



A G E N D A

National Collegiate Athletic Association Division II Management Council

Microsoft Teams Meeting

October 17-18, 2022

1. Welcome and announcements. [Supplement No. 1] (Jim Johnson)
2. Review of previous meetings. (Johnson)
 - a. July 18-19 Division II Management Council and August 3 Presidents Council. [Supplement No. 2]
 - b. NCAA Board of Governors.
 - (1) July 18 videoconference. [Supplement No. 3]
 - (2) August 18 Committee to Promote Cultural Diversity and Equity videoconference. [Supplement No. 4]
 - c. Administrative Committee. [Supplement No. 5]
3. 2022-23 Division II Priorities. [Supplement No. 6] (Maritza Jones)
4. NCAA Convention and Legislation.
 - a. 2023 NCAA Convention schedule. [Supplement No. 7] (M. Jones)
 - Possible topics for the joint Student-Athlete Advisory Committee, Management Council and Presidents Council breakfast and meeting. [Supplement No. 8]
 - b. Proposed legislation for the 2023 Convention. [Supplement No. 9] (Chelsea Hooks)
 - c. Discuss conference and membership feedback regarding Convention legislation. (All)
 - d. Committees' review of membership-sponsored proposals and Management Council positions. [Supplement No. 10] (Hooks)
 - e. Proposed groupings of proposals and roll-call votes. [Supplement No. 11] (Hooks)
 - f. Suggested speakers for the 2023 Convention proposals. [Supplement No. 12] (Hooks)

- g. Noncontroversial legislation. [Supplement No. 13] (Jordan Lysiak)
5. Review of committee recommendations affecting Division II.
- a. Division II committees.
 - (1) Academic Requirements Committee. [Supplement No. 14] (Danny McCabe)
 - (2) Championships Committee. (Courtney Lovely Evans)
 - (a) August 4 videoconference. [Supplement No. 15]
 - (b) September 12-13 in-person meeting. [Supplement No. 16]
 - (c) September 16 electronic vote. [Supplement No. 17]
 - (d) September 19 electronic vote. [Supplement No. 18]
 - (e) October 6 videoconference. [Supplement No. 19]
 - (3) Committee on Infractions. [Supplement No. 20] (David Hansburg)
 - (4) Implementation Committee. [Supplement No. 21] (Terri Steeb Gronau)
 - a. Summary document that captures Implementation Committee answers from our Top 10 questions. [Supplement No. 22] (Gronau)
 - b. Update on Division I and Division III processes. (M. Jones)
 - (5) Legislation Committee. [Supplement No. 23] (Brenda Cates)
 - (6) Committee for Legislative Relief. [Supplement Nos. 24-a and 24-b] (Amy Henkelman)
 - (7) Membership Committee. [Supplement No. 25] (Bob Dranoff)
 - (8) Nominating Committee. (Sandee Mott)
 - (a) July 27 videoconference. [Supplement No. 26]
 - (b) August 26 videoconference. [Supplement No. 27]
 - (c) September 13 videoconference. [Supplement No. 28]
 - (9) Planning and Finance Committee. (Mark Corino)

- (a) August 11 videoconference. [Supplement No. 29]
 - (b) September 21 videoconference. [Supplement No. 30]
 - (c) Unaudited 2021-22 budget figures. [Supplement No. 31]
 - (10) Student-Athlete Advisory Committee. (Grace Martin and Corbin Thaete)
 - (a) July 14 videoconference. [Supplement No. 32]
 - (b) September 25 videoconference. [Supplement No. 33]
 - (11) Committee on Student-Athlete Reinstatement. [Supplement No. 34] (Teresa Clark)
 - b. Division II subcommittees, project teams and task forces.
 - Management Council Identity Subcommittee. [Supplement No. 35] (Clark)
 - c. Association-wide committees.
 - (1) Committee on Competitive Safeguards and Medical Aspects of Sports. [Supplement No. 36] (Julie Rochester)
 - (2) Honors Committee. [Supplement No. 37] (Jerry Wollmering)
 - (3) Minority Opportunities and Interests Committee. [Supplement No. 38] (Carrie Michaels)
 - (4) Playing Rules Oversight Panel. (Rachel Seewald)
 - (a) July 20 videoconference. [Supplement No. 39]
 - (b) August 11 videoconference. [Supplement No. 40]
 - (c) September 8 videoconference. [Supplement No. 41]
 - (5) Postgraduate Scholarship Committee. [Supplement No. 42] (Bo Pagliasotti)
6. Roundtable discussions regarding Division I membership expectations.

Group 1	Group 2	Group 3
Mark Corino	Marcus Clarke (<i>Facilitator</i>)	Bob Dranoff
Courtney Lovely Evans	Curtis Campbell	Teresa Clark

Group 1	Group 2	Group 3
Amy Henkelman (Recorder/Reporter)	Brenda Cates	Theresa Hanson (Facilitator)
David Kuhlmeier	Laura Clayton Eady	Marty Gilbert
Erin Lind	David Hansburg	Jim Johnson
Sandee Mott (Facilitator)	Kristi Kiefer	Danny McCabe
Corbin Thaete	Grace Martin	Bo Pagliasotti
Jerry Wollmering	Carrie Michaels	Julie Rochester
Terri Steeb Gronau	Christina Whetsel (Recorder/Reporter)	Cam Trudell (Recorder/Reporter)
Angela Red	Ryan Jones	Maritza Jones
Corbin McGuire	Michaela Liddane	Karen Kirsch
Liv Sappington	Jordan Lysiak	Robert Turick
	Haydyn Gibson	Chelsea Hooks

7. Division II Management Council. (Johnson)

- 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. [Supplement No. 43]
- b. Election of Management Council vice chair. [Supplement No. 44]
- c. Election of Management Council chair. [Supplement No. 45]
- d. Management Council committee and project team assignments. [Supplement No. 46]

8. National office updates.

- a. Executive and legal. (Mark Emmert and Jared Tidemann)
- b. Sport Science Institute. [Supplement No. 47] (Anne Rohlman)
- c. Introduction of Mario Morris, NCAA senior vice president of administration and chief financial officer.
- d. Division II Award of Excellence. [Supplement No. 48] (Haydyn Gibson)
- e. Division II FAR Advanced Institute. [Supplement No. 49] (Gibson)
- f. Division II diversity grants. [Supplement No. 50] (Lamarr Pottinger)

- g. Division II Festival. (Karen Kirsch)
 - h. Division II Make Game Day Yours. (Ryan Jones)
 - i. Division II SAAC Super Region Convention. (R. Jones)
 - j. NCAA Transfer Portal. (Susan Peal)
- 9. Affiliated association updates.
 - a. Division II Athletics Directors Association. (Theresa Hanson)
 - b. Division II Conference Commissioners Association. (Dranoff)
 - c. College Sports Communicators. (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)
- 10. Other business. (Johnson)
 - a. October 11 Nominating Committee videoconference. [Supplement No. 51] (Mott)
 - b. October 14 Championships Committee electronic vote. [Supplement No. 52] (Lovely Evans)
- 11. Meeting recap/things to report back to conferences. (Johnson)
- 12. Future meetings. (Johnson)
 - a. January 11-14, 2023, in conjunction with the 2023 NCAA Convention; San Antonio, Texas.
 - 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)

2022 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
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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
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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
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

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SUMMARY OF SUMMER 2022 QUARTERLY MEETINGS

National Collegiate Athletic Association
July 18-19, 2022, Division II Management Council and August 3, 2022, Division II
Presidents Council

1. **WELCOME AND ANNOUNCEMENTS.**

Management Council. The Management Council convened its quarterly meeting at 8:31 a.m. Monday, July 18. The chair thanked the Council for their attendance at the Friday, July 15 Management Council/Student-Athlete Advisory Committee Summit.

The chair welcomed those in attendance, acknowledging staff who were present.

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

Presidents Council. The Presidents Council convened its videoconference at 11:05 a.m. Eastern time Wednesday, August 3.

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 MINUTES.**

a. **April 11-12 Management Council and April 27 Presidents Council.**

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

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

b. **Board of Governors.**

Management Council. The Management Council reviewed the Board of Governors report from its April 26 videoconference.

Presidents Council. The Presidents Council reviewed the Board of Governors report from its April 26 videoconference.

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. REVIEW AND APPROVAL OF 2022-23 DIVISION II PRIORITIES.

Management Council. The Management Council approved the priorities for 2022-23, as distributed.

Presidents Council. The Presidents Council approved the priorities for 2022-23, as distributed.

4. NCAA CONVENTION AND LEGISLATION.

a. Presidents Council-Sponsored Proposals for the 2023 NCAA Convention.

- (1) **Eligibility -- Freshman Academic Requirements -- Elimination of Standardized Test-Scores Requirements (SAT or ACT)**, which eliminates the standardized test-score requirements (SAT or ACT) from Division II initial-eligibility requirements; further, it establishes the initial eligibility requirements, as specified, effective August 1, 2023, for student-athletes initially enrolling full-time at a collegiate institution on or after August 1, 2023.

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

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

- (2) **Executive Regulations -- Administration of NCAA Championships -- Availability of Alcoholic Beverages at Division II Championships**, which eliminates the legislated restrictions on the availability of alcohol at NCAA Division II championships, effective August 1, 2023.

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

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

- (3) **Division Membership, Amateurism, Financial Aid and Playing and Practice Seasons -- Emerging Sports for Women -- Stunt**, which adds stunt as an emerging sport for women and establishes legislation related to membership, financial aid, and playing and practice seasons as specified, effective August 1, 2023.

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

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

b. Proposed Legislation for the 2023 Convention Submitted by the Division II Membership.

Management Council. The Management Council recommended that the Presidents Council take the following action regarding the membership-sponsored proposals for the 2023 Convention.

- (1) **Recruiting – Publicity – Comments Prior to Signing – Announcer for High School Broadcast.** The Management Council adopted this proposal as noncontroversial legislation.
- (2) **Recruiting – Publicity – Media Release Regarding Signing.** The Management Council adopted this proposal as noncontroversial legislation.
- (3) **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.** Refer to the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, Division II Legislation Committee and Division II Football Committee for review and a position of support, opposition or no position.
- (4) **Eligibility – Seasons of Competition: 10-Semester/15-Quarter – Criteria for Determining Season of Eligibility –Minimum Amount of Competition – Up to Three Contests – Football.** Refer to the Committee on Competitive Safeguards and Medical Aspects of Sports, Division II Legislation Committee, Division II Committee on Student-Athlete Reinstatement and Division II Football Committee for review and a position of support, opposition or no position.
- (5) **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.** Refer to the Committee on Competitive Safeguards and Medical Aspects of Sports and Division II Legislation Committee for review and a position of support, opposition or no position.

- (6) **Playing and Practice Seasons – General Playing-Season Regulations and Basketball – Basketball First Permissible Practice Date.** Refer to the Committee on Competitive Safeguards and Medical Aspects of Sports, Division II Legislation Committee, Division II Men's Basketball Committee, Division II Women's Basketball Committee and Division II Volleyball Committee for review and a position of support, opposition or no position.

Presidents Council. The Presidents Council referred proposals 3 through 6 above to the recommended committees for review and position. No action was needed on proposals 1 and 2 above, which were adopted as noncontroversial legislation by the Management Council.

c. **Noncontroversial Legislation.**

Management Council. The Management Council adopted in legislative form 15 noncontroversial proposals that had previously been approved in concept (Proposal Nos. NC-2023-5 through NC-2023-18 and NC-2023-20), as presented. The 15 proposals are listed below.

- (1) **Proposal 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.** To amend the earned access legislation in football to align with the eligibility requirements for automatic qualification for any Division II championship.
- (2) **Proposal 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.** To eliminate legislation requiring an annual attestation of compliance.
- (3) **Proposal No. NC-2023-7: NCAA Membership -- Institutional Control and Division Membership -- Merging Constitution Articles 3 and 6 and Bylaw 20.** To merge all Division II legislation regarding NCAA membership and institutional control to a restructured Division II membership bylaw; further, to eliminate duplicative provisions.
- (4) **Proposal No. NC-2023-8: Enforcement Policies and Procedures -- Responsibility to Cooperate -- Tools to Facilitate Cooperation.** 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.

- (5) **Proposal No. NC-2023-9: Enforcement Policies and Procedures -- Committee on Infractions Hearings -- Basis of Decision -- Importation of Facts.** 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.
- (6) **Proposal No. NC-2023-10: Infractions Program -- Mission of the Infractions Program, Principle of Accountability and Principle of Shared Responsibility.** 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.
- (7) **Proposal 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. 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 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.

- (8) **Proposal No. NC-2023-12: Enforcement Policies and Procedures -- Investigate Procedures and Notice of Inquiry -- Notice of Enforcement Interviews and Status of Infractions Cases.** 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.
- (9) **Proposal No. NC-2023-13: Division II Organizational Structure -- Division II Presidents Council Composition -- Student-Athlete Representation.** 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.

- (10) **Proposal No. NC-2023-14: Division II Organization Structure -- Division II Presidents Council -- Duties and Responsibilities.** 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.
- (11) **Proposal 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.** To eliminate the requirement that the vice chair of the Division II Presidents Council serve as a member of the NCAA Board of Governors.
- (12) **Proposal No. NC-2023-16: Division II Organizational Structure -- Division II Management Council -- Composition -- Student-Athlete Advisory Committee Members -- Student-Athlete Voting.** 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.
- (13) **Proposal No. NC-2023-17: Enforcement and Infractions Process -- Moving Specified Bylaws to Internal Operating Procedures.** To eliminate legislation in Bylaws 19 and 32, as specified.
- (14) **Proposal No. NC-2023-18: Administration of Championships -- Authority of Championships and Sport Committees -- Appeal of Nullification Decisions of Championships Committee -- 72-Hour Window.** 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).
- (15) **Proposal No. NC-2023-20: Committees -- Association-Wide Committees -- General Committees -- Committee on Competitive Safeguards and Medical Aspects of Sports -- Composition.** To revise the composition of the Committee on Competitive Safeguards and Medical Aspects of Sports, as specified.

Presidents Council. No action was necessary.

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

a. **Division II Committees.**

(1) **Academic Requirements Committee.**

- **Waiver of Division II Degree Completion Award Criteria Due to Circumstances Surrounding COVID-19.**

Management Council. The Management Council approved a waiver of the current Division II Degree-Completion Award requirements for student-athletes who received an extension request during the 2020-21 academic year due to COVID-19 so they can participate in their last season during the 2023-24 academic year and still receive the award. Student-athletes who received an extension for this year do not need to have exhausted their athletics eligibility to be nominated for the Division II Degree-Completion Award and may still receive athletics aid from the institution during the 2023-24 academic year.

Presidents Council. No action was necessary.

(2) **Championships Committee.**

- (a) **May 5 and May 12 Videoconferences.**

Management Council. The Management Council reviewed the committee's May 5 and May 12 videoconference reports.

Presidents Council. No action was necessary.

- (b) **June 9-10 In-Person Meeting.**

- i. **Noncontroversial Legislation – Playing and Practice Seasons – Football – Out-of-Season Athletically Related Activities – Spring Practice – Contact Restrictions.**

Management Council. The Management Council adopted noncontroversial legislation to amend NCAA Division II Bylaw 17.11.9-(b) (spring practice) to specify that during spring practice, (a) 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.

Presidents Council. No action was necessary.

ii. Alcohol Sales at the 2023 Division II Women’s Basketball Championship.

Management Council. The Management Council approved a waiver of Bylaw 31.1.13 (availability of alcoholic beverages) to permit alcohol sales at the 2023 Division II Women’s Basketball Championship game in Dallas as part of the joint championship with Divisions I and III.

Presidents Council. The Presidents Council was provided an update that the Management Council approved a waiver of Bylaw 31.1.13 (availability of alcoholic beverages) to permit alcohol sales at the 2023 Division II Women’s Basketball Championship game in Dallas as part of the joint championship with Divisions I and III.

iii. First Sport Committee Ranking as “Under Consideration.”

Management Council. The Management Council approved a policy change that specifies that sport committees will publish the first of their three rankings as an alphabetical list of teams under consideration rather than as an actual ranking. The Management Council also referred the issue of potentially having the second and third rankings be in alphabetical order back to the Division II Championships Committee for further review and consideration.

Presidents Council. No action was necessary.

iv. Neutrality Pilot Extension/Expansion.

Management Council. The Management Council extended the neutrality pilot previously in place for football, men’s and women’s basketball, and softball for an additional year, and expanded the pilot to include all sports.

Presidents Council. The Presidents Council was provided an update that the Management Council extended the neutrality pilot for an additional year and expanded the pilot to include all sports.

v. Referral to the Division II Legislation Committee.

Management Council. The Management Council referred the following two proposals submitted by the Division II Football Committee to the Division II Legislation Committee for further review and consideration:

- **Criteria for Determining a Season of Competition.** Amend Bylaw 14.2.4.1 (minimum amount of competition) to specify that, in football, a student-athlete in their initial year of collegiate enrollment may compete in up to three contests without using a season of competition.
- **Spring Practice – Scrimmage Against a Four-Year Collegiate Institution.** Amend Bylaws 14.2.4.1.3 (exception – competition in the nonchampionship segment) and 17.11.8.3 (annual exemptions) to permit, in football, a scrimmage against a four-year collegiate institution to occur on or after the 10th day of 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.

Presidents Council. No action was necessary.

vi. **Replacement Policy Modification for Sport Committees.**

Management Council. The Management Council modified the current replacement policy for Division II sport committees so that members may remain on the selection call when their team is under consideration to help lead the conversation. The Council noted that under the new policy the committee member could still recuse themselves if they believe they cannot be unbiased. The new policy would also require that a regional advisory committee member (preferably from a different conference) join the call to verify the information shared during the discussion.

Presidents Council. No action was necessary.

vii. **Sport Committee Appointments.**

Management Council. The Management Council ratified the following sport and rules committee appointments, effective September 1, 2022, unless otherwise noted:

- (a) **Women's Basketball.** **Erika Wallace**, chief of staff and senior woman administrator at Wayne State University (Michigan), to replace Cindy McKnight, director of athletics at Ursuline College; and **Randy Loggins**, deputy athletics director at Converse University, to replace Wendell Staton, director of athletics at Georgia College, both due to term expiration.
- (b) **Women's Basketball Rules (immediate appointment).** **Diane Thompson**, head women's basketball coach at Colorado Christian University, to replace Jason Burton, head women's basketball coach at Texas A&M University-Commerce, whose institution is reclassifying to Division I.
- (c) **Men's and Women's Cross Country.** **Inez Turner**, head men's and women's track and field and cross country coach at Fayetteville State University, to replace Andy Young, head women's track and field and cross country coach at Millersville University of Pennsylvania, due to term expiration.
- (d) **Men's and Women's Ice Hockey Rules (immediate appointment).** **Jim Scanlan**, head women's ice hockey coach at Bemidji State University, to replace Steve MacDonald, head women's ice hockey coach at St. Cloud State University, due to term expiration.
- (e) **Women's Lacrosse.** **Shannon McHale**, head women's lacrosse coach at Colorado Mesa, to replace Regan McAthie, director of athletics at Concordia University-St. Paul, due to term expiration.
- (f) **Women's Soccer (immediate appointment).** **Michael Winn**, associate director of athletics and head women's soccer coach at Pace University, to replace Steve Fitzgerald, senior associate director of athletics at Stonehill College, whose institution is reclassifying to Division I.

- (g) **Men's and Women's Tennis.** Stefani Whitby, director of athletics at Wilmington University (Delaware), to replace Greg Coache, head tennis coach at Southern New Hampshire University; and Josh Cobble, head tennis coach at Cameron University, to replace Scott Linn, head tennis coach at Midwestern State University, both due to term expiration.
 - (h) **Women's Volleyball Rules (immediate appointment).** Matthew Cribbin, director of volleyball at American International College, to replace Darrin McClure, head women's volleyball coach at Union University, who resigned from the committee.
 - (i) **Wrestling.** Rocky Burkett, head wrestling coach at Northern State University, to replace Dale Lennon, director of athletics at the University of Mary, who resigned from the committee.
- (c) **Request for Feedback from the Division II Softball Committee on Proposed Future Bracket Format.**

Management Council. The Management Council was provided an overview of a proposed future seven-day bracket format for the Softball Championship. The council discussed the proposed bracket and provided feedback. It was noted that the Softball Committee will review the feedback from different groups and is expected to submit its final recommendations for the Championships Committee to consider during its September meeting.

Presidents Council. No action was necessary.

(3) **Degree Completion Aware Committee.**

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

Presidents Council. No action was necessary.

(4) **Implementation Committee.**

(a) **May 16-17 In-Person Meeting.**

Management Council. The Management Council received a report from the Division II Implementation Committee chair 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.

Presidents Council. The Presidents Council received a report from the Division II Implementation Committee chair 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 Constitution.

(b) June 30 Videoconference.

i. 2023 Convention Legislation – NCAA Division II Presidents Council Composition, Terms of Service and Selection Process.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to rename the Division II Presidents Council as the NCAA Division II Executive Board and amend Bylaws 8.1.1 (composition), 8.1.3.2 (term of office) and 8.1.3.2.1 (chair and vice chair), effective February 1, 2024, as follows:

The composition of the Executive Board to include the following [Attachment A]:

- Eight presidents/chancellors based on Division II championships region;
- 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 Executive Board;
- Two student-athletes (one representing male sports, one representing female sports), serving on and chosen by the Division II Student-Athlete Advisory Committee; and
- The chair of the Division II Management Council, who will serve as an ex officio, nonvoting member.

Establish the following terms of service:

- Two years, renewable for two years for presidents, chancellors and independent members;
- One year, renewable for one year, for Division II Student-Athlete Advisory Committee members; and
- The chair and vice chair shall each serve terms not to exceed two years from three years.

Specify the selection process as follows:

- When a vacancy on the Executive Board occurs, a formal call for nominations will be sent to conference offices and to all presidents and chancellors eligible to serve. The members of the Executive Board shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.

**Note: The Division II Presidents Council in April approved noncontroversial legislation to include the student-athlete representation and terms of service on the current Presidents Council to align with the new constitution.*

A streamlined Division II Executive Board provides the division the ability to be nimble in its strategic thinking. The Management Council has been assigned additional duties and is the body that has decision-making authority on the day-to-day responsibilities for the division and includes representation from each Division II conference. The independent members provide perspectives from outside of higher education, which will provide new ideas for the Executive Board as it develops and executes its strategic initiatives for the division. Further, the independent members will be selected by the Executive Board members and having independent members is consistent with the composition of boards on campuses. (See Attachment B for details on how the independent members will be selected.) The terms of service will permit a rotation of presidents and chancellors in the championship regions to occur more frequently, increasing the number of opportunities for presidents/chancellors to serve. Finally, a delayed effective date of February 1, 2024, will permit the current Division II Presidents Council members to remain on the council through the full 2023 legislative cycle that concludes with the 2024 NCAA Convention.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

ii. **2023 Convention Legislation – NCAA Division II Presidents Council (Executive Board) Duties.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to amend Bylaw 8.1.2 (duties and responsibilities) to specify the duties of the newly named Division II Executive Board, effective February 1, 2024, as follows:

- Implement policies adopted by the NCAA Board of Governors;
- Establish and direct the general policy of Division II;
- Establish a strategic plan and/or a set of strategic priorities for Division II;
- Elect a chair and vice chair;
- Appoint a Division II Executive Board member to the Board of Governors;
- 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;
- Adopt emergency legislation;
- Sponsor amendments and amendments-to-amendments to the constitution by a two-thirds majority vote;
- Call for a special convention of Division II;
- Delegate to the Management Council responsibilities for specific matters it deems appropriate;
- Approve recommendations of the Management Council, including the composition of the Management Council;
- Ratify, amend or rescind the actions of the Management Council;
- Ensure there is gender and ethnic diversity among its membership, the membership of the Management Council and the membership of each of the other bodies in the Division II governance structure;

- Approve the budget and the use of funds allotted to Division II (e.g., revenue distribution funds, funds for the operation of championships);
- Approve regulations providing for expenditures and income to Division II;
- Approve regulations providing for the administration of Division II championships;
- Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;
- Provide comments and input to the Board of Governors on matters that impact Division II and the Association;
- Convene same-site meetings, as necessary, with the Management Council; and
- Create 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.

With these duties, the Executive Board will have additional time to discuss strategic issues that directly impact Division II and higher education. Further, given the Management Council has the day-to-day authority for the division's operations, the recommended amended duties for the Executive Board include delegating additional decision-making authority to the Management Council, including all responsibilities for noncontroversial legislation, the authority to sponsor legislation for the Convention and the activities of the annual NCAA Convention. Finally, the delayed effective date of February 1, 2024, aligns with the recommendation regarding the new composition of the Division II Executive Board.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

iii. 2023 Convention Legislation – NCAA Division II Management Council Composition.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to amend Bylaw 8.2.1 (composition) and Bylaw 8.2.3.1 (selection process), effective August 1, 2023, as follows:

The composition of the NCAA Division II Management Council:

- One member from all voting, multisport Division II conferences;
- Four at-large members to enhance diversity on the council; and
- Two members from the Division II Student-Athlete Advisory Committee (one representing male sports, one representing female sports), serving on and chosen by the Division II Student-Athlete Advisory Committee.

The members of the council shall include at least five directors of athletics, five senior woman administrators, five faculty athletics representatives and two conference office staff. 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.

**Note: The Division II Management Council in April approved the amended student-athlete representation on the Management Council for each student-athlete to have one vote instead of a combined vote.*

The selection process for the Division II Management Council:

- 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.
- If a conference would like to submit one or two additional nominees (beyond a director of athletics, senior woman administrator, faculty athletics representative and a conference administrator) as part of its slate, the slate must include at least two women and one person of color.
- 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.

The Division II Management Council manages and has decision-making authority for the day-to-day affairs of the division, reviews and acts on recommendations from Division II and Association-wide committees and serves as an advisory group to the Presidents Council (Executive Board). Based on membership feedback, it remains important for all Division II multisport voting conferences (23 currently) to have representation on the Management Council. Increasing the minimum number of athletics directors, senior woman administrators, faculty athletics representatives and conference office staff by one each (five, five, five and two from four, four, four and one) will result in over half the council being represented by those leadership positions in athletics. Further, opening the council to additional members in leadership administrative positions will provide more qualified Division II administrators, including those with previous committee experience, with an opportunity to serve. Finally, the additional members will provide different perspectives to the discussions.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

iv. 2023 Convention Legislation – Division II Management Council Duties.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to amend Bylaw 8.2.2 (duties and responsibilities) to specify the duties of the Division II Management Council, effective August 1, 2023, as follows:

- Implement policies adopted by the NCAA Board of Governors and the Division II Presidents Council (Executive Board);
- Make recommendations to the Presidents Council (Executive Board) on matters it deems appropriate;
- Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;

- Sponsor legislative proposals for a vote at the annual NCAA Convention;
- Take final action on matters delegated to it by the Presidents Council (Executive Board);
- Review and act on the recommendations of the Division II committee structure and the recommendations of 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;
- 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;
- Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;
- 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 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, subject to approval by the Presidents Council (Executive Board).

Given the Division II Management Council has the day-to-day authority for the division’s operations, the recommended amended duties include additional decision-making authority, including the authority to sponsor legislation for the Convention, all responsibilities for noncontroversial legislation and the activities of the annual NCAA Convention. Additionally, the amended duties for the Management Council will allow the Division II Executive Board additional time to discuss strategic initiatives and those issues that directly impact Division II and higher education.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

v. **2023 Convention Legislation – NCAA Division II Planning and Finance Committee Composition.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to rename the NCAA Division II Planning and Finance Committee as the NCAA Division II Strategic Planning and Finance Committee and amend Bylaw 8.4.1 (composition) to specify the composition, effective February 1, 2024, as follows:

- One Division II Presidents Council (Executive Board) member who serves as the vice chair;
- Two Management Council members, including the vice chair;
- One conference commissioner;
- One member from the Division II Student-Athlete Advisory Committee; and
- Six additional members.

At least one member shall be from a minority-serving institution.

Expanding the committee from seven to 11 members and including a Division II SAAC representative will give the committee additional perspectives, ideas and input, while remaining nimble. The Division II Planning and Finance Committee is responsible for overseeing the Division II strategic plan, so renaming the committee to include “strategic” is consistent with its current duties. Additionally, this change will have the Division II Strategic Planning and Finance Committee reporting to the Division II Management Council with final approval by the Division II Presidents Council (Executive Board). This reporting structure will align with the division’s current governance structure process for all other committees. Finally, a delayed effective date of February 1, 2024, 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.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

vi. **2023 Convention Legislation – NCAA Division II Planning and Finance Committee (Strategic Planning and Finance Committee) Duties.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to amend Bylaw 8.4.2 (duties) to specify the duties of the newly named NCAA Division II Strategic Planning and Finance Committee, effective February 1, 2024, as follows:

- 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 Presidents Council (Executive Board);
- Provide regular reports on the implementation of the strategic plan/strategic priorities to the Division II Management Council and Presidents Council (Executive Board);
- Make recommendations related to the Division II budget and the budget guidelines and principles;
- Ensure alignment of the division's strategic plan/strategic priorities with financial allocations; and
- Advise both the Division II Presidents Council (Executive Board) and Management Council regarding the division's financial affairs.

The committee currently advises both the Division II Presidents Council (Executive Board) and Management Council regarding the division's financial affairs. This amended language will clarify that the Strategic Planning and Finance Committee is responsible for overseeing the Division II strategic plan and recommend budget priorities to the Presidents Council (Executive Board) and Management Council. Finally, a delayed effective date of February 1, 2024, aligns with the effective date of the new composition of the committee.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

vii. 2023 Convention Legislation – NCAA Division II Administrative Committee Composition.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to amend Bylaw 8.3.1 (composition) to specify the composition of the NCAA Division II Administrative Committee, effective August 1, 2023, as follows:

- The chair and vice chair of the Division II Presidents Council (Executive Board);
- The chair and vice chair of the Division II Management Council; and
- The chair of the Division II Student-Athlete Advisory Committee.

This is consistent with adding and amplifying the student-athlete voice within the division. This recommendation includes the leadership of the top divisional bodies.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

viii. 2023 Convention Legislation – Division II Legislation/Amendment Process.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to amend the timing of the Division II legislative process, effective immediately, for proposals submitted for the 2024 NCAA Convention, as follows:

- July 15: Deadline for submission of proposals by the membership.
- September 1: Deadline for the Division II Presidents Council (Executive Board) to sponsor legislation.
- September 15: Modification period for membership-sponsored proposals.
- October 7: Deadline for committee review of membership-sponsored proposals.

- By December 10: Publication of the Official Notice.

This recommendation to streamline and simplify the legislative process was one of several options vetted within the membership and supported through feedback opportunities. Consideration was given to extending the deadline for membership proposals to August 1, but it was agreed to retain the current July 15 deadline in order 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 amended timeline takes advantage of advances in technology to eliminate the previously published Initial Publication of Proposed Legislation (IPOPL) and the Second Publication of Proposed Legislation (SPOPL) and to provide only the Official Notice, which will result in a unified communication of educational material for the NCAA Convention. Educational materials will be made available in the fall, including a complete PDF of the proposals for the Convention and voice-over educational video. The Q&A will be made available when the Official Notice is posted.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

ix. 2023 Convention Legislation – Division II Institutional Self-Study Guide.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to eliminate the Institutional Self-Study Guide (ISSG), effective August 1, 2023.

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 own 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. Accordingly, the recommendation is to eliminate the ISSG and ask the Division II Membership Committee to consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

x. 2023 Convention Legislation – Definition of Agent.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to redefine the term “agent” in Division II Bylaw 12 (amateurism) to align with that used in the Uniform Athlete Agent Act; further, restructure/redraft Bylaw 12.3 (use of agents), effective August 1, 2023, to specify the following:

- It shall be permissible for a student-athlete to sign a contract to receive advice/negotiations from an agent;
- It shall be permissible for a student-athlete to use professional service providers.
- It shall be impermissible for a student-athlete (or their relatives) to receive benefits (tangible or intangible) from an agent or individual for professional sports opportunities; and
- It shall be impermissible for a student-athlete to enter into an agreement with an agent that helps to secure initial or continued enrollment or a scholarship at a particular institution.

This change 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.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

xi. Noncontroversial Legislation – NCAA Division II Presidents Council and Management Council Chair and Vice Chair Terms – Staggered Terms.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaws 8.1.3.3.1 (chair and vice chair) and 8.2.3.3.1 (chair and vice chair) to specify that the chair and vice chair terms for the Presidents Council and Management Council shall not expire on staggered terms and to place the legislation in the NCAA Division II Presidents Council and Management Council policies and procedures.

Presidents Council. The Presidents Council adopted the noncontroversial legislation.

xii. Noncontroversial Legislation – NCAA Division II Presidents Council and Management Council Policies and Procedures.

Management Council. The Management Council adopted noncontroversial legislation to remove the following legislation (Bylaws 8.1.3.3.2, 8.1.4.1, 8.2.3.3.2, and 8.2.4.1) and place it in the Division II Presidents Council and Management Council policies and procedures:

- **Staggered Terms.**

- **Members.** The Division II Administrative Committee shall have the authority to amend terms of service of the Presidents Council/Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.
- **Operating Rules.**
 - **Quorum.** For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council/Management Council. For the Presidents Council/Management Council to take action, a simple majority of Presidents Council/Management Council members present and voting shall be required, unless otherwise specified.

Presidents Council. The Presidents Council adopted the noncontroversial legislation.

xiii. Noncontroversial Legislation – Sport Sponsorship Requirements.

Management Council. The Management Council adopted noncontroversial legislation to specify that an institution and conference in Division II shall sponsor a minimum of 10 sports; further, to eliminate the five-sport/three-season requirement, as specified, effective August 1, 2023.

Presidents Council. No action was necessary.

xiv. Noncontroversial Legislation – Audit of Membership Requirements.

Management Council. The Management Council adopted noncontroversial legislation to remove Bylaw 20.10.5 (audit of membership requirements) and place it in the NCAA Division II Membership Committee's policies and procedures.

Presidents Council. No action was necessary.

xv. Noncontroversial Legislation – Appeals of Interpretations Process.

Management Council. The Management Council adopted noncontroversial legislation 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.

Presidents Council. No action was necessary.

xvi. Noncontroversial Legislation – Amendments to Align with the Updated NCAA Interim Policy on Student-Athlete Name, Image and Likeness (NIL).

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 12 (amateurism) to align with and address the goals of the Interim NIL Policy as follows:

- Remove duplicative language;
- More clearly define the term “professional service providers”;
- Remove Bylaw 12.1.2 (activities prior to full-time collegiate enrollment);
- Codify the NIL Policy;
- Redraft Bylaws 12.1.3 (permissible – following initial full-time collegiate enrollment) and 12.1.4 (impermissible – following initial full-time collegiate enrollment);
- Clarify the use of a student-athlete’s NIL under Bylaw 12.4.1 (criteria governing compensation to student-athletes) to specify that unless the student-athletes has entered into an NIL agreement, an employer may not use the student-athlete’s reputation to promote their product or service; and
- Remove all of Bylaw 12.5 (promotional activities).

Presidents Council. No action was necessary.

xvii. Noncontroversial Legislation – Enforcement and Infractions Process Amendments – Relocation of Legislative Language.

Management Council. The Management Council adopted noncontroversial legislation to relocate legislative language from Constitution 2.1.1 (responsibility for control) and Constitution 2.8.1 (responsibility of institution) that articulates institutional responsibilities to monitor and control its athletics programs to Bylaw 7 (membership and institutional control) with nonsubstantive edits for consistency with the new constitution. Additionally, strike references to “constitution” in Bylaws 19 and 32.

Presidents Council. No action was necessary.

xviii. Noncontroversial Legislation – Enforcement and Infractions Process Amendments – Accelerated Option for Hearings.

Management Council. The Management Council adopted noncontroversial legislation to an accelerated option for hearings.

Presidents Council. No action was necessary.

xix. Noncontroversial Legislation – Enforcement and Infractions Process Amendments – Stay of Penalties During Appeal.

Management Council. The Management Council adopted noncontroversial legislation to stay the Committee on Infractions’ penalties when an appeal is properly filed with the Infractions Appeals Committee to reflect current practices.

Presidents Council. No action was necessary.

xx. Noncontroversial Legislation – Enforcement and Infractions Process Amendments – Moving Specific Bylaws to Internal Operating Procedures.

Management Council. The Management Council adopted noncontroversial legislation to eliminate legislation and where, appropriate, add to the Enforcement Staffs, Committee on Infractions’ and/or Infractions Appeals Committee’s internal operating procedures.

Presidents Council. No action was necessary.

xxi. Noncontroversial Legislation – Enforcement and Infractions Process Amendments – Merge, Update and Reorganize Bylaw 19 (Infractions Program) and Bylaw 32 (Enforcement Policies and Procedures).

Management Council. The Management Council adopted noncontroversial legislation to merge, update and reorganize Bylaw 19 and Bylaw 32 into new Bylaw 19 (infractions program).

Presidents Council. No action was necessary.

xxii. Noncontroversial Legislation – Discipline of Members.

Management Council. The Management Council adopted noncontroversial legislation to eliminate Constitution 3.3.4.13, 3.3.6 and 3.4.6, regarding the discipline of members as those references are duplicative and/or outdated.

Presidents Council. No action was necessary.

xxiii. Division II Enhancement Fund.

Management Council. The Management Council approved a policy change to separate the current Enhancement Fund into two distinct line items in the Division II budget:

- a. Conference Sports Sponsorship Fund – allocate 75% of the current budget.
- b. Institutional Equal Distribution Fund – allocate 25% of the current budget.

Further, the Management Council approved a policy change to earmark the institutional equal distribution fund to benefit the athletics department, but do not require a report on how institutions use these dollars.

Presidents Council. No action was necessary.

xxiv. Division II Surplus Distribution Process.

Management Council. The Management Council approved a policy change to earmark the supplemental distribution from the Division II surplus to benefit the athletics department,

but do not require a report on how institutions use these dollars.

Presidents Council. No action was necessary.

xxv. Referrals to the Division II Committees.

Management Council. The Management Council referred the following issues recommended by its subcommittees to the specified existing bodies within the Division II governance structure for further review and consideration:

a. To the Division II Academic Requirements Committee:

- **From the Legislative Process and Compliance Subcommittee:** Review the two-year college transfer requirements and progress-toward-degree requirements in current Bylaw 14.

b. To the Division II Championships Committee:

- (i) **From the Championships Subcommittee:** Explore a championships structure that sets 35 as a uniform minimum sponsorship requirement to establish/maintain a Division II championship in men's and women's sports (with a five-year grace period if a sport falls below the minimum), continues to offer the best access ratio among divisions (via a range from 4.5 to 6), and grants automatic qualification privileges to a championship once minimum sponsorship is reached (rather than rely on sport committee recommendation), unless AQs would comprise more than 75 percent of the bracket (which may result in a bracket expansion).
- (ii) **From the Championships Subcommittee and the Membership Subcommittee:** Collaborate with the Division II Membership Committee to consider aligning minimum contest requirements for sport sponsorship and championships selection purposes to

simplify the process and provide the membership additional flexibility without compromising the integrity of either requirement area. [Note: Sport committees that oversee sports that currently have different standards (football, men's and women's golf, men's lacrosse and men's soccer) will be consulted for feedback as well.]

- (iii) **From the Championships Subcommittee:** Complete the task of combining Bylaws 18 and 31 to create a significantly revised overarching championships bylaw that moves several existing bylaws to policy. This task should be completed by February 2023 to allow for an August 1, 2023 effective date.
- (iv) **From the Championships Subcommittee:** While keeping regionalization principles related to selections, request the Division II Championships Committee consider changes to the division's championship model concerning regionalization bracketing policies with the goal of reducing first round conference matchups and maintaining fiscal responsibility.
- (v) **From the Championships Subcommittee:** Continue monitoring discussions within Division I regarding National Collegiate Championships and how any changes in that space will affect Division II.
- (vi) **From the Legislative Process and Compliance Subcommittee:** Consider which, if any, playing and practice season policies adopted during the COVID-19 pandemic should be adopted on a permanent basis.

c. To the Division II Legislation Committee:

- (i) **From the Legislative Process and Compliance Subcommittee:** Consider renaming current Bylaw 12 (amateurism).
 - (ii) **From the Legislative Process and Compliance Subcommittee:** Review current Bylaw 13 (recruiting).
 - (iii) **From the Legislative Process and Compliance Subcommittee:** Determine whether the various institutional reporting requirements remain relevant/useful.
 - (iv) **From the Legislative Process and Compliance Subcommittee:** Review the five-season/10-semester rule, transfer requirements and organized-competition rules in current Bylaw 14 (eligibility: academic and general requirements).
 - (v) **From the Legislative Process and Compliance Subcommittee:** Review Bylaws 15 (financial aid), 16 (awards, benefits and expenses for enrolled student-athletes) and 17 (playing and practice seasons).
- d. **To the Division II Membership Committee:**
- (i) **From the Championships Subcommittee:** Review current Bylaws 18.4.2 (institutional eligibility) through 18.4.2.2.2 (exemption from maximum awards limitation) and 31.3.3.6 (exclusion of institution reclassifying from Division II to Division I) for consideration of moving to Bylaw 7 (membership and institutional control) or policy.
 - (ii) **From the Membership Subcommittee:** Consider developing a new institutional engagement program to replace the Institutional Self-Study Guide.

- (iii) **From the Membership Subcommittee:** Finalize the review of the Division II provisional membership process.
 - (iv) **From the Membership Subcommittee:** Review the definition of a covered event for the certification-of-insurance requirement.
- e. **To the Division II Planning and Finance Committee:**
 - (i) **From the Budget Subcommittee:** Consider when a supplemental distribution is approved by the Presidents Council whether conferences should be included in the allocation and receive a portion of the distribution. Currently only institutions are eligible for this distribution.
 - (ii) **From the Budget Subcommittee:** Consider a potential waiver/grace period for conferences that fall below the minimum of six institutions sponsoring a sport to retain a unit for the conference sports sponsorship fund calculation.
- f. **To the Division II Student-Athlete Advisory Committee:**
 - (i) **From the Governance Subcommittee:** Determine whether there is a need for SAAC representation on Division II general committees that currently do not include a SAAC member. (The SAAC is asked to seek feedback from the relevant general committees.)
 - (ii) **From the Governance Subcommittee:** Determine for committees that already do have a SAAC representative whether it would be beneficial to have student-athletes or former student-athletes that are not on the Division II SAAC serve on these committees. (The SAAC is asked to seek feedback from the relevant general committees.)

g. To the Division II Committee on Student-Athlete Reinstatement:

- **From the Legislative Process and Compliance Subcommittee:** Review the hardship, seasons-of-competition and eligibility waivers in current Bylaw 14.

h. To the NCAA Enforcement Staff, the Division II Committee on Infractions and the Division II Infractions Appeals Committee:

- (i) **From the Championships Subcommittee:** Review current Bylaws 31.2.2.4 (participation while ineligible) and 31.2.2.5 (institutional penalty for ineligible participation) for consideration of moving to Bylaw 19 or policy.
- (ii) **From the Enforcement and Infractions Process Subcommittee:** Review the legislation for institutional control (new Bylaw 7) and institutional responsibilities to monitor its athletics programs to determine whether the expectations are fair, accurate and reasonable.
- (iii) **From the Enforcement and Infractions Process Subcommittee:** Consider whether establishing charging guidelines for failure to monitor and lack of institutional control would be appropriate and beneficial.

Presidents Council. No action was necessary.

(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.

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.

The Management Council requested that the Division I Council consider this application and clarify its intent as part of its discussion of the enhanced transfer model recommendations.

Presidents Council. The Presidents Council received an update on the Division I and Division III processes and the action taken by the Management Council. No action was necessary.

(5) Legislation Committee.

(a) Noncontroversial Legislation – Bylaw 17.5 -- Playing and Practice Seasons – Beach Volleyball -- Nonchampionship Segment Competition and Travel.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 17.5 (beach volleyball -- nonchampionship segment competition and travel) to permit up to four multiple-day pairs tournaments during the nonchampionship segment; further, to eliminate the prohibition on missed class time and the restriction to ground transportation associated with competition in the nonchampionship segment.

Presidents Council. No action was necessary.

(b) Noncontroversial Legislation -- Bylaw 17.27.5 -- Playing and Practice Seasons -- Water Polo -- Number of Dates of Competition -- Four Dates of Competition During Nonchampionship Segment.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 17.27.5 (water polo -- number of dates of competition) to permit a maximum of four dates of competition during the nonchampionship segment in water polo.

Presidents Council. No action was necessary.

(c) Name, Image and Likeness -- Guidance Regarding Third-Party Involvement.

Management Council. The Management Council adopted a policy [Attachment C] to provide guidance on third-party involvement with name, image and likeness activities.

Presidents Council. No action was necessary.

(6) Membership Committee.

(a) April 19 Videoconference.

i. 2023 Convention Legislation – Constitution Article 2(D)(1)(c) – Division II Financial Data Requirement – Penalty for Failure to Submit Financial Data.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2023 Convention to establish a penalty for an active member institution that fails to submit its financial data via the NCAA Member Financial Reporting System (MFRS) by the applicable deadline, effective August 1, 2025, for implementation of the penalty to submit, as specified.

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. The committee recommended that Division II institutions shall submit athletics financial data via the MFRS as the means to satisfy the division's financial data submission requirement annually as set forth in the new constitution as currently 95 percent of the Division II membership utilizes the MFRS. The committee believes 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 enhancement funds in the following academic year. However, 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.

Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2023 Convention.

ii. Constitution Article 2(D)(1)(c) - Division II Financial Reporting Requirement.

Management Council. The Management Council approved that Division II institutions shall submit athletics finance data via the MFRS as the means to satisfy the division's financial data submission requirement annually as set forth in the new NCAA Constitution.

Presidents Council. No action was necessary.

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

• Review of Annual Reports from Institutions in the Membership Process.

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

- i. Moved the following institutions to active member status, effective September 1, 2022:
 - a. College of Staten Island; and
 - b. Frostburg State University.
- ii. Moved the following institution to provisional year three, effective September 1, 2022:
 - D'Youville University.

- iii. Move the following institutions to provisional year two, effective September 1, 2022:
 - a. Allen University;
 - b. Edward Waters University; and
 - c. Emory & Henry College.
- iv. Approved the applications of the following institutions to enter provisional year one, effective September 1, 2022:
 - a. Thomas More University;
 - b. University of South Carolina Beaufort; and
 - c. Westmont College.

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

(7) Nominating Committee

(a) May 11 Videoconference.

- **Committee Appointments.**

Management Council. The Management Council recommended that the Presidents Council approve the appointment noted in item “i” below, effective September 1, 2022:

- i. **Division II Academic Requirements Committee (one September 2022 vacancy).** Ryan Quann, registrar, Goldey-Beacom College, Central Atlantic Collegiate Conference.
- ii. **Division II Nominating Committee (one immediate vacancy replacing George Bright).** Roberta Page, director of athletics, Slippery Rock University of Pennsylvania, Pennsylvania State Athletic Conference.

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

[Note: The immediate appointment noted above in item “ii” was approved June 3 by the Administrative Committee. It is included in the document for ease of reference.]

(b) May 26 Videoconference.

- **Committee Appointment.**

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

- **NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (one immediate vacancy replacing Tim McMurray). Richard Hendricks**, director of athletics, Shorter University, Gulf South Conference.

Presidents Council. No action was necessary.

[Note: The appointment noted above was approved June 3 by the Administrative Committee. It is included in the document for ease of reference.]

(8) Planning and Finance Committee.

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

Management Council. The Management Council reviewed the budget-to-actual report for the period ending May 31, 2022.

Presidents Council. The Presidents Council reviewed the budget-to-actual report for the period ending May 31, 2022.

(b) April 21 Videoconference.

i. Division II Budget Guidelines and Principles.

Management Council. The Management Council endorsed the Division II Budget Guidelines and Principles.

Presidents Council. No action was necessary as the Presidents Council approved the Budget Guidelines and Principles during its April 2022 meeting.

ii. Division II Budget Requests for Fiscal Year 2022-23.

Management Council. The Management Council endorsed the budget requests for the 2022-23 fiscal year, as noted below. The rationale for each request is listed alongside the amount requested.

Request	Amount	Rationale
Enhancement Fund	\$187,782	Per the revised long-range budget, based on the impact of COVID-19, the Presidents Council approved a 2% increase to the Enhancement Fund for FY23. Given the dollars available, this recommendation would be a 2.5% percent increase and would be consistent with the planned increases prior to COVID-19. The difference between the 2% and 2.5% increase is roughly \$37,500.
Championships Travel	\$649,326	Each year, NCAA accounting provides an estimate on expected travel inflation for Division II championships travel. Based on analysis by accounting and dollars available, this recommendation is a 5% increase to DII championships travel. Additionally, the division

Request	Amount	Rationale
		allocated \$1,250,000 from the FY21 surplus for potential increased travel costs in 2021-22 DII championships. We recommend rolling over any unused dollars of the \$1,250,000 to FY23. With the new allocation of \$649,236 and the remainder of the \$1,250,000, DII should have enough funds for FY23 championships travel. The accounting staff will do another assessment in preparation for the FY24 budget requests.
DII Championships Festival	\$50,000	Per the DII long-range budget, an increase of \$50,000 was planned. These dollars will cover the increased costs associated with the special events at the festival (e.g., opening ceremonies, closing ceremonies, student-athlete lounges).
Women's Lacrosse Officials	\$8,000	Previously approved by the Planning and Finance Committee in December 2021 and Presidents Council in January 2022. To make equal with DII men's lacrosse officials' payments.

Request	Amount	Rationale
Softball Instant Replay	\$9,000	To make equal with DII baseball.
Softball Championship Format	\$15,000	To expand the softball championship from 5 days to 6 days, if approved by the Presidents Council.
New AD Orientation	\$35,000	With COVID-19, this program switched to virtual from in person as a cost-savings measure. Dollars are available to return to an in-person event.
Coaches Connection	\$34,000	With COVID-19, travel dollars were reduced from the program as a cost-savings measure. Dollars are available to provide travel costs for the connectors to attend the DII national championship for their sport and/or the coaches association's annual meeting.
Affiliate Grants	\$175,000	With COVID-19, the planned increase of \$25,000 for each affiliate grant was paused as a cost-savings measure. This provides each affiliate organization with the planned increase from \$50,000 to \$75,000. The affiliate organizations include:

Request	Amount	Rationale
		• Athletics Directors Association • Conference Commissioners Association • Co-SIDA (sports information directors) • FARA for the FAR Institute • MOAA (Minority Opportunities Athletics Association) • NAAC (National Association of Athletics Compliance) • Women Leaders in College Sports
Drug Testing Contract	\$4,979	Per the long-range budget – 2% inflationary increase to pay for Division II's portion of the Drug Free Sport contract.
Associate Director to Director Reclassification in DII Governance	\$25,000	To reclassify Ryan Jones from an Associate Director to Director. Funds allocated include increased wages, retirement, taxes and staff insurance.
New Associate Director Position in DII Governance	\$116,000	To establish a new associate director position in DII Governance. Includes wages, retirement, taxes and staff insurance.

Request	Amount	Rationale
TOTAL	\$1,309,087	

Presidents Council. No action was necessary as the Presidents Council approved the 2022-23 fiscal year budget requests during its April 2022 meeting. The Presidents Council received a preview of the August 11 Planning and Finance Committee meeting.

(9) Student-Athlete Advisory Committee.

- **April 7 In-Person Meeting, May 2 Videoconference and Verbal Update from July 14 Videoconference.**

Management Council. The Management Council reviewed the committee's April 7 in-person meeting and May 2 videoconference reports. The Management Council also received an update from the July 14 videoconference.

Presidents Council. No action was necessary

(10) Committee on Student-Athlete Reinstatement.

Management Council. The Management Council reviewed the committee's May 17-18 in-person meeting report.

Presidents Council. No action was necessary.

b. Division II Subcommittee and Project Team.

(1) Convention Planning Project Team.

- **2023 Convention Division II Schedule and Educational Programming.**

Management Council. The Management Council approved the Division II schedule and educational programming for the 2023 Convention.

Presidents Council. The Presidents Council approved the Division II schedule and educational programming for the 2023 Convention.

(2) Identity Subcommittee.

Management Council. The Management Council received an update on the discussions by the Identity Subcommittee, including the modules in development for Make Game Day Yours, a new nomination process for the Award of Excellence and social media analytics.

Presidents Council. No action was necessary.

c. Association-Wide Committees.

(1) Committee on Sportsmanship and Ethical Conduct.

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

Presidents Council. No action was necessary.

(2) Committee on Women's Athletics.

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

Presidents Council. No action was necessary.

(3) Minority Opportunities and Interests Committee.

Management Council. The Management Council reviewed the committee's April 20 videoconference report.

Presidents Council. No action was necessary.

(4) Joint Committee on Women's Athletics and Minority Opportunities and Interests Committee.

Management Council. The Management Council reviewed the committees' April 25 joint videoconference report.

Presidents Council. No action was necessary.

(5) Playing Rule Oversight Panel.

Management Council. The Management Council reviewed the panel's April 20, June 9 and June 21 videoconference reports.

Presidents Council. No action was necessary.

(6) Postgraduate Scholarship Committee.

Management Council. The Management Council reviewed the committee's May 12-13 in-person meeting report.

Presidents Council. No action was necessary.

(7) Walter Byers Scholarship Committee.

Management Council. The Management Council reviewed the committee's April 23 meeting report.

Presidents Council. No action was necessary.

6. DISCUSSION WITH PRESIDENTIAL SEARCH FIRM.

Management Council. The Management Council participated in a session Tuesday morning with TurnkeyZRG regarding the search for the new NCAA president. No formal action was taken.

Presidents Council. The Presidents Council participated in a session with TurnkeyZRG regarding the search for the new NCAA president. No formal action was taken.

7. MANAGEMENT COUNCIL ISSUES.

a. Election to Fill Vacancy from Southern Intercollegiate Athletic Conference.

Management Council. The Management Council elected Curtis Campbell, director of athletics, Morehouse College, as the Southern Intercollegiate Athletic Conference representative. Mr. Campbell replaces J. Lin Dawson, who took a position at a different institution. He will begin his term immediately for a four-year period of time, ending January 2027.

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

b. Management Council Policies and Procedures.

Management Council. The Management Council approved the updated Management Council Policies and Procedures document.

Presidents Council. No action was necessary.

c. Management Council Committee and Project Team Assignments.

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

Presidents Council. No action was necessary.

d. Management Council Vice Chair Election.

Management Council. The Management Council elected Harry Stinson III, director of athletics, Lincoln University (Pennsylvania), as the new vice chair of the Council, effective September 1, 2022, and running through the adjournment of the Division II Business Session at the 2024 Convention.

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

e. Management Council Chair Notice.

Management Council. The Management Council was informed that Jim Johnson's position as chair of the Management Council would expire at the conclusion of the 2023 Convention. Individuals interested in seeking the position should voice that interest to the chair or the managing director of Division II.

Presidents Council. No action was necessary.

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

Management Council. The Management Council discussed the feedback received on the Summit that was held the previous Friday.

Presidents Council. No action was necessary.

8. *PRESIDENTS COUNCIL ISSUES.*

a. Presidents Council Vice Chair Re-Election. The Presidents Council re-elected Gayle Hutchinson, president, California State University, Chico, to serve as vice chair of the Council, from September 1, 2022, through the adjournment of the Division II Business Session at the 2023 Convention.

b. Presidents Council Policies and Procedures. The Presidents Council approved the updated Presidents Council Policies and Procedures document.

c. Current and Future Presidents Council Vacancies. The Presidents Council approved holding to fill any vacancies until the membership votes on the governance structure organization proposal at the 2023 Convention. If the proposal is adopted, the Council will continue to hold filling any vacancies. If defeated, the

Council will seek nominees for open vacancies and the Presidents Council will consider the nominees at its April 2023 meeting.

- d. **Chair Election in October.** The Presidents Council was advised that a chair would be elected at the October meeting to serve from January 2023 to January 2024. President Council members who wish to serve should contact the vice president of Division II.

9. ***NATIONAL OFFICE UPDATES.***

a. **Executive and Legal.**

Management Council. The Management Council received an update from the NCAA president, as well as the NCAA senior vice president and general counsel 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 senior vice president and general counsel, which included congressional interest in college sports and issues Congress is discussing about college sports; the landscape of college athletics and membership discussions in Division I; and concussion litigation.

b. **Sports 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 membership responsibilities and strategic priorities for student-athlete health and safety (standards of care); update on cannabinoid discussions; transgender student-athlete participation; concussion updates/CARE consortium; mental health initiatives.; and Injury Surveillance Program participation.

Presidents Council. The Presidents Council received an update from Sport Science Institute staff regarding membership responsibilities and strategic priorities for student-athlete health and safety (standards of care); update on cannabinoid discussions; transgender student-athlete participation; concussion updates/CARE consortium; mental health initiatives.; and Injury Surveillance Program participation.

c. **Health and Safety Survey.**

Management Council. The Management Council was provided an overview of the 2021-22 NCAA Division II Health and Safety Survey.

Presidents Council. No action was necessary.

d. Legal Update Regarding NCAA Rules Review.

Management Council. The Management Council was provided a legal update regarding NCAA rules review.

Presidents Council. The Presidents Council was provided a legal update regarding NCAA rules review.

e. Division II APPLE Training Institute.

Management Council. The Management Council was provided an update regarding the final report from the 2021 Division II APPLE Training Institute.

Presidents Council. No action was necessary.

f. Division II ADA Mentor Program.

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

Presidents Council. No action was necessary.

g. Division II Community Engagement.

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

Presidents Council. No action was necessary.

h. Division II Coaches Connection Program.

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

Presidents Council. No action was necessary.

10. AFFILIATED ASSOCIATION UPDATES.

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

a. Division II Athletics Director Association.

b. Division II Conference Commissioners Association.

- c. **CoSIDA.**
- 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.

11. OTHER BUSINESS.

Management Council. No action was necessary.

Presidents Council. No action was necessary.

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

Management Council. The Management Council was provided with a list of topics/issues to report to its member institutions. These topics included: 2023 Convention information; legislation for the 2023 Convention; Championship Committee updates, including first sport committee ranking as "under consideration," the extension of the neutrality pilot, timeline for AQ declaration for men's and women's tennis, and replacement policy modification for sport committees; NIL guidance regarding third-party involvement; Division II University; Injury Surveillance Program numbers; noncontroversial legislation; awards and scholarship opportunities; and the Management Council meeting article.

Presidents Council. No action was necessary.

13. FUTURE MEETINGS.

Management Council. The Management Council reviewed the upcoming meetings for 2022 through January 2024.

Presidents Council. The Presidents Council reviewed the upcoming meetings for 2022 through January 2024.

14. ADJOURNMENT.

Management Council. The Management Council adjourned at 11:46 a.m. Eastern time April 12.

Presidents Council. The Presidents Council adjourned at 3:29 p.m. Eastern time August 3.

July 18-19, 2022, Division II Management Council and August 3, 2022, Division II Presidents Council	
Attendees:	
Management Council	Presidents Council
Brenda Cates, University of Mount Olive	Roslyn Artis, Benedict College
Shawn Chin-Farrell, California State University, San Bernardino	Michaela Boyd, Palm Beach Atlantic University
Teresa Clark, Cedarville University	Carlos Campo, Ashland University
Marcus Clarke, Central Intercollegiate Athletic Association	Davaris Cheeks, Concordia University, St. Paul
Mark Corino, Caldwell University	Michael Driscoll, Indiana University of Pennsylvania
Robert Dranoff, East Coast Conference	John Y. Gotanda, Hawaii Pacific University
Laura Clayton Eady, University of West Georgia	Donna Henry, University of Virginia's College at Wise
Courtney Lovely Evans, Palm Beach Atlantic University	Jim Johnson, Pittsburg State University
Marty Gilbert, Mars Hill University	Colleen Perry Keith, Goldey-Beacom College
David Hansburg, Colorado School of Mines	Richard Pappas, Davenport University
Theresa Hanson, Simon Fraser University	Steven Shirley, Minot State University
Amy Henkelman, Dominican University of California	Blake Thompson, Mississippi College
Jim Johnson, Pittsburg State University	Dwaun Warmack, Claflin University
Kristi Kiefer Fairmont State University (via videoconference)	Sandra Woodley, University of Texas Permian Basin
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	
Harry Stinson III, Lincoln University (Pennsylvania)	
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.	Gayle Hutchinson, California State University, Chico
	William Thierfelder, Belmont Abbey College
	Frank Wu, Queens College (New York)
Guests in Attendance	
Chad Chatlos, TurnkeyZRG	Dalton Beal, TurnkeyZRG
Rob Erikson, TurnkeyZRG	Debbie Ford, University of Wisconsin-Parkside
Debbie Ford, University of Wisconsin-Parkside	Jocelyn Gates, TurnkeyZRG
Jocelyn Gates, TurnkeyZRG	
Jill Willson, Double L Consulting	
NCAA Staff Members in Attendance:	
Scott Bearby, Mark Emmert, Haydyn Gibson (<i>July 18-19</i>), Terri Steeb Gronau, Brian Hainline (<i>August 3</i>), Maritza Jones, Ryan Jones, Karen Kirsch, Micaela Liddane (<i>July 18-19</i>), Jordan Lysiak, Corbin McGuire, Laura Wurtz McNab (<i>July 18-19</i>), John Parsons, Stephanie Quigg, Anne Rohlman, Olivia Sappington, Rachel Seewald (<i>July 18-19</i>), Jared Tidemann, Robert Turick (<i>July 18-19</i>), and Jill Waddell.	

HOW THE NCAA WORKS:
Division II

The division offers athletics scholarships and limits competitive and practice seasons to improve balance with student pursuits.

The 300 active member colleges and universities in Division II share a commitment to providing college athletes equal growth opportunities in academics, athletics, and campus and community involvement.

Division II schools generally spend less money on athletics than Division I schools and operate on a partial-scholarship model, in which more than 60% of the 123,000-plus Division II athletes receive some athletics-based financial aid. Full scholarships that cover all of a college athlete's expenses are uncommon in the division; often college athletes, like the rest of the student body, use a mix of academic scholarships, student loans and employment earnings to fund their education.

Division II prides itself on creating unique championship opportunities. It is the only division to host championship festivals, where multiple championships are held in the same city over several days. During these championships, teams participate in community engagement efforts, a key component of Division II. Division II's access ratio to championships is the best in the NCAA.

Each Division II championship sport has a committee made up of coaches and athletics administrators with knowledge of that sport. These committees rank and select teams and individuals for championships competition, plus recommend championship sites and dates.

START

New rules for Division II start here, with the schools and athletics conferences that make up the division. No matter the idea - perhaps a university president wants to limit the length of a competition season or an athletics compliance officer wants to change how the NCAA collects information from Division II campuses - it begins as a discussion topic in one or more Division II committees or councils.

Some legislation is proposed by the members themselves. In order to submit a proposal, 15 active Division II schools or two conferences must be sponsors. Those proposals go directly to the NCAA Convention for a vote, but the Division II committees also discuss and take a position on those ideas.

DIVISION II COMMITTEES

Legislation Committee

Interprets Division II-specific legislation and considers wording for the NCAA Division II Manual.

12 members:



Membership Committee

Reviews issues related to Division II membership, including status of incoming and continuing members.

12 members:



Strategic Planning and Finance Committee

Recommends budget priorities to the councils. Oversees strategic plan.

11 members:



Committee for Legislative Relief

Makes final decisions on waiver requests in which no other committee or conference has authority.

5 members:



Academic Requirements Committee

Reviews academic standards and makes recommendations about initial and ongoing eligibility.

11 members:



Committee on Infractions

Meets as needed to participate in hearings involving Division II schools accused of violating NCAA rules.

7 members:



Infractions Appeals Committee

Hears and acts on appeals of decisions by the Committee on Infractions.

5 members:



Championships Committee

Oversees the conduct and administration of the 25 Division II championships.

12 members:



Committee on Student-Athlete Reinstatement

Decides all matters related to reinstating a Division II college athlete's eligibility.

6 members:



Nominating Committee

Suggests individuals who can fill vacancies on various Division II committees.

11 members:



Committees debate the ideas and decide whether to sponsor them as pieces of legislation. Next stop: Management Council, which considers the committees' feedback.



EXECUTIVE BOARD

The top leadership group in Division II is composed of college presidents and chancellors, independent members and student-athletes and establishes and directs general policy.

- » Implements policies adopted by the NCAA Board of Governors.
- » Establishes a strategic plan/strategic priorities for Division II.
- » If necessary, sponsors legislative proposals from the governance structure to be considered by members at the NCAA Convention.
- » Adopts emergency legislation.
- » Approves the Division II budget.
- » Provides comments and input to the Board of Governors on matters that impact Division II and the Association.

13 members:
8 presidents/chancellors based on championships region; 1 at-large president/chancellor to enhance diversity; 2 independent members not salaried by an NCAA member institution, conference or affiliate member; 2 SAAC members

Ex-Officio/Non-Voting
DII Management Council chair



Student-Athlete Advisory Committee

Composed of college athletes who monitor and act on issues.
28 members, including:
1 from each DII conference; 1 representing independent schools; 2 from membership at large; and 2 members from the Management Council.



Administrative Committee

Takes action on issues that arise between meetings of top councils.

5 members:



The Management Council regularly reports to the Executive Board on its actions.



MANAGEMENT COUNCIL

By design, the Management Council is composed of individuals who have day-to-day knowledge of athletics operations.

- » Reviews and acts on recommendations from Division II and Association-wide committees.
- » Serves as the advisory group to the Division II Executive Board, handling the day-to-day affairs of the division.
- » Implements policies adopted by the NCAA Board of Governors and the Division II Executive Board.
- » Adopts noncontroversial legislation.
- » Sponsors legislative proposals from the governance structure to be considered by members at the NCAA Convention.

29 members:
1 from each of 23 voting conferences;
4 at-large positions to enhance diversity;
2 SAAC members

At least:

5 ADs 5 SWAs 5 FARs 2 conference administrators 2 SAAC members



KEY

- Legislative path
- Alternative legislative path
- Communication path
- Executive Board member
- Student-Athlete Advisory Committee member
- Representative from American Association of Collegiate Registrars and Admissions Officers
- Member school and conference athletics administrators, faculty athletics representatives and others who work daily in college sports
- Management Council member
- General public
- Division II president not on Executive Board

Besides the various required roles, the NCAA also works to ensure gender, racial and geographic diversity on its committees. Many of those diversity standards are mandated by legislation.

CONVENTION

The NCAA Convention, held each year in January, is the finish line for all sponsored proposals in Division II. Delegates from every school and conference gather during a Convention business session to place their votes on each proposal.



Proposal



Membership votes

Since the division was established in 1973, it has operated under a "one institution, one vote" model. But in 2016, for the first time, college athletes were added to the mix, with the national Student-Athlete Advisory Committee casting one vote.

In most cases, Division II legislation requires only a simple majority vote of members present. Sometimes - such as in 2015, when the NCAA added beach volleyball as a championship sport - legislation applies to the entire Association, and each division must reach its own majority vote to pass. In still other cases, Association-wide legislation touches on an issue so important that it requires a two-thirds majority vote of all three divisions voting in a joint session.



Legislation approved

Approved proposal takes effect on the date specified in the legislation, usually Aug. 1 of that year.

FINISH

LEGISLATIVE CALENDAR

- JULY 15** Have an idea? Legislative proposals submitted by members are due to the national office.
- SEPT. 1** Deadline for Executive Board to sponsor legislation to be voted on at the NCAA Convention.
- SEPT. 15** Any final revisions to membership-sponsored proposals are due.
- NOV. 1** Any amendments to original proposals and any resolutions are due.
- DEC. 10** An official Division II notice of legislation, which includes final versions of all the proposals, is delivered to high-ranking individuals at Division II schools, including every president and athletics director.

Guidance for Nominations Process for the Division II Executive Board Independent Members

An independent member of the Division II Executive Board shall have the varied external experiences, stature and knowledge necessary to evaluate the best interests of Division II and objectively contribute to the strategic direction of the division.

If the legislation to amend the composition of the Division II Presidents Council is approved by the membership at the 2023 Convention, the Administrative Committee will oversee the nominations process, including the call for nominations and vetting of nominees. Some initial tools have been drafted for the nominations process and recommend skills, background and experience of the nominees. Reference the flow chart for the draft nominations process.

Independent members on the Division II Executive Board will have demonstrated professional experiences in one or more relevant areas including, but not limited to, business, government, public service, medical/health services and corporate or nonprofit governance. The draft nominees profile chart will assist the Administrative Committee with identifying the skills, background and experience of the nominees that the Executive Board wants to see in candidates.

The Executive Board is committed to ensuring diversity and inclusion of its members. Therefore, the independent members should contribute to the overall diversity (e.g., race, gender, ethnicity, background, experience) of the Division II Executive Board.

Per the 2023 Convention proposal, the legislated definition of independent specifies “an independent member of the Division II Executive Board shall be an individual who is not salaried by an NCAA member institution, conference or affiliated member, and shall be verified as independent by the Executive Board.”

To assist the Executive Board and the Administrative Committee in determining independence, independent nominees will be required to disclose specific relationships ahead of their nomination. These include, but are not limited to, the following associations or employment held currently or within the past three years:

- An immediate family relation to a member of NCAA national office staff.
- An immediate family relation to a membership chancellor/president, commissioner or director of athletics.
- Member of the board of trustees/regents, etc., of a member institution.
- Parent/guardian of a current NCAA student-athlete.
- Employed by a professional sports organization.
- Employed by an athletics apparel organization.
- Employed by an NCAA corporate champion or partner.

- Employed by an NCAA media partner.
- Employed by a supplier to the NCAA national office of goods or services.
- Consultant or contractor to the NCAA national office.
- Booster who has donated a material contribution to a member institution's athletics department or conference.
- Ownership in establishments or casinos that conduct sports wagering.

Please note that none of the above automatically disqualifies a nominee, but it is important information for the Administrative Committee to consider as it recommends nominees to the full Executive Board for approval.

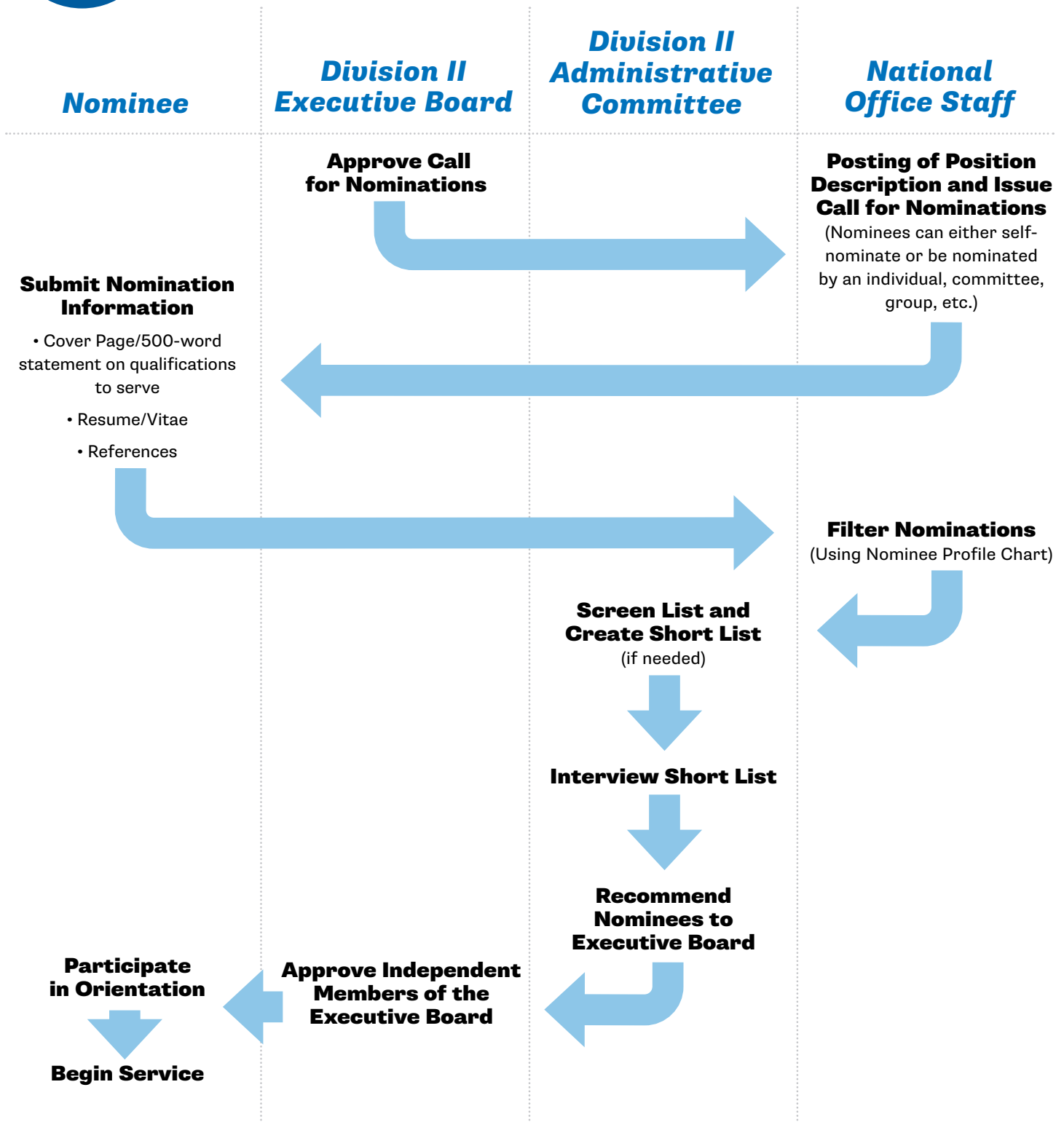
Independent members shall be required to adhere to all Executive Board policies and procedures and sign the NCAA Conflict of Interest Policy, including disclosing any potential conflicts of interest.

This represents an initial draft for the nominations process of independent members to the Division II Executive Board and will be refined if the legislation is adopted in January.



Nominations

PROCESS FOR DIVISION II EXECUTIVE BOARD-INDEPENDENT MEMBERS



DIVISION II

MAKE IT YOURS

**Independent Members of the Division II Executive Board
Nominee Profiles**

Skills/Background/Experience	Nominee 1	Nominee 2	Nominee 3	Nominee 4	Nominee 5	Nominee 6
Advocacy/communications						
Arts/theatre/music						
CEO or enterprise leadership						
Community relations						
Diversity and inclusion						
Entrepreneurial/innovation						
Financial/accounting/audit						
Former athletics administrator (e.g., college, professional, national governing body)						
Former student-athlete						
Fundraising/development						
Governance/board						
Government/public sector						
Higher education						
Human resources						
Legal/regulatory						
Marketing and sales						
Medical/health services						
Operational/service delivery						
Project management						
Risk and controls						
Strategic planning/research						
Technology/e-commerce						
Other						
Independent Guidance Factors (current or within the last three years)	Nominee 1	Nominee 2	Nominee 3	Nominee 4	Nominee 5	Nominee 6

An immediate family relation to a member or NCAA national office staff						
An immediate family relation to a membership president/chancellor, commissioner or director of athletics						
Booster who has donated a material contribution to a member school's athletics department or conference						
Consultant or contractor to the NCAA national office						
Employed by an athletics apparel organization						
Employed by a company that takes part in the NCAA Corporate Champions and Partners Program						
Employed by an NCAA media partner						
Employed by a professional sports organization						
Employed by a supplier to the NCAA national office of goods or services						
Member of the board of trustees/regents, etc., of a member institution						
Ownership in establishments or casinos that conduct sports wagering						
Parent/guardian of a current NCAA student-athlete						
Education	Nominee 1	Nominee 2	Nominee 3	Nominee 4	Nominee 5	Nominee 6
Bachelor's degree						
School						
Master's degree						
School						
Terminal degree (for example, M.D., Ph.D., J.D.)						
School						

Other information

Interim Name, Image and Likeness Policy

Guidance Regarding Third Party Involvement

Background.

Effective July 1, 2021, the National Collegiate Athletic Association adopted the Interim Name, Image and Likeness (NIL) Policy allowing NCAA student-athletes the opportunity to benefit from their NIL. The NCAA Division II Presidents Council and Management Council recognize that many student-athletes are benefiting positively from NIL opportunities consistent with the Interim NIL Policy. The councils believe over a year into the new NIL environment is an appropriate time to review the emerging NIL environment and whether NIL activities are impacting school choice and transfer, particularly relating to the involvement of individuals and entities that promote or support a specific institution.

The expectation of the membership and representatives of their athletics interests is that they are abiding by current NCAA rules regarding recruiting and pay-for-play. In order to reinforce key principles of fairness and integrity across the NCAA and maintain rules prohibiting improper recruiting inducements and pay-for-play, the councils offer the guidance below on how current NCAA legislation applies to the NIL environment, specifically to third parties involved in the recruiting process.

Third Parties Defined as Boosters.

As a starting point, it is important to understand how a representative of athletics interests (booster) is defined by NCAA legislation. A **booster** is, in part, defined as an individual, independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program or to assist or to have assisted in providing benefits to enrolled student-athletes or their family members.

It appears that the overall mission of many, if not all, of the above-referenced third-party entities is to promote and support a specific NCAA institution by making available NIL opportunities to prospective student-athletes (PSA) and student-athletes (SAs) of a particular institution, thereby triggering the definition of a booster.

With this in mind, NCAA rules related to the involvement of boosters in recruiting activities remain relevant to the Interim NIL Policy. Specifically, NCAA rules preclude boosters from engaging in recruiting activities, including recruiting conversations, on behalf of a school. Further, NCAA recruiting rules preclude boosters from providing benefits to PSAs and preclude institutional staff members from being involved, directly or indirectly, with the provision of benefits to a PSA. Finally, it is important to note that existing NCAA prohibitions related to pay-for-play have not changed as a result of the Interim NIL Policy.

Guidance Related to Prospective Student-Athletes.

- Recruiting conversations between an individual or entity that has triggered booster status ("booster/NIL entity") and a PSA are **not** permissible.

- Booster/NIL entity may **not** communicate (e.g., call, text, direct message) with a PSA, a PSA's family, or others affiliated with the PSA for a recruiting purpose or to encourage the PSA's enrollment at a particular institution.
- An NIL agreement between a PSA and a booster/NIL entity may **not** be guaranteed or promised contingent on initial or continuing enrollment at a particular institution.
- Institutional coaches and staff may **not** organize, facilitate or arrange a meeting between a booster/NIL entity and a PSA (e.g., provide the individual or entity with a recruiting list or watch list, including the NCAA Transfer Portal).
- Institutional coaches and staff may **not** communicate directly or indirectly with a PSA on behalf of a booster/NIL entity.
- *NIL agreements **must** be based on an independent, case-by-case analysis of the value that each athlete brings to an NIL agreement as opposed to providing 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).*

Guidance Related to Current Student-Athletes.

- An NIL agreement between a SA and a booster/NIL entity may **not** be guaranteed or promised contingent on initial or continuing enrollment at a particular institution.
- *NIL agreements **must** be based on an independent, case-by-case analysis of the value that each student-athlete brings to an NIL agreement as opposed to providing compensation or incentives for enrollment decisions (e.g., signing a letter of intent or transferring), athletics performance (e.g., points scored, minutes played, winning a contest), achievement (e.g., starting position, award winner) or membership on a team.*

A nonexhaustive list of relevant NCAA Division II legislation is provided.

Applicable NCAA Division II Legislation.

- Athletics department staff members are prohibited from representing a prospective student-athlete (PSA) or enrolled student-athlete (SA) in marketing their athletics ability or reputation. (NCAA Bylaw 11.1.4 – Representing Individuals in Marketing Athletics Ability/Reputation)
- Before a PSA signs a National Letter of Intent or written offer of admission and/or financial aid or before the institution receives a financial deposit, an institution may comment

publicly only to the extent of confirming its recruitment of the PSA. (Bylaw 13.10 – Publicity)

- Boosters may not engage in recruiting activities, including recruiting conversations, on behalf of a school. (Bylaw 13.1.2.1 – Permissible Recruiters)
- Recruiting is defined as “any solicitation of a PSA or a PSA’s family members by an institutional staff member or by a booster for the purpose of securing the PSA’s enrollment and ultimate participation in the institution’s intercollegiate athletics program.” (Bylaw 13.02.10 – Definition of Recruiting)
- Boosters may not be involved in making arrangements for or giving or offering to give any financial aid or other benefits to a PSA. Receipt of a benefit by a PSA is not a violation if the same benefit is generally available to the institution’s prospective students. (Bylaw 13.2.1 – Offers and Inducements)
- Athletics participation for pay and payment based on performance or given on an incentive basis are prohibited. (Bylaws 12.1.4 – Impermissible -- Following Initial Full-Time Collegiate Enrollment)
- Institutions are held responsible for any impermissible recruiting activities engaged in by a representative of athletics interest. (Bylaw 13.01.2 – Institutional Responsibility)

*Disclaimer: This guidance is subject to state NIL laws or executive actions with the force of law in effect.



REPORT OF THE
NCAA BOARD OF GOVERNORS
JULY 18, 2022, VIDEOCONFERENCE

ACTION ITEMS:

None.

INFORMATIONAL ITEMS:

1. **Welcome and announcements.** NCAA Board of Governors chair President John DeGioia convened the videoconference at approximately 11 a.m. Eastern time and welcomed the Governors. President DeGioia noted that this would be the last meeting of the current Board of Governors as the new Board of Governors will begin its work on August 1. President DeGioia thanked all the board members for their service on the board and their commitment and engagement in the challenging issues facing the Association. He gave special thanks to Robert Gates for his leadership in serving as chair of the NCAA Constitution Committee, which developed the legislation for a new Constitution that was adopted by the membership in January.
2. **Consent agenda.** By way of a consent agenda, the Board of Governors approved the report of its April 26, 2022, videoconference and the appointment of Fayneese Miller, president of Hamline University, to the Board of Governors Committee to Promote Cultural Diversity and Equity.
3. **NCAA president's report.** President Mark Emmert thanked the board members for their service. He gave a special thanks to President DeGioia for his service on the Board of Governors, particularly his service as chair for the past two years. Reflecting on the work of the current Board of Governors, President Emmert noted the importance of the Association proactively engaging with Members of Congress about the Association's legislative priorities and key areas of ongoing work. He also informed the board of his priorities regarding NCAA national office operations during the transition to new leadership.
4. **NCAA Board of Governors Finance and Audit Committee report.** President Linda Livingstone, chair of the Finance and Audit Committee, presented the committee's report.
 - **Executive summary of NCAA president's recommendations for FY 2022-23 budget.**
 - (1) Evaluation criteria memorandum from NCAA President Mark Emmert. It was noted that President Emmert's budget recommendations for 2022-23 focused on increasing championship revenue and remediating gender equity deficiencies in Division I championships. In addition, increases for Division I championships, distributions and programs were allocated along with guarantees for Divisions II and III.

(2) FY 2022-23 budget requests and recommendations. It was reported that the proposed FY 2022-23 total budget is \$1.1 billion, which includes requests and recommendations in the amount of \$15.6 million. The following areas of the budget were highlights, noting that full details were included in the written materials provided:

- (a) A \$12.5 million increase to the Division I revenue distribution.
- (b) Increases to the Division II and Division III allocations of \$1.4 million
- (c) Division I championships and programs expense budget increase of \$14.9 million.
- (d) Increase of \$8.7 million in total compensation, which includes market benchmarking changes.
- (e) Increase of \$2 million in third party legal fees.

The committee approved the budget as proposed and recommended approval by the full board.

It was VOTED

“That the Board of Governors approve the budget for the 2022-23 fiscal year as recommended.” **Approved** (Unanimous voice vote)

5. Annual report of membership compliance with the NCAA Campus Sexual Violence Policy.

- a. **Annual report of membership compliance.** It was reported that for the 2021-22 academic year, 1,094 schools completed and submitted the attestation form on time, seven schools submitted the form late and one school did not complete the attestation form. The board also was informed of the series of communications to the NCAA membership to inform them about the attestation process, including when it opened, deadline for form submission and reminders throughout the attestation period for those who had not submitted the completed form.
- b. **Request for relief from penalty for not meeting attestation deadline.** The board was informed that the seven schools that failed to submit the attestation form by the May 15 deadline completed all requirements of the Campus Sexual Violence Policy, with the exception of the administrative requirement of submitting the attestation form by the specified deadline. Three of the seven schools submitted a request for relief of the penalty for failing to submit the attestation form by the specified deadline.

The board noted that the process of validating campus policies against sexual violence is an important one and that just under 1,100 schools were able to successfully meet the deadline and complete the required attestation. The board also indicated that it is critical that all member schools respond in a timely manner to verify their compliance and ensure they are meeting the standard of protecting student-athletes. The board decided not to penalize the seven schools that failed to meet the deadline in submitting their attestation this year but did not guarantee that similar leniency would be given in future years.

- c. **Suggestions for improving the annual attestation process.** The board was informed that staff is exploring technology enhancements that will make the attestation process less of a burden for the membership. Staff also recommended and the board supported moving the timing of the annual required attestation from spring at the end of an academic year to fall of the following academic year to provide schools more time to complete the policy requirements. Staff also noted plans to consolidate all required attestations to each fall to provide more clarity to the membership.
6. **NCAA Board of Governors' Executive Committee report.** President DeGioia reported on matters discussed during the Executive Committee's meeting earlier in the day, as well as the Executive Committee's action last week to establish a Subcommittee on Congressional Engagement and Action (see Attachment).
7. **Update on search process for new NCAA president.** President DeGioia updated the board on activities that have occurred related to the search for the new NCAA president, including the release of a Request for Proposal (RFP) for a search firm, and the Executive Committee's interviews and selection of a search firm. It was noted that the search firm will begin a discovery phase immediately, which will include internal and external information gathering, as well as sessions with various thought leaders. President DeGioia noted that the new Board of Governors has the responsibility of hiring the new NCAA president and also will establish the search committee.
8. **Executive session.** The board convened in executive session to discuss various administrative matters, including items considered during the Board of Governors Executive Committee meeting earlier in the day.
9. **Adjournment.** The videoconference was adjourned at approximately 11:53 a.m. Eastern time.

Board of Governors chair: John DeGioia, Georgetown University
Staff liaisons: Jacqueline Campbell, Policy and Governance
Cari Van Senus, Policy and Governance

NCAA Board of Governors July 18, 2022, Meeting	
Attendees:	
Rebecca Blank, University of Wisconsin-Madison.	
Ken Chenault, General Catalyst.	
Kelly Dampousse, Arkansas State University.	
John DeGioia, Georgetown University.	
Mark Emmert, NCAA.	
Robert Gates, Former U.S. Secretary of Defense.	
James Harris, University of San Diego.	
Gayle Hutchinson, California State University, Chico.	
Linda Livingstone, Baylor University.	
Shane Lyons, West Virginia University.	
Geoffrey Mearns, Ball State University.	
Jere Morehead, University of Georgia.	
Michelle Morgan, John Carroll University.	
Philip Oldham, Tennessee Technological University.	
Michael Schill, University of Oregon.	
James Schmidt, University of Wisconsin-Eau Claire.	
Steven Shirley, Minot State University.	
David Wilson, Morgan State University.	
Absentees:	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Jim Johnson, Pittsburg State University.	
Nadja West, MD, retired United States Army lieutenant general and 44 th U.S. Army Surgeon General.	
Randy Woodson, North Carolina State University.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Jacqueline Campbell and Cari Van Senus.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Kelly Dodds, Dan Gavitt, Terri Gronau, Brian Hainline, Charlie Henry, Gina Lehe, Kevin Lennon, Felicia Martin, Louise McCleary, Kathleen McNeely, Stan Wilcox and Bob Williams.	



NCAA BOARD OF GOVERNORS
SUBCOMMITTEE ON CONGRESSIONAL ENGAGEMENT AND ACTION

1. **Charge.** College sports has undergone historic changes over the last several years. The Association recognizes that it must adapt to an evolving environment and is currently taking steps to address many of these changes. Our goal is to provide and improve scholastic, career and personal development opportunities for college athletes – including those students who compete in front of large and growing audiences – while maintaining the excellence of competition Americans love. However, some of the recent changes and activities related to college sports directly threaten the pathways for broad-based participation that intercollegiate athletics has historically provided, including pathways for women and for the vast majority of students participating in non-revenue-generating and Olympic sports. Due to state legislative activity that has resulted in confusion and an uneven and nontransparent playing field for student-athletes, and due to legal rulings that defer action related to college sports rules to Congress, the Association must proactively engage and work together with federal policymakers to find legislative solutions that best support today's student-athletes and protect for tomorrow's student-athletes the far-reaching opportunities and benefits that college sports provides.

The Board of Governors Subcommittee on Congressional Engagement was formed to provide guidance to the Board on what actions and steps the Association should take to seek congressional partnership in addressing these issues. In conducting its work, the Subcommittee should reinforce the primacy of academic success, prioritize a positive student experience and uphold NCAA values including diversity, inclusion and gender equity. Specifically, the subcommittee's outputs should include the following:

- a. Identify the Association's specific congressional legislative needs and priorities that best support student-athletes participating in all divisions and at its 1,100 member schools.
 - b. Develop, and serve as the coordinating body to implement, a strategic plan designed to effectively communicate and engage Members of Congress about of the Association's legislative priorities and key areas of ongoing work. This plan must include tactics that engage and incorporate member schools in the implementation of this plan, as well as tactics and timelines that address a variety of scenarios.
2. **Composition.** The Subcommittee on Congressional Engagement shall consist of 8 members, including four Division I, one Division II and one Division III members. At least one member should represent an Historically Black College or University (HBCU) or Minority Serving Institution (MSI). The recommended distribution of members is as follows:
 - a. **Division I members (4).**
 - (3) Presidents.
 - (1) Conference commissioner from an autonomy conference.
 - b. **Division II members (1)**
 - (1) President.

c. Division III members (1)

(1) President.

d. Current or Former Student-Athlete (1)

e. Independent Member (1)

3. Duties and Responsibilities of the Committee.

- Establish milestones to guide progress toward the completion of its required outputs by the established deadline.
- Provide additional recommendations as necessary to support subcommittee outcomes, including proposals and input to support congressional negotiations.
- Maintain strict confidentiality and discretion in the course of the committee work while providing periodic updates to the Board of Governors and to those designated by the board.
- Recognize and adhere to deliberations and recommendations that represent the best interests of college athletics and not based on self-interest, employment interest, or the interests of affiliations.

4. Timeline.

The Subcommittee for Congressional Engagement will begin its work immediately upon appointment and deliver an interim report or briefing to the Board of Governors no later than October 25, 2022. The subcommittee will deliver a second report to the Board of Governors by January 11, 2023.

5. Staff Liaisons.

Scott Bearby, senior vice president of legal affairs and general counsel.

Dawn Buth, director of government relations.

Mark Emmert, president.

Cari Van Senus, senior vice president of governance, policy and human resources.

Communications representative



REPORT OF THE
NCAA BOARD OF GOVERNORS COMMITTEE TO PROMOTE
CULTURAL DIVERSITY AND EQUITY
AUGUST 18, 2022, VIDEOCONFERENCE

KEY ITEMS.

- The committee elected President Katherine Conway-Turner, Buffalo State, State University of New York, as the new committee chair effective immediately.

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome, announcements and review of charter and roster.** The primary liaison of the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity convened the meeting at 2 p.m. Eastern time and welcomed committee members and staff to the videoconference, including new members Fayneese Miller and Kaiya Johnson. The committee reviewed its revised charter and roster.
2. **Review and approval of NCAA Board of Governors Committee to Promote Cultural Diversity and Equity May 4, 2022, videoconference report.** The committee approved its May 4, 2022, videoconference report.
3. **Selection of chair.** The committee elected President Katherine Conway-Turner, Buffalo State, State University of New York, as the new committee chair effective immediately. The committee also discussed the possibility of electing a vice chair in the future and agreed to continue exploring the idea at its next meeting.
4. **NCAA Transgender Student-Athlete Participation Policy.** NCAA staff from the Sport Science Institute and office of inclusion provided updates to the committee related to Phases II and III of the NCAA Transgender Student-Athlete Participation Policy. Staff shared that the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS) continues to remain apprised of developments related to transgender athlete participation and considers student-athlete impact as it relates to policy implementation. Future efforts around the policy will center around providing education to the membership and identifying opportunities to provide support for trans, non-binary and gender expansive student-athletes. Following the meeting, staff will solicit an additional volunteer to join committee member Crystal Gibson in representing the committee in future engagements with CSMAS related to the policy.
5. **NCAA external gender equity review recommendations.** Staff provided an 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. The committee posed several questions around when the next

assessment will take place, plans to track gender equity progress related to other championships, specifically within Division II and III, and the decision against hosting the Division I Men's and Women's Final Four in the same city. Staff shared that an additional assessment would take place in the near future that focuses on Phase II recommendations from the external gender equity review which encompass all other championships. The decision not to host the Division I Men's and Women's Final Four in the same city was thoroughly explored by the Division I Men's and Women's Basketball Oversight Committees before they reached a consensus. 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 are in the process of meeting with championship managers of NCAA championship sports to gather insights that will inform areas for improvement as it relates to gender equity.

6. Updates from NCAA Student-Athlete Advisory Committees.

- a. Division I.** The NCAA Division I Student-Athlete Advisory Committee representative shared an overview of the committee's recent meeting which focused on topics such as the transfer portal, student-athlete eligibility, civic engagement, enhancing the SAAC structure at the campus level and enhancing the student-athlete experience. The committee has also engaged in the discovery phase as part of the search process for the NCAA President.
 - b. Division II.** The NCAA Division II Student-Athlete Advisory Committee representative shared an overview of the committee's engagement in the discovery phase as part of the search process for the NCAA President, as well as an update on the Division II Dr. Dave Pariser Faculty Mentor Award, and efforts around civic engagement, the Life After the Game podcast series, and partnering with organizations such as Team Impact and Make A Wish. In addition, the committee recently selected two representatives to serve on the Division II President's Council and is currently finalizing its goals for the 2022-23 academic year.
 - c. Division III.** The NCAA Division III Student-Athlete Advisory Committee representative shared updates related to the fifth anniversary of the committee's engagement with Special Olympics, the decision to discontinue the annual social media campaign and efforts to improve communications from the committee to the Division III membership.
- 7. 2022-24 committee goals.** The committee continued discussion of its draft goals document, which was revised based on feedback from and following the May 4 meeting. Committee members emphasized the importance of brevity and intentionality around the goals and ensuring that the goals align with areas and efforts that fall within the scope and responsibility of the committee. Members offered suggestions to enhance the language around the goals such as incorporating benchmarks to track progress and elaborating wording to reflect multiple dimensions of identity. Staff will make revisions based on feedback and insights offered and circulate the goals document with the committee ahead of the winter meeting.

8. Informational Items.

- a. **Updates on Division I Transformation Committee, Board of Governors structure and presidential search process.** Staff shared an overview of the new Board of Governors structure which includes nine voting members and seven nonvoting ex-officio members. In the coming weeks, the executive committee will be established. Staff also provided an update on the discovery phase of the search process for the NCAA President, noting that a position description will be made public soon. In addition, an announcement about the new NCAA Chief Financial Officer is expected within the next week. Staff also conveyed key messages from recent Division I Transformation Committee meetings to members.
- b. **Update on USOPC/NCAA Para-College Inclusion Project.** Staff shared a brief update on the NCAA's partnership with the United States Olympic and Paralympic Committee on the Para-College Inclusion Project. The Para-College Inclusion Project's objective is to engage schools offering para-sports to collectively increase Paralympic sport understanding, awareness and connection across the college landscape. The work has evolved into tactical teams for communications, wheelchair basketball, wheelchair tennis and para track and field.
- c. **NCAA inclusion, education and community engagement updates.** Staff will provide a written update of NCAA leadership development and office of inclusion key initiatives and programs.

9. Future meeting schedule. Staff will communicate with committee members to schedule the winter and spring meetings.

10. Adjournment. The videoconference adjourned at 4:30 p.m. Eastern 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 August 18, 2022, Videoconference	
Attendees:	
Marco Barker, University of Nebraska-Lincoln.	
Kristy Bayer, Rockhurst University.	
Michael Benson, Coastal Carolina University.	
Zachary Brown, University of North Georgia.	
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.
Carlos Vargas-Aburto, Southern Missouri State University.
Talia Williams, Carleton College.
Absentees:
Joan Prince, University of Wisconsin, Milwaukee.
Guests in Attendance:
None.
NCAA Staff Liaisons in Attendance:
Felicia Martin, DeeDee Merritt and Amy Wilson.
Other NCAA Staff Members in Attendance:
Kina Davis, Abigail Edwards, Clint Hangebrauck, Jean Merrill, Anne Rohlman, Solomon Siskind and Cari Van Senus.

Interim Actions of the NCAA Division II Administrative Committee

1. On August 31, the Division II Administrative Committee approved the following items:
 - a. **Presidents Council-Sponsored Legislation for the 2023 NCAA Convention in Legislative Form.** The Administrative Committee reviewed the proposals that were approved in concept by the Management Council and Presidents Council during their July and August meetings. The Committee reviewed and approved an update to Proposal No. PC-3 (division membership, amateurism, financial aid and playing and practice seasons -- emerging sports for women – stunt), which increased from 14 to 16 the number of dates of competition an institution can schedule in stunt. The committee approved the proposals in legislative form.
 - b. **Noncontroversial Legislation.** The committee adopted in legislative form two noncontroversial proposals that had previously been approved in concept (Proposal Nos. NC-2023-34 and NC-2023-35), as presented. The proposals are listed below.
 - (1) **Playing and Practice Seasons -- Women's Beach Volleyball -- Nonchampionship Segment Competition**, which permits, in women's beach volleyball, up to four multiple-day pairs tournaments during the nonchampionship segment.
 - (2) **Playing and Practice Seasons -- Water Polo -- Number of Dates of Competition -- Four Dates of Competition During Nonchampionship Segment**, which specifies that, in water polo, 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.
 - c. **Immediate Appointments to Sport Committee.** The committee approved the following appointments, effective immediately.
 - (1) **Men's and Women's Cross Country. Elizabeth Hoge**, assistant director of athletics and senior woman administrator at Ashland University.
 - (2) **Women's Lacrosse. Dawn Sachs**, associate director of athletics and head women's lacrosse coach at Mercy College.
 - (3) **Women's Rowing. John Adkison**, associate director of athletics at Embry-Riddle Aeronautical University (Florida).
 - (4) **Men's Soccer. Jamie Joss**, director of athletics at Florida Institute of Technology.
 - (5) **Men's and Women's Tennis. Hendrick Bode**, head men's tennis coach at Hawaii Pacific University.

- d. **Immediate Appointment to Division II and Association-Wide Committees.** The committee approved the following appointments, effective immediately.
- (1) **NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. Jack Entriiken**, head athletic trainer and director of sports medicine, Kutztown University of Pennsylvania, Pennsylvania State Athletic Conference.
 - (2) **Division II Committee for Legislative Relief. Marcie Haduca**, assistant athletics director for compliance, California State University, East Bay, California Collegiate Athletic Association.
 - (3) **Division II Membership Committee. Melanie Brunsdon**, senior woman administrator, Winona State University, Northern Sun Intercollegiate Conference.
 - (4) **Division II Nominating Committee. Matthew Pope**, vice president and director of athletics, Carson-Newman University, South Atlantic Conference.
- e. **Management Council Committee and Project Team Assignments.**
- (1) **Curtis Campbell:** Added NCAA Committee on Sportsmanship and Ethical Conduct and Division II Infractions Appeals Committee;
 - (2) **Theresa Hanson:** Added Division II Management Council liaison to the Division II Athletics Directors Association;
 - (3) **Amy Henkelman:** Removed Division II Management Council liaison to the Division II Athletics Directors Association;
 - (4) **Carrie Michaels:** Removed Division II Administrative Committee, Division II Management Council/Championships Appeals Subcommittee, Division II Management Council Identity Subcommittee, Division II Planning and Finance Committee and Division II Championships Committee; added Division II Convention Planning Project Team and NCAA Minority Opportunities and Interests Committee; and
 - (5) **Harry Stinson:** Added Division II Administrative Committee, Division II Management Council/Championships Appeals Subcommittee, Division II Management Council Identity Subcommittee, Division II Planning and Finance Committee and Division II Championships Committee; removed Division II Convention Planning Project Team and NCAA Minority Opportunities and Interests Committee.

- f. **2023 NCAA Convention Division II Educational Programming.** The committee approved a recommendation to amend the topic of one of the Friday educational sessions to the Great Resignation of Athletic Trainers.
- 2. On September 29, the Administrative Committee approved the following items:
 - a. **Immediate Appointments to Division II and Association-Wide Committees.** The committee approved the following appointments, effective immediately.
 - (1) **NCAA Division II Championships Committee.** **Cade Smith**, director of athletics, University of Alabama in Huntsville, Gulf South Conference.
 - (2) **NCAA Division II Infractions Appeals Committee.** **Chris Snyder**, director of athletics, Seton Hill University, Pennsylvania State Athletic Conference.
 - b. **Sport and Rules Committee Appointments.** The committee approved the following appointments to sport and rules committees, effective immediately.
 - (1) **Men's Golf.** **Jimmy Wilson**, head men's golf coach, Georgia College.
 - (2) **Women's Soccer.** **Mike White**, head women's soccer coach, Oklahoma Baptist University.
 - (3) **Softball.** **Dixie Cirillo**, associate director of athletics and senior woman administrator, Colorado School of Mines.
 - (4) **Men's and Women's Tennis.** **Troy Katen**, deputy director of athletics, Northwest Missouri State University.
 - c. **Term Extension and Appointment to Division II Student-Athlete Advisory Committee.** The committee approved a term extension of a current member and one immediate appointment.
 - (1) **Term Extension.** South Atlantic Conference, **Margaret Ann Langheim**, softball, Mars Hill University, extended through the committee's April 2023 meeting.
 - (2) **Immediate Appointment.** Great Lakes Valley Conference, **Danielle Mabry**, women's lacrosse, Rockhurst University.

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
Division II Core Schedule of Events

Wednesday, January 11

8 a.m. to 3 p.m.	Division II Management Council Meeting
Noon to 8 p.m.	NCAA Division II Make Game Day Yours Regional Training Session
1 to 5 p.m.	NCAA Board of Governors Meeting
5:30 to 7 p.m.	Honors Ceremony

Thursday, January 12

8 to 11 a.m.	Division II Presidents Council/Management Council/Student-Athlete Advisory Committee Breakfast and Meeting
8:30 a.m. to 10 a.m.	Breakfast for New Division II Athletics Directors
11 a.m. to 3 p.m.	Division II Presidents Council Meeting
11:30 a.m. to 1 p.m.	Woman of the Year Luncheon
1:15 to 3:30 p.m.	Education Sessions and other Association-Wide Programming
1:15 to 2:15 p.m.	<i>Division II Session: Civic Engagement Best Practices</i>
2:30 to 3:30 p.m.	<i>Division II Session: Mental Wellness from the Coach's Perspective</i>
4 to 5 p.m.	State of College Sports
5 to 6:30 p.m.	NCAA Delegates Reception
6 to 7:30 p.m.	Division II Management Council Mentor/Mentee Meeting and Dinner
7:30 to 9 p.m.	Division II Management Council Toast

Friday, January 13

7:30 to 8:30 a.m.	Division II Delegates Breakfast
8 to 11:15 a.m.	Division II Chancellors and Presidents Breakfast

8:30 to 11:15 a.m.	Division II Education Sessions and Keynote Speaker
	<i>8:30 to 9:45 a.m. Great Resignation of Athletic Trainers</i>
	<i>8:30 to 9:45 a.m. Make Game Day Yours Tools and Resources</i>
	<i>8:30 to 9:45 a.m. FAR programming developed by FARs</i>
	<i>10 to 11:15 a.m. Keynote Speaker: Kevin Carroll</i>
11:30 a.m. to 1 p.m.	NCAA Saluting Excellence Luncheon
1:30 to 5:30 p.m.	Division II Conference Meetings
5 to 6 p.m.	Division II Faculty Mentor Award Presentation and Reception
6 to 7 p.m.	FARA Reception
Saturday, January 14	
7 to 8 a.m.	Delegates Breakfast
8 a.m. to 10:30 a.m.	Division II Business Session
	Hotel Departure

Note: Events noted in blue font are part of the Association-wide Convention schedule.



2023 NCAA Convention
**Proposed Topics for January 12 Division II Presidents Council/Management Council/
Student-Athlete Advisory Committee Breakfast and Meeting**

1. Update from NCAA Division II Student-Athlete Advisory Committee.
2. Professional development session.
3. Discussion on the state of NIL in Division II.
4. Discussion regarding promoting Division II's 50th anniversary.
5. Discussion regarding Division I's Review of Membership Standards.

LEGISLATION

2023 NCAA CONVENTION

DIVISION II SECOND PUBLICATION OF PROPOSED LEGISLATION

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
September 2022

Legislation Prepared By: Stephanie Quigg, *Director of Academic and Membership Affairs for Division II*; Chelsea Hooks, *Associate Director of Academic and Membership Affairs for Division II*; Angela Red, *Associate Director of Academic and Membership Affairs for Division II*; and Jordan Lysiak, *Assistant Director of Academic and Membership Affairs*.

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Second Publication of Proposed Legislation

117th Annual Convention

This publication presents all proposed amendments to NCAA Division II legislation that were properly submitted in accordance with the September 1 deadline in the NCAA legislative calendar. The proposals herein appear in the order in which they would appear, if adopted, in the NCAA Division II Manual. No attempt has been made to place them in topical groupings or in the order in which they eventually might appear in the NCAA Convention agenda. Each proposal is accompanied not only by the traditional statement of intent and proposed effective date, but also by a statement of rationale.

The order of the membership-sponsored proposal(s) in the Initial Publication of Proposed Legislation has changed in the Second Publication of Proposed Legislation. The order of the 12 proposals in the second publication will change in the Official Notice. The numeral 2 has been placed in front of the proposal number to help identify its position in the second publication. In addition, for each proposal that appeared in the initial publication, a parenthetical follows the proposal number, which identifies the proposal's number as it appeared in the Initial Publication of Proposed Legislation.

No new proposals may be submitted for the 2023 Convention inasmuch as the July 15 and September 1 deadlines have passed. Member institutions and conferences, as well as the Division II Presidents Council, have until 5 p.m. Eastern time November 1 to submit amendments to these proposals. Such amendments-to-amendments may not increase the modification set forth in the printed proposal. Amendments-to-amendments submitted by the membership must have eight sponsors from active member institutions in Division II. In addition, amendments-to-amendments may be sponsored by at least one member conference (on behalf of eight or more of their active member institutions) in Division II. It should be noted that proposals that are withdrawn after the September 15 sponsor-modification deadline appear in the Second Publication of Proposed Legislation; however, information will be included in the Official Notice to indicate the sponsor's intent to withdraw the proposal at the Convention.

Member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Refer to Appendix B for information about how to request an interpretation.

This publication represents the second of three publications dealing with Convention legislation, as dictated by the provisions of NCAA Bylaw 9. The third publication will be as follows:

November 15 - Official Notice of the 2023 Convention. This publication will contain all Division II legislation for the Convention, including all amendments-to-amendments and resolutions submitted by the November 1 deadline.

2022-23 Legislative Calendar

The legislative calendar, as set forth in Bylaw 9, is summarized here for convenience of reference.

July 15: Deadline for submission of amendments by the Division II membership. Each amendment must include a statement of intent and a separate statement of rationale (200 words or less), as well as identification of the designated primary contact person.

August 3: Presidents Council Consideration. The NCAA Division II Presidents Council considers legislative proposals that it may wish to sponsor. The Presidents Council also reviews the amendments submitted by the membership in accordance with the July 15 deadline. See "July 15" above. The Presidents Council reviewed these proposals to determine co-sponsorship and to determine committee review assignments.

August 15: Posting of Initial Publication of Proposed Legislation (IPOPL).

August 15 through September 15: Sponsor-Modification Period. Sponsors are permitted to refine and change their proposals in any manner germane to the original proposal. Member institutions and conferences are invited to offer any suggested revisions of a proposal to the primary contact person listed with the proposal. Additionally, members that believe an amendment should not be modified should so inform the primary contact person.

August 31: Administrative Committee Videoconference. On behalf of the Presidents Council, the Administrative Committee reviews all amendments to be included on the 2023 NCAA Convention agenda for placement in the 2023 NCAA Convention Division II Official Notice.

September 1: Deadline for submission of amendments sponsored by the Presidents Council.

September 15: Deadline for submission by all sponsors (with submission by the primary contact person) of any modification to their original amendments. These modifications may represent either greater or lesser changes; they need only be germane to the original proposal.

September 23: Posting of Second Publication of Proposed Legislation (SPOPL). This publication includes all Division II membership-sponsored proposals (as modified) and includes all proposals sponsored by the Presidents Council.

September 23 through November 1: Amendment-to-Amendment Period. The Presidents Council as well as the membership (see Bylaw 9.3.4.2) may submit amendments to the Division II proposals in the SPOPL. These amendments-to-amendments may not increase the modification of the provisions to be amended; they must fall between the provisions of the circularized amendment and the current provisions.

October 7: Deadline for Committee review. Any Association-wide and/or Division II committee charged by the Administrative Committee to evaluate a membership-sponsored amendment must complete its evaluation not later than October 7. The committee must then report the results of its review to the Management Council. The Management Council will review each committee's evaluation at its October videoconference. If the committee issued a position statement, the position must be publicized in the Official Notice.

November 1: Deadline for all resolutions and amendments-to-amendments to be received in the national office. No amendments-to-amendments sponsored by the membership may be submitted after this date. The Presidents Council and Board of Governors are authorized to submit further amendments-to-amendments and resolutions at the Convention if it deems such action necessary.

November 15: Posting of the Official Notice of the Convention. This publication includes all Division II proposed legislation, resolutions and properly submitted amendments-to-amendments.

January 11-14, 2023: NCAA Convention. All delegates have the opportunity to download the NCAA Events app prior to the Convention. The NCAA Events app contains the most up-to-date schedule and other helpful Convention information.

Division II Legislation Committee

Chair - Carlin Chesick, Pennsylvania State Athletic Conference

Brenda Cates, University of Mount Olive

Ismael Contreras, Purdue University Northwest

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

Jason Stock, California State University, San Marcos

Melinda Terry, St. Edward's University

117th Annual Convention

Legislative Proposals Submitted by the NCAA Division II Presidents Council and by the Division II Membership

[Note: Pursuant to Bylaw 9.3.12, all amendments shall become effective not earlier than the first day of August following adoption by the 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. Further, all amendments with an effective date other than the first day of August following the Convention will contain in the rationale statement reasons for such an 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.]

[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 **bold** and underlined are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division II legislation.]

No. 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	<u>Stunt</u>	<u>9.0</u>
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.

No. 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 Constitution 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 through 7.3.1.5.24 renumbered as 7.3.1.5.24 through 7.3.1.5.25, unchanged.]

[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 (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.

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

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.

No. 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)

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)

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;**
- ~~(f 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) unchanged.]

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

[8.1.2.1-(e) relettered as 8.1.2.1-(d), unchanged.]

(~~f~~ **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)

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)

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)

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; 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.

No. 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.

No. 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:

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 12.02.9 renumbered as 12.02.3 through 12.02.10, unchanged.]

B. Bylaws: Amend 12.2.4, as follows:

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 in** ~~for the purposes of marketing their athletics ability or reputation in that sport, sign a professional sport contract or otherwise jeopardize their amateur status.~~

12.2.4.3 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.~~

C. Bylaws: Amend 12.3, as follows:

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.~~

12.3.1.2~~1~~ 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.

No. 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

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:

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:

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.

No. 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

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:

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:

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.

No. 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

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:

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.

No. 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:**

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

(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:-

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

- (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.

No. 2-11 (1-4) 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:

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:

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.

No. 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.

Appendix A

Legislative Proposal Number Changes

This appendix lists proposals that are included in the Second Publication of Proposed Legislation and gives their corresponding numbers in the Initial Publication of Proposed Legislation. Please note that not all proposals that appear in the Second Publication of Proposed Legislation were included in the Initial Publication of Proposed Legislation.

SPOPL	IPOPL	SPOPL	IPOPL
1	--	7	1
2	--	8	2
3	--	9	3
4	--	10	--
5	--	11	4
6	--	12	--

Appendix B

Request for Interpretation

Member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Interpretations related to the proposed legislation in this Second Publication of Proposed Legislation may be requested via electronic mail to the primary contact persons at chooks@ncaa.org or jlysiak@ncaa.org, not later than November 18, 2022. When submitting such a request, please include the proposal number in question, your institution's name and your title. All resulting interpretations will be made available to the delegates prior to the divisional business session held in conjunction with the Annual Convention.

**Committee Positions on NCAA Division II Membership-Sponsored
Proposals for the 2023 NCAA Convention**

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.

Committee Positions:

- a. *NCAA Committee on Competitive Safeguard and Medical Aspects of Sports:* The committee agreed to take no position on this proposal.
- b. *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.

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.

Committee Positions:

- a. *Committee on Competitive Safeguard and Medical Aspects of Sports:* The committee agreed to take no position on this proposal.
- b. *Legislation Committee:* The committee agreed to take no position on this proposal.
- c. *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.

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.

Committee Positions:

- a. *Committee on Competitive Safeguard and Medical Aspects of Sports:* The committee agreed to take no position on this proposal.
- b. *NCAA Division II Committee on Student-Athlete Reinstatement:* The committee agreed to take no position on this proposal.
- c. *Football Committee:* The committee agreed to support this proposal. The 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 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.
- d. *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.

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

- a. *Committee on Competitive Safeguard and Medical Aspects of Sports:* The committee agreed to take no position on this proposal.
- b. *NCAA Division II Men's and Women's Basketball Committee:* 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.
- c. *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.

- d. *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.



MEMORANDUM

September 26, 2022

TO: NCAA Division II Management Council and Presidents Council.

FROM: Jordan Lysiak
Assistant Director of Academic and Membership Affairs

Chelsea Hooks
Associate Director of Academic and Membership Affairs

Stephanie Quigg
Director of Academic and Membership Affairs for Division II.

SUBJECT: 2023 NCAA Convention Division II Legislation Groupings.

NCAA staff has reviewed the 12 proposals that have been properly sponsored for the 2023 NCAA Convention. The following recommendations are for the consideration of the NCAA Division II Management Council and Presidents Council to determine how these proposals should be grouped, for purposes of production of the 2023 NCAA Convention Division II Official Notice for the Division II business session Saturday, January 14, 2023. Please refer to the 2023 NCAA Convention Division II Second Publication of Proposed Legislation that is included as Supplement No. 8 in your materials. The proposal numbers in parentheses listed below refer to the SPOPL.

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.
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.
No. 2023-3 (2-5)	Legislative Process – Amendment Process – Notification to Membership – Elimination of Initial Publication and Second Publication – Timing of Official Notice.
No. 2023-4 (2-10)	Eligibility – Freshman Academic Requirements – Elimination of Standardized Test-Score Requirements (SAT or ACT).

No. 2023-5 (2-12) Executive Regulations – Administration of NCAA Championships – Availability of Alcoholic Beverages at Division II Championships.

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.

Organizational Structure

*No. 2023-7 (2-4) Division II Organizational Structure – Presidents Council – Management Council – Administrative Committee – Planning and Finance Committee.

Amateurism

*No. 2023-8 (2-6) Amateurism – Various Bylaws – Definition of Agent and Use of Agents.

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.

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.

*No. 2022-11 (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.

Playing and Practice Seasons

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

Those proposals marked with an asterisk (*) have been identified by staff as recommendations for roll-call votes. The Management Council and/or Presidents Council may delete from or make additions to these recommendations.

Note: Proposal Nos. 2023-1 (2-2), 2023-2 (2-3), 2023-3 (2-5), 2023-4 (2-10) and 2023-5 (2-12) will be voted on as a package.

Note: Proposal Nos. 2023-9 (2-7) and 2023-10 (2-8) have an immediate effective date and will require a separate vote on the immediate effective date.

Note: Proposal Nos. 2023-10 (2-8) and 2023-11 (2-9) are football-only votes. Only those institutions and conferences that sponsor football may vote on these proposals.

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					One vote on Proposal Nos. 1-5, unless a proposal is pulled from the consent package.
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			
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)].	(Stava)	Consent Package	Paddle			
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			
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			
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			
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)].	Kuhlmeier	Emerging Sport for Women	Paddle			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, F: February 1, 2024. Section C, D, E: August 1, 2023.	NCAA Division II Presidents Council [Management Council (Implementation Committee)].	President Keith (Graham)	Organizational Structure	Roll call			One vote on the proposal – merits.

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
2023-8 (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			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	TBD	Recruiting and Playing and Practice Seasons	Roll call			<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>Legislation Committee agreed to <u>oppose</u> this proposal.</i>
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.	TBD	Eligibility	Roll call			<i>Football only vote.</i> <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 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 NCAA CONVENTION – DIVISION II BUSINESS SESSION

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.	TBD	Eligibility	Roll call			<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.	TBD	Playing and Practice Seasons	Roll call			<i>Membership-sponsored proposal</i> One vote on the proposal – merits. <i>Committee on Competitive Safeguards and Medical Aspects of Sports agreed to take <u>no position</u> on this proposal.</i> <i>Men’s 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>

NONCONTROVERSIAL

Attached are noncontroversial proposals. NCAA Division II Proposal Nos. NC-2023-24 through NC-2023-32 and NC-2023-35 through NC-2023-36 are new for you to review in legislative form. These proposals have been approved by the NCAA Division II Management Council in concept but have yet to be approved in legislative form. [Note: Proposal Nos. NC-2023-33 and NC-2023-34 were approved in legislative form by the NCAA Division II Administrative Committee.]

The Management Council has determined, pursuant to NCAA Division II Bylaw 9.3.1.1, that the following proposals are 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 2023 NCAA Convention.

Division: II

Proposal Number: NC-2023-1

Title: COMMITTEES -- COMMON COMMITTEES -- COMMITTEES WITH ONLY CHAMPIONSHIPS
ADMINISTRATION RESPONSIBILITIES -- ICE HOCKEY COMMITTEE, WOMEN'S -- COMPOSITION

Convention Year: 2023

Date Submitted: December 6, 2021

Status: Ready for Ratification Convention Vote

Effective Date: September 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Committees

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.**

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Dec 3, 2021: Recommends Approval - Championships Committee.

Jan 19, 2022: Approved in Legislative Format - Management Council.

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.

Legislative References

Legislative Cite	Title
21.5	Common Committees -- Committees With Only Championships Administration Responsibilities.
21.5.2	Ice Hockey Committee, Women's.

Division: II

Proposal Number: NC-2023-2

Title: MOVE DIVISION II PROVISIONS OUT OF THE NCAA CONSTITUTION

Convention Year: 2023

Date Submitted: February 2, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council.

Category: Noncontroversial

Topical Area: 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~~

~~3.01 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.~~

~~3.1.1 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.~~

~~3.2.1 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.~~

~~3.3.1 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).~~

[3.3.4.7 renumbered as 3.0.0.0, 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 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.~~

[3.3.4.22.1 renumbered as 3.0.0.0.1, unchanged.]

~~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.~~

~~3.4.1 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 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.~~

~~3.4.3.3.4 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 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 3.4.3.2.~~

~~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:~~

~~3.5.1 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 Conferences: \$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 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 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.~~

~~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.~~

~~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.~~

~~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.~~

~~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 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.

~~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 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 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 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;

(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.

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 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;
- (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.

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.

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.

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.

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 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 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.

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

(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 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 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).

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 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

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 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, 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 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.

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;
- (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
- (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.

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 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 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.

8.2.1.1 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 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;

(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.

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 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.

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.

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. 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.

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 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

(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 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.

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 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.

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 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.

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.

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jan 31, 2022: Approved in Legislative Format - Management Council.

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.

Legislative References

Legislative Cite	Title
3	NCAA Membership
3.01	General Principles.

Legislative Cite	Title
3.01.1	Classes of Membership.
3.01.2	Division Membership.
3.01.3	Obligation to Meet Division Criteria.
3.01.4	Assignment to Geographical Areas.
3.01.5	Termination or Suspension of Membership.
3.02	Definitions and Applications.
3.02.1	Competitive Body.
3.02.2	Legislative Body.
3.02.3	Membership Categories.
3.02.3.1	Active Member.
3.02.3.1.1	Athletics Consortium.
3.02.3.2	Provisional Member.
3.02.3.3	Member Conference.
3.02.3.4	Provisional Conference.
3.1	Determination of Divisions.
3.1.1	Designation of Division by Active and Provisional Members.
3.1.1.1	Men's and Women's Programs in Different Divisions.
3.1.1.2	Multidivision Classification.
3.1.2	Designation of Division by Member Conference.
3.2	Eligibility for Membership.
3.2.1	General.
3.2.1.1	Membership of International Institutions.
3.2.1.1.1	Accreditation Standard for International Institutions.
3.2.2	Athletics Consortiums.
3.2.2.1	General Policy.
3.2.2.2	Combining Entire Athletics Programs.
3.2.2.3	Conference Approval.
3.2.2.4	Eligibility Requirements for Student-Athletes.
3.2.2.5	Financial Assistance to Student-Athletes.

Legislative Cite	Title
3.2.2.6	Length of Approval.
3.2.2.7	NCAA Division Membership.
3.2.2.8	NCAA Member Involvement.
3.2.2.9	NCAA Membership Application.
3.2.2.10	Prior Academic Consortium Relationship.
3.2.2.11	Recruitment.
3.3	Active Membership.
3.3.1	Eligibility Requirements.
3.3.1.1	Types of Institutions.
3.3.1.2	Compliance With Association Rules.
3.3.1.3	Standards.
3.3.1.4	Compliance Requirement.
3.3.2	Privileges.
3.3.2.1	Active Members.
3.3.2.1.1	Exception -- For-Profit Institutions.
3.3.2.2	Use of Association's Registered Marks.
3.3.3	Election to Active Membership -- Institutions.
3.3.3.1	Accreditation.
3.3.3.2	Administrative Requirements for Application.
3.3.3.2.1	Class Size Limitation.
3.3.3.2.2	Membership Committee Authority.
3.3.3.3	Election.
3.3.3.4	Resignation and Re-election to Membership.
3.3.4	Conditions and Obligations of Membership.
3.3.4.1	General.
3.3.4.2	Obligation to Meet Division Criteria.
3.3.4.3	Certification of Eligibility/Declaration of Ineligibility.
3.3.4.4	Application of Rules to All Recognized Varsity Sports.
3.3.4.4.1	Intent to Sponsor a Varsity Sport.

Legislative Cite	Title
3.3.4.5	Standards.
3.3.4.6	Publication of Progress-Toward-Degree Requirements.
3.3.4.7	Missed Class-Time Policies.
3.3.4.8	President or Chancellor Attestation of Compliance Obligations.
3.3.4.9	Compliance-Related Certification.
3.3.4.10	Student-Athlete Statement.
3.3.4.10.1	Administrative Requirement.
3.3.4.10.2	Signature Requirement.
3.3.4.10.3	Retention Requirement.
3.3.4.11	Drug-Testing Program and Consent Form.
3.3.4.11.1	Administrative Requirement -- Year-Round Drug Testing.
3.3.4.11.2	Penalty for Failure to Complete and Sign Consent Form.
3.3.4.11.3	Retention Requirements.
3.3.4.12	Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form -- Disclosure of Protected Health Information.
3.3.4.12.1	Administrative Requirement.
3.3.4.12.2	Failure to Provide Consent.
3.3.4.12.3	Retention Requirement.
3.3.4.13	Discipline of Members.
3.3.4.14	Certification of Insurance Coverage.
3.3.4.14.1	Amount of Coverage Insurance.
3.3.4.14.2	Athletically Related Injuries.
3.3.4.14.3	Covered Event.
3.3.4.15	Academic Success Rate.
3.3.4.15.1	Failure to Submit Data.
3.3.4.15.1.1	Waiver.
3.3.4.16	Academic Performance Census -- Failure to Submit.
3.3.4.16.1	Waiver.
3.3.4.17	Concussion Management Plan.

Legislative Cite	Title
3.3.4.17.1	Annual Review and Retention Requirement.
3.3.4.18	Concussion Reporting.
3.3.4.19	Independent Medical Care.
3.3.4.20	Designation of Team Physician.
3.3.4.21	Catastrophic Sport Injury Report.
3.3.4.22	Student-Athlete Health and Safety Survey.
3.3.4.23	Athletics Diversity and Inclusion Designee.
3.3.4.24	Responsibility of Compliance Administrator.
3.3.4.24.1	Failure to Meet Responsibility of Compliance Administrator.
3.3.4.24.1.1	One-Year Probationary Period.
3.3.4.24.1.2	Application of Restricted Membership Status.
3.3.4.24.2	Waiver.
3.3.5	Loss of Active Membership.
3.3.5.1	Termination or Suspension.
3.3.5.1.1	Cessation of Rights and Privileges.
3.3.5.2	Removal of Accreditation.
3.3.5.3	Failure to Pay Dues.
3.3.6	Discipline of Active Members.
3.3.6.1	Restoration of Good Standing.
3.4	Member Conference.
3.4.1	Eligibility.
3.4.1.1	Conference Competition Requirement.
3.4.1.2	Composition of Active Conferences.
3.4.1.2.1	Waiver.
3.4.1.3	Conference Membership Requirements.
3.4.1.4	Minimum Size for Active Conference Membership.
3.4.1.5	Waiver.
3.4.1.6	Grace Period -- Application Fee.
3.4.2	Election to Active Membership -- Conferences.

Legislative Cite	Title
3.4.2.1	Application.
3.4.2.2	Election.
3.4.2.3	Annual Limit on Conference Membership.
3.4.3	Privileges.
3.4.3.1	Privileges of Active Member Conferences.
3.4.3.2	Use of Association's Registered Marks.
3.4.3.3	Voting Rights and Other Conference Active Membership Privileges.
3.4.3.3.1	Competitive and Legislative Body.
3.4.3.3.2	Minimum Size and Division Status.
3.4.3.3.2.1	Full Voting Privileges.
3.4.3.3.2.2	Partial Voting Privileges.
3.4.3.3.3	Sports Sponsorship Requirement.
3.4.3.3.3.1	Three-Season Requirement.
3.4.3.3.3.2	Minimum Contests/Minimum Participant Requirements.
3.4.3.3.3.3	Conference Member in Selected Sports.
3.4.3.3.3.4	Waiver.
3.4.3.3.4	Football Issues.
3.4.3.3.5	Grace Period.
3.4.3.3.6	Waiver.
3.4.4	Conditions and Obligations of Membership.
3.4.4.1	General.
3.4.4.2	Conference Competition.
3.4.4.3	Composition of Conference.
3.4.4.3.1	Exception for Composition of Conference.
3.4.4.4	Conference Student-Athlete Advisory Committee.
3.4.4.4.1	Annual Meeting.
3.4.4.4.1.1	Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting.
3.4.4.4.1.2	Waiver.

Legislative Cite	Title
3.4.4.5	Sports Sponsorship Audit Requirement.
3.4.4.6	Athletics Diversity and Inclusion Designee.
3.4.5	Loss of Member-Conference Status.
3.4.5.1	Failure to Comply with Sports Sponsorship Criteria.
3.4.5.2	Erroneous Information During Membership Application.
3.4.5.2.1	Appeal.
3.4.5.3	Termination or Suspension.
3.4.5.3.1	Cessation of Rights and Privileges.
3.4.5.4	Ineligible Conference Member Institution.
3.4.5.5	Failure to Pay Dues.
3.4.6	Discipline of Member Conferences.
3.4.6.1	Restoration of Good Standing.
3.5	Provisional Membership.
3.5.1	Eligibility.
3.5.1.1	Types of Institutions.
3.5.2	Privileges and Voting Rights.
3.5.2.1	Publications and Convention Representation.
3.5.2.2	Use of Association's Registered Marks.
3.5.3	Procedures for Election to the Provisional Period of the Membership Process.
3.5.3.1	Voting Requirement.
3.5.3.2	Administrative Requirements for Application.
3.5.3.2.1	Class Size Limitation.
3.5.3.2.2	Membership Committee Authority
3.5.3.3	Accreditation.
3.5.3.4	Election.
3.5.4	Conditions and Obligations of Membership.
3.6	Dues of Members.
3.6.1	Determination of Dues.
3.6.2	Current Annual Dues.

Legislative Cite	Title
3.6.3	Payment Deadline.
4	Organization
4.01	General Principles.
4.01.1	Structure.
4.01.2	Guarantees.
4.01.2.1	Budget Allocations.
4.01.2.1.1	General Operating Revenue.
4.01.2.3	Championships.
4.01.2.4	Membership Services.
4.01.2.5	Special Programs.
4.02	Definitions and Applications.
4.02.1	Association.
4.02.2	Faculty Athletics Representative.
4.02.3	On The Staff.
4.02.4	Independent Member of the Board of Governors.
4.02.5	Senior Woman Administrator.
4.02.5.1	Institutional Senior Woman Administrator.
4.1	Board of Governors.
4.1.1	Composition.
4.1.2	Duties and Responsibilities.
4.1.3	Election/Term of Office.
4.1.3.1	Election.
4.1.3.2	Term of Office.
4.1.3.3	Committee Chair.
4.3	Division II Presidents Council.
4.3.1	Composition.
4.3.1.1	Same Conference.
4.3.1.2	Same Institution.
4.3.1.3	Eligibility for Membership.

Legislative Cite	Title
4.3.2	Duties and Responsibilities.
4.3.2.1	Duties of the Chair.
4.3.2.2	Duties of the Vice Chair.
4.3.3	Election/Term of Office.
4.3.3.1	Selection Process.
4.3.3.2	Term of Office.
4.3.3.2.1	Chair and Vice Chair.
4.3.3.3	Staggered Terms.
4.3.3.3.1	Chair and Vice Chair.
4.3.3.3.2	Members.
4.3.4	Operating Rules.
4.3.4.1	Quorum.
4.3.4.2	Project Teams.
4.7	Division II Management Council.
4.7.1	Composition.
4.7.1.1	Same Institution.
4.7.1.2	Independent Institutions.
4.7.1.3	Student-Athlete Advisory Committee Members.
4.7.2	Duties and Responsibilities.
4.7.2.1	Duties of the Chair.
4.7.2.2	Duties of the Vice Chair.
4.7.2.3	Duties of the Management Council Subcommittee.
4.7.3	Election/Term of Office.
4.7.3.1	Selection Process.
4.7.3.1.1	President or Chancellor Signature.
4.7.3.2	Term of Office.
4.7.3.2.1	Chair and Vice Chair.
4.7.3.3	Staggered Terms.
4.7.3.3.1	Chair and Vice Chair.

Legislative Cite	Title
4.7.3.3.2	Members.
4.7.4	Operating Rules.
4.7.4.1	Quorum.
4.7.4.2	Project Teams.
4.9	Committees/Cabinets.
4.10	Division II Administrative Committee.
4.10.1	Composition.
4.10.1.1	Chair.
4.10.2	Duties.
4.10.3	Approval.
4.12	Division II Planning and Finance Committee.
4.12.1	Composition.
4.12.1.1	Chair.
4.12.2	Duties.
4.13	Geographical Areas.
4.13.1	Geographical Areas.
5	Legislative Authority and Process
5.01	General Principles.
5.01.1	Basis of Legislation.
5.01.2	Approaches to Legislative Process.
5.02	Definitions and Applications.
5.02.1	Legislative (Constitution and Bylaw) Provisions.
5.02.1.1	Dominant.
5.02.1.1.1	Division Dominant.
5.02.1.2	Common.
5.02.1.3	Federated.
5.1	Conventions and Meetings.
5.1.1	Authorization.
5.1.1.1	Annual Convention.

Legislative Cite	Title
5.1.1.2	Special Convention.
5.1.2	Annual or Special Convention Programs.
5.1.2.1	Establishment of Program -- Annual or Special Convention.
5.1.2.1.1	Change in Program.
5.1.2.2	Other Convention Arrangements.
5.1.2.3	Business and Discussion Sessions.
5.1.2.3.1	General Business Session.
5.1.2.3.2	Division Business Sessions.
5.1.2.3.3	Round-Table Discussions.
5.1.3	Annual or Special Convention Delegates.
5.1.3.1	Institutional and Conference Delegates.
5.1.3.1.1	With Voting Privileges.
5.1.3.1.2	Without Voting Privileges.
5.1.3.2	Student-Athlete Advisory Committee.
5.1.3.3	Provisional Delegates.
5.1.3.4	Visiting Delegates.
5.1.3.5	Certification and Voting of Delegates.
5.1.3.6	Delegate Participation in Conventions and Meetings.
5.1.3.6.1	Active Delegate.
5.1.3.6.2	Visiting Delegate.
5.1.4	Operational Procedures.
5.1.4.1	Quorum.
5.1.4.2	Parliamentary Rules.
5.1.4.3	Consideration of Legislation.
5.1.4.3.1	Order and Grouping of Legislation.
5.1.4.3.2	Legislation at General Session.
5.1.4.3.3	Legislation at Division Sessions.
5.1.4.3.4	Single-Gender Athletics Program.
5.1.4.4	Voting Methods.

Legislative Cite	Title
5.2	Elements of Legislation.
5.2.1	Constitution.
5.2.2	Operating Bylaws.
5.2.3	Administrative Bylaws.
5.2.3.1	Administrative Regulations.
5.2.3.2	Executive Regulations.
5.2.3.3	Enforcement Policies and Procedures.
5.2.4	Resolutions.
5.2.5	Interpretations of Constitution and Bylaws.
5.2.6	Special Rules of Order.
5.2.7	Statements of Division Philosophy.
5.3	Amendment Process.
5.3.1	Authorizing Legislation.
5.3.1.1	Amendment.
5.3.1.1.1	Noncontroversial Amendment.
5.3.1.1.2	Emergency Legislation.
5.3.1.2	Amendment-to-Amendment -- Dominant Provisions.
5.3.1.3	Amendment-to-Amendment -- Division Dominant Provisions.
5.3.1.4	Amendment-to-Amendment -- Federated Provisions.
5.3.2	Sponsorship -- Amendments to Dominant Provisions.
5.3.2.1	Amendment.
5.3.2.2	Amendment-to-Amendment.
5.3.2.3	Editorial Changes.
5.3.3	Sponsorship -- Amendments to Division Dominant Provisions.
5.3.3.1	Amendment.
5.3.3.2	Amendment-to-Amendment.
5.3.3.3	Editorial Changes.
5.3.4	Sponsorship -- Amendments to Legislation.
5.3.4.1	Amendment.

Legislative Cite	Title
5.3.4.1.1	Amendment, Federated Provision.
5.3.4.1.2	Primary Contact Person.
5.3.4.2	Amendment-to-Amendment.
5.3.4.2.1	Primary Contact Person.
5.3.4.3	Editorial Changes.
5.3.5	Submission Deadline.
5.3.5.1	Dominant Provisions.
5.3.5.1.1	Amendments.
5.3.5.1.1.1	Exception.
5.3.5.1.2	Amendments-to-Amendments.
5.3.5.2	Division Dominant Provisions.
5.3.5.2.1	Amendments.
5.3.5.2.1.1	Exception.
5.3.5.2.2	Amendments-to-Amendments.
5.3.5.3	Legislation.
5.3.5.3.1	Amendment.
5.3.5.3.1.1	Amendment Proposed by Membership.
5.3.5.3.1.1.1	Exception.
5.3.5.3.1.2	Amendments Sponsored by Presidents Council.
5.3.5.3.1.2.1	Exception -- Annual Convention.
5.3.5.3.2	Amendment-to-Amendment.
5.3.5.3.2.1	Exception -- Presidents Council.
5.3.5.3.3	Cost Considerations.
5.3.6	Notification to Membership.
5.3.6.1	Amendments to Dominant Provisions.
5.3.6.1.1	Initial Publication.
5.3.6.1.2	Official Notice.
5.3.6.1.3	Delayed Date.
5.3.6.1.4	Amendments-to-Amendments.

Legislative Cite	Title
5.3.6.2	Amendments to Division Dominant Provisions.
5.3.6.2.1	Initial Publication.
5.3.6.2.2	Official Notice.
5.3.6.2.3	Delayed Date.
5.3.6.2.4	Amendments-to-Amendments.
5.3.6.3	Amendments to Legislation.
5.3.6.3.1	Initial Publication.
5.3.6.3.2	Official Notice.
5.3.6.3.3	Delayed Date.
5.3.6.3.4	Amendments-to-Amendments.
5.3.7	Committee Review -- Legislation.
5.3.7.1	Committee Designation.
5.3.7.2	Publication of Committee Position.
5.3.8	Adoption of Amendment, Voting Requirements.
5.3.8.1	Voting Requirement Determination.
5.3.8.2	Dominant Provision.
5.3.8.3	Division Dominant Provision.
5.3.8.3.1	Amendment to Voting Line of Division Dominant Provision.
5.3.8.4	Federated Provision.
5.3.8.4.1	Amendment to Voting Line of Federated Provision.
5.3.9	Adoption of Amendment-to-Amendment, Voting Requirements.
5.3.9.1	Dominant Provision.
5.3.9.2	Division Dominant Provision.
5.3.9.3	Federated Provision.
5.3.10	Special Voting Requirements.
5.3.10.1	National Collegiate Championship.
5.3.10.2	Division Championship.
5.3.10.3	Voting on Football Issues.
5.3.10.4	Challenged Action.

Legislative Cite	Title
5.3.11	Intent and Rationale.
5.3.11.1	Amendments to Dominant Provisions.
5.3.11.2	Amendments to Division Dominant Provisions.
5.3.11.3	Amendments to Federated Provisions.
5.3.12	Effective Date.
5.3.12.1	Dominant Provisions.
5.3.12.1.1	Alternative to August 1 Effective Date.
5.3.12.2	Division Dominant Provisions.
5.3.12.2.1	Alternative to August 1 Effective Date.
5.3.12.3	Federated Provisions.
5.3.12.3.1	Alternative to August 1 Effective Date.
5.3.13	Reconsideration.
5.3.13.1	Vote on Dominant Provisions.
5.3.13.2	Vote on Division Dominant Provisions.
5.3.13.3	Vote on Federated Provisions.
5.4	Other Legislative and Amendment Procedures.
5.4.1	Interpretations of Constitution and Bylaws.
5.4.1.1	Authorization.
5.4.1.1.1	Modification of Wording.
5.4.1.2	Interpretation Process.
5.4.1.2.1	Division II Process.
5.4.1.2.1.1	Staff Interpretation (Determination).
5.4.1.2.1.1.1	Appeal of Staff Interpretation.
5.4.1.2.1.1.2	Review of Staff Interpretations.
5.4.1.2.1.1.3	Publication and Notification.
5.4.1.2.1.2	Review of Legislation Committee or Academic Requirements Committee Decision.
5.4.1.2.1.3	Publication or Notification.
5.4.1.2.1.4	Revision.
5.4.1.3	Application.

Legislative Cite	Title
5.4.1.4	Request for Convention Review.
5.4.1.4.1	Affirmation of Interpretation.
5.4.1.5	Amendment by Membership.
5.4.1.6	Convention-Approved Interpretations.
5.4.1.7	Committee for Legislative Relief (formerly known as Administrative Review Subcommittee).
5.4.2	Resolutions.
5.4.2.1	Authorization.
5.4.2.2	Scope and Application.
5.4.2.3	Dominant Provisions.
5.4.2.3.1	Sponsorship.
5.4.2.3.2	Submission Deadline.
5.4.2.3.3	Voting Requirements.
5.4.2.3.3.1	Adoption -- Annual/Special Convention.
5.4.2.3.3.2	Mail Ballot.
5.4.2.4	Division Dominant Provisions.
5.4.2.4.1	Sponsorship.
5.4.2.4.2	Submission Deadline and Voting Requirement.
5.4.2.4.3	Ratification - Annual/Special Convention.
5.4.2.4.3.1	Adoption -- Annual/Special Convention.
5.4.2.5	Federated Provisions.
5.4.2.5.1	Sponsorship.
5.4.2.5.2	Submission Deadline.
5.4.2.5.2.1	Exception and Voting Requirement.
5.4.2.5.3	Cost Considerations.
5.4.2.5.4	Ratification and Voting Requirements.
5.4.2.5.4.1	Ratification - Annual/Special Convention.
5.4.2.5.4.2	Adoption of Membership Resolutions -- Annual/Special Convention.
5.4.3	Special Rules of Order.

Legislative Cite	Title
5.4.3.1	General Business Sessions.
5.4.3.2	Division Business Sessions.
5.4.3.2.1	Exception to Robert's Rules of Order, Newly Revised -- Motion to Divide.
5.4.3.3	Amendment Process.
5.4.4	Statements of Division Philosophy.
5.4.4.1	Authorization.
5.4.4.2	Scope and Application.
5.4.4.3	Adoption Process.
6	Institutional Control
6.01	General Principles.
6.01.1	Institutional Control.
6.1	Institutional Governance.
6.1.1	President or Chancellor.
6.1.2	Athletics Board.
6.1.2.1	Composition.
6.1.2.1.1	Administrator Defined.
6.1.2.1.2	Board Subcommittee.
6.1.2.1.3	Attendance.
6.1.2.2	Chair or Voting Delegate.
6.1.3	Compliance Administrator.
6.1.4	Faculty Athletics Representative.
6.1.5	Student-Athlete Advisory Committee.
6.2	Budgetary Control.
6.2.1	Normal Budgeting Procedures.
6.2.2	President or Chancellor Approval.
6.2.3	Financial Report.
6.2.3.1	Requirement.
6.2.3.1.1	Schedule.
6.3	Self-Study and Evaluation.

Legislative Cite	Title
6.3.1	Self-Study Report.
6.3.1.1	Deadline.
6.3.1.1.1	Extension.
6.3.1.2	Failure to Complete Self-Study Report.
6.4	Responsibility for Actions of Outside Entities.
6.4.1	Independent Agencies or Organizations.
6.4.2	Representatives of Athletics Interests.
6.4.2.1	Agreement to Provide Benefit or Privilege.
6.4.2.2	Retention of Identity as "Representative."
8	Division II Organizational Structure
8.02	Definitions and Applications.
8.02.1	Faculty Athletics Representative.
8.02.2	On The Staff.
8.02.3	Senior Woman Administrator.
8.02.3.1	Institutional Senior Woman Administrator.
8.1	Division II Presidents Council.
8.1.1	Composition.
8.1.1.1	Same Conference.
8.1.1.2	Same Institution.
8.1.1.3	Eligibility for Membership.
8.1.1.4	Geographical Areas.
8.1.1.4.1	Geographical Areas.
8.1.2	Duties and Responsibilities.
8.1.2.1	Duties of the Chair.
8.1.2.2	Duties of the Vice Chair.
8.1.3	Election/Term of Office.
8.1.3.1	Selection Process.
8.1.3.2	Term of Office.
8.1.3.2.1	Chair and Vice Chair.

Legislative Cite	Title
8.1.3.3	Staggered Terms.
8.1.3.3.1	Chair and Vice Chair.
8.1.3.3.2	Members.
8.1.4	Operating Rules.
8.1.4.1	Quorum.
8.1.4.2	Project Teams.
8.2	Division II Management Council.
8.2.1	Composition.
8.2.1.1	Same Institution.
8.2.1.2	Independent Institutions.
8.2.1.3	Student-Athlete Advisory Committee Members.
8.2.2	Duties and Responsibilities.
8.2.2.1	Duties of the Chair.
8.2.2.2	Duties of the Vice Chair.
8.2.2.3	Duties of the Management Council Subcommittee.
8.2.3	Election/Term of Office.
8.2.3.1	Selection Process.
8.2.3.1.1	Chancellor or President Signature.
8.2.3.2	Term of Office.
8.2.3.2.1	Chair and Vice Chair.
8.2.3.3	Staggered Terms.
8.2.3.3.1	Chair and Vice Chair.
8.2.3.3.2	Members.
8.2.4	Operating Rules.
8.2.4.1	Quorum.
8.2.4.2	Project Teams.
8.3	Division II Administrative Committee.
8.3.1	Composition.
8.3.1.1	Chair.

Legislative Cite	Title
8.3.2	Duties.
8.3.3	Approval.
8.4	Division II Planning and Finance Committee.
8.4.1	Composition.
8.4.1.1	Chair.
8.4.2	Duties.
9	Legislative Process
9.02	Definitions and Applications.
9.02.1	Legislative Provisions.
9.02.1.1	Division Dominant.
9.02.1.2	Common.
9.02.1.3	Federated.
9.1	Conventions and Meetings.
9.1.1	Operational Procedures.
9.1.1.2	Student-Athlete Advisory Committee.
9.1.1.3	Provisional Delegates.
9.1.1.4	Single-Gender Athletics Program.
9.3	Amendment Process.
9.3.1.1	Noncontroversial Amendment.
9.3.1.2	Emergency Legislation.
9.3.1.3	Amendment-to-Amendment -- Division Dominant Provisions.
9.3.1.4	Amendment-to-Amendment -- Federated Provisions.
9.3.3	Sponsorship -- Amendments to Division Dominant Provisions.
9.3.3.1	Amendment.
9.3.3.2	Amendment-to-Amendment.
9.3.3.3	Editorial Changes.
9.3.4	Sponsorship -- Amendments to Legislation.
9.3.4.1	Amendment.
9.3.4.1.1	Amendment, Federated Provision.

Legislative Cite	Title
9.3.4.1.2	Primary Contact Person.
9.3.4.2	Amendment-to-Amendment.
9.3.4.2.1	Primary Contact Person.
9.3.4.3	Editorial Changes.
9.3.5	Submission Deadline.
9.3.5.1	Division Dominant Provisions.
9.3.5.1.1	Amendments.
9.3.5.1.1.1	Exception.
9.3.5.1.2	Amendments-to-Amendments.
9.3.5.2	Legislation.
9.3.5.2.1	Amendment.
9.3.5.2.1.1	Amendment Proposed by Membership.
9.3.5.2.1.1.1	Exception.
9.3.5.2.1.2	Amendments Sponsored by Presidents Council.
9.3.5.2.1.2.1	Exception -- Annual Convention.
9.3.5.2.2	Amendment-to-Amendment.
9.3.5.2.2.1	Exception -- Presidents Council.
9.3.5.2.3	Cost Considerations.
9.3.6	Notification to Membership.
9.3.6.1	Amendments to Division Dominant Provisions.
9.3.6.1.1	Initial Publication.
9.3.6.1.2	Official Notice.
9.3.6.1.3	Delayed Date.
9.3.6.1.4	Amendments-to-Amendments.
9.3.6.2	Amendments to Legislation.
9.3.6.2.1	Initial Publication.
9.3.6.2.2	Official Notice.
9.3.6.2.3	Delayed Date.
9.3.6.2.4	Amendments-to-Amendments.

Legislative Cite	Title
9.3.7	Committee Review -- Legislation.
9.3.7.1	Committee Designation.
9.3.7.2	Publication of Committee Position.
9.3.8	Adoption of Amendment, Voting Requirements.
9.3.8.1	Division Dominant Provision.
9.3.8.1.1	Amendment to Voting Line of Division Dominant Provision.
9.3.8.2	Federated Provision.
9.3.8.2.1	Amendment to Voting Line of Federated Provision.
9.3.9	Adoption of Amendment-to-Amendment, Voting Requirements.
9.3.9.1	Division Dominant Provision.
9.3.9.2	Federated Provision.
9.3.10	Special Voting Requirements.
9.3.10.1	Division Championship.
9.3.10.2	Voting on Football Issues.
9.3.11	Intent and Rationale.
9.3.11.1	Amendments to Division Dominant Provisions.
9.3.11.2	Amendments to Federated Provisions.
9.3.12	Effective Date.
9.3.12.1	Division Dominant Provisions.
9.3.12.1.1	Alternative to August 1 Effective Date.
9.3.12.2	Federated Provisions.
9.3.12.2.1	Alternative to August 1 Effective Date.
9.3.13	Reconsideration.
9.3.13.1	Vote on Division Dominant Provisions.
9.3.13.2	Vote on Federated Provisions.
9.4	Other Legislative and Amendment Procedures.
9.4.1	Interpretations of Bylaws.
9.4.1.1	Authorization.
9.4.1.1.1	Modification of Wording.

Legislative Cite	Title
9.4.1.2	Interpretation Process.
9.4.1.2.1	Division II Process.
9.4.1.2.1.1	Staff Interpretation (Determination).
9.4.1.2.1.1.1	Appeal of Staff Interpretation.
9.4.1.2.1.1.2	Review of Staff Interpretations.
9.4.1.2.1.1.3	Publication and Notification.
9.4.1.2.1.2	Review of Legislation Committee or Academic Requirements Committee Decision.
9.4.1.2.1.3	Publication or Notification.
9.4.1.2.1.4	Revision.
9.4.1.3	Application.
9.4.1.4	Request for Convention Review.
9.4.1.4.1	Affirmation of Interpretation.
9.4.1.5	Amendment by Membership.
9.4.1.6	Convention-Approved Interpretations.
9.4.1.7	Committee for Legislative Relief (formerly known as Administrative Review Subcommittee).
9.4.2	Resolutions.
9.4.2.1	Division Dominant Provisions.
9.4.2.1.1	Sponsorship.
9.4.2.1.2	Submission Deadline and Voting Requirement.
9.4.2.1.3	Ratification – Annual/Special Convention.
9.4.2.2	Federated Provisions.
9.4.2.2.1	Sponsorship.
9.4.2.2.2	Submission Deadline.
9.4.2.2.2.1	Exception and Voting Requirement.
9.4.2.2.3	Cost Considerations.
9.4.2.2.4	Ratification and Voting Requirements.
9.4.2.2.4.1	Ratification – Annual/Special Convention.
9.4.2.2.4.2	Adoption of Membership Resolutions – Annual/Special Convention.

Legislative Cite	Title
9.4.3	Special Rules of Order.
9.4.3.1	Division Business Sessions.
9.4.3.1.1	Exception to Robert's Rules of Order, Newly Revised -- Motion to Divide.
9.4.4	Statements of Division Philosophy.
9.4.4.1	Authorization.
9.4.4.2	Scope and Application.
9.4.4.3	Adoption Process.

Division: II

Proposal Number: NC-2023-3

Title: 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

Convention Year: 2023

Date Submitted: July 15, 2021

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022, for any incapacitating injury or illness, or other extenuating circumstance occurring on or after August 1, 2022.

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council (Committee on Student-Athlete Reinstatement).

Category: Noncontroversial

Topical Area: Eligibility

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 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

May 11,
2021: Recommends Approval -
Committee on Student-Athlete
Reinstatement.

Jul 20,
2021: Approved in Concept -
Management Council.

Oct 19,
2021: Referred - Management
Council.

Proposal referred back to the Committee on Student-Athlete Reinstatement for further review.

Jan 19,
2022: Approved in Concept -
Management Council.

This recommendation addresses the October 2021 request from the Division II Management Council to have the Division II Committee on Student- Athlete Reinstatement discuss the effective date of the initial recommendation, which was immediate. This new effective date is also consistent with the effective date of a similar proposal in Division I.

Apr 12,
2022: Approved in Legislative
Format - Management
Council.

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.

Legislative References

Legislative Cite	Title
14.2	Seasons of Competition: 10-Semester/15-Quarter Rule.
14.2.5	Hardship Waiver.
14.2.5.2	Criteria for Administration of Hardship Waiver.
14.2.5.2.3	First-Half-of-Season Calculation.

Division: II

Proposal Number: NC-2023-4

Title: EXECUTIVE REGULATIONS -- ELIGIBILITY FOR CHAMPIONSHIPS -- INELIGIBILITY FOR USE OF BANNED DRUGS -- MEDICAL EXCEPTIONS

Convention Year: 2023

Date Submitted: January 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Category: Noncontroversial

Topical Area: Executive Regulations

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.]

31.2.3.2 Medical Exceptions. Exceptions to the prohibition ~~of~~**on** use of any substance in ~~the~~**a** 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Sep 28, 2021:	Recommends Approval - Committee on Competitive Safeguards and Medical Aspects of Sport
Jan 19, 2022:	Approved in Concept - Management Council.
Apr 12, 2022:	Approved in Legislative Format - Management Council.

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.

Legislative References

Legislative Cite	Title
31.2	Eligibility for Championships.
31.2.3	Ineligibility for Use of Banned Drugs.
31.2.3.2	Medical Exceptions.

Division: II

Proposal Number: NC-2023-5

Title: EXECUTIVE REGULATIONS -- SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION -- EARNED ACCESS -- FOOTBALL -- REQUIREMENTS -- REQUIREMENTS FOR CONFERENCE TO QUALIFY FOR EARNED ACCESS

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Executive Regulations

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 been~~ **Have 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~~
- (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 compete 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 (c), 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 25, 2022: Recommends Approval - Championships Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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 earned access legislation in football with changes made recently to the automatic qualification legislation in other sports.

Legislative References

Legislative Cite	Title
31.3.5	Earned Access -- Football.

Legislative Cite	Title
31.3.5.1	Requirements.

Division: II

Proposal Number: NC-2023-6

Title: 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

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate, for the 2022-23 academic year and thereafter.

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Membership

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) 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
3.3	Active Membership.
3.3.4	Conditions and Obligations of Membership.
3.3.4.8	President or Chancellor Attestation of Compliance Obligations.
18.4	Eligibility for Championships.

Legislative Cite	Title
18.4.2	Institutional Eligibility.
18.4.2.1	General Institutional Requirements.
18.4.2.1.1.2	Attestation of Compliance Obligations.

Division: II

Proposal Number: NC-2023-7

Title: NCAA MEMBERSHIP -- INSTITUTIONAL CONTROL AND DIVISION MEMBERSHIP MERGING CONSTITUTION ARTICLES 3 AND 6 AND BYLAW 20

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: NCAA Membership

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 Constitution 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.

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 Constitution 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 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 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.

7.1 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
- (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 Consortia. 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 consortia.

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.

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 Constitution 3.3.1.2, 3.3.1.3 and 20.2 at the time it makes application for active membership.

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 Constitution 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.

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 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 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
- (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.

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;
- (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]

(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.

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 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).

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 7.3.1.6.1.

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 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).

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>
<u>Beach Volleyball</u>	<u>8</u>		<u>Men's Fencing</u>	<u>6</u>	<u>5</u>
<u>Field Hockey</u>	<u>10</u>		<u>Women's Fencing</u>	<u>6</u>	<u>5</u>
<u>Football</u>	<u>8</u>		<u>Golf</u>	<u>6</u>	<u>5</u>
<u>Men's Ice Hockey</u>	<u>20</u>		<u>Men's Gymnastics</u>	<u>6</u>	<u>6</u>
<u>Women's Ice Hockey</u>	<u>20</u>		<u>Women's Gymnastics</u>	<u>6</u>	<u>5</u>
<u>Men's Lacrosse</u>	<u>8</u>		<u>Rifle</u>	<u>8</u>	<u>4</u>
<u>Women's Lacrosse</u>	<u>10</u>		<u>Skiing</u>	<u>5</u>	<u>5</u>
<u>Women's Rowing</u>	<u>6</u>		<u>Swimming and Diving</u>	<u>8</u>	<u>11</u>
<u>Women's Rugby</u>	<u>9</u>		<u>Tennis</u>	<u>10</u>	<u>5</u>
<u>Soccer</u>	<u>10</u>		<u>Track and Field, Indoor</u>	<u>4</u>	<u>10</u>
<u>Softball</u>	<u>24</u>		<u>Track and Field, Outdoor</u>	<u>4</u>	<u>14</u>
<u>Men's Volleyball</u>	<u>9</u>		<u>Men's Wrestling</u>	<u>9</u>	<u>6</u>
<u>Women's Volleyball</u>	<u>15</u>		<u>Women's Wrestling</u>	<u>9</u>	<u>6</u>
<u>Men's Water Polo</u>	<u>15</u>		<u>Women's Triathlon</u>	<u>4</u>	<u>3</u>
<u>Women's Water Polo</u>	<u>10</u>				

(Note: The minimum-contest requirements set forth in Bylaws 7.3.1.7.1.3.1 through 7.1.3.1.7.1.3.10 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, 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 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 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>

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;
- (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.

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 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 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.

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.

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 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 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 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 Constitution 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).

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);
- (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 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.

(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 Constitution 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.

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
- (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 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 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.

FAQ:

Co-sponsorship - Conference:
None

Co-sponsorship - Institution:
None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - NCAA Division II Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

Additional Information:

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.

Legislative References

Legislative Cite	Title
7.01	General Principles.
7.01.1	Membership in the Association.
7.01.2	Classes of Membership.
7.01.3	Designation of Division II Membership Classification.
7.01.3.1	Men's and Women's Programs in Different Divisions.
7.01.3.2	Multidivision Classification.
7.01.3.3	Designation of Division by Member Conference.
7.01.4	Assignment to Geographical Areas.
7.01.5	Applicable Legislation.
7.01.6	Compliance With NCAA Legislation.
7.01.7	Obligation to Meet Division Criteria.
7.01.8	Institutional Control.
7.01.11	Division II Membership Process.
7.01.12	Termination or Suspension of Membership.
7.02	Definitions and Applications.
7.02.1	Division II Membership Categories.
7.02.1.1	Active Member Institution.
7.02.1.1.1	Athletics Consortium.
7.02.1.2	Provisional Member Institution.

Legislative Cite	Title
7.02.1.3	Active Member Conference.
7.02.1.3.1	Competitive Body.
7.02.1.3.2	Legislative Body.
7.02.1.4	Provisional Member Conference.
7.02.2	Emerging Sports for Women.
7.02.2.1	Removal of Emerging Sports.
7.02.3	Mixed Team.
7.02.4	Multidivision Classification.
7.02.5	Probation.
7.02.6	Restricted Membership.
7.1	Eligibility for Division II Membership.
7.1.1	General.
7.1.2	Membership Requirements & Philosophy Statement.
7.1.3	Athletics Consortiums.
7.1.3.1	General Policy.
7.1.3.2	Combining Entire Athletics Programs.
7.1.3.3	Conference Approval.
7.1.3.4	Eligibility Requirements for Student-Athletes.
7.1.3.5	Financial Assistance to Student-Athletes.
7.1.3.6	Length of Approval.
7.1.3.7	NCAA Division Membership.
7.1.3.8	NCAA Member Involvement.
7.1.3.9	NCAA Membership Application.
7.1.3.10	Prior Academic Consortium Relationship.
7.1.3.11	Recruitment.
7.1.4	Active Members.
7.1.4.1	Eligibility Requirements – Institutions.
7.1.4.1.1	Types of Institutions.
7.1.4.1.2	Accreditation.

Legislative Cite	Title
7.1.4.1.2.1	Accreditation Standard for International Institutions.
7.1.4.1.3	Compliance With Association Rules.
7.1.4.1.4	Standards.
7.1.4.1.5	Compliance Requirement.
7.1.4.2	Eligibility Requirement – Conferences – Conference Competition Requirement.
7.1.4.3	Dues of Members.
7.1.4.3.1	Determination of Annual Dues.
7.1.4.3.2	Payment Deadline.
7.2	Establishment of and Compliance with Division Criteria.
7.2.1	Adoption of Criteria.
7.2.1.1.2	
7.2.2	Effective Date and Compliance Period.
7.2.3	Deadline for Meeting Performance Criterion.
7.2.4	Continuation of Compliance.
7.2.5	Failure to Conform by Effective Date.
7.2.6	Noncompliance With Membership Requirements and the Enforcement Process -- Authority of the Membership Committee.
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.
7.2.7.1.2	Voting Privileges and Eligibility for Championships.
7.2.7.1.3	No Voluntary Selection of "Restricted Membership" Category.
7.2.7.2	Waivers of Division Membership Criteria.
7.2.7.2.1	Voting Requirement.
7.3	
7.3	Active Membership.
7.3.1	Institutions.
7.3.1.1	Institutional Governance.
7.3.1.1.1	Chancellor or President.

Legislative Cite	Title
7.3.1.1.2	Athletics Board.
7.3.1.1.2.1	Composition.
7.3.1.1.2.1.1	Administrator Defined.
7.3.1.1.2.1.2	Board Subcommittee.
7.3.1.1.2.1.3	Attendance.
7.3.1.1.2.2	Chair or Voting Delegate.
7.3.1.1.3	Compliance Administrator.
7.3.1.1.4	Faculty Athletics Representative.
7.3.1.1.5	Student-Athlete Advisory Committee.
7.3.1.2	Budgetary Control.
7.3.1.2.1	Normal Budgeting Procedures.
7.3.1.2.2	Chancellor or President Approval.
7.3.1.3	Privileges.
7.3.1.3.1	Active Members.
7.3.1.3.1.1	Exception -- For-Profit Institutions.
7.3.1.3.2	Use of Association's Registered Marks.
7.3.1.5	Conditions and Obligations of Active Membership.
7.3.1.5.1	General.
7.3.1.5.2	Obligation to Meet Division Criteria.
7.3.1.5.3	Certification of Eligibility/Declaration of Ineligibility.
7.3.1.5.4	Application of Rules to All Recognized Varsity Sports.
7.3.1.5.4.1	Intent to Sponsor a Varsity Sport.
7.3.1.5.4.2	Regular-Season Eligibility.
7.3.1.5.5	Publication of Progress-Toward-Degree Requirements.
7.3.1.5.6	Missed Class-Time Policies.
7.3.1.5.7	Compliance-Related Certification.
7.3.1.5.8	Student-Athlete Statement.
7.3.1.5.8.1	Administrative Requirement.
7.3.1.5.8.2	Signature Requirement.

Legislative Cite	Title
7.3.15.8.3	Retention Requirement.
7.3.15.9	Drug-Testing Program and Consent Form.
7.3.15.9.1	Administrative Requirement -- Year-Round Drug Testing.
7.3.15.9.2	Penalty for Failure to Complete and Sign Consent Form.
7.3.15.9.3	Retention Requirements.
7.3.15.10	Student-Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form -- Disclosure of Protected Health Information.
7.3.15.10.1	Administrative Requirement.
7.3.15.10.2	Failure to Provide Consent.
7.3.15.10.3	Retention Requirement.
7.3.15.11	Discipline of Members.
7.3.15.12	Certification of Insurance Coverage.
7.3.15.12.1	Amount of Coverage Insurance.
7.3.15.12.2	Athletically Related Injuries.
7.3.15.12.3	Covered Event.
7.3.15.13	Academic Success Rate.
7.3.15.13.1	Failure to Submit Data.
7.3.15.13.1.1	Waiver.
7.3.15.14	Academic Performance Census -- Failure to Submit.
7.3.15.14.1	Waiver.
7.3.15.15	Concussion Management Plan.
7.3.15.15.1	Annual Review and Retention Requirement.
7.3.15.16	Concussion Reporting.
7.3.15.17	Independent Medical Care.
7.3.15.18	Designation of Team Physician.
7.3.15.19	Catastrophic Sport Injury Report.
7.3.15.20	Student-Athlete Health and Safety Survey.
7.3.15.21	Athletics Diversity and Inclusion Designee.
7.3.15.22	Responsibility of Compliance Administrator.

Legislative Cite	Title
7.3.1.5.22.1	Failure to Meet Responsibility of Compliance Administrator.
7.3.1.5.22.1.1	One-Year Probationary Period.
7.3.1.5.22.1.2	Application of Restricted Membership Status.
7.3.1.5.22.2	Waiver.
7.3.1.5.23	Financial Report.
7.3.1.5.23.1	Requirement.
7.3.1.5.23.1.1	Schedule.
7.3.1.5.24	Self-Study and Evaluation.
7.3.1.5.24.1	Self-Study Report.
7.3.1.5.24.1.1	Deadline.
7.3.1.5.24.1.1.1	Extension.
7.3.1.5.24.1.2	Failure to Complete Self-Study Report.
7.3.1.6	Financial Aid Requirements.
7.3.1.6.1	Minimum Awards.
7.3.1.6.1.1	Counting Financial Aid Awards to Satisfy Minimum Requirement.
7.3.1.6.1.2	Counting Sports Classified as Division I.
7.3.1.6.1.3	Single-Gender Programs.
7.3.1.6.1.4	Failure to Meet Minimum Financial Aid Requirement.
7.3.1.6.1.4.1	One-Year Probationary Period.
7.3.1.6.1.4.2	Application of Restricted Membership Status.
7.3.1.6.1.5	Waiver of Minimum Financial Aid Requirement.
7.3.1.7	Sports Sponsorship.
7.3.1.7.1	Acceptable Sports.
7.3.1.7.1.1	Waiver.
7.3.1.7.1.2	Waiver of Minimum Women's Sports Sponsorship Criteria.
7.3.1.7.1.2.1	New Division or Restricted Membership Status.
7.3.1.7.1.2.1.1	Authority of Management Council.
7.3.1.7.1.3	Minimum Contests and Participants Requirements for Sports Sponsorship.
7.3.1.7.1.3.1	Completion of Contest.

Legislative Cite	Title
7.3.1.7.1.3.2	Counting Multicontest Events in Team Sports.
7.3.1.7.1.3.3	Meets With No Team Scoring.
7.3.1.7.1.3.4	Individual Sports -- One or More Sites.
7.3.1.7.1.3.4.1	Exception -- Multiday Events -- Track and Field.
7.3.1.7.1.3.5	Contests in Two Seasons.
7.3.1.7.1.3.6	Contests Versus Club Teams.
7.3.1.7.1.3.6.1	Exception -- Women's Rugby.
7.3.1.7.1.3.7	Indoor and Outdoor Track and Field.
7.3.1.7.1.3.8	Beach Volleyball.
7.3.1.7.1.3.9	Women's Rugby.
7.3.1.7.1.3.10	Acrobatics and Tumbling.
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.
7.3.1.7.1.3.11.2	Application of Restricted Membership Status.
7.3.1.7.1.3.11.3	Waivers.
7.3.1.7.1.3.11.3.1	Minimum Contests or Participants.
7.3.1.8	Three-Season Requirement.
7.3.1.8.1	Five-Sport/Three-Season Requirement.
7.3.1.8.1.1	
7.3.1.8.1.2	Waiver.
7.3.1.8.2	Counting Multiseason Sports.
7.3.1.8.3	Male-Female Enrollment Ratio Waiver.
7.3.1.8.3.1	New Division or Restricted Membership Status.
7.3.1.8.3.1.1	Authority of Management Council.
7.3.1.8.4	Three-Season Sport Waiver.
7.3.1.9	Audit of Membership Requirements.
7.3.1.9.1	Minimum Financial Aid and Sports-Sponsorship Reports.
7.3.1.9.2	Failure to Fulfill Membership Requirements -- Institution on Probation.
7.3.2	Eligibility for National Collegiate and Division Championships.

Legislative Cite	Title
7.3.2.1	Eligibility for National Collegiate Championships. [#]
7.3.2.1.1	Maximum Awards Exception.
7.3.2.1.1.1	Declaration of Intent to Be Exempt.
7.3.2.1.2	Options When No Division II Championship Is Conducted.
7.3.2.1.2.1	Participation in Division I Championship.
7.3.2.1.2.2	Exception for Maximum Number of Contests or Dates of Competition
7.3.3	
7.3.3	Responsibility for Actions of Outside Entities.
7.3.3.1	Independent Agencies or Organizations.
7.3.3.2	Representatives of Athletics Interests.
7.3.3.2.1	Agreement to Provide Benefit or Privilege.
7.3.3.2.2	Retention of Identity as "Representative."
7.3.4	Discipline of Active Institutions.
7.3.4.1	Restoration of Good Standing.
7.3.5	Loss of Active Membership.
7.3.5.1	Termination or Suspension.
7.3.5.1.1	Cessation of Rights and Privileges.
7.3.5.2	Removal of Accreditation.
7.3.5.3	Failure to Pay Dues.
7.3.6	Conferences.
7.3.6.1	Privileges.
7.3.6.1.1	Privileges of Active Member Conferences.
7.3.6.1.2	Use of Association's Registered Marks.
7.3.6.1.3	Voting Rights and Other Conference Active Membership Privileges.
7.3.6.1.3.1	Competitive and Legislative Body.
7.3.6.1.3.2	Minimum Size and Division Status.
7.3.6.1.3.2.1	Full Voting Privileges.
7.3.6.1.3.2.2	Partial Voting Privileges.
7.3.6.1.3.3	Sports Sponsorship Requirement.

Legislative Cite	Title
7.3.6.1.3.3.1	Three-Season Requirement.
7.3.6.1.3.3.2	Minimum Contests/Minimum Participant Requirements.
7.3.6.1.3.3.3	Conference Member in Selected Sports.
7.3.6.1.3.3.4	Waiver.
7.3.6.1.3.4	Football Issues.
7.3.6.1.3.5	Grace Period.
7.3.6.1.3.6	Waiver.
7.3.6.2	Conditions and Obligations of Active Membership.
7.3.6.2.1	General.
7.3.6.2.2	Conference Competition.
7.3.6.2.3	Composition of Conference.
7.3.6.2.3.1	Exception for Composition of Conference.
7.3.6.2.4	Conference Student-Athlete Advisory Committee.
7.3.6.2.4.1	Annual Meeting.
7.3.6.2.4.1.1	Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting.
7.3.6.2.4.1.2	Waiver.
7.3.6.2.5	Sports Sponsorship Audit Requirement.
7.3.6.2.6	Athletics Diversity and Inclusion Designee.
7.3.6.3	Composition of Active Conferences.
7.3.6.3.1	Waiver.
7.3.6.4	New Conference Membership Requirements.
7.3.6.5	Minimum Size for New Active Conferences.
7.3.6.6	Waiver.
7.3.6.7	Grace Period -- Application Fee.
7.3.6.8	Discipline of Member Conferences.
7.3.6.8.1	Restoration of Good Standing.
7.3.6.9	Loss of Active Member-Conference Status.
7.3.6.9.1	Failure to Comply with Sports Sponsorship Criteria.

Legislative Cite	Title
7.3.6.9.2	Erroneous Information During Membership Application.
7.3.6.9.2.1	Appeal.
7.3.6.9.3	Termination or Suspension.
7.3.6.9.3.1	Cessation of Rights and Privileges.
7.3.6.9.4	Ineligible Conference Member Institution.
7.3.6.9.5	Failure to Pay Dues.
7.4	Provisional Membership.
7.4.1	Institutions – Change of Division Membership (All Sports).
7.4.1.1	Reclassification Process.
7.4.1.2	Eligibility.
7.4.1.2.1	Types of Institutions.
7.4.1.2.2	Accreditation.
7.4.1.2.3	Drug-Testing Program and Consent Form.
7.4.1.2.4	Conditions and Obligations of Membership in the Provisional Period of the Membership Process.
7.4.1.3	Administrative Requirements for Application.
7.4.1.3.1	Class Size Limitation.
7.4.1.3.2	Membership Committee Authority.
7.4.1.4	Procedures for Election to the Provisional Period of the Membership Process – Voting Requirement.
7.4.1.5	Division II Membership Process.
7.4.1.5.1	Administrative Requirements for Application.
7.4.1.5.1.1	Deadline for Submission of Application.
7.4.1.5.1.2	Application Fee.
7.4.1.5.1.3	Class Size Limitation.
7.4.1.5.1.4	Membership Committee Authority.
7.4.1.5.2	Administrative Requirement for Active Membership – Conference Membership.
7.4.1.5.3	Provisional Period.
7.4.1.5.3.1	Assessment Program.
7.4.1.5.3.2	Provisional Period – Year Three Fee.

Legislative Cite	Title
7.4.1.5.4	Determination of Standing in the Membership Process.
7.4.1.5.4.1	Failure to Meet Membership Requirements.
7.4.1.5.4.2	Waiver of Membership Process Requirements.
7.4.1.5.4.2.1	Authority of Management Council.
7.4.1.5.4.3	Termination and Cessation of Rights and Privileges.
7.4.1.6	Restricted Membership Status – Institution Providing Erroneous Information During Membership Process.
7.4.1.6.1	Appeal – Restricted-Membership Status.
7.4.1.7	Privileges and Voting Rights.
7.4.1.7.1	Publications and Convention Representation.
7.4.1.7.2	Use of Association's Registered Marks.
7.4.1.8	Election to Active Membership.
7.4.1.8.1	Accreditation.
7.4.1.8.2	Administrative Requirements for Application.
7.4.1.8.2.1	Class Size Limitation.
7.4.1.8.2.2	Membership Committee Authority.
7.4.1.8.3	Election.
7.4.1.8.4	Resignation and Re-Election to Membership.
7.4.1.8.5	Championships Eligibility – Reclassification to Division II.
7.4.1.8.5.1	Waivers – New Division or Subdivision.
7.4.2	Conferences.
7.4.2.1	Application.
7.4.2.2	Election.
7.4.2.3	Annual Limit on Conference Membership.
7.5	Active Division II Membership Following Reclassification.
7.5.1	Championships Eligibility – Reclassification to Division II.
7.6	Multidivision Classification.
7.6.1	Multidivision-Classification Options.
7.6.1.1	Classification of a Sport in Division I.

Legislative Cite	Title
7.6.1.1.1	Reclassification of a Sport of the Opposite Gender.
7.6.1.2	Women's Multidivision-Classification Limitation.
7.6.2	Requesting Reclassification of a Single Sport from Division I to Division II.
7.6.2.1	Notification Requirement.
7.6.2.2	Reclassification Period.
7.6.2.2.1	Rules Compliance Requirements.
7.6.2.2.2	Annual Review.
7.6.2.3	Waiver.
7.6.2.3.1	Authority of Management Council.
7.6.3	Applicable Legislation.
7.7	Reclassification from Division II to Division I or Division III.

Division: II

Proposal Number: NC-2023-8

Title: ENFORCEMENT POLICIES AND PROCEDURES -- RESPONSIBILITY TO COOPERATE -- TOOLS TO FACILITATE COOPERATION

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Enforcement

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**

(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.

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
32.1.3	Cooperative Principle.
32.1.3.1	Full Cooperation.
32.3	Investigative Procedures.
32.3.11	Failure to Cooperate.
32.3.11.1	Failure or Refusal to Produce Materials.
32.3.11.2	Failure or Refusal to Participate in Interview.
32.3.12	Protection for Cooperation.
32.9.7.3.2	Materials Not Produced.
32.9.7.3.3	Failure or Refusal to Participate in Interview.
32.9.8.3	Basis of Decision.

Division: II

Proposal Number: NC-2023-9

Title: ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRACTIONS HEARINGS -- BASIS OF DECISION -- IMPORTATION OF FACTS

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Enforcement

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.

FAQ:

Co-sponsorship - Conference:
None

Co-sponsorship - Institution:
None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

Additional Information:

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.

Legislative References

Legislative Cite	Title
32.9.7.3.1	Importation of Facts.
32.9.8.3	Basis of Decision.

Division: II

Proposal Number: NC-2023-10

Title: INFRACTIONS PROGRAM -- MISSION OF THE INFRACTIONS PROGRAM, PRINCIPLE OF ACCOUNTABILITY AND PRINCIPLE OF SHARED RESPONSIBILITY

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Infractions Program

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 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
19	Infractions Program
19.01	General Principles.
19.01.1	Mission of NCAA Infractions Program.
19.01.2	Accountability.

Legislative Cite	Title
19.01.4	Member Responsibility for Compliance.
19.01.5	Member Responsibility to Report Noncompliance.

Division: II

Proposal Number: NC-2023-11

Title: 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

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date:

Section A: Immediate

Section B: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Infractions Program and Enforcement Policies and Procedures

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 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

[19.1.2.3 renumbered as 19.1.2.4, 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 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

Additional Information:

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.

Legislative References

Legislative Cite	Title
19	Infractions Program
19.1	Committee on Infractions.
19.1.2.3	Temporary Substitutes.
32	Enforcement Policies and Procedures
32.3	Investigative Procedures.
32.3.4.1	Presence of Institutional Representative During Interview.
32.3.6	Representation by Legal Counsel.

Legislative Cite	Title
32.3.13	Public Announcements.
32.9	Committee on Infractions Hearings.
32.9.6.2	Attendance at Hearings.

Division: II

Proposal Number: NC-2023-12

Title: ENFORCEMENT POLICIES AND PROCEDURES -- INVESTIGATE PROCEDURES AND NOTICE OF INQUIRY -- NOTICE OF ENFORCEMENT INTERVIEWS AND STATUS OF INFRACTIONS CASES

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Enforcement

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, if,~~ **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 provided to the institution at least every six months thereafter, until the matter is concluded.

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 8, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
32.3	Investigative Procedures.
32.3.4	Interviews With Member Institution.
32.5.1	Notice to Institution.
32.5.1.1	Status Notification Within Six Months.

Division: II

Proposal Number: NC-2023-13

Title: DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL COMPOSITION -- STUDENT-ATHLETE REPRESENTATION

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Organization

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.]

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Mar 29, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Apr 27, 2022: Approved in Concept - Presidents Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
8.1	Division II Presidents Council.
8.1.1	Composition.
8.1.1.5	Student-Athlete Advisory Committee Members.

Legislative Cite	Title
8.1.3	Election/Term of Office.
8.1.3.2	Term of Office.
8.1.3.2.2	Student-Athletes.
21.8.5.9	Student-Athlete Advisory Committee.
21.8.5.9.5	Presidents Council Service.

Division: II

Proposal Number: NC-2023-14

Title: DIVISION II ORGANIZATION STRUCTURE -- DIVISION II PRESIDENTS COUNCIL -- DUTIES AND RESPONSIBILITIES

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Organization

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:**Review History:**

Mar 29, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Apr 27, 2022: Approved in Concept - Presidents Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
8.1	Division II Presidents Council.
8.1.2	Duties and Responsibilities.

Division: II

Proposal Number: NC-2023-15

Title: DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL -- DUTIES AND RESPONSIBILITIES -- VICE CHAIR -- ELIMINATION OF DUTY TO SERVE ON THE NCAA BOARD OF GOVERNORS

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Organization

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.]

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Mar 29, 2022: Recommended Concept - NCAA Division II Implementation Committee.

Apr 27, 2022: Approved in Concept - Presidents Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
8.1	Division II Presidents Council.
8.1.2	Duties and Responsibilities.
8.1.2.2	Duties of the Vice Chair.

Division: II

Proposal Number: NC-2023-16

Title: DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II MANAGEMENT COUNCIL -- COMPOSITION -- STUDENT-ATHLETE ADVISORY COMMITTEE MEMBERS -- STUDENT-ATHLETE VOTING

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Organization

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Mar 29, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
8.2	Division II Management Council.
8.2.1	Composition.
8.2.1.3	Student-Athlete Advisory Committee Members.

Division: II

Proposal Number: NC-2023-17

Title: ENFORCEMENT AND INFRACTIONS PROCESS -- MOVING SPECIFIED BYLAWS TO INTERNAL OPERATING PROCEDURES.

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Enforcement

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.~~

[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.~~

[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.]

~~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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

- Mar 29, 2022: Recommends Approval - NCAA Division II Implementation Committee.
- Apr 12, 2022: Approved in Concept - Management Council.
- Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

Additional Information:

The elimination of the specified bylaws regard processes that are more appropriately and efficiently handled as internal operating procedures.

Legislative References

Legislative Cite	Title
19.3	Establishment and Revision of Enforcement Policies and Procedures.
19.3.1.1	Notification to Membership.
32	Enforcement Policies and Procedures

Legislative Cite	Title
32.2	Preliminary Review of Information.
32.2.1.1	Staff Initiation of Investigation.
32.2.2.1.3	Matters Handled by Correspondence.
32.3	Investigative Procedures.
32.3.2	Timely Process.
32.3.4.2	Conflict With Academic Schedule.
32.3.5	Proper Identification of NCAA Staff Member.
32.3.9.1	Recordings.
32.3.9.1.1	Access to Recordings and Transcripts.
32.3.9.1.2	Institutional Recording of an Interview -- Access to Recordings and Transcripts.
32.3.9.1.2.1	Access to Recordings and Transcripts by Conference.
32.3.9.2	Non-Recorded Interviews.
32.3.9.2.1	Confidentiality of Non-Recorded Interview Documents.
32.3.9.3	Handwritten Notes.
32.3.10.1	Case File.
32.3.12	Meeting With President or Chancellor.
32.7	Notice of Allegations.
32.7.4.1	Additions to Secure Website.
32.8	Summary Disposition and Expedited Hearing.
32.8.1.4	Committee on Infractions Review.
32.9	Committee on Infractions Hearings.
32.9.3	Limitations on Presentation of Staff Factual Information.
32.9.5	Notification of Hearing Procedures.
32.9.6.6	Designation of Presentation Coordinators.
32.9.7.1	Opening and Closing Statements.
32.9.7.2	Staff Presentation.
32.9.7.3	Institutional or Involved Individual's Presentation.
32.9.7.4	Type of Information.
32.9.7.6	Committee Questioning.

Legislative Cite	Title
32.9.8.5	Voting Requirements.

Division: II

Proposal Number: NC-2023-18

Title: ADMINISTRATION OF CHAMPIONSHIPS -- AUTHORITY OF CHAMPIONSHIPS AND SPORT COMMITTEES -- APPEAL OF NULLIFICATION DECISIONS OF CHAMPIONSHIPS COMMITTEE -- 72-HOUR WINDOW

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Executive Regulations

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Mar 29, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Apr 12, 2022: Approved in Concept - Management Council.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
31.1	Administration of NCAA Championships.
31.1.1.2	Appeal of Nullification Decisions of Championships Committee.

Division: II

Proposal Number: NC-2023-19

Title: 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

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022, for penalties served August 1, 2022, or later.

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Category: Noncontroversial

Topical Area: Championships/Postseason Events

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 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 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.

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Feb 23, 2022: Recommends Approval - Committee on Competitive Safeguards and Medical Aspects of Sports.

Apr 12, 2022: Approved in Concept - Management Council.

Jun 3, 2022: Approved in Legislative Format - Division II Administrative Committee.

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.

Legislative References

Legislative Cite	Title
18.4	Eligibility for Championships.
18.4.1	Student-Athlete Eligibility.
18.4.1.4	Ineligibility for Use of Banned Drugs.
18.4.1.4.1.1	Second Positive Test.
18.4.1.4.2	Penalty -- Cannabinoids or Narcotics.
18.4.1.4.2.1	Second Positive Test.
18.4.1.4.3	Breach of NCAA Drug-Testing Program Protocol.
18.4.1.4.3	Penalty -- Cannabinoids.
18.4.1.4.3.1	Tampering With a Drug-Test Sample.
18.4.1.4.3.1	Second Positive Test.
18.4.1.4.3.1.1	Failure to Attest.
18.4.1.4.3.2	Third Positive Test and Beyond.
18.4.1.4.3.2.1	Failure to Attest.

Division: II

Proposal Number: NC-2023-20

Title: COMMITTEES -- ASSOCIATION-WIDE COMMITTEES -- GENERAL COMMITTEES -- COMMITTEE ON COMPETITIVE SAFEGUARDS AND MEDICAL ASPECTS OF SPORTS -- COMPOSITION

Convention Year: 2023

Date Submitted: April 19, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Category: Noncontroversial

Topical Area: Committees

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.

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:**Review History:**

Feb 23, 2022:	Recommends Approval - Committee on Competitive Safeguards and Medical Aspects of Sports.
Apr 12, 2022:	Approved in Concept - Management Council.
Jul 19, 2022:	Approved in Legislative Format - NCAA Division II Management Council.

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).

Legislative References

Legislative Cite	Title
21.2.2	Committee on Competitive Safeguards and Medical Aspects of Sports.
21.2.2.1	Composition.

Division: II

Proposal Number: NC-2023-21

Title: NCAA MEMBERSHIP -- GENERAL PRINCIPLES -- RESPONSIBILITY OF INSTITUTIONS -- INSTITUTIONAL CONTROL AND MONITORING AN INTERCOLLEGIATE ATHLETICS PROGRAM

Convention Year: 2023

Date Submitted: June 14, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Membership

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
7.01	General Principles.
7.01.9	Responsibility for Control.
7.01.10	Responsibility to Monitor and Report.
19.01.4	Violations by Institutional Staff Members.
19.02.1	Show-Cause Order.
19.13	Duties.

Legislative Cite	Title
19.5.2.2	Show-Cause Order.
19.6.4.1	Obligation of Institution to Take Appropriate Action.
19.7	Restitution.
32.1.1	Public Disclosure.
32.11.2	Committee on Infractions' Response to an Appeal.

Division: II

Proposal Number: NC-2023-22

Title: ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRACTIONS HEARINGS -- ACCELERATED HEARING

Convention Year: 2023

Date Submitted: June 14, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Infractions Program and Enforcement Policies and Procedures

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:**Review History:**

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
19.1.2.2	Authority of Committee Chair.
32.9	Committee on Infractions Hearings.
32.9.2	Accelerated Hearing Docket.

Division: II

Proposal Number: NC-2023-23

Title: ENFORCEMENT POLICIES AND PROCEDURES -- APPEAL PROCEDURE -- NOTICE OF INTENT TO APPEAL -- STAY OF PENALTIES

Convention Year: 2023

Date Submitted: June 14, 2022

Status: Ready for Ratification Convention Vote

Effective Date: August 1, 2022

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Enforcement

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Legislative Format - NCAA Division II Management Council.

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.

Legislative References

Legislative Cite	Title
32.11	Appeal Procedure.
32.11.1	Notice of Intent to Appeal.
32.11.1.3	Stay of Penalties.

Division: II

Proposal Number: NC-2023-24

Title: PLAYING AND PRACTICE SEASONS -- FOOTBALL -- OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- SPRING PRACTICE -- CONTACT RESTRICTIONS

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Playing and Practice Seasons

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 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 10, 2022: Recommends Approval - Championships Committee.

Jul 19, 2022: Approved in Concept - Management Council.

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.

Legislative References

Legislative Cite	Title
17.11	Football.
17.11.9	Out-of-Season Athletically Related Activities.

Division: II

Proposal Number: NC-2023-25

Title: 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

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Organization

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - NCAA Division II Management Council.

Aug 4, 2022: Approved in Concept - NCAA Division II Presidents Council.

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 and placed in the NCAA Division II Presidents Council and Management Council policies and procedures.

Legislative References

Legislative Cite	Title
8.1	Division II Presidents Council.
8.1.3	Election/Term of Office.
8.1.3.3	Staggered Terms.
8.1.3.3.1	Chair and Vice Chair.
8.1.3.3.2	Members.
8.2	Division II Management Council.
8.2.3	Election/Term of Office.
8.2.3.3	Staggered Terms.
8.2.3.3.1	Chair and Vice Chair.
8.2.3.3.2	Members.

Division: II

Proposal Number: NC-2023-26

Title: DIVISION II ORGANIZATIONAL STRUCTURE -- PRESIDENTS COUNCIL -- MANAGEMENT COUNCIL -- ELECTION/TERM OF OFFICE AND OPERATING RULES -- ELIMINATION OF STAGGERED TERMS OF MEMBERS AND QUORUM REQUIREMENTS

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Organization

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.

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - NCAA Division II Management Council.

Aug 4, 2022: Approved in Concept - NCAA Division II Presidents Council.

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.

Legislative References

Legislative Cite	Title
8.1	Division II Presidents Council.
8.1.3	Election/Term of Office.
8.1.3.3	Staggered Terms.
8.1.3.3.2	Members.
8.1.4	Operating Rules.
8.1.4.1	Quorum.

Legislative Cite	Title
8.2	Division II Management Council.
8.2.3	Election/Term of Office.
8.2.3.3	Staggered Terms.
8.2.3.3.2	Members.
8.2.4	Operating Rules.
8.2.4.1	Quorum.

Division: II

Proposal Number: NC-2023-27

Title: 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

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: August 1, 2023

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Membership

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~~
- (c) **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.

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 unchanged.]

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 through 7.3.1.7.1.3.11.3 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.~~

~~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 unchanged.]

[7.3.2 through 7.3.5 unchanged.]

7.3.6 Conferences.

7.3.6.1 Privileges.

[7.3.6.1.1 through 7.3.6.1.3 unchanged.]

7.3.6.1.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least **10 sports** ~~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:

[7.3.6.1.3.3-(a) through 7.3.6.1.3.3-(c) unchanged.]

~~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 through 7.3.6.1.3.3.4 unchanged.]

7.3.6.1.3.4 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.

[7.3.6.1.3.5 through 7.3.6.1.3.6 unchanged.]

[7.3.6.2 through 7.3.6.9 unchanged.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - Management Council.

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.

Legislative References

Legislative Cite	Title
7.3	Active Membership.
7.3.1	Institutions.
7.3.1.7	Sports Sponsorship.
7.3.1.7.1	Acceptable Sports.
7.3.1.7.1.1	Waiver.
7.3.1.7.1.2	Waiver of Minimum Women's Sports Sponsorship Criteria.
7.3.1.7.1.2.1	New Division or Restricted Membership Status.
7.3.1.7.1.2.1.1	Authority of Management Council.
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.
7.3.1.8	Three-Season Requirement.
7.3.1.8.1	Five-Sport/Three-Season Requirement.
7.3.1.8.1.1	
7.3.1.8.1.2	Waiver.
7.3.1.8.2	Counting Multiseason Sports.
7.3.1.8.3	Male-Female Enrollment Ratio Waiver.
7.3.1.8.3.1	New Division or Restricted Membership Status.
7.3.1.8.3.1.1	Authority of Management Council.
7.3.1.8.4	Three-Season Sport Waiver.

Legislative Cite	Title
7.3.6	Conferences.
7.3.6.1	Privileges.
7.3.6.1.3.3	Sports Sponsorship Requirement.
7.3.6.1.3.3.1	Three-Season Requirement.
7.3.6.1.3.4	Football Issues.

Division: II

Proposal Number: NC-2023-28

Title: NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL -- ACTIVE MEMBERSHIP -- INSTITUTIONS -- ELIMINATION OF AUDIT OF MEMBERSHIP REQUIREMENTS

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Membership

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 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - Management Council.

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.

Legislative References

Legislative Cite	Title
7.3	Active Membership.
7.3.1	Institutions.
7.3.1.9	Audit of Membership Requirements.
7.3.1.9.1	Minimum Financial Aid and Sports-Sponsorship Reports.
7.3.1.9.2	Failure to Fulfill Membership Requirements -- Institution on Probation.

Division: II

Proposal Number: NC-2023-29

Title: 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

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Legislative Process

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - Management Council.

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.

Legislative References

Legislative Cite	Title
9.4.1.2	Interpretation Process.
9.4.1.2.1	Division II Process.
9.4.1.2.1.2	Review of Legislation Committee or Academic Requirements Committee Decision.

Division: II

Proposal Number: NC-2023-30

Title: AMATEURISM AND FINANCIAL AID -- VARIOUS BYLAWS -- STUDENT-ATHLETE NAME, IMAGE AND LIKENESS ACTIVITIES

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Amateurism

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 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 ~~amateurism~~**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 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~~

(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.**

~~(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.]

~~(l) 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 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.]

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 ~~amateur~~**eligibility** 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 ~~amateur~~**eligibility** status.

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting their ~~amateur~~**eligibility** 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~~**eligibility** status. An individual who retains an agent **in order to secure a professional sports opportunity** shall lose ~~amateur~~**eligibility** 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 text) 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~~
- ~~(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.~~

~~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 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.~~

~~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.~~

~~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]~~

- ~~(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.)

FAQ:**Co-sponsorship - Conference:**

None

Co-sponsorship - Institution:

None

Position Statements:**Review History:**

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - NCAA Division II Management Council.

Additional Information:

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.

Legislative References

Legislative Cite	Title
12	Amateurism
12.01	General Principles.
12.01.1	Eligibility for Intercollegiate Athletics.
12.01.3	"Individual" Versus "Student-Athlete."
12.02	Definitions and Applications.
12.1	General Regulations.
12.1.1	Validity of Amateur Status.
12.1.1.1	Amateurism Certification Process.
12.1.1.1.1	Scope.
12.1.1.1.2.1	Amateur Status After Certification.
12.1.1.1.2.2	Sharing Information and Reporting Discrepancies.
12.1.1.1.3	Eligibility for Practice and Competition.
12.1.1.1.3.1	Participation Before Certification -- Recruited and Nonrecruited Student-Athlete.
12.1.1.1.3.1.1	Effect of Violation.
12.1.2	Activities Prior to Initial Full-Time Collegiate Enrollment.

Legislative Cite	Title
12.1.3	Permissible -- Following Initial Full-Time Collegiate Enrollment.
12.1.4	Impermissible -- Following Initial Full-Time Collegiate Enrollment.
12.1.5	Amateur Status if Professional in Another Sport.
12.2	Involvement With Professional Teams.
12.2.2	Practice Without Competition.
12.2.4	Draft and Inquiry.
12.2.4.1	Inquiry.
12.2.4.2	Draft List.
12.2.4.3	Negotiations.
12.4	Employment.
12.4.1	Criteria Governing Compensation to Student-Athletes.
12.5	Promotional Activities.
12.5.1	Permissible.
12.5.1.1	Institutional, Charitable, Educational or Nonprofit Promotions.
12.5.1.1.1	Exception - Promotional Activities Not Sponsored or Organized by a Member Institution's Athletics Department or Member Conference.
12.5.1.1.2	Signed Prospective Student-Athlete's Participation in Institutional Fundraisers or Promotional Activities.
12.5.1.1.3	Promotions Involving NCAA Championships, Events, Activities or Programs.
12.5.1.1.4	Promotions Involving Commercial Locations/Sponsors.
12.5.1.1.5	Distribution of Institutional Noncommercial Items through Commercial Outlets.
12.5.1.1.5.1	Exception -- Olympic, Paralympic or National Team.
12.5.1.1.6	Player/Trading Cards.
12.5.1.1.7	Effect of Violations.
12.5.1.2	Modeling and Other Nonathletically Related Promotional Activities.
12.5.1.3	Congratulatory Advertisement.
12.5.1.4	Educational Products Related to Sport-Skill Instruction.
12.5.1.5	Camps.
12.5.1.5.1	Institutionally Sponsored Camps.
12.5.1.5.2	Privately Owned Camps.

Legislative Cite	Title
12.5.1.6	Promotion by Third Party of Highlight Film, Videotape, Media Guide or Photographs.
12.5.1.7	Promotion of NCAA and Conference Championships.
12.5.1.8	Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) and World University Championships.
12.5.1.8.1	Sale and Distribution of Promotional Items.
12.5.1.8.1.1	Corporate Sponsors.
12.5.2	Nonpermissible.
12.5.2.1	Advertisements and Promotions Following Enrollment.
12.5.2.1.1	Exceptions.
12.5.2.1.2	Improper Use of Student-Athlete's Name or Picture.
12.5.2.2	Use of a Student-Athlete's Name or Picture Without Knowledge or Permission.
12.5.2.3	Specifically Restricted Activities.
12.5.2.3.1	Name-the-Player Contest.
12.5.2.3.2	Athletics Equipment Advertisement.
12.5.2.3.3	Promotional Contests.
12.5.3	Media Activities.
12.5.3.1	Writing Activities for a Commercial Entity.
12.5.4	Use of Logos on Equipment, Uniforms and Apparel.
12.5.4.1	Laundry Label.
12.5.4.2	Pre- or Postgame Activities.
12.5.4.3	Outside Team Uniforms and Apparel.
12.5.4.4	Title-Sponsor Recognition.
15.2	Permissible Sources of Financial Aid.
15.2.3	Employment.

Division: II

Proposal Number: NC-2023-31

Title: INFRACTIONS PROGRAM AND ENFORCEMENT POLICIES AND PROCEDURES -- MERGE, REORGANIZE AND UPDATE BYLAWS 19 AND 32

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: August 1, 2023

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Infractions Program and Enforcement Policies and Procedures

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;
- (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 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.

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.~~

~~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 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.~~

~~19.3.1 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.~~

~~19.4 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).

~~19.4.2 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.~~

~~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.~~

~~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;~~
- ~~(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;~~

~~(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);~~
- ~~(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.~~

~~19.5.2.1 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.~~

~~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.~~

~~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.~~

~~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.~~

~~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 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.~~

~~19.5.2.4 Probationary Periods.~~

~~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.~~

~~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.~~

~~19.5.2.5 Review of Penalty.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~19.5.2.5.2 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.~~

~~19.6 Rights of Member to Appeal.~~

~~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.~~

~~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.~~

~~19.6.3 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.~~

~~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.~~

~~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.~~

~~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.~~

19.01 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.

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

(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 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
- (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.

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.

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.

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 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.
- (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. 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.

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 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.

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 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 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;

(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;

(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:

- (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 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.

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;
- (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 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.

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 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 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.~~

~~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.~~

~~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.

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.*
- (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 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.~~

~~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.~~

~~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.~~

~~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.~~

~~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 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.~~

~~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;~~
- ~~(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 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.~~

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - Management Council.

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.

Legislative References

Legislative Cite	Title
11	Conduct and Employment of Athletics Personnel
14.12	Ineligibility.

Legislative Cite	Title
14.12.2	Ineligible Participation.
18.4	Eligibility for Championships.
18.4.2	Institutional Eligibility.
18.4.2.1	General Institutional Requirements.
18.4.2.1.1	Certification of Compliance -- Requirements.
18.4.2.1.1.2	Coaching Staff Disciplinary Actions.
19	Infractions Program
19.01	General Principles.
19.01.1	Mission of NCAA Infractions Program.
19.01.2	Accountability.
19.01.3	Exemplary Conduct.
19.01.4	Member Responsibility for Compliance.
19.01.5	Member Responsibility to Report Noncompliance.
19.01.6	Responsibility to Cooperate.
19.01.7	Violations by Institutional Staff Members.
19.01.8	Nature of Penalty Structure.
19.02	Definitions and Applications.
19.02.1	Show-Cause Order.
19.02.2	Types of Violations.
19.02.2.1	Violation, Secondary.
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19.02.3	New Information.
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19.1.1	Composition.
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19.1.1.2	Quorum.
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19.1.2.1	Authority of Vice President of Enforcement.
19.1.2.2	Authority of Committee Chair.

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19.1.2.3	Temporary Substitutes.
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19.4	Notice of Allegations and Opportunity to Appear.
19.4.1	For Major Violations.
19.4.2	For Secondary Violations.
19.4.3	New Findings.
19.5	Penalties, Disciplinary Measures and Corrective Actions.
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19.5.2.2.1.1	Opportunity to Be Heard.
19.5.2.3	Repeat Violator Penalties.
19.5.2.3.1	Time Period.
19.5.2.4	Probationary Periods.
19.5.2.4.1	Conditions of Probation.
19.5.2.4.2	Review Prior to Restoration of Membership Rights and Privileges.
19.5.2.5	Review of Penalty.
19.5.2.5.1	New Information or Prejudicial Error.
19.5.2.5.1.1	Review Process.
19.5.2.5.1.2	Institution or Conference Discipline as New Information.

Legislative Cite	Title
19.5.2.5.1.3	No Calculation of New Penalty.
19.5.2.5.2	Reconsideration of Penalty.
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19.6.1	Appeal of Secondary Violations.
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19.6.2	Appeal of Major Violations.
19.6.3	Appeal by an Institutional Staff Member.
19.6.4	Student-Athlete Appeal.
19.6.4.1	Obligation of Institution to Take Appropriate Action.
19.7	Restitution.
31.2	Eligibility for Championships.
31.2.2	Student-Athlete Eligibility.
31.2.2.4	Participation While Ineligible.
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32.1.4	Definition of Involved Individual.
32.2	Preliminary Review of Information.
32.2.1	Enforcement Staff to Receive Information and Conduct Investigations.
32.2.1.1	Self-Disclosure by an Institution.
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32.2.2.1	Initial Enforcement Staff Responsibilities.
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32.2.2.1.2	Identification of Major/Secondary Violation.
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32.3.3	Interviews With Member Institution.
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32.3.4	Notice of Requirements.
32.3.4.1	Disclosure of Purpose of Interview.
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32.6.2	Written Agreement.
32.6.2.1	All Participating Parties Agree on Resolution.
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32.6.2.3	Elements of Written Agreement.
32.6.3	Scope of Review.
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32.6.6	Negotiated Resolution Not Approved.
32.7	Notice of Allegations.
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32.7.1.1	Contents of the Notice of Allegations Cover Letter.
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32.8.1.4	Committee on Infractions Review.
32.8.1.4.1	Acceptance of Proposed Findings and Penalties.
32.8.1.4.2	Proposed Findings Not Accepted.
32.8.1.4.3	Proposed Penalties Not Accepted.
32.8.1.4.4	Additional Information or Clarification.
32.8.1.4.5	Authority to Amend Findings.
32.9	Committee on Infractions Hearings.
32.9.1	Committee Authority.
32.9.2	Accelerated Hearing Docket.
32.9.3	Determination of Hearing Date.
32.9.4	Obligation to Provide Full Information.
32.9.5	Appearance of Individuals at Hearings.
32.9.5.1	Request for Specific Individuals.
32.9.5.2	Attendance at Hearings.
32.9.5.3	Exclusion of Individuals from Hearings.
32.9.5.3.1	Exclusions Requested by the Institution.
32.9.5.3.2	Limited Attendance of Student-Athletes.
32.9.5.4	Representation of Member Conference.
32.9.5.5	Prohibited Attendee.
32.9.6	Hearing Procedures.
32.9.6.1	Information From Confidential Sources.
32.9.6.1	Information Concerning Mitigating Factors.
32.9.6.1	Scope of Inquiry.
32.9.6.2	Recording of Proceedings.
32.9.7	Posthearing Committee Deliberations.
32.9.7.1	Request for New Information.
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Legislative Cite	Title
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32.9.7.3.2	Materials Not Produced.
32.9.7.3.3	Failure or Refusal to Participate in Interview.
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32.10.2.1	Public Comment Prior to Release.
32.10.2.2	Public Announcement and Comment at Release.
32.10.3	Infractions Decision to Infractions Appeals Committee.
32.11	Appeal Procedure.
32.11.1	Notice of Intent to Appeal.
32.11.1.1	Appeal by Institution.
32.11.1.2	Appeal by Involved Individual.
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32.11.2	Committee on Infractions' Response to an Appeal.
32.11.3	Enforcement Staff Information.
32.11.4	Basis for Granting an Appeal.
32.11.4.1	Penalties.
32.11.4.2	Conclusions.
32.11.5	New Information.
32.11.6	Infractions Appeals Committee -- Determination of Appeal Procedure.
32.12	Appeal Oral Arguments.
32.12.1	Appeal Oral Argument Procedures.
32.12.2	Consideration by Infractions Appeals Committee.
32.12.3	Infractions Appeals Committee -- Determination of Appeal Oral Argument Procedures.
32.12.4	Decision Final.
32.12.5	No Further Review.

Division: II

Proposal Number: NC-2023-32

Title: NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL -- ACTIVE MEMBERSHIP -- ELIMINATION OF DISCIPLINE OF MEMBERS

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Membership

Intent: To eliminate references to the discipline of members.

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 7.3.1.5.10 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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 30, 2022: Recommends Approval - NCAA Division II Implementation Committee.

Jul 19, 2022: Approved in Concept - Management Council.

Additional Information:

This proposal eliminates outdated and/or duplicative references to discipline in the current Bylaws 7, 19 and 32.

Legislative References

Legislative Cite	Title
7.3	Active Membership.
7.3.1	Institutions.
7.3.1.5	Conditions and Obligations of Active Membership.
7.3.1.5.11	Discipline of Members.
7.3.4	Discipline of Active Institutions.
7.3.4.1	Restoration of Good Standing.
7.3.6	Conferences.
7.3.6.8	Discipline of Member Conferences.
7.3.6.8.1	Restoration of Good Standing.

Division: II

Proposal Number: NC-2023-33

Title: PLAYING AND PRACTICE SEASONS -- WOMEN'S BEACH VOLLEYBALL -- NONCHAMPIONSHIP SEGMENT COMPETITION

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Playing and Practice Seasons

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jun 22, 2022: Recommends Approval - Legislation Committee

Jul 19, 2022: Approved in Concept - Management Council.

Aug 31, 2022: Approved in Legislative Format - Administrative Committee

Additional Information:

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.

Legislative References

Legislative Cite	Title
17.5	Beach Volleyball.
17.5.7	Number of Contests.
17.5.7.1	Maximum Limitations -- Institutional.
17.5.7.1.1	Pairs Tournament -- Institutional -- Nonchampionship Segment.
17.5.7.1.2	Participation in Multiple Tournaments on the Same Day or Days -- Nonchampionship Segment.
17.5.7.2	Maximum Limitations -- Student-Athlete.

Legislative Cite	Title
17.5.7.2.1	Pairs Tournament -- Student-Athlete -- Nonchampionship Segment.

Division: II

Proposal Number: NC-2023-34

Title: PLAYING AND PRACTICE SEASONS -- WATER POLO -- NUMBER OF DATES OF COMPETITION -- FOUR DATES OF COMPETITION DURING NONCHAMPIONSHIP SEGMENT

Convention Year: 2023

Date Submitted: August 2, 2022

Status: Ready for Ratification Convention Vote

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

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

Category: Noncontroversial

Topical Area: Playing and Practice Seasons

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:**Review History:**

Jun 22, 2022: Recommends Approval - Legislation Committee

Jul 19, 2022: Approved in Concept - Management Council.

Aug 31, 2022: Approved in Legislative Format - Administrative Committee

Additional Information:

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.

Legislative References

Legislative Cite	Title
17.27	Water Polo.
17.27.5	Number of Dates of Competition.
17.27.5.1	Maximum Limitations -- Institutional.
17.27.5.2	Maximum Limitations -- Student-Athlete.

Division: II

Proposal Number: NC-2023-35

Title: RECRUITING -- PUBLICITY -- MEDIA RELEASE REGARDING SIGNING

Convention Year: 2023

Date Submitted: September 26, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council.

Category: Noncontroversial

Topical Area: Recruiting

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:**Review History:**

Jul 19, 2022: Approved in Concept - Management Council.

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 nonscholarship prospective student-athletes by not requiring the financial deposit requirement for publication.

Legislative References

Legislative Cite	Title
13.10	Publicity.
13.10.2	Comments Prior to Signing.
13.10.4	Media Release Regarding Signing.

Division: II

Proposal Number: NC-2023-36

Title: RECRUITING -- PUBLICITY -- COMMENTS PRIOR TO SIGNING -- ANNOUNCER FOR HIGH SCHOOL BROADCAST

Convention Year: 2023

Date Submitted: September 26, 2022

Status: Ready for Consideration by Management Council

Effective Date: Immediate

IPOPL Number:

SPOPL Number:

Source: NCAA Division II Management Council.

Category: Noncontroversial

Topical Area: Recruiting

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.]

FAQ:

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Position Statements:

Review History:

Jul 19, 2022: Approved in Concept - Management Council.

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.

Legislative References

Legislative Cite	Title
13.10	Publicity.
13.10.2	Comments Prior to Signing.
13.10.2.3	Announcer for High School Broadcast.

REPORT OF THE
NCAA DIVISION II ACADEMIC REQUIREMENTS COMMITTEE
SEPTEMBER 20, 2022, IN-PERSON MEETING

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Discussion Regarding NCAA Division II progress-toward-degree and two-year college transfer requirements.** The NCAA Division II Academic Requirements Committee began a review of progress-toward-degree and two-year college transfer requirements. This review comes as a referral from the NCAA Division II Implementation Committee Legislative Process and Compliance Subcommittee. The Academic Requirements Committee reviewed the current legislated requirements for both progress-towards-degree and two-year transfer requirements. The committee discussed areas in which changes might be necessary. The committee directed staff to gather data related to the impact the requirements have on student-athlete academic success and graduation. The committee will continue this discussion at its next several meetings, including videoconferences in December and February.
2. **Editorial revision regarding NCAA Division II Bylaw 14.5.4.5.7 (participation before certification -- recruited and nonrecruited student-athlete).** The Academics Requirement Committee was provided an update on questions received from the membership regarding Bylaw 14.5.4.5.7 and how the elimination of the nonqualifier academic certification status impacts its application. Staff noted that the bylaw should have been eliminated in 2021 as a result of the change in initial-eligibility legislation as there is no longer a restriction on access to athletics aid and practice for any incoming student-athlete regardless of final academic certification. As a result, the bylaw will be removed through an editorial revision.
3. **Update on 2023 NCAA Convention Division II Proposals.** The Academic Requirements Committee reviewed one 2023 NCAA Convention proposal that impacts student-athlete eligibility. Specifically, the committee reviewed a proposal that if adopted, would eliminate the standardized test score requirement for Division II initial-eligibility requirements.
4. **Update on Academic Success Rate (ASR) data submissions.** Staff provided an update on four institutions that successfully requested an extension of the ASR deadline for the 2021-22 academic year.
5. **Update on Academic Performance Census (APC) submissions.** Staff provided an update on APC data submissions and how recent changes in education and communication have improved submission rates.

6. **Update regarding the work of the NCAA Division II Implementation Committee.** The Academic Requirements Committee was provided an update on the work and outcomes of the Implementation Committee.
7. **Update on initial-eligibility certification data for the 2022-23 academic year.** Staff provided an update on current data related to initial-eligibility certifications and the impact that recent COVID-19 relief has provided.
8. **Update on Division II educational initiatives.** Staff provided an update on the 2022-23 educational initiatives. Specifically, it was noted that the NCAA Regional Rules Seminar will return to in-person programming in Indianapolis May 16-18, 2023.
9. **Review the 2022-23 Division II Priorities.** Staff provided an update on the Division II priorities for the upcoming year.
10. **Review of the June 6, 2022, Academic Requirements Committee videoconference report.** The committee reviewed and approved its June 6, 2022, videoconference report.
11. **Review of the summer 2022 NCAA Division II Management Council and NCAA Division II Presidents Council summary of actions.** The committee reviewed the summary of actions from the summer 2022 meetings of the Management Council and the Presidents Council.
12. **Review of the Academic Requirements Committee roster.** The committee reviewed the current roster for accuracy and approved recent subcommittee assignments.
13. **Future meeting schedule.** Staff noted that the committee will meet virtually February 8, 2023, and that the date of the June 2023 videoconference will be determined at a later date.

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

Report of the NCAA Division II
Academic Requirements Committee
September 20, 2022, In- Person Meeting

NCAA Division II Academic Requirements Committee September 20, 2022, In-Person Meeting	
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 (via videoconference).	
Kelli Wooley, Cameron University.	
Absentees:	
None.	
Guests:	
Marty Gilbert, Mars Hill University (via videoconference).	
NCAA Liaison in Attendance:	
Susan Britsch, Jeremy Christoffels and Robert Turick.	
Other NCAA Staff Members in Attendance:	
Olivia Beach, Doug Healey, Anna Lynn Houk, Terri Steeb Gronau, Maritza Jones, Lorne McManigle, Stephanie Quigg, Angela Red and Olivia Sappington.	



REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
AUGUST 4, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

- **Sport committee appointments.** Ratify the following sport committee appointments (four immediate replacements and one effective September 1, 2022). (See Attachment.)
 - a. **Men's and women's cross country (immediate appointment).** Appoint **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.
 - b. **Women's lacrosse (immediate appointment).** Appoint **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.
 - c. **Women's rowing (immediate appointment).** Appoint **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.
 - d. **Men's soccer (immediate appointment).** Appoint **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.
 - e. **Men's and women's tennis (September 1, 2022, appointment).** Appoint **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.]

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 the report from its June 9-10 in-person meeting as presented.
3. **Division II Nominating Committee report.** The committee endorsed the recommended appointments noted in Action Item No. 2 above.
4. **Sport committee reports.**

- a. **Men's and women's cross country.** The Championships Committee approved the following two sites to complete the slate of regionals for the 2022 NCAA Division II Men's and Women's Cross Country Championships.

Region	Host	Location
Southeast	Wingate University	McAlpine Creek Park; Charlotte, North Carolina
Atlantic	Mansfield University of Pennsylvania	Lambs Creek Recreation Area; Mansfield, Pennsylvania

[Note: Wingate University is replacing Queens University of Charlotte as host (due to that institution's transition to Division I) at the same course the Championships Committee previously approved.]

- b. **Softball.** The Championships Committee received an update on the Division II Softball Committee's discussions regarding the finals site format and next steps. The championship format increased from five days to six for the 2022 championship, and the Softball Committee is continuing to evaluate whether the six-day format is in the best interests of the championship or whether an alternative model would be more appropriate going forward. The Softball Committee has received positive feedback thus far on a potential seven-day model, and the Championships Committee reviewed a draft of what that bracket would look like and agreed that it merited consideration. The Softball Committee expects to submit a formal recommendation for the Championships Committee to review during its September meeting. The Championships Committee expressed general support for a seven-day format, but requested the Softball Committee examine how the sport could continue to be included in the Division II Festival. The Championships Committee will discuss this issue further during its September meeting.
5. **Appeals of selection deadlines.** The committee discussed an issue raised recently regarding whether institutions participating in individual/team sport championships should be allowed an appeal opportunity beyond the sport committee level in instances where they miss the declaration deadline. Historically, Division II has not allowed anything related to selections (including submission/declaration deadlines) to be appealed beyond the sport committee based on the current legislation (Bylaw 31). Divisions I and III have allowed appeals in very limited instances in the past. The Championships Committee discussed whether there should

be a higher appeal opportunity but ultimately affirmed that the approach Division II has previously taken is appropriate.

6. **MIAA membership status.** The committee noted that the Mid-America Intercollegiate Athletics Association formally announced Newman University and Rogers State University as full members effective July 1, bringing the MIAA to 14 full-time members. Both institutions joined the MIAA as associate members in 2019 with the intent of becoming full members pending approval from the MIAA's council of presidents. During this period, they were considered independent members for the purposes of Division II regionalization logistics, but that will no longer will be necessary.
7. **Committee roster.** The committee recognized Suzanne Sanregret, whose term on the committee expires at the end of August, for her outstanding contributions to the group during her tenure. The committee noted that Regan McAthie, director of athletics at Concordia University, St. Paul, will replace Ms. Sanregret. In addition, this videoconference would have been the final session for Carrie Michaels in her role as vice chair of the Division II Management Council had she been able to attend. Harry Stinson III has been elected as the new Management Council vice chair and will join the Championships Committee in that capacity starting in September. Ms. Michaels will continue to participate in the Championships Committee discussions this fall regarding concepts referred from the Division II Implementation Committee (she chaired that committee's championships subcommittee and will be able to provide leadership and input during the Championships Committee's discussions; other subcommittee members will be invited to provide input on those matters as well).
8. **2022-23 sport assignments.** Given the committee roster change noted in Informational Item No. 7, staff noted vacancies for men's basketball and men's and women's track and field, as well as the appeals subcommittee and asked members interested in those assignments (or in switching current assignments) to notify the staff before September.
9. **Future meeting/videoconference dates.**
 - September 12-13 (in-person meeting; Indianapolis).
 - October 6, 2-3:30 Eastern (monthly videoconference).
 - November 3, 2-3:30 Eastern (monthly videoconference).
 - December 1, 2-3:30 Eastern (monthly videoconference).

<i>Committee Chair:</i>	<i>Reid Amos, Mountain East Conference</i>
<i>Staff Liaison(s):</i>	<i>Karen Kirsch, Championships and Alliances</i>
	<i>Micaela Liddane, Championships and Alliances</i>
	<i>Angela Red, Academic and Membership Affairs</i>

Division II Championships Committee

August 4, 2022, Videoconference

Page No. 4

Division II Championships Committee August 4, 2022, Videoconference	
Attendees:	
Reid Amos, Mountain East Conference.	
Kristy Bayer, Rockhurst University.	
Linda Bell, Fort Valley State University.	
Marcus Clarke, Central Intercollegiate Athletic Association.	
Chris Colvin, Conference Carolinas.	
Matt Kilcullen, Mercy College.	
Maggie Langheim, Mars Hill University (Division II SAAC representative substituting for Thomas Webb Jr.).	
Gary Pine, Azusa Pacific University.	
Carol Rivera, California Collegiate Athletic Association.	
Suzanne Sanregret, Michigan Technological University.	
Absentees:	
Courtney Lovely Evans, Palm Beach Atlantic University.	
Nathan Gibson, University of Colorado, Colorado Springs.	
Carrie Michaels, Shippensburg University of Pennsylvania (Management Council vice chair).	
Thomas Webb Jr., Western New Mexico University.	
Guests in Attendance:	
None.	
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, Stephanie Quigg, Jennifer Roe and Liv Sappington.	

2022-23 DIVISION II MEN'S AND WOMEN'S CROSS COUNTRY COMMITTEE

Composition: Eight members, including four representing men's track and four representing women's track. Three positions are allocated for men, three for women. Quota of 50 percent administrators: **4**

One from each region: West, Central, South Central, Midwest, South, Southeast, Atlantic, East.

Vacancies: **One immediate vacancy, Desmond Pierce resigned, Midwest region, admin.**

Staff Liaison: Will Hopkins

	REG.	POS.	EM/ GEN	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
(M/W)	West	C	N/M	Chris Bradford California State Polytechnic University, Pomona	California Collegiate Athletic	Bradford*			
(M/W)	South	Asst AD/SWA	Y/F	Darlene Moore Albany State University (Georgia)	Southern Intercollegiate	Moore	Moore	Moore*	
(M/W)	SoC	C/SWA	N/F	Leigh Cordes Lubbock Christian University	Lone Star	Cordes*			
(M/W)	SoE	C	N/M	Jason Bryan Catawba College	South Atlantic	Bryan	Bryan*		
(M/W)	East	C	N/M	Kevin Curtin Bentley University	Northeast-10	Curtin*			
(M/W)	Cen	Asst AD/SWA	N/F	Sage Woodham Southern Arkansas University	Great American Conference	Woodham	Woodham	Woodham*	
(M/W)	MidW	Dir of Comp	Y/M	Desmond Pierce Trevecca Nazarene University	Great Midwest Athletic	Pierce	Pierce	Pierce*	
(M&W)	Atl	C	Y/F	Inez Turner Fayetteville State University	Central Intercollegiate Athletic	Turner	Turner	Turner	Turner*

* Not eligible for reappointment
06/24/2022

2021-22 DIVISION II WOMEN'S LACROSSE COMMITTEE

(Division II Championships Administration Only)

Composition: Four members, one from each region – South, Atlantic, Midwest and East. 50% Administrators (2).

Vacancies: **One immediate vacancy, Tom Campolettano resigned, East region, coach or admin**

Staff Liaison: Caleb Kolby

REG	POS	EM/ GEN	NAME AND INSTITUTION	CONFERENCE	9/21-9/22	9/22-9/23	9/23-9/24	9/24-9/25
ATL	Assoc Comm	N/M	Doug DeBiase Central Atlantic Collegiate Conference	Central Atlantic Collegiate	DeBiase	DeBiase	DeBiase	DeBiase*
MIDW	SWA (C)	N/F (N/F)	Regan McAthie Concordia University, St. Paul (Shannon McHale Colorado Mesa University)	Northern Sun Intercollegiate (Rocky Mountain Athletic)	McAthie*	McHale	McHale	McHale (9/26)*
EAST	C	N/M	Tom Campolettano Molloy College	East Coast	Campolettano	Campolettano	Campolettano	Campolettano *
South	Asst Dir/SWA	N/F	Casey Petrusic Newberry College	South Atlantic	Petrusic	Petrusic	Petrusic	Petrusic (9/26)*

*Not eligible for reappointment
05/23/2022

Atlantic – Central Atlantic Collegiate Conference and Pennsylvania State Athletic Conference

East – East Coast Conference and Northeast-10 Conference

Midwest – Great Lakes Intercollegiate Athletic Conference, Mountain East Conference, Rocky Mountain Athletic Conference and Independent Institutions (Alderson Broadus University, Davis and Elkins College, Ohio Valley University, Ursuline College, Concordia University, St. Paul)

South – Conference Carolinas, South Atlantic Conference, Sunshine State Conference and Independent Institutions (University of Alabama, Huntsville, University of Montevallo, Shorter University, Young Harris College, Florida Institute of Technology)

2021-22 DIVISION II WOMEN'S ROWING COMMITTEE

(Championship)

Legislated Requirements: Three members. One from each region. East (East, Midwest and Atlantic regions), South and West. Required number of administrators (50%): **2**

Vacancies: **One immediate vacancy, Amanda Knight resigned, south region, administrator.**

Staff Liaison: Victoria Lipscomb

REG	POS	EM/ GEN	NAME AND INSTITUTION	CONFERENCE	9/21-9/22	9/22-9/23	9/23-9/24	9/24-9/25
S	SWA/ Assoc AD	Y/F	Amanda Knight Barry University	Sunshine State	Knight	Knight*		
W	C	N/M	Matt Weise Humboldt State University	California Collegiate Athletic/Great Northwest Athletic	Weise	Weise	Weise*	
E	Assoc AD	N/F	Jeanette McKillop Franklin Pierce University	Northeast-10	McKillop	McKillop	McKillop*	

05/02/2022

2022-23 DIVISION II MEN'S SOCCER COMMITTEE

Composition: Eight members. One from each of the Division II men's soccer regions (West, Central, South Central, South, Southeast, Midwest, Atlantic, East).
Quota of 50 percent administrators: **4**.

Vacancies: **One immediate vacancy, Brian McMahon resigned, South region, coach or admin.** Two September 2023 vacancies. East, Midwest regions, one must be admin.

Staff Liaison: Eric Breece

REG	POS	EM/ GEN	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
Cen	Asst AD	N/F	Dawn Tatro Rogers State University	Independent	Tatro	Tatro	Tatro	Tatro*
SoC	Asst. AD	N/F	Amanda Snodgrass Midwestern State University	Lone Star	Snodgrass	Snodgrass*		
East	C	N/M	Wade Jean Saint Michael's College	Northeast-10	Jean* (one-year term ext)			
SoE	Deputy AD	F/N	Rebecca Magee Erskine College	Conference Carolinas	Magee	Magee	Magee	Magee*
West	C	N/M	Rob Walker Saint Martin's University	Great Northwest Athletic	Walker	Walker	Walker*	
Atl	C	N/M	Patrick Long Lock Haven University of Pennsylvania	Pennsylvania State Athletic	Long	Long	Long	Long*
So	C	N/M	Brian McMahon Palm Beach Atlantic University	Sunshine State	McMahon*			
MidW	Asst AD	N/M	Michael Koehler Rockhurst University	Great Lakes Valley	Koehler* (one-year term ext)			

*Not eligible for reappointment 06/18/2022

2022-23 DIVISION II MEN'S AND WOMEN'S TENNIS COMMITTEE

Composition: Eight members. Three positions will be allocated for men, three positions allocated for women and two positions unallocated. Quota of 50 percent administrators: **4**.

One from each of the tennis regions: West, Central, South Central, South, Southeast, Midwest, Atlantic, East.

Vacancies: **One September 2022 vacancy, West region, coach or admin.**

Staff Liaison: Zach Christopher

REG	POS	EM/ GEN	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
SoE	C	N/M	Lee Underwood Barton College	Conference Carