptions on Help-Seeking.*

In addition to awarding the research grants, the Committee honored three graduate students with \$1,000 NCAA Research Committee Scholar Awards. While the committee was unable

to fund these projects through a research grant, they wanted to recognize these junior scholars for the contributions they are making in intercollegiate athletics research. The scholarships will be disbursed to the institution and applied to the students' academic or research expenses through their financial aid or bursar's office. The recipients were Daniel Fleming of Utah State University, Grace Louis of Northern Illinois University and Christina Sanzari of University at Albany, State University of New York.

4. **Future of NCAA Research Committee.** In early 2022, a review of Association-wide committees occurred in light of the new constitution and the Research Committee was identified as one of two committees that could possibly be eliminated given its limited scope and how the membership's research needs have changed over time. It is anticipated that the NCAA Board of Governors will recommend the committee be eliminated during its October 2022 meeting. Should the committee be dissolved, NCAA Research staff shared their intention for the Graduate Student Research Grant program to continue, and to have recipients be selected by an Association-wide external review panel of faculty athletics representatives, athletics administrators, student-athletes and scholars representing all three divisions, similar to the grant review process that has been in place to select NCAA Innovations in Research and Practice Grant recipients since 2014.
5. **Role of NCAA research in 2021-22 topical issues.**
 - a. **Student-Athlete and Coach Well-Being surveys.** The committee reviewed findings from two well-being studies led by NCAA research in fall 2021 and spring 2022.
 - b. **Mainstay Research Collaboration.** The committee was made aware of a research collaboration between NCAA Research and Mainstay, in distributing a brief survey to all 2021-22 Division I transfer portal entrants.
 - c. **Division-specific engagement.** The committee was informed of the support NCAA research staff provided for the following division-specific committees and topical issues:
 - (1) Division II Implementation Committee support.
 - (2) Division I Transformation Committee support.
 - (3) Division I Committee on Academics Research support.
 - (a) Academic Progress Rate review.
 - (b) 2-4 Transfer Analyses.
 - d. **Test Score Task Force Recommendation Implementation.** Staff informed the committee about the implementation of the Test Score Task Force recommendations.
6. **2021 NCAA Graduate Student Research Grant Data Blitz.** Committee members joined national office staff for a data blitz presented by the 2021 NCAA Graduate Research Grant

Program recipients. The following presentations from the 2021 cycle of the grant program were given:

- a. **Nataliya Bredikhina, Temple University:** *Pursuit of NIL Opportunities: Exploring Student-Athletes' Interest, Experiences, and Implications for Well-Being;*
 - b. **Jeff Ruser, Indiana University Bloomington:** *Exploring the Emotional, Psychological, and Social Impacts of Social Media Use on Highly Visible Student-Athletes in the NIL-era;*
 - c. **Simran Sethi, University of Oklahoma:** *They Arrive, They Compete, But What's Next?: Exploring the Transition Out of Sport Experiences of Former Division I International College Athletes;*
 - d. **Marcus Smith, University of Cincinnati:** *"Final Whistle": Exploring Coaching, Mentoring, and the Importance of Race in College Basketball; and*
 - e. **Rebecca D. Taylor, Saint Louis University:** *Suicidality Among Emerging Adult Collegiate Athletes.*
7. **2021 NCAA Graduate Student Research Grant Panel Discussion.** Prior to the in-person 2021 NCAA Graduate Student Research Grant Panel on September 20, the committee determined what questions would be addressed during the session. The committee agreed that eight questions would be posed to the panelists and would focus on the impact of the funding on the students' academic trajectories and their suggestions for improving how grantees are supported by NCAA research staff throughout the application and funding cycle.
8. **Ongoing research efforts.** The committee received updates on the following items from the research staff:
- a. **2023 NCAA Comprehensive Health and Wellness Survey.** The committee was informed about the status of the Health and Wellness Survey, which was being printed and prepared for campus shipping at the time of the meeting.
 - b. **Data sharing efforts.** The committee was apprised of the research department's efforts in updating the research website, ongoing social media efforts, updates to the NCAA Institutional Performance Program and the publication of a range of datasets into Tableau, a data visualization software.
 - c. **2021 Financial Reporting Release.** The committee was informed that the release of the 2021 NCAA Financial Reporting data is scheduled for October 2022.
 - d. **NCAA Innovations in Research and Practice Grant Program update.** The committee was apprised of the current funded projects, timeline for the 2023 call for proposals and the plans for sharing the 2022 project findings.

9. **Review of September 28, 2021, NCAA Research Committee videoconference report.** The committee reviewed and approved the September 21, 2021, videoconference report.
10. **Future Meetings.** The committee determined that it will wait for the Board of Governors' decision on the continuation of the Research Committee prior to planning the next meeting.

Committee Chair: Thomas Saylor, Concordia University, St. Paul

Staff Liaison: Lydia Bell, Research

Research Committee September 19-20, 2022, Meeting	
Attendees:	
Jodi Canfield, Mount Holyoke College.	
S. Marlon Gayadeen, Buffalo State, State University of New York.	
David Hunt, Augusta University.	
Torie Johnson, Southeastern Conference.	
Kristi Kiefer, Fairmont State University.	
Heather Ryan, Duke University.	
Rene Salinas, Appalachian State University.	
Thomas Saylor, Concordia University, St. Paul	
Rebecca Spencer, University of Massachusetts, Amherst.	
Lawrence Ward, Babson College.	
Guests in Attendance:	
Nataliya Bredikhina, Temple University.	
Jeff Ruser, Indiana University Bloomington.	
Simran Sethi, University of Oklahoma.	
Marcus Smith, University of Cincinnati.	
Rebecca Taylor, Saint Louis University.	
NCAA Staff Support in Attendance:	
Lydia Bell.	
Other NCAA Staff Members in Attendance:	
Kelsey Gurganus-Wright, Keke Liu, Sadie Martinez, Tom Paskus, Marcos Rivera, and Robert Turick.	



REPORT OF THE
NCAA DIVISION II MANAGEMENT COUNCIL
NOMINATING SUBCOMMITTEE
JANUARY 3, 2023, VIDEOCONFERENCE

The Division II Management Council Nominating Subcommittee met January 3 via videoconference to discuss the Management Council nominations and to prepare candidate recommendations to the Management Council that the subcommittee believes fulfill the requirements set forth in NCAA Bylaw 8.2 (Division II Management Council.) Prior to discussing candidates and their qualifications, the subcommittee reviewed the composition of the Management Council, compared current nominees against those presidents/chancellors currently serving on the Presidents Council, and reviewed the historical representation of the Management Council.

The subcommittee noted that with the two vacancies, the Council is not currently underrepresented in any position. However, it was noted that if NCAA Proposal No. 2023-7 passes at the 2023 NCAA Convention, then the council would need to add at least one faculty athletics representative prior to February 1, 2024, to comply with legislated requirements, which would be a minimum of five directors of athletics; five senior woman administrators; five faculty athletics representatives; and two conference administrators.

The subcommittee also noted that with the vacancies, ethnic diversity decreased by two members, from seven minorities to five.

Management Council Nominations. The following are the recommendations for two vacancies, as proposed by the subcommittee. [See Attachment C for ballot.]

1. **California Collegiate Athletic Association** (replacing Shawn Chin-Farrell, director of athletics, California State University, San Bernardino). [Attachment A]

Subcommittee Recommendation. **Bennett Cherry**, faculty athletics representative, California State University, San Marcos.

Bennett Cherry has been with California State University, San Marcos, since 2000 and was named the faculty athletics representative in 2004. Bennett currently serves as the vice chair for the Division II Academic Requirements Committee. He has been very active in his conference and has attended both the Division II FAR Institute and the Division II FAR Advanced Leadership Institute, as well as serving on the Institute's steering committee.

2. **Great Lakes Intercollegiate Athletic Conference** (replacing Cam Trudell, conference administrator, Great Lakes Intercollegiate Athletic Conference. [Attachment B])

Subcommittee Recommendation. **Kim Hancock**, faculty athletics representative, Ferris State University.

Kim Hancock has been with Ferris State University since 1995 and was named the faculty athletics representative in 2015. Kim is active in her conference and has attended the Division II FAR Institute. Kim was highly recommended by the conference office.

Representation by Gender, Ethnic Diversity and Valued Positions with Vacancies:

<u>Number of Representatives</u>	<u>Position</u>
10	Director of athletics
7	Senior woman administrators
4	Faculty athletics representatives
3	Conference administrators
2	SAAC representatives

<u>Number of Representatives</u>	<u>Gender/Ethnic Diversity</u>
11	Males
15	Females
5	Ethnic minorities

Representation by Gender, Ethnic Diversity and Valued Positions with Recommended Selections

<u>Number of Representatives</u>	<u>Position</u>
10	Director of athletics
7	Senior woman administrators
6	Faculty athletics representatives
3	Conference administrators
2	SAAC representatives

<u>Number of Representatives</u>	<u>Gender/Ethnic Diversity</u>
12	Males
16	Females
5	Ethnic minorities

Subcommittee Chair: Jim Johnson, Pittsburg State University
Staff Liaison(s): Terri Steeb Gronau, Division II Governance
Maritza S. Jones, Division II Governance

Division II Management Council Nominating Subcommittee January 3, 2023, Videoconference	
Attendees:	
Marcus Clarke, Central Intercollegiate Athletic Association.	
Bob Dranoff, East Coast Conference	
Marty Gilbert, Mars Hill University.	
Jim Johnson, Pittsburg State University.	
Carrie Michaels, Shippensburg University of Pennsylvania.	
Jerry Wollmering, Truman State University.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Staff Support in Attendance:	
Terri Steeb Gronau and Maritza Jones.	
Other NCAA Staff Members in Attendance:	
Ryan Jones, Olivia Sappington and Jill Waddell.	

Director of Athletics

Individual Nominated Allison Kern

Institution Cal State East Bay

E-Mail allison.kern@csueastbay.edu

Phone Number (510) 885-3038

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

Senior Woman Administrator

Individual Nominated Amanda Nelson

Institution Cal Poly Humboldt

E-Mail aln34@humboldt.edu

Phone Number (707) 826-5959

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

Faculty Athletics Representative

Individual Nominated Bennett Cherry

Institution Cal State San Marcos

E-Mail bcherry@csusm.edu

Phone Number (760) 750-4217

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

Conference Administrator (Optional)

Individual Nominated Carol Rivera

Institution California Collegiate Athletic Association

E-Mail crivera@goccaa.org

Phone Number (925) 876-3766

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☒ Yes ☐ No

I hereby certify that these individuals have been nominated by the California Collegiate Athletic Association
(conference name)

to represent its members on the Division II Management Council and the individuals have been contacted to confirm their willingness to serve on the Management Council.

Mitch Cox

Conference Commissioner/Executive Director

Mitch Cox, Commissioner, 10/17/22

Date

Sam Jackson Jr.

Chief Executive Officer within the Conference

October 18, 2022

Date

Please forward by Friday, October 21, to Maritza Jones, managing director of Division II, via e-mail at jwaddell@ncaa.org.

Director of Athletics

Individual Nominated Rick Costello

Institution University Purdue Northwest

E-Mail rick@pnw.edu

Phone Number 2199892540

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

Senior Woman Administrator

Individual Nominated Sara Higley

Institution Ferris State University

E-Mail higleys@ferris.edu

Phone Number 2314370027

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

Faculty Athletics Representative

Individual Nominated Kim Hancock

Institution Ferris State University

E-Mail hancockk@ferris.edu

Phone Number

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

Conference Administrator (Optional)

Individual Nominated Kris Dunbar

Institution Great Lakes Intercollegiate Athletic Conference

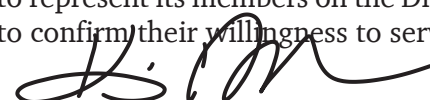
E-Mail kdunbar@gliac.org

Phone Number 9898942529

In order to assist the appointing bodies in assuring diversity of membership on NCAA committees, please indicate if this nominee is an ethnic minority. ☐ Yes ☒ No

I hereby certify that these individuals have been nominated by the Great Lakes Intercollegiate Athletic Conference
(conference name)

to represent its members on the Division II Management Council and the individuals have been contacted to confirm their willingness to serve on the Management Council.



Conference Commissioner/Executive Director

12/2/2022

Date



Chief Executive Officer within the Conference

12/2/2022

Date

Please forward by Friday, December 2, to Maritza Jones, managing director of Division II,
via e-mail at jwaddell@naaa.org.



NCAA Division II Management Council
January 2023 Elections for Conference Representatives

Please vote for one candidate from each conference.

California Collegiate Athletic Association (replacing Shawn Chin-Farrell, AD, California State University, San Bernardino)	
	Allison Kern, AD, California State University, East Bay
	Amanda Nelson, SWA, California State Polytechnic University, Humboldt
	Bennett Cherry, FAR, California State University, San Marcos
	Carol Rivera, Conference Administrator, California Collegiate Athletic Association
Great Lakes Intercollegiate Athletic Conference (replacing Cam Trudell, Conference Administrator, Great Lakes Intercollegiate Athletic Conference)	
	Rick Costello, AD, Purdue University Northwest
	Sara Higley, SWA, Ferris State University
	Kim Hancock, FAR, Ferris State University
	Kris Dunbar, Conference Administrator, Great Lakes Intercollegiate Athletic Conference

**NCAA Division II Management Council
Committee and Project Team Assignments for 2023**

(Mentor assignments are listed in italics below new Management Council members' names)

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
Femi Alao <i>(Christina Whetsel)</i>	NCAA Minority Opportunities and Interests Committee Division II Management Council Subcommittee
Patrick Britz <i>(Erin Lind)</i>	Division II Management Council Identity Subcommittee Division II Management Council Subcommittee Division II Nominating Committee
Curtis Campbell <i>(Jerry Wollmering)</i>	NCAA Committee on Sportsmanship and Ethical Conduct Division II Infractions Appeals Committee Division II Membership Committee
Brenda Cates	Division II Legislation Committee Division II Management Council Identity Subcommittee Division II Management Council Liaison to the Faculty Athletics Representatives Association (FARA)
Marcus Clarke	Division II Championships Committee Division II Management Council Subcommittee (<i>chair</i>)
Mark Corino	Division II Management Council/Championships Committee Appeals Subcommittee Division II Planning and Finance Committee
Jeremy Elliott <i>(Bo Pagliasotti)</i>	Division II Management Council Subcommittee NCAA Walter Byers Scholarship Committee
Theresa Grosbach <i>(Kristi Kiefer)</i>	Division II Management Council Identity Subcommittee Division II Student-Athlete Advisory Committee
David Hansburg	NCAA Olympic Sports Liaison Committee Division II Committee on Infractions
Theresa Hanson	Division II Academic Requirements Committee Division II Management Council Identity Subcommittee Division II Management Council Subcommittee (<i>chair</i>) Division II Management Council Liaison to Division II Athletics Directors Association (ADA)
Amy Henkelman	Division II Convention Planning Project Team Division II Committee for Legislative Relief Division II Management Council Identity Subcommittee
Kristi Kiefer	Division II Convention Planning Project Team Division II Student-Athlete Reinstatement Committee NCAA Research Committee
Erin Lind	NCAA Board of Governors Student-Athlete Engagement Committee Division II Convention Planning Project Team Division II Management Council Liaison to the Division II Conference Commissioners Association (CCA) Division II Planning and Finance Committee
Katherine Loh <i>(Brenda Cates)</i>	NCAA Committee on Women's Athletics Division II Management Council Identity Subcommittee
Danny McCabe	Division II Academic Requirements Committee Division II Convention Planning Project Team (chair) Division II Management Council Identity Subcommittee
Cindy McKnight	Division II Degree-Completion Awards Committee

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
<i>(Sandee Mott)</i>	Division II Management Council Subcommittee
Carrie Michaels, <i>chair</i>	NCAA Board of Governors (<i>ex officio</i>) Division II Administrative Committee Division II Management Council Identity Subcommittee (<i>ex officio</i>) Division II Planning and Finance Committee (<i>ex officio</i>)
Sandee Mott	Division II Championships Committee Division II Management Council Identity Subcommittee (<i>chair</i>) ~~Division II Nominating Committee~~
Roberta Page <i>(Carrie Michaels)</i>	Division II Convention Planning Project Team Division II Management Council Subcommittee (<i>chair</i>) Division II Nominating Committee
Bo Pagliasotti	NCAA Postgraduate Scholarship Committee Division II Convention Planning Project Team Division II Management Council Subcommittee
Sarah Ramey <i>(Amy Henkelman)</i>	Management Council Liaison to Women Leaders in College Sports NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Christina Whetsel	Division II Membership Committee Division II Management Council Liaison to National Association for Athletics Compliance (NAAC) Division II Management Council Subcommittee (<i>chair</i>)
Vaughn Williams <i>(Mark Corino)</i>	Division II Management Council Identity Subcommittee Division II Management Council Liaison to the Minority Opportunities Athletics Association (MOAA) Division II Legislation Committee
Jerry Wollmering, <i>vice chair</i>	Division II Administrative Committee Division II Championships Committee (<i>ex officio</i>) Division II Management Council/Championships Committee Appeals Subcommittee Division II Management Council Identity Subcommittee (<i>ex officio</i>) Division II Planning and Finance Committee Division II Management Council Liaison to CoSIDA

Management Council Subcommittee chairs:

- Appeals of Membership Committee decisions on provisional membership status: **Roberta Page**
- Appeals of Academic Requirements Committee decisions on waivers involving the Academic Performance Census and the Academic Success Rate: **Christina Whetsel**
- Appeals of Legislative Review Subcommittee decisions involving the amateur status of prospective student-athletes: Marcus Clarke
- Appeals of Championships Committee decisions: Theresa Hanson

Available:

Division II Student-Athlete Advisory Committee
NCAA Honors Committee
Division II Management Council Identity Subcommittee
Division II Convention Planning Project Team



DIVISION II

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NCAA Division II Management Council Policies and Procedures

| Last Updated: ~~July 2022~~ January 2023 (~~effective August 1, 2022~~)

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NCAA DIVISION II MANAGEMENT COUNCIL **POLICIES AND PROCEDURES**

The NCAA Division II Management Council Policies and Procedures outline the operations and authority of the NCAA Division II Management Council. The Management Council shall have the authority to adopt or revise the policies and procedures specified herein as needed. The NCAA Division II Presidents Council, at its discretion, may review, amend and/or act on any policy or procedure adopted by the Management Council.

NCAA Structure

The NCAA Board of Governors establishes and directs the general policy of the Association; provides final approval and oversight of the Association's budget; internal and external audits; enterprise risk management; strategic planning; allocation of assets; establishes policies related to fiduciary responsibility; and employs the NCAA president (see NCAA Constitution, Article 2.A.3.d for full list of duties and responsibilities).

Each Division shall have independent authority to organize itself, consistent with the principles of the Association (see Constitution, Article 2.B.1).

The Division II Presidents Council establishes and directs the general policy of Division II (see NCAA Bylaw 8.1).

The Division II Management Council handles the day-to-day responsibilities and operations of Division II (see Bylaw 8.2).

The Division II Administrative Committee is empowered in the interim between meetings of the Division II Presidents Council and Management Council to conduct business necessary to promote the normal and orderly administration of Division II (see Bylaw 8.3).

Division II Management Council Structure

The Management Council is a governance group whose composition is based on conference representation. Currently, there are 28 representatives on the Management Council (23 Division II voting conference representatives, two at-large representatives, one representative for Division II independent institutions [provided there are at least eight Division II independent institutions] and two members of the Student-Athlete Advisory Committee).

The only positions to be represented on the Management Council are director of athletics, senior woman administrator, faculty athletics representative, conference administrator and student-athlete.

Among the Management Council members, there must be at least four directors of athletics, at least four senior woman administrators, at least four faculty athletics representatives and at least one conference administrator.

The two members of the Student-Athlete Advisory Committee shall serve as voting members on the Management Council (see Bylaw 8.2.1.3). The Division II Student-Athlete Advisory Committee policies and procedures will determine eligibility, selection process, terms, duties and any other policies related to the service of Student-Athlete Advisory Committee representatives on the Management Council.

The Management Council is committed to the principle of diversity within governance structures that promotes gender and ethnic minority representation at all levels of the Division II governance structure.

Term of Office

Management Council members serve terms of four years, which shall conclude following the annual NCAA Convention. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.

Management Council members are not eligible for election to another term on the Management Council until three years have elapsed. A member may not serve on the Management Council more than two terms.

Individuals serving on the Management Council shall be salaried on a regular basis by a Division II active member institution or conference and perform a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference, unless otherwise specified.

If an individual's employment is altered to the extent that they are no longer serving in the position for which that person was appointed to the Management Council (e.g., individual appointed to Management Council as director of athletics resigns as director of athletics of institution but continues as senior woman administrator), that person may be replaced immediately and they may not attend the next scheduled meeting of the Management Council. The Administrative Committee may grant a waiver (on a case-by-case basis) to provide for a Management Council representative to remain in their position on the Management Council in certain situations where a Management Council representative's position is altered, but there are compelling reasons as to why the change should take place and allow them to remain on the Management Council.

A Management Council member on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may continue their service on the Council. A Management Council member on terminal leave or on leave in excess of 12 consecutive months shall not be eligible to serve on the Management Council.

At the time a Management Council member's institution has forwarded to the national office written notice of its intention to change its membership classification to Division I, Division III or another association, that individual shall be ineligible to serve on the Management Council and an election will occur to replace that member on the Council.

Management Council Vacancies

When a vacancy on the Division II Management Council occurs, each conference shall propose a slate of nominees that includes at minimum a director of athletics, a senior woman administrator (or, if the senior woman administrator is also the institution's director of athletics, a female professional athletics administrator who is a member of the institution's senior athletics management team) and a faculty athletics representative. The slate also may include a conference administrator. A single individual may not be nominated more than once on the slate (e.g., the slate shall not contain the same nominee for the athletics director and senior woman administrator positions).

Conferences are required to develop a selection process that is supported by their member institutions and an explanation of this process must be kept on file at the conference office and submitted with its slate of nominees. In addition, a statement will be included on the "slate of candidates" form that reiterates the division's commitment to the principle of diversity at all levels of the governance structure.

The members of the Management Council shall select individuals to fill vacancies from the slate(s) of nominees. Individuals selected by the Management Council to fill a vacancy must be ratified by the Division II Presidents Council.

When filling vacancies on the Management Council, every effort should be made to not drop below the gender and ethnicity breakdown of the Management Council as it existed before the vacancy occurred. Further, to the extent possible, members of the Presidents Council and the Management Council shall not be employed at the same institution.

The Management Council may reject a slate of candidates when any of the following circumstances exist:

- (1) When the slate of candidates is incomplete (e.g., the slate does not include a senior woman administrator <or designee> or the senior woman administrator on the slate has expressed an unwillingness to serve).
- (2) When the conference does not utilize its selection procedures (i.e., the procedures on file at the conference office and submitted with its slate) to select a slate of candidates.
- (3) When the conference's slate does not permit the Management Council to fulfill its obligation to assist the division's commitment to the principle of diversity.

At-large vacancies on the Management Council are to be filled by candidates who enhance ethnic and/or gender diversity. A nominee to fill an at-large vacancy should not be considered if the nominee's institution already is represented on the Management Council. Likewise, a nominee to fill a conference vacancy should not be considered if the nominee's institution already is represented by an at-large member.

The independent institution vacancy will be open to selected representatives (directors of athletics, senior woman administrators, faculty athletics representatives) from any Division II independent institution and nominations will be accepted from all Division II institutions. If the total number

of independent institutions falls below eight, the position allocated for independent institutions shall become an at-large position as soon as the position becomes vacant. In such situations, the Management Council shall try to fill one of the at-large vacancies with a representative from an independent institution, if such a representative applies for service.

Process of Submitting Nominations

When a Management Council vacancy exists for a member conference, the conference will be sent a copy of the Management Council policies and procedures to share with interested candidates who have questions regarding the Management Council's duties and responsibilities. In addition, when submitting a slate of candidates to fill a Management Council vacancy, a conference must certify each nominee's willingness to serve as a Management Council representative.

Each conference must designate a president or chancellor from a member institution within the conference who shall sign the conference's nomination form (slate of candidates or reelection form) before the form is submitted. A conference is not required to be on record with the NCAA national office as to which president or chancellor in the conference has authority to sign off on a slate of candidates. A president or chancellor that a conference authorizes to sign off on a slate of candidates may designate someone else from the conference to perform this task as long as that person is a president or chancellor at another member institution within that conference.

A nomination to the Management Council may not be retracted without the nominee's permission. A conference may, however, modify its slate of candidates when extenuating circumstances exist (e.g., an individual changes his or her job after the slate of candidates has been submitted).

Voting Procedures to Fill Vacancies

- ◆ If more than one vacancy exists, a Management Council Subcommittee will be established by the Management Council chair and vice-chair before each election. The duties of the subcommittee include monitoring the composition of the Management Council to ensure its continued diversity, tracking the history of conference representatives by position on the Management Council, reviewing the pool of Management Council candidates prior to each election and providing the Management Council with a possible election outcome(s) after considering the gender, ethnic minority and position breakdown of the Management Council at the time of the election. In elections involving nominations for the at-large position(s), the subcommittee may also conduct phone interviews with certain nominees to better evaluate credentials and a willingness to serve.
- ◆ If more than one vacancy exists, the conference, independent and at-large vacancies will be voted on as a group (as opposed to individually) by written ballot and the ballot will consist of the slate of candidates from each conference with a vacancy (and/or the list of independent and at-large nominees).
- ◆ The slate of candidates signed by each conference, as well as the nominee information forms completed by each conference, at-large and independent nominee, will be provided to the members of the Management Council for consideration.

- ◆ At the meeting, Management Council members who wish to speak on behalf of a particular candidate will be permitted to make a brief statement about the nominee; a Management Council member from a conference with a vacancy should provide a brief overview of each candidate's qualifications, without stating a preference for a particular candidate. Management Council members from conferences with vacancies will be permitted to cast a vote for their replacements.
- ◆ Management Council members will be asked to vote for one nominee per conference (and one at-large nominee and one independent nominee, when necessary). The ballots will be tabulated by the Division II governance staff. If one candidate receives a majority vote of the Management Council members present and voting, the voting is considered final for that day.
- ◆ If no candidate from a conference (or at-large/independent nominees) receives a majority vote, the candidate with the fewest number of votes will be eliminated from the slate of candidates, and another vote (in writing) will be taken. The voting will continue in this manner until one nominee receives a majority vote of those Management Council members present and voting.
- ◆ After the voting takes place on the first day of the Management Council meeting, the staff will compile the results and prepare a grid showing the composition of the Management Council (as determined by the first day's vote) by gender, ethnicity and position.
- ◆ The Management Council will review the grid on the second day of the meeting and determine whether it is comfortable with the overall composition of the group and whether a revote is necessary.
- ◆ The names of the nominees from each conference and the at-large and independent candidates who have been elected shall be forwarded to the Presidents Council for ratification. Notification to the candidates, the conference and the Management Council shall occur after the Presidents Council has made its decision.
- ◆ If a conference representative is not ratified by the Presidents Council, the conference will be asked to submit a new slate of candidates for the Management Council to consider.
- ◆ If an at-large representative or independent representative is not ratified by the Presidents Council, a call for nominations will be sent to the membership (unless a sufficient number of candidates exist from a vacancy that has occurred within the previous three months).

Ratification.

Election and reelection decisions made by the Management Council shall be forwarded to the Division II Presidents Council for ratification.

Emergency Election Procedure.

If an interim vacancy occurs on the Management Council, the Division II Administrative Committee will determine whether the vacancy has occurred at such a time that the vacancy must be filled

prior to the next regularly scheduled meeting of the Management Council. If the Administrative Committee determines that the vacancy does require an election prior to the next regularly scheduled meeting of the Management Council, the election may occur either by ballot or telephone conference of the Management Council.

Chair and Vice-Chair

The chair and vice-chair are elected by the Management Council and ratified by the Presidents Council, for a maximum two-year term. The individual seeking a second year of the maximum two-year term must be reelected by the Management Council at a quarterly meeting prior to the expiration of the first term.

The term of office of the chair and vice chair runs from January to January (term ends upon adjournment of the NCAA Business Session at the annual Convention).

~~So that terms always will be staggered, the term of office for the chair will be based on the calendar year (January-December) and the term of office for the vice chair will be based on the academic year and the NCAA's fiscal year (September-August). The election of a new chair will occur at the October Management Council meeting that precedes the expiration of the current chair's term of office. The election of a new vice chair will occur at the July Management Council meeting that precedes the expiration of the current vice chair's term of office.~~ The vice chair is a separately elected position and does not ascend to the chair role automatically.

Representatives from the Student-Athlete Advisory Committee on the Management Council shall not be eligible to serve as chair or vice-chair of the Management Council.

Duties

The chair of the Management Council shall: (8.2.2.1)

- ◆ Preside at Management Council meetings;
- ◆ Serve as an ex officio, nonvoting member of the Board of Governors;
- ◆ Serve as a member of the Division II Administrative Committee;
- ◆ Report to the Division II membership at the annual Convention the activities of the Management Council and Division II committees;
- ◆ Serve as an ex officio, nonvoting member of any Division II committee that reports to the Division II Management Council; and
- ◆ Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

[Note: The Management Council chair also represents Division II on the NCAA President's Advisory Group for Marketing and Promotional Issues. (See Bylaw 31.6.4.2.)]

The vice-chair of the Management Council shall: (8.2.2.2)

- ◆ Take the chair's place and perform the chair's duties if the chair is absent or incapacitated;
- ◆ Serve as a member of the Division II Administrative Committee;

- ◆ Serve as a member of the Division II Planning and Finance Committee;
- ◆ Serve as an ex officio, nonvoting member of the Division II Championships Committee and all Division II sports committees.

Election Process

The Management Council will conduct the chair and vice-chair elections using a written ballot. Each candidate will be limited to a two-minute speech, and there will be no discussion by the Management Council of the various candidates. [Note: The chair and vice-chair candidates will be permitted to vote.]

In order to be elected as chair or vice-chair, the individual must receive a majority vote of all Management Council members present and voting.

In the case there are more than two candidates running and none receive a majority vote, the candidate with the fewest number of votes will be eliminated from the ballot, and another vote will be taken. The voting will continue in this manner until one candidate receives a majority vote of those Management Council members present and voting.

If there is a tie vote, the vote shall be retaken. Each candidate ~~will~~may be allowed another two-minute speech, and there will be no discussion by the Management Council of the two candidates. If the tie persists after the second vote, the names of the two candidates are to be written on paper and pulled from a container by the chair of the Management Council. If the chair of the Management Council is a candidate, the vice-chair will pull the paper from the container. If the chair and vice-chair of Management Council are the two candidates tied, the vice president of Division II will pull the paper from the container.

The vote results will be announced during the Management Council meeting, with the understanding that such results are confidential until the election has been ratified by the Presidents Council.

Special Circumstances.

- ◆ In the event that the chair of the Management Council leaves the position of chair prior to expiration of their term as chair, there will be an election to fill the vacancy. The vice-chair of the Management Council will assume the duties of the chair on an interim basis (and also will continue to serve as vice-chair) until the chair vacancy has been filled. [Note: The election to fill the vacancy may be immediate and occur either by ballot or telephone conference of the Management Council if the Administrative Committee agrees to expedite the process. Otherwise, the election would occur at the next regularly scheduled Management Council meeting.]
- ◆ In the event that the vice-chair of the Management Council leaves the position of vice-chair prior to expiration of their term as vice-chair, there will be an election to fill the vacancy. [Note: The election to fill the vacancy may be immediate and occur either by ballot or telephone conference of the Management Council if the Administrative committee agrees to expedite the process. Otherwise, the election would occur at the next regularly scheduled Management Council meeting.]

- ◆ In the event both the Management Council chair and vice chair are absent or unable to lead a Management Council meeting or teleconference, another member of the Management Council may be selected to lead the meeting or teleconference by a majority vote of all members of the Council present at the meeting or on the teleconference. If time permits and the absence of the chair and vice chair, or their inability to lead the meeting or teleconference, is known in advance, the election of another member may take place via e-mail vote.

Role and Purpose/Responsibilities

The Division II Management Council is responsible for the day-to-day operations of Division II.

Bylaw 8.2.2 specifies the following responsibilities for the Management Council:

- ◆ Implement policies adopted by the Association's Board of Governors and the Division II Presidents Council;
- ◆ Make recommendations to the Division II Presidents Council on matters it deems appropriate;
- ◆ Recommend the adoption of noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, subject to ratification by the Division II Presidents Council;
- ◆ Take final action on matters delegated to it by the Division II Presidents Council;
- ◆ Make interpretations of the bylaws of Division II;
- ◆ Review and act upon the recommendations of the Division II committee structure and the recommendations of Division II representatives to committees with Association-wide functions;
- ◆ Appoint the members of the Division II committee structure and appoint the Division II representatives to committees with Association-wide functions;
- ◆ Elect a chair and vice-chair;
- ◆ Organize and participate in an annual "summit" with the Division II Student-Athlete Advisory Committee;
- ◆ Hear and act on appeals by member institutions of decisions made by a Division II committee or the NCAA staff regarding the application of NCAA legislation (excluding actions of any committee that has final authority over issues subject to appeal); and
- ◆ Recommend the appointment of such committees or subcommittees as may be necessary for executing the provisions of the Constitution or the Division II bylaws, subject to ratification by the Presidents Council.

Management Council Operating Policies

The following operating policies are not included in the NCAA Manual. They have been grouped under the following headings for convenience of reference.

Management Council/Presidents Council Relationship

The Management Council is committed to working closely with the Presidents Council to enhance the efficiency and administration of the Division II governance structure.

The actions of the Management Council are subject to review and final approval by the Presidents Council. The Board of Governors has final authority over all Association-wide matters (e.g., the Association-wide budget).

The Management Council and Presidents Council each receive the minutes of the other's meetings, and the Presidents Council receives a report at each meeting on the activities of the Management Council. Both groups have authorized their respective chairs and vice-chairs to communicate with each other between meetings.

Management Council officers will attempt to attend Presidents Council meetings and Presidents Council officers will attempt to attend Management Council meetings as often as possible. Further, the chair of the Management Council shall attend the quarterly Presidents Council meeting to share the activities and actions of the Management Council.

The Management Council and Presidents Council will attempt to conduct one joint meeting per year to further the communication efforts between the two governing bodies.

Appeals, Appearances and Hearings

The Management Council has authority to review appeals of committee decisions in only limited situations. (See Bylaw 8.2.2.) In most cases, the Management Council Subcommittee has been authorized to hear appeals of committee decisions. Bylaw 8.2.2.3 notes the authority of the Management Council Subcommittee to hear and act on specific waiver requests. The Management Council Subcommittee shall be comprised of nine members of the Management Council.

The presence of new relevant and significant information directly related to the original findings shall be required to be heard by the original committee inasmuch as the new information may alter the original committee's decision.

Requests by member institutions or others to appear in person before the Management Council to discuss proposed legislation will be denied, inasmuch as it would be logistically impossible for the Management Council to entertain all such requests for appearances on legislative matters.

In all appeals or appearances that are granted, not more than three persons shall represent the appellant. Such appearances will be granted only when extraordinary circumstances exist and such appearances that occur in person shall be at the appellant's expense. The Division II Administrative Committee must approve such requests for personal appearances before the Management Council (or a the Management Council Subcommittee).

However, no appeal by institutions of Membership Committee decisions involving applications for Division II membership or status of institutions in the membership process shall be heard in person. In such cases, the appealing institution may request that its appeal be heard via teleconference and the Management Council Subcommittee shall grant the request without having to seek Administrative Committee approval. If the appealing institution does not request the appeal to be heard via teleconference with the submission of the appeal, the appeal shall be handled on the basis of the written record. The Management Council has adopted procedures to apply only to appeals by institutions of decisions by the Membership Committee involving applications for

Division II membership and the status of institutions in the membership process. These separate procedures are attached to this policies and procedures document.

In cases involving a conference's status in the Division II membership process, the appellant is granted the personal appearance, if requested, without having to seek Administrative Committee approval.

For all appearances before the Management Council (or the Management Council Subcommittee), a 15-minute limit on presentation(s) shall apply, unless the Administrative Committee or Management Council officers (chair and vice-chair) specify a lesser amount of time.

For purposes of parliamentary procedure, the Management Council (or the Management Council Subcommittee) shall constitute a "board," rather than a "committee," in applying the provisions of Robert's Rules of Order, Newly Revised; therefore, parliamentary procedures shall be those specified for boards by Robert's Rules in such matters as appeals, hearings or other appearances before the Management Council. [Note: This affects such matters as motions to reconsider, amend or rescind earlier actions.]

The Management Council has adopted the following procedures to apply to appeals of any committee action other than those by the Membership Committee involving applications for Division II membership and the status of institutions in the membership process, Division II Committee on Student-Athlete Reinstatement and the Division II Committee for Legislative Relief (or any other committee with authorized final jurisdiction over a matter):

1. In order to appeal a decision of a Division II committee, the involved institution must submit a written notice of appeal, to be received in the national office not later than 30 calendar days after it has received notification of the committee's decision. The appeal shall be submitted by the institution's chancellor/president, faculty athletics representative, director of athletics or senior woman administrator and shall specify the reasons the institution believes the committee's decision is erroneous.
2. In each appealed case, the involved Division II committee shall provide the Management Council with a written report setting forth the basis for its decision. The report shall identify the involved NCAA rules and interpretations and shall specify the information and precedent relied upon by the committee in reaching its decision. The report of the involved committee shall be submitted to the Management Council or the Management Council Subcommittee (and the appealing institution) at least seven days prior to the Council's or subcommittee's review of the matter, unless the appealing institution and the Administrative Committee or the Management Council officers approve a shorter period of time.
3. Each request for an appeal that is reviewed by the full Management Council may be reviewed by the Administrative Committee or Management Council officers (chair and vice-chair) and shall be placed on the appropriate agenda. The Administrative Committee or Management Council officers shall determine whether the appeal is to be handled on the basis of the written record or whether a personal appearance is necessary. If a personal appearance is thought necessary, both the institution and the appropriate committee shall be represented.

4. Reviews of appeals by the full Management Council shall take place only in conjunction with regularly scheduled meetings of the Management Council.
5. When an institution is approved for a personal appearance, it shall be represented by its chancellor/president, faculty athletics representative, director of athletics, senior woman administrator or conference office representative, and it may be represented by other involved institutional staff members, student-athletes and/or legal counsel, as approved by the Administrative Committee or Management Council officers. Only three representatives shall be permitted to speak within the institution's 15-minute time period. A representative of the appropriate committee, as well as an appropriate member of the national office staff (usually the liaison to the committee), also will participate in the hearing.
6. Once all parties participating in an in-person appeal have been introduced, the chair shall call on the institutional representatives, and they shall be provided an opportunity to describe the situation and explain the reasons they believe the committee's decision is erroneous. Next, the representative of the involved committee and/or the national office staff will describe the current status of the matter, including the committee's decision. Neither the committee's nor the institution's presentation may exceed 15 minutes in length, unless the Administrative Committee or Management Council officers (chair and vice-chair) approve in advance a longer time period. All participants in the hearing will be permitted to ask questions of any other participants. Once an in-person hearing has concluded, representatives of the member institution involved, representatives of the involved committee and the national office staff member involved in the case shall leave the hearing.
7. When reviewing appeals of committee or subcommittee decisions, Management Council members who participated in the original committee or subcommittee decision shall not vote. Additionally, any Management Council member who has a conflict of interest (see conflict of interest statement in this policies and procedures document) shall be recused from the proceedings and the vote. Action will be taken by the Management Council or the Management Council Subcommittee by a majority vote. All votes may be conducted by a show of hands or by voice vote.
8. Upon conclusion of an in-person hearing or a review of the written record, the Management Council or the Management Council Subcommittee shall reach a decision and notify the national office staff of its conclusion. The national office staff shall notify the involved institution and shall provide a written confirmation of the decision. The notification should occur as soon as practical after the decision is reached and after adjournment of the meeting. No notification, formal or informal, should occur before adjournment of the Management Council meetings. The appellant also should be notified of any additional procedures available to it. No public announcement shall be made until the Management Council meeting has adjourned.
9. If, in reviewing the appeal, the Management Council or Management Council Subcommittee concludes that new information that was not made available to the involved committee at the time of its initial decision has been reported and that the information is of such importance, in the judgment of the Management Council or Management Council Subcommittee, to make a different result reasonably probable, the case shall be redirected to the committee that initially considered it for further review.

10. The Management Council or Management Council Subcommittee shall not alter the decision of the committee that initially decided the matter, unless it concludes that the committee erred in its decision in a manner that, in the judgment of the Management Council or Management Council Subcommittee, affected the decision of that committee. The finding of such an error shall be based upon a determination (1) that the committee improperly applied NCAA legislation or official interpretations, (2) that the committee took an action inconsistent with established precedent, (3) that the committee deviated from its approved procedures; or (4) that the decision of the committee is clearly erroneous.
11. In accordance with Bylaw 9.4.1.4, Management Council action on an interpretation, including an action that results from an appeal of a Legislation Committee action, may be reviewed at the next annual Convention, at the request of a member of Division II.

Request for a waiver of NCAA legislation shall only be presented to the Management Council or the Management Council Subcommittee when there is specific authority in NCAA legislation to grant a waiver of the involved rule by the Management Council or the Management Council Subcommittee. Any other waiver requests in which no other committee, subcommittee or conference has the authority to act, will be reviewed by the Committee for Legislative Relief in accordance with Bylaw 21.8.5.4.2.

Committees and Subcommittees Issues

Committees

All Division II committees with fewer than seven members that report directly to the Management Council shall include at least one Management Council member, and Division II committees with more than six members that report directly to the Management Council shall include at least two Management Council members.

In addition, at least one of the Division II representatives on committees functioning in an Association-wide capacity shall be a member of the Management Council.

Unless otherwise specified, Management Council members shall serve as voting members of Division II general committees and Association-wide committees.

A Management Council member's term of service on a general committee or Association-wide committee shall commence in January after adjournment of the annual Convention and shall be concurrent with their term of service on the Management Council.

A Management Council member must terminate service on such a general committee or an Association-wide committee at the expiration of their term on the Management Council.

If a member of an Association-wide or Division II general or sports committee is appointed to the Management Council, that individual must terminate service from such committee(s) unless they are asked to continue on the committee as the Management Council representative.

Management Council members who serve as the Management Council representatives to committees are responsible for presenting committee reports to the Management Council and are expected to be prepared to answer questions and give background information regarding any recommendations. [Note: The staff liaison to the committee is expected to provide all the necessary materials to the Management Council representative.]

The Management Council will receive copies of reports of the meetings of all Division II committees, even in instances in which it already has acted upon any recommendations therein.

The Management Council shall review, on an annual basis, the composition of all Association-wide and Division II committees on which Management Council members serve.

The Administrative Committee shall make appointments to fill vacancies on Association-wide or Division II committees only if there is an immediate need to make such an appointment.

The Championships Committee must seek approval of its actions by the Management Council when decisions have an economic impact on the Division II budget or involve a major change in an established Division II policy.

Committee Vacancies

When the Management Council receives recommendations for vacancies on Association-wide or Division II committees, the Management Council will use a ballot to determine the candidate who will fill each vacant position. The Management Council will take into consideration the Nominating Committee's top choice(s), but will also consider other factors that it deems appropriate regarding each vacancy.

The Division II Presidents Council, Management Council and Nominating Committee shall not consider candidates for appointment to Division II committees and Councils once the institution's official paperwork to begin the reclassification process to another division or another association has been received in the NCAA national office. The policy is applicable for appointments to Division II general committees, Division II appointments to Association-wide committees and Division II appointments to the Management Council and Presidents Council.

Removal from a Committee

An institution or conference requesting removal of an individual serving on a committee or Council through appointment or through conference representation may do so provided the following information is provided.

Individual through Appointment:

The chancellor or president of the institution shall submit in writing a request for removal of said individual from committee or Council service.

Individual through Conference Representation:

The chair of the conference's presidential body shall submit in writing, on behalf of the conference, a request for removal of said individual from committee or Council service. The conference shall be required to submit a slate of candidates to fill the open conference position within 20 working days of the date of the letter requesting the removal.

Further, the chair of a committee is authorized to recommend to the Management Council that a member be replaced if such member is not discharging the member's duties properly. In addition, a member who is absent from two consecutive meetings with reasons approved by the Management Council shall be removed from the committee.

When a removal from the Council occurs, the Management Council will follow its normal process for filling a vacancy.

Defense and Indemnification Policy

The Association shall defend and indemnify any present or former employee, committee member or agent of the Association who was or is a party or is threatened to be made a party to, or who is to be subpoenaed to be deposed or to give evidence in, any civil, criminal, administrative or investigative action or proceeding, including those brought by the Association, provided the conditions enumerated below are met. For purposes of this policy, "committee" shall include all Association committees, boards, cabinets, councils, subcommittees and panels.

Conditions for Defense and Indemnification:

1. The person requesting defense and indemnification is being named as a party or subpoenaed to be deposed or to give evidence by reason of the fact that the person was or is an employee, committee member or agent of the Association or is or was serving at the request of the Association as a director, officer, employee or agent of another association, corporation, partnership, joint venture, trust or other enterprise.
2. The person is determined to have been acting within the scope of the person's duties to the Association.
3. The person is determined to have been acting in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Association in the performance of the person's duties to the Association. In respect to any alleged criminal action or proceeding, the person must also be determined to have had no reasonable cause to believe the alleged conduct was unlawful.

Note: The termination of any action or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption in regard to these determinations. However, if a person is adjudged to be liable for negligence or misconduct in the performance of the person's duty to the Association, there shall be no indemnification unless and only to the extent that the court in which such action or suit was brought shall determine that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

4. The person promptly and timely notifies the Association's general counsel of the actual or threatened service of process, subpoena, notice of deposition or other legal process before incurring attorney fees or other expenses.
5. The person accepts counsel provided or approved by the Association and agrees to accede to the legal strategies approved by the Association's general counsel, including any settlement determinations. In the event that the person wishes to hire other counsel or not accede to the Association's legal strategies, the Association shall not be obligated to defend or indemnify the person, except when it is determined that a conflict of interest exists with the Association such that retaining separate counsel is warranted.
6. The person agrees to repay any expenses, including attorney fees, incurred in bringing or defending a civil or criminal action or proceeding paid by the Association in advance of the final disposition of such action or proceeding if it is ultimately determined that the person is not entitled to be indemnified by the Association as authorized in this policy.

For purposes of this policy, "indemnification" shall consist of payment against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with such action or proceeding.

Determinations as to whether indemnification is proper in the circumstances because the person has met the applicable standards of conduct set forth in this policy shall be made:

- a. By the NCAA Board of Governors by a majority vote of a quorum consisting of members who are not parties to such action or proceeding, or
- b. If such a quorum is not obtainable, or, even if obtainable if a quorum of disinterested Board of Governors members so directs, by independent legal counsel in a written opinion, or
- c. by the Association's president if so delegated by the Board of Governors.

The indemnification provided by this policy is not exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of members or disinterested Board of Governors members or otherwise, both as to action in the person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be an employee, committee member or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

The Association may purchase and maintain insurance on behalf of any person who is or was an employee, committee member or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee or agent of another association, corporation, partnership joint venture, trust or other enterprise against any liability asserted against the person and incurred by the person in any such capacity or arising out of the person's status as such, whether or not the Association would have the power to indemnify the person against such liability under the provisions of this policy.

Effect of Change in Indemnification Law. If any change in any applicable law, statute, or rule expands the power of the Association to indemnify a person, the change shall be within the purview of the

person's rights and the Association's obligations under this policy. If any change in any applicable law, statute, or rule narrows the right of the Association to indemnify a person, the change shall have no effect on this policy or the parties' rights and obligations under this policy, except to the extent otherwise required by law, statute, or rule to be applied to this policy.

Subcommittees

In order to carry out the functions of the Management Council, it may be necessary to appoint Management Council subcommittees. Service on a subcommittee will be considered in light of the Management Council members' responsibilities and service on other committee.

Project Teams

In order to address specific Division II issues or handle a specific project, the Management Council has authority to establish a project team. The composition of the project team may include individuals who are not on the Management Council or Presidents Council. The work of a project team shall be limited in scope and duration. The chair of the Management Council has responsibility regarding project team appointments and replacements. The chair will work with NCAA staff to determine when the work of a project team has been completed.

Interpretations of Constitution and Bylaws

The Management Council shall review all interpretations issued by the Legislation Committee and may approve, reverse or modify such interpretations. Additionally, the Council shall review all academic interpretations issued by the Academic Requirements Committee and may approve, reverse or modify such interpretations.

A member institution may appeal a decision of the Legislation Committee or an interpretation issued by the Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's president or chancellor, faculty athletics representative or director of athletics. Policies and procedures for hearing such appeals are outlined in the "Appeals, Appearances and Hearings" section of this document.

In the event an institution seeks to change an interpretation of proposed legislation acted upon by the Management Council during its pre-Convention meeting, the chair of the business session may direct the Management Council to take under advisement the Convention discussion in the Management Council's post-Convention review of legislative actions. If the Management Council becomes aware of such concerns in advance of meeting during the Convention, the interpretation in question may be reviewed at that time.

Management Council Meetings

Expense Policies.

The NCAA travel policies are given to each new member of the Management Council. The Association's policies regarding meeting expenses are set forth in Bylaw 31.7.2 in the NCAA

Manual. In short, the NCAA pays for transportation to and from Management Council meetings, hotel room and tax charges at the meetings, and a \$75 per diem for each day or part thereof involved in traveling to and from and attendance at the meeting. All members are expected to use Short's Travel, the Association's travel agency, for their transportation arrangements to Management Council meetings.

Transportation and the hotel room and tax are billed directly to the NCAA; the member needs only to pay incidental charges to their room when leaving the meeting site. Following the meeting, each member will receive a form on which to claim per diem and any other expenses permitted under NCAA policies. The member will receive reimbursement for those expenses from the NCAA national office within a reasonable time after each meeting. Also, early in each calendar year, each member will receive a Form 1099 reporting the amounts thus paid during the preceding year, if that amount exceeds \$600. In such instances, the member then will declare that amount in filing his or her income tax return for that year. Some Management Council members prefer to have their expense reimbursement paid directly to their institutions to eliminate the need for such personal record keeping.

Meeting Location and Format.

The Management Council must meet in locations that are in accordance with the Association's meeting policies and, at minimum, all meetings must be held in the contiguous 48 states.

Generally, Management Council meetings will be scheduled for two days. In the usual Management Council in-person meeting format (except for the Convention meeting), the Management Council meeting begins at 8:30 a.m. on the first day. At the Convention, the current Management Council meets prior to the Division II Business Session and the new Management Council meets via teleconference after the Convention. The post-Convention teleconference shall be limited to essential items of business. In all cases, a continental breakfast is provided each morning and a luncheon each full day of Management Council sessions.

For the Convention meetings, the Management Council members will have expenses covered according to the policies mentioned above beginning with the pre-Convention Management Council meeting through the end of the Division II Business Session.

The Management Council and Presidents Council will attempt to conduct one joint meeting per year to further the communication efforts between the two governing bodies.

Meetings of other NCAA committees should not be scheduled at the same time as (i.e., in conflict with) meetings of the Management Council.

Procedures.

The Management Council procedures are intended to achieve three goals:

- ◆ Assure emphasis on major policy issues in Management Council meetings.
- ◆ Promote thorough discussion of significant issues while curtailing discussions that become unproductive or unnecessary.

- ◆ Enhance efficiency and communication in the Presidents Council-Management Council relationship.

The following procedures will apply to all Management Council meetings:

Missed Meetings.

If a Management Council member must miss a Management Council meeting, it is that individual's responsibility to inform their conference (if the individual is representing a conference), the chair of the Management Council and the vice-president for Division II. In the event that a Management Council member misses two or more Management Council meetings, formal notification of each absence will be sent by the vice-president for Division II to the president of the conference and the conference commissioner.

If a conference's Management Council representative is unable to attend a Management Council meeting, the conference will only be invited to send an observer to the meeting when the Administrative Committee (or its designee) decides that unique and extenuating circumstances justify such an invitation.

Agenda.

Management Council meetings are considered closed business meetings and are not open to the membership or the public at-large. The Administrative Committee has authority to approve requests for special guests or observers to attend Management Council meetings.

Management Council members will be asked to bring with them to meetings such basic reference materials as the NCAA Manual.

Institutions must submit agenda items for consideration by the Management Council through their Management Council representative. To place such items on the agenda, the Management Council representative must forward a written request to the vice-president for Division II at least ten business days prior to the Management Council meeting.

All supplements to the agendas are sent to all Management Council members in advance of the meeting, except in a rare circumstance where that is not possible to achieve. The Management Council receives by electronic communication, approximately two weeks ahead of the meeting, the agenda and all available supplements. All Management Council members will then have the opportunity to peruse all materials prior to arrival at the meeting site.

During each meeting, the Management Council will review reports and recommendations from the various Division II committees, as well as the Association-wide committees, when applicable. These reports will be presented by the Management Council member who serves as the Management Council representative to that committee.

Business.

For the transaction of business, a quorum shall consist of a majority of the members of the Management Council.

For all actions (unless otherwise specified), a simple majority of Management Council members present and voting (either affirmative or negative) shall be required.

A two-thirds vote of the Division II Management Council members present and voting (either affirmative or negative) is required to recommend that the Presidents Council cosponsor or sponsor a specific legislative proposal.

A two-thirds vote of the Division II Management Council members present and voting (either affirmative or negative) is required to support or oppose a specific legislative proposal. If a two-thirds majority to support or oppose is not achieved, the Management Council will take no position. Any Management Council member whose conference or institution has sponsored a proposal should be recused from the vote on the Management Council's official position on such membership-sponsored proposal. In addition, while a Management Council member whose conference or institution has sponsored a proposal may participate in the proceedings related to the Management Council's official position on such membership-sponsored proposal, such Management Council member should not influence the position of the Council (see conflict of interest statement in this policies and procedures document).

The Presidents Council has delegated the authority to adopt noncontroversial legislation to the Management Council. The Management Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division's legislation.

Abstentions will not be counted in the determination of a simple majority, a two-thirds majority or a three-fourths majority.

No proxy voting (i.e., voting when not present by having another member vote on your behalf or informing the chair of your vote without attending a meeting) of any kind shall be permitted for a Management Council member unable to attend a regular Management Council meeting.

When disseminating information to the media and the general public, only the chair or the vice-chair of the Management Council and/or an appointed designee from the Management Council and the Division II vice-president shall speak on behalf of the Management Council regarding Management Council actions.

A tobacco-free environment will be maintained during Management Council meetings.

Reports.

Minutes of all NCAA meetings should be restricted to actions only (formal votes or stated "sense of meeting") and such factual data as may be needed. Discussion and general commentary shall be included in reports only when formally directed by the Management Council chair or formally required by a Management Council member.

Reports of Management Council meetings shall be placed for public view on the NCAA Web site (www.ncaa.org).

Confidentiality Policy.

- Management Council members may not report the actions of the Management Council to individuals outside the Management Council until the meeting adjourns.
- Actions the Management Council takes that have to be ratified/approved by the Presidents Council should not be reported until ratification by the Presidents Council. These are issues that the chair, in consultation with the staff liaisons, should look for and identify throughout the meeting (e.g., those issues that are of such a sensitive nature that they should not be reported until after ratification by the presidents).
- When an issue is extremely sensitive, an "executive session" will be called, alerting the Management Council to the fact that the issue cannot be discussed at any time outside the meeting. Calling an "executive session" does not require the staff to leave the meeting.

Conflict of Interest Statement.

The NCAA is a voluntary Association comprised of colleges, universities, conferences and other organizations, and governed through a membership-led committee structure. Within the governance structure, committee members must carefully balance their responsibilities to their respective institutions and/or conferences with the obligation to advance the interests of the Association, the division, or the sport, and ultimately enhance the student-athlete experience. While the fiduciary obligations of committee members to their own institution, their conference, and to the Association ordinarily are not in conflict, it is recognized that as a representative membership organization, committee members' fiduciary obligations are first to their institution, second to their conference, and third to the Association. NCAA committee service involves important ethical and moral obligations. Committee integrity is critical to the decision-making process and includes trust, confidentiality and honesty in all issues and aspects of service and representation. NCAA committee members shall disclose any conflict or potential conflict between their respective personal, professional, institutional, conference, or business interests and the interests of the Association that may affect or otherwise threaten such integrity, in any and all actions taken by them on behalf of the Association, for committee evaluation under this Statement.

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

the committee member with the conflict of interest, and the appropriate oversight body approves the action.

A committee member is responsible for advising the chair of any actual or potential conflicts of interest or obligations which they may have hereunder, and should be recused from participating in proceedings, as may be warranted by this policy. Abuse of one's position as a member of a committee may result in dismissal from that position. Where such abuse appears evident, a committee member will be notified by the committee chair and will have the opportunity to present a rebuttal or details of the situation. *[August 2008 Board of Governors (formerly Executive Committee) minutes]*

Speaking Agent Policy.

The president of the Association and the chair of the Board of Governors are the only individuals authorized to speak on behalf of the Association except as outlined below.

An individual representing a member institution or conference who speaks or opines on an Association issue only has the authority to express the view of that individual or the member institution or conference unless the individual has been designated by the Board of Governors of the Association as a speaking agent of the Association on that issue.

Committee chairs are hereby designated as speaking agents of their committees regarding issues within their committees' jurisdiction on which there is consensus, except that positions of advocacy on behalf of the committee or the Association to be communicated in writing or orally to persons or entities external to the Association must have prior approval by the NCAA Board of Governors or the president of the Association.

The president of the Association is hereby granted authority to designate additional speaking agents of the Association. *(April 2001 Board of Governors (formerly Executive Committee) minutes)*

Guiding Principle Relating to Student-Athlete Well-Being.

The Management Council endorsed and should adhere to the following guiding principle in all of its processes and decision making:

The well-being of student-athletes is at the center of all we do:

1. *Any process must be flexible and timely and include effective communication.*
2. *Decisions must be fair, reasonable and consider the potential impact on the student-athlete.*

Amending and Publishing Policies and Procedures.

The Management Council shall have the authority to adopt or revise the policies and procedures specified herein as needed. The Presidents Council, at its discretion, may review, amend and/or act on any policy or procedure adopted by the Management Council.

Basic Responsibilities of Management Council Members

1. **General Requirements:**

- a. Division II Management Council members must be actively involved in campus and conference athletics issues. This will allow Management Council members to bring informed opinions to Management Council meetings. Management Council members must serve as liaisons to national issues for their conference members.
- b. Attendance and participation at all Management Council meetings, including the Management Council/Student-Athlete Advisory Committee Summit and the annual NCAA Convention, are required. If a Management Council member must miss a meeting, it is that individual's responsibility to inform their conference (if the individual is representing a conference), the chair of the Management Council and the vice-president for Division II. If a Management Council member misses two or more Management Council meetings, formal notification of each absence will be sent by the Management Council chair and the vice-president for Division II to the president of the conference and the conference commissioner.
- c. A Management Council member who represents a conference must establish a working relationship with the Division II Student-Athlete Advisory Committee (SAAC) representative from that conference. It is important for Management Council members to understand the Division II student-athlete perspective on legislative proposals and other key Division II issues.
- d. Attendance and participation at committee and project team meetings, as assigned by the Management Council, are required. Management Council members serve as liaisons between the committees/project teams and the Management Council.
- e. Management Council members who experience difficulty in fulfilling their responsibilities will work with the vice-president and the Management Council chair to resolve this issue.

2. **Specific Pre-Management Council Meeting Responsibilities:**

- a. Management Council members should solicit agenda items or issues from conference members (or independent institutions) for the next Management Council meeting. To place items on the agenda, Management Council representatives should forward a written request to the vice-president for Division II at least ten business days prior to the start of the Management Council's meeting.
- b. Management Council members should make necessary travel arrangements for Management Council in-person meetings through Short's Travel (airline) and NCAA staff (accommodations).

[Note: Air reservations should be made 30 days in advance, when possible, and Management Council members are expected to arrive by the published start time of the meeting and should not schedule a departure from the meeting site prior to the published adjournment time of the Management Council meeting.]

- c. Management Council members should review the agenda and supplements to become knowledgeable on all issues and to understand the action the Management Council will be asked to consider.
- d. Management Council members should visit with their conference commissioners, Division II SAAC representatives, and other key personnel about agenda items and issues to form a conference position, when necessary.
- e. Management Council members should bring resource materials (e.g., Division II Manual, minutes from committee meetings) to the Management Council meeting.
- f. Management Council members should visit with NCAA committee staff liaisons to prepare report(s) to present to the Management Council for a committee supplement that a Management Council representative has been assigned.
- g. The Management Council representative's name will appear next to the committee agenda item, which indicates that the representative is responsible to provide the report and request action on any and all issues on which a Management Council decision is necessary (the staff liaison can assist with this).
- h. If the committee does not have a written supplement, the Management Council representative should be prepared to provide a brief "oral" update of the work of the committee.
- i. No issue may be requested for action by the Management Council unless it is contained as part of a written supplement. The Management Council will not take action unless an issue is presented in writing.
- j. It is not necessary and, in fact, the Management Council discourages the representative of a committee from reading the entire background of information on a given issue. The Management Council has received a written report as part of the agenda/supplements and is responsible to be prepared for the report. Management Council representatives should highlight the key components related to the committee request, ask for a motion, if necessary, and then be prepared to answer questions regarding the issue. Knowledge of how Divisions I and III have reacted to the issue may be helpful.

3. **Specific Post-Management Council Meeting Responsibilities:**

- a. Management Council members should inform conference members (including the commissioner) and the Division II SAAC representative of decisions made by the Management Council. In that regard, Management Council members should identify those decisions that still need Presidents Council action or ratification.
 - b. Management Council members serving on committees should inform other committee members regarding the actions the Management Council took on specific committee recommendations. In that regard, Management Council members should identify those decisions that still need Presidents Council action or ratification.
 - c. Management Council members should review Management Council meeting summaries and Management Council minutes for accuracy.
4. **Specific Committee/Project Team Responsibilities.** All Management Council members are expected to serve on Association-wide committees, Division II committees and/or Division II project teams, as assigned. As a committee or project team representative, Management Council members will serve as the liaison between the committee/project team and the Management Council. This link is the system by which committees/project teams make specific requests to the Management Council (and ultimately to the Presidents Council) and the system that provides the Management Council with the background and context it needs to process such requests. The specific Management Council responsibilities for committee/project team assignments are:
- a. Attend and participate in all committee/project team meetings and telephone/video conferences;
 - b. Be knowledgeable on all committee/project team issues and recommendations that are forwarded to the Management Council for consideration and be prepared to answer specific questions regarding such requests; and
 - c. Work with committee staff liaisons (e.g., a “prep” session by telephone) to be prepared to deliver the committee/project team report at Management Council meetings.

Membership Notification of Management Council Action

Proper notification of Management Council actions includes, but is not limited to, the following, unless otherwise specified by the Management Council: notification in The NCAA News, as well as The NCAA News section on the Association’s World-Wide Web page, NCAA Online (www.ncaa.org).

Updated 03/08/2021/MSJ/jcw



DIVISION II

MAKE IT *YOURS*®



CONVENTION

2023

TRENDS IN NCAA DIVISION II GRADUATION RATES

DIVISION II MANAGEMENT COUNCIL – JANUARY 2023



CONVENTION

Division II

2023

Summary

2019-22 Four-Class Division II Graduation Rates

(2012-15 Entering Cohorts)

	Student-Athletes		Student Body
	ASR	Federal Rate	Federal Rate
DII Overall	76%	60%	52%
DII Men	69% +1	53%	47%
DII Women	88%	69%	56% +1

Notes: Numbers in blue indicate percentage point change in four-class rate from 2018-2021.
ASR = Academic Success Rate.



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Summary

- Many members of this reporting cohort completed their six-year graduation window before the beginning of the pandemic. Potential pandemic-related impacts on graduation rates will not be fully known for several years.
- Overall Division II student-athlete graduation rates (Academic Success Rate and federal graduation rate) and many subgroup rates are at or near their highest-ever levels.
- Using the federal graduation rate to examine student-athlete vs. student body graduation from initial school in Division II, we see higher rates for student-athletes within every demographic subgroup studied.



Summary

- Notable single-year student-athlete increases in Academic Success Rate over the 16 years of calculating this rate in Division II:
 - Overall (69% to 77%).
 - Black women (61% to 79%).
 - Hispanic/Latino men (49% to 67%) and women (63% to 78%).
- Increase in Academic Success Rate observed for two-year transfer student-athletes (57% to 74% over the past 10 years).



Four-Class Academic Success Rates

Four-Class Division II Academic Success Rates

(2019-2022 by Group)

Student-Athlete Group	ASR
Overall	76%
Black	56%
Hispanic/Latino	72%
White	84%
Black Men	50%
Hispanic/Latino Men	66%
White Men	77%
Black Women	76%
Hispanic/Latino Women	81%
White Women	92%



Four-Class ASR for Division II Men's Sports

(2019-2022)

SPORT	ASR
Baseball	78%
Basketball	66%
Cross Country/Track	72%
Football	56%
Golf	82%
Ice Hockey	89%
Lacrosse	75%
Soccer	77%
Swimming	80%
Tennis	84%
Volleyball	73%
Wrestling	57%

Note: Only those sports with more than 150 Division II graduates are shown.

Four-Class ASR for Division II Women's Sports

(2019-2022)

SPORT	ASR
Basketball	83%
Bowling	86%
Cross Country/Track	86%
Field Hockey	95%
Golf	91%
Ice Hockey	95%
Lacrosse	92%
Rowing	89%
Soccer	89%
Softball	89%
Swimming	91%
Tennis	92%
Volleyball	88%
Water Polo	88%

Note: Only those sports with more than 150 Division II graduates are shown.

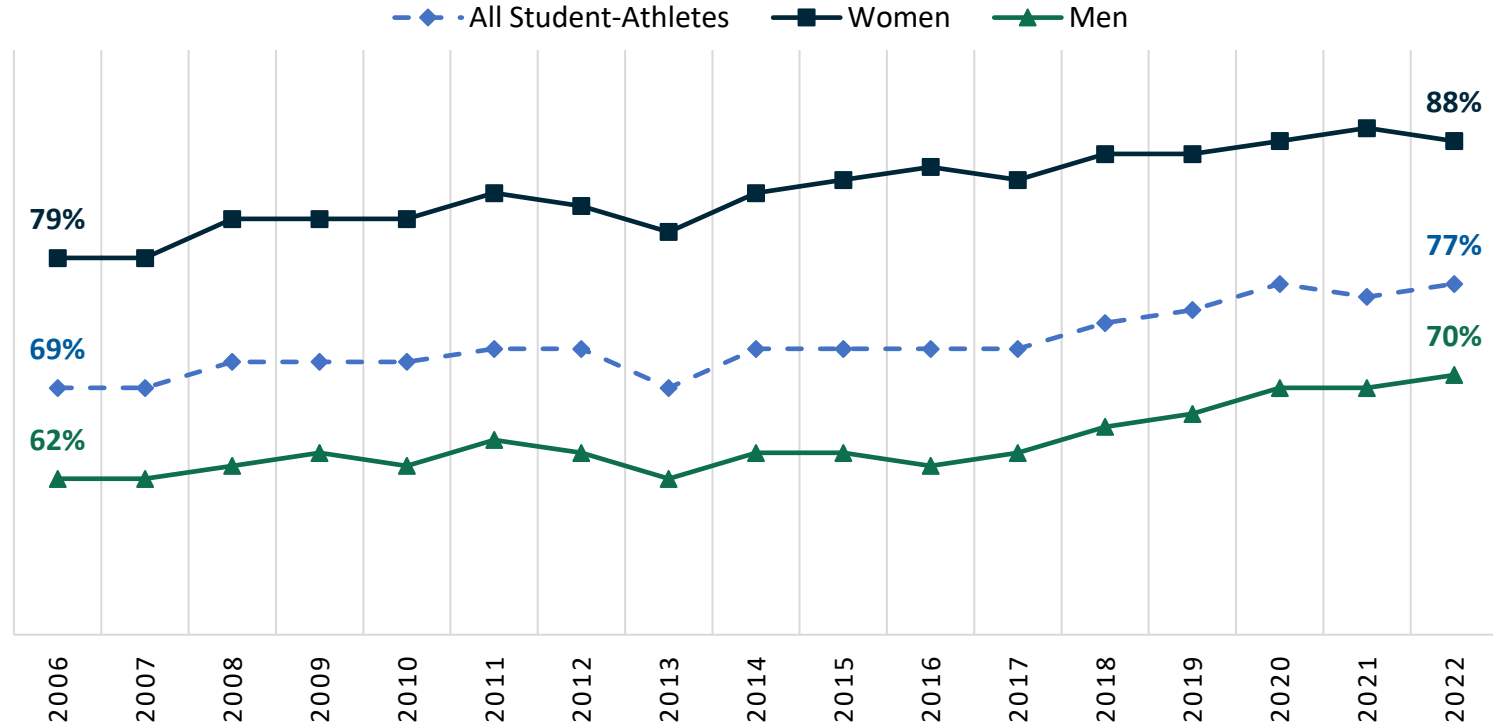
Trends in Academic Success Rates



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Academic Success Rate Trends of Division II Student-Athletes

Single-Class Rates



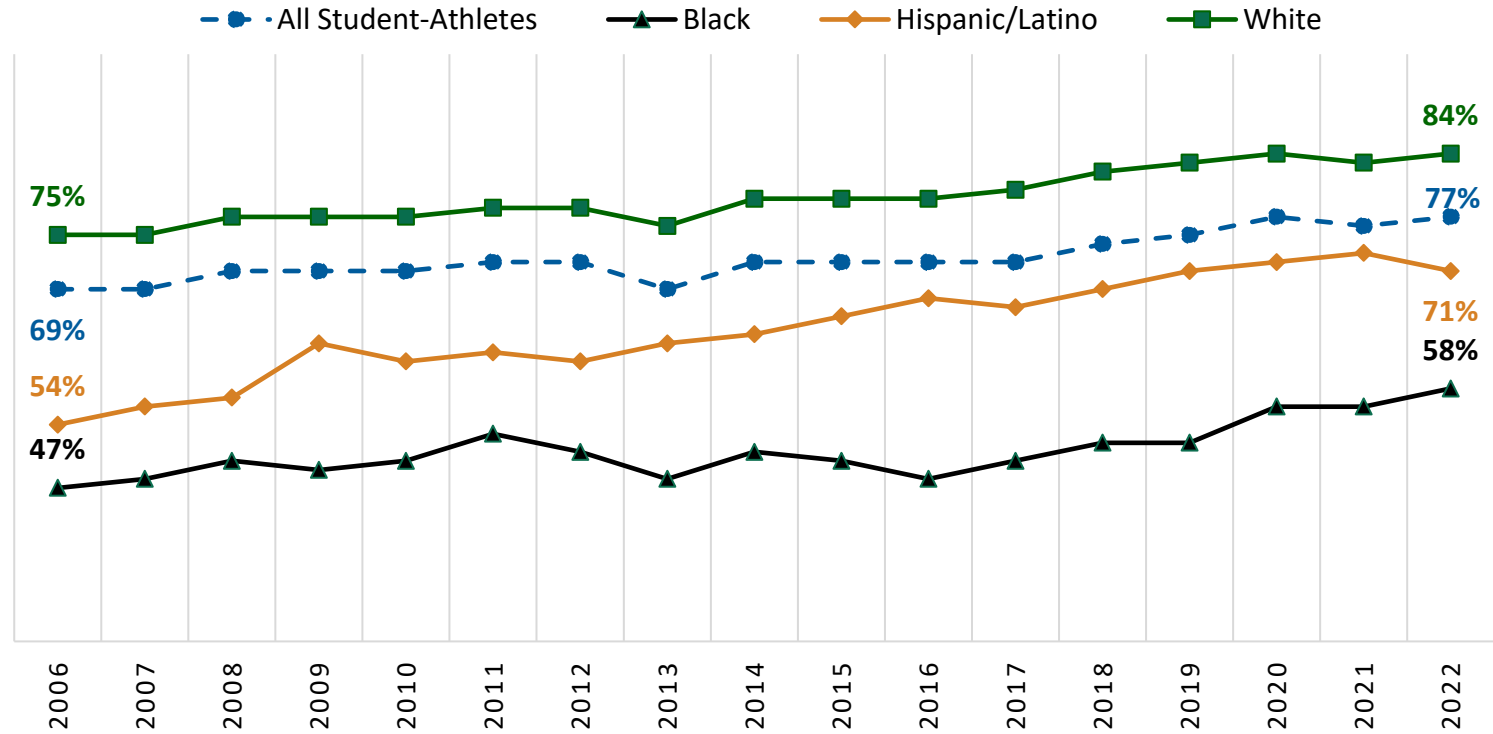
* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Academic Success Rate Trends of Division II Student-Athletes

Single-Class Rates by Race/Ethnicity



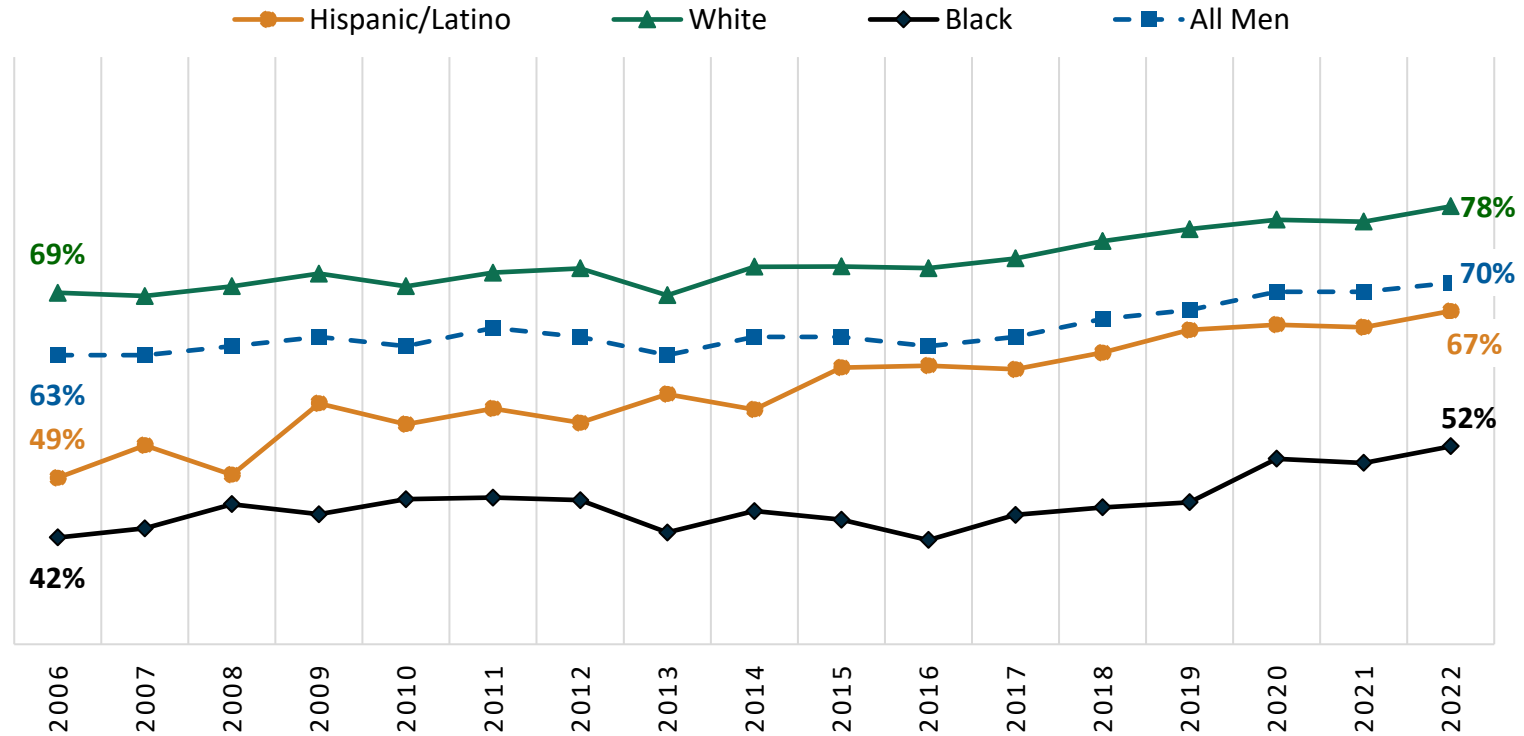
* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Academic Success Rate Trends of Division II Student-Athletes

Single-Class Rates for Men by Race/Ethnicity



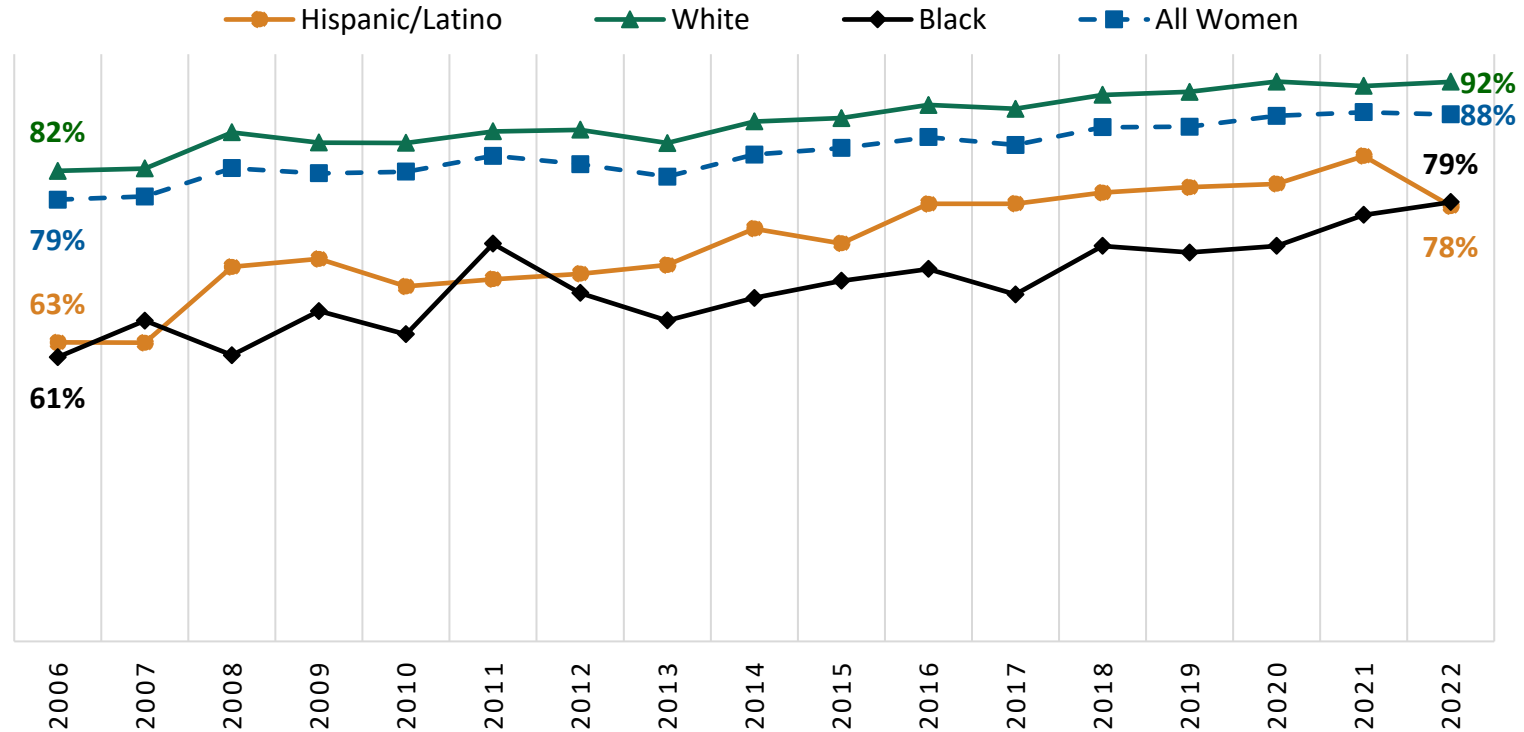
* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Academic Success Rate Trends of Division II Student-Athletes

Single-Class Rates for Women by Race/Ethnicity



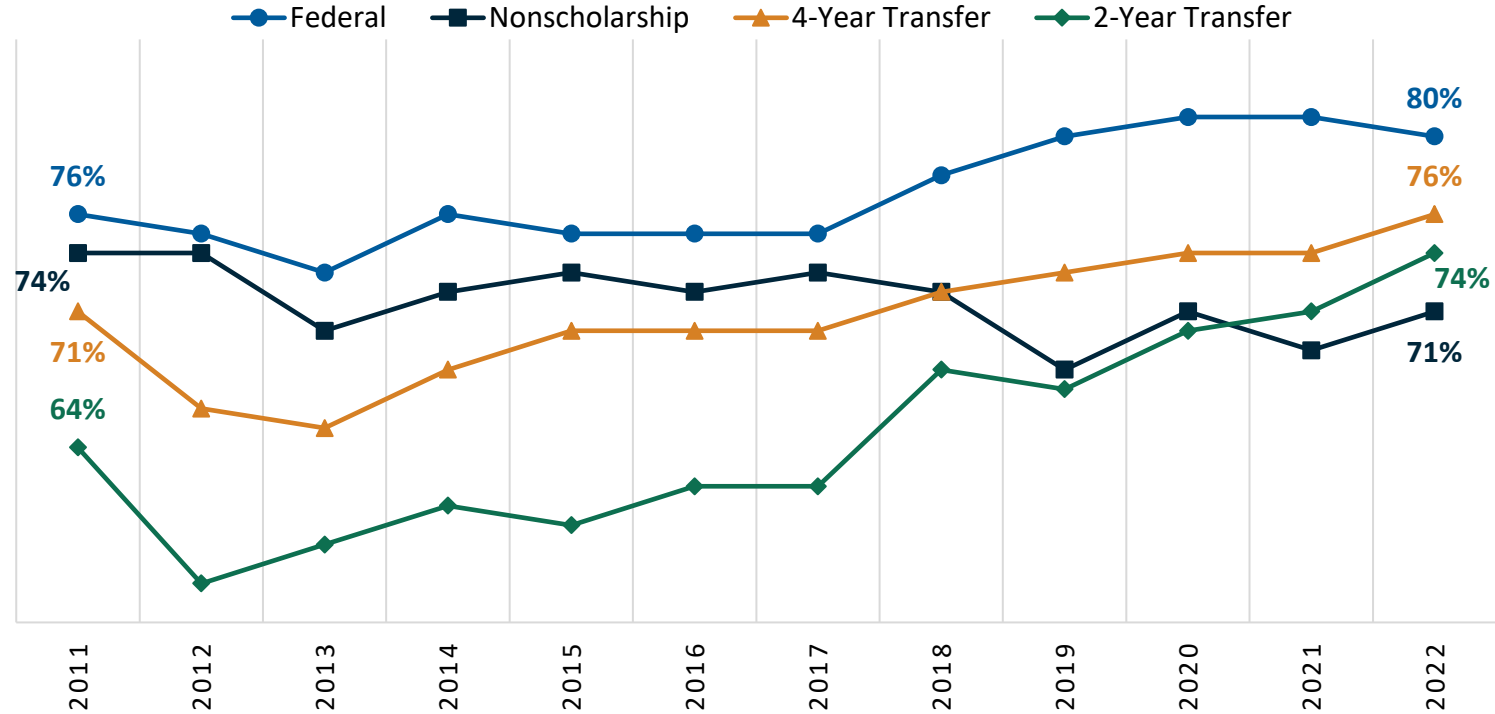
* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Academic Success Rate Trends of Division II Student-Athletes

Single-Class Rates by Student Type



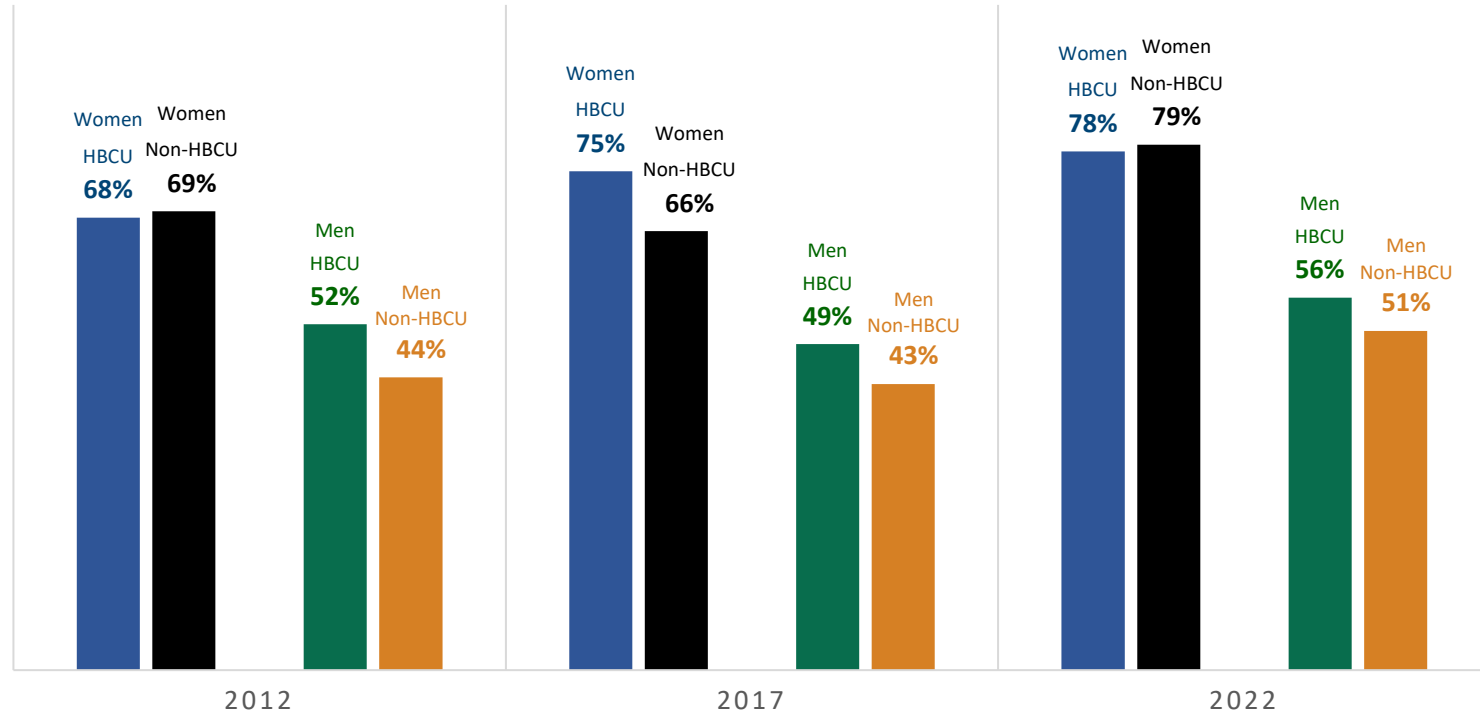
* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Academic Success Rate Trends of Black Division II Student-Athletes

Single-Class Rates by Gender and HBCU Status



* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.
HBCU = Historically Black Colleges and Universities



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Federal Graduation Rates



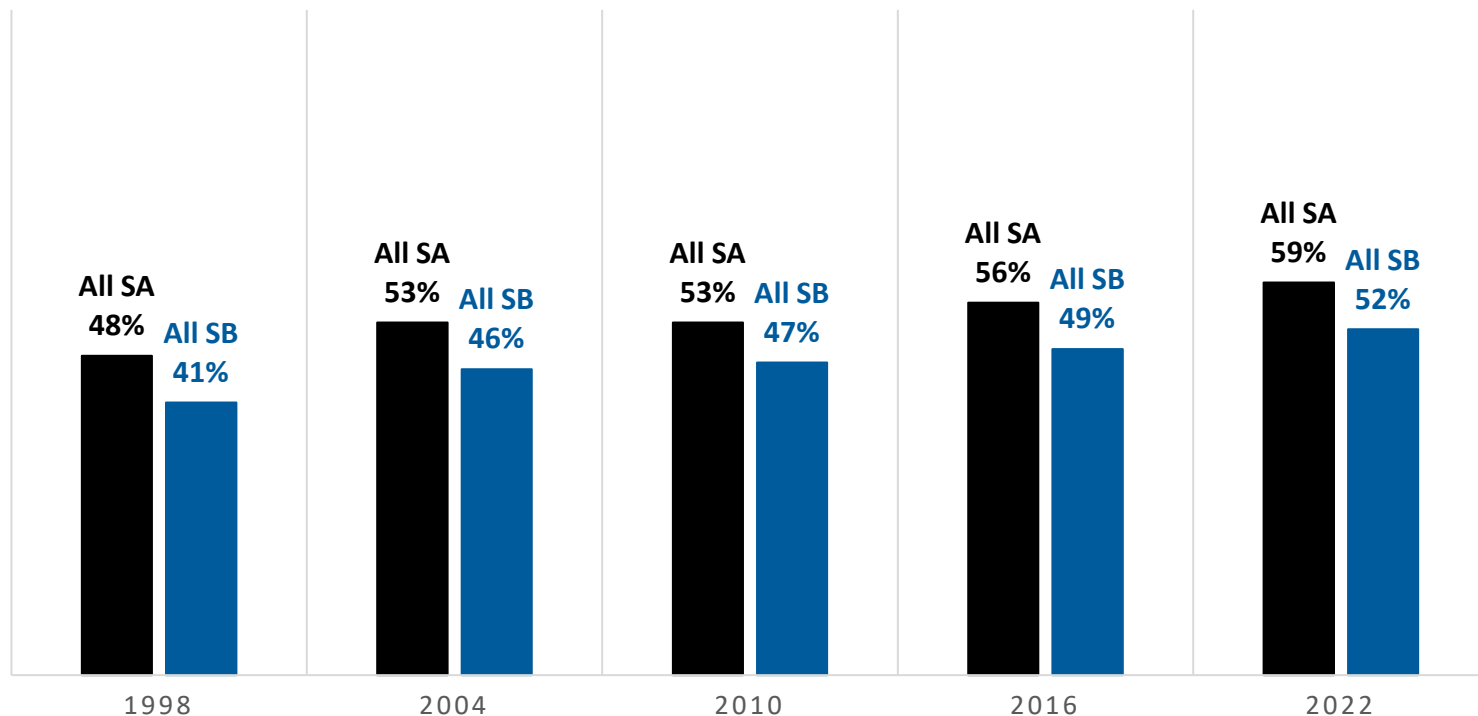
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Comparison of Federal Graduation Rates Between Scholarship Student-Athletes and Student Body

Four-Class Rates for 2019-22

Student-Athlete Group	Student-Athlete Federal Rate	Student Body Federal Rate
Overall	60%	52%
Men	53%	47%
Women	69%	56%
Black	44%	36%
Hispanic/Latino	55%	50%
White	66%	57%
Black Men	39%	30%
Hispanic/Latino Men	48%	43%
White Men	60%	53%
Black Women	58%	41%
Hispanic/Latino Women	63%	55%
White Women	72%	61%

Trends in Federal Graduation Rates: Division II Scholarship Student-Athletes (SA) vs. Student Body (SB) Single-Class Rates



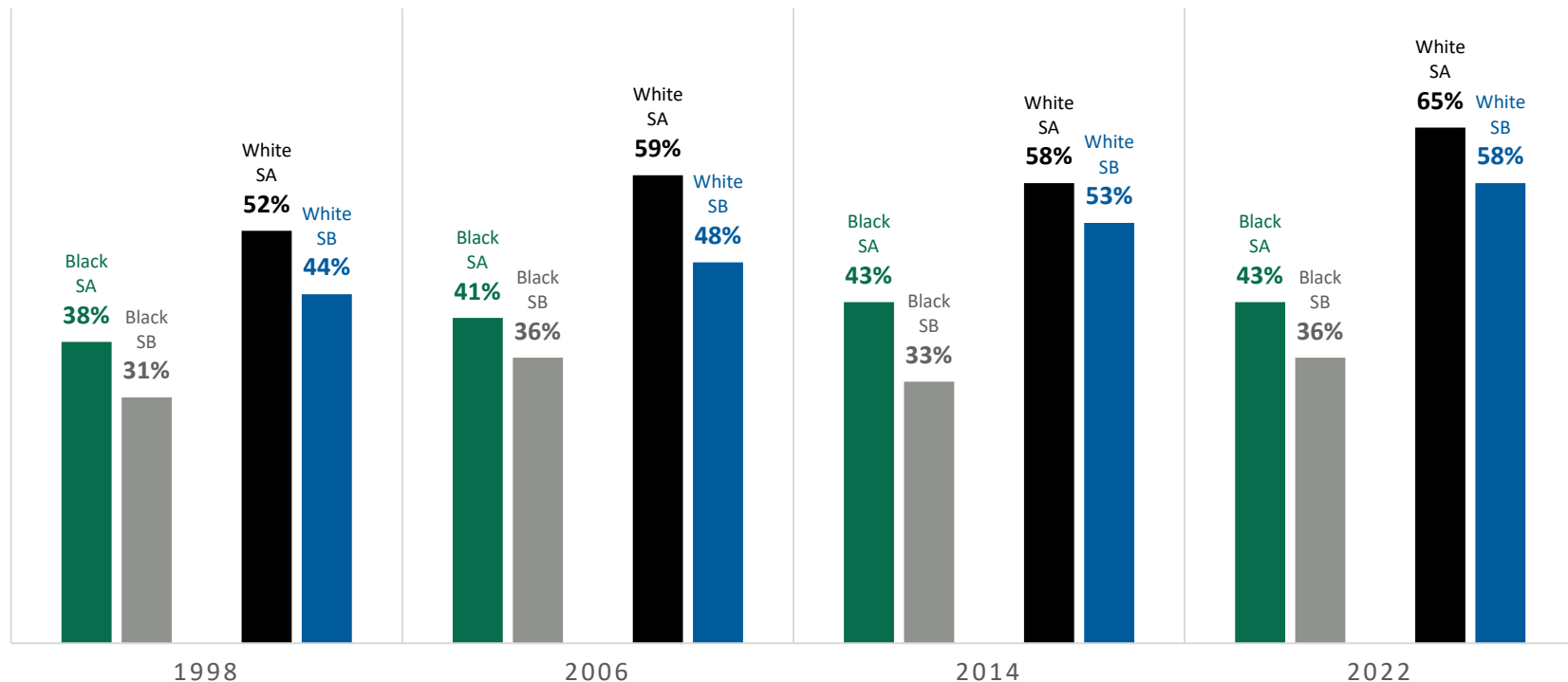
* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Trends in Federal Graduation Rates: Division II Scholarship Student-Athletes (SA) vs. Student Body (SB)

Single-Class Rates by Race/Ethnicity

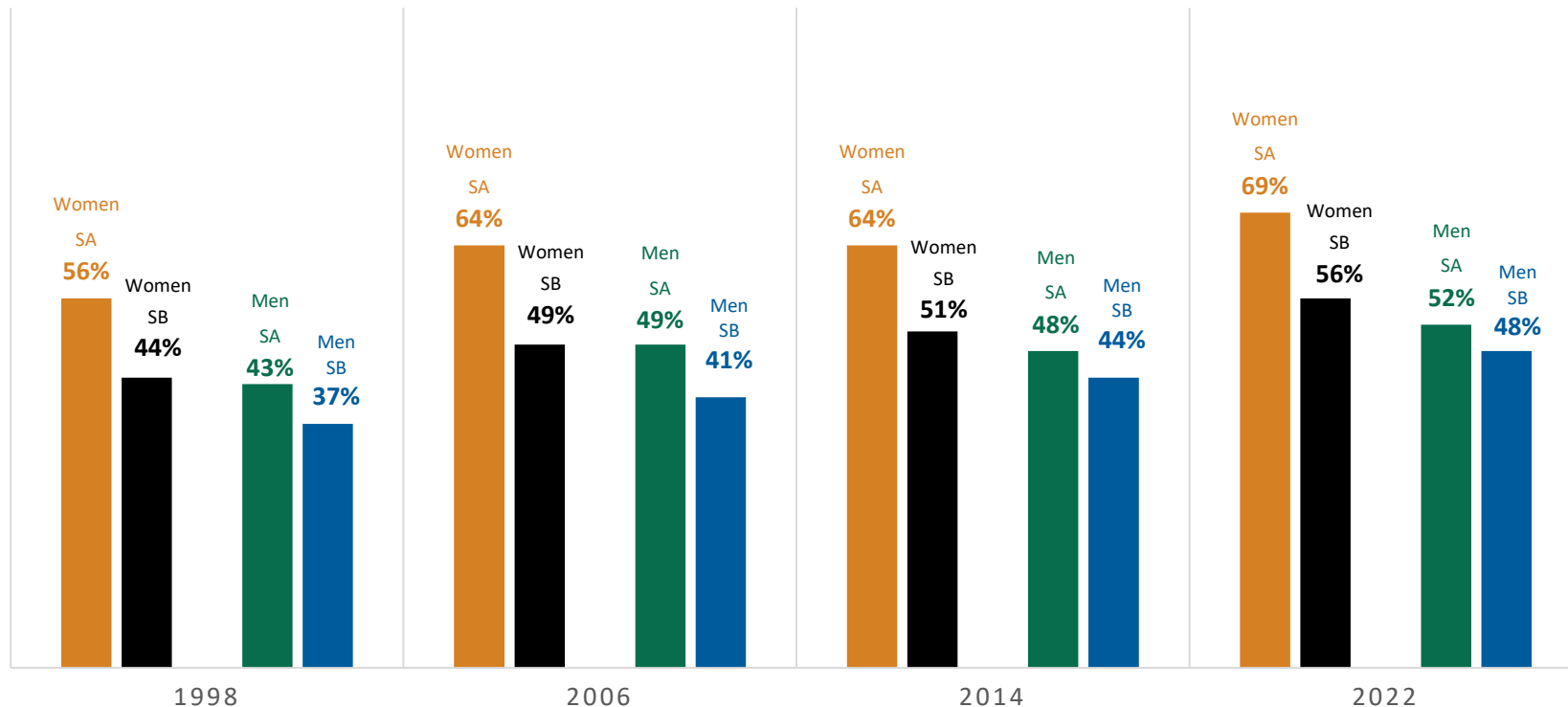


* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Trends in Federal Graduation Rates: Division II Scholarship Student-Athletes (SA) vs. Student Body (SB) Single-Class Rates



* 2022 reporting year represents 2015-16 cohort; 2021 represents 2014-15 cohort, etc.



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Definitions and Methods



Methods

- Detailed information on graduation reporting requirements and graduation rate calculations, as well as links to school reports and an interactive analysis dashboard can be found on the NCAA Research website ([link](#)).
- Generally, four-class aggregations are used for reporting rates in isolation; single-class rates are used for examining trends over time.
- This report reflects any student-athlete outcome updates that institutions can submit for the previous four years.



Federal Graduation Rate Calculation

- Federally mandated reporting of student body and student-athlete (if on athletics aid) graduation from initial institution. Essentially measures retention at that school.
- Graduation must occur within six years of initial entry.
- Makes no accommodation for transfers into or out of an institution.
 - Incoming transfers into the school are not tracked.
 - Outgoing transfers are recorded as academic failures.
- Only published rate that allows for a direct comparison between student-athletes and the general student body.



Academic Success Rate (ASR) Calculation

- Graduation metric developed by NCAA Presidents/Chancellors.
- Calculation mandated for student-athletes only. Should not be compared to the federal rate.
- Graduation must occur within six years of initial entry.
- More inclusive than the federal rate because it includes transfers into the school, midyear enrollees and nonscholarship student-athletes. As two assumptions are made:
 1. Student-athletes who leave school while academically eligible to compete are removed from the calculation (assumed transfers passed on to another school's cohort).
 2. Student-athletes who leave school while ineligible to compete are coded as nongraduates (even though many are known to transfer).
- Both assumptions are imperfect but lead to an ASR that better approximates a true student-centered graduation rate (student earns a degree within six years of entering higher education).



Rate Calculations

Federal

- First-time fall freshmen on athletics aid.



$$\frac{\text{Graduates}}{\text{Cohort} - \text{Exclusions}^*}$$

ASR

- First-time fall freshmen on athletics aid.
- *Transfers.*
- *Midyear enrollees.*
- *Nonscholarship student-athletes.*



$$\frac{\text{Graduates}}{\text{Cohort} - \text{Exclusions}^* - \text{Left Eligible}}$$

* Exclusions include death, permanent disability, church mission, and military or foreign service.
Note: Both rates use a six-year window from initial collegiate enrollment.



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Comparison of Academic Success Rates and Federal Rate Cohorts

(2019-22 Reporting Cohorts)

	Federal Rate	ASR
Enrolled (Under Federal Definition)	75,752	75,752
Enrolled as Freshmen in January	0	1,588
Two-Year College Transfers	0	17,930
Four-Year College Transfers	0	15,564
Nonscholarship Athletes (Only at Schools Not Offering Aid)	0	30,381
Total Enrolled	75,752	141,215 (+86%)
Allowable Exclusions (Death, Military, Church Mission, etc.)	102	289
Left Eligible	0	33,722
Participants on Teams No Longer Sponsored by School	0	3,555
Total Denominator	75,650	103,649 (+37%)



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Discussion Regarding Federated Process for NCAA Playing Rules

Background and Analysis.

The new NCAA constitution, which was effective August 1, 2022, includes a provision that allows each division to establish the rules for sports competitions and participation, with flexibility at the division, subdivision or federated level as deemed necessary. Based on the adoption of the new constitution, the NCAA Playing Rules Oversight Panel (PROP) will most likely direct the divisional governance bodies to pursue the appropriate legislative actions to eliminate the requirement that playing rules shall be common for all divisions of the Association.

This action will provide the flexibility to the divisions to have a federated process for review of playing rules. PROP will still have the authority to not approve recommendations that PROP determines would harm the image of the games, create an unsafe environment for student-athletes or place an unreasonable financial burden on the membership of a particular division.

Prior to discussing a potential federated playing rules process for Division II, it is important to gather some feedback from this group. The following **questions** are meant to initiate this discussion:

1. Can you think of an example of a recent rules change(s) that did not benefit Division II and should not have been adopted?
2. How often is the PROP adopting rules changes that you think should not apply to Division II?
3. Do you have a suggestion on which group(s) would oversee or participate in a federated process for rules review?

Note: See Attachment for an overview of the current playing rules cycle. Additionally, Division I and III are having similar discussions.



Playing Rules Cycle - Overview

WHAT ARE PLAYING RULES?

Playing rules are what happens on the field, court, pool, pitch, mat, rink, lane, track or slope when an opponent and officials are present. Playing rules are the same for regular season and championship competition.

INFORMATION GATHERING STAGE

During the non-traditional and regular seasons, the secretary-rules editor and rules committee members compile hot topics from coaches, commissioners, athletics administrators and other stakeholders (i.e., coaches associations, Oversight Committees, officials, etc.). A Call for Proposals is sent to all head coaches and conference commissioners. Topics are presented and discussed at the coach's convention, if possible.

A rules survey is conducted to determine how the membership feels about certain issues.



ANNUAL MEETING

The rules committee meets to discuss and vote on rules proposals to improve the game.



COMMENT PERIOD

After the annual meeting, a list of proposals approved by the rules committee is sent to head coaches, conference commissioners and athletics directors for feedback. This two-week comment period allows the membership to see and respond to the final language of the proposals.



RULES COMMITTEE REVIEW OF COMMENT PERIOD RESULTS

At the end of the two-week comment period, the rules committee meets to review the comment period results and qualitative feedback. The respective PROP representative participates in this meeting. The rules committee determines which proposals to send forward to PROP for final consideration.



PROP REVIEW OF PROPOSALS

The Playing Rules Oversight Panel (PROP) reviews all proposals the rules committee recommends and all feedback from the membership during the two-week comment period. PROP's charge is to review all proposals for financial implications, safety concerns and harm to the image of the game. Items approved by PROP are final and incorporated into the next edition of the rules book.



TWO-YEAR RULES BOOK

A complimentary copy of the rules book is sent to head coaches and conference commissioners. Additional copies of the book may be ordered online at www.ncaapublications.com. This rules book is used for the next two seasons.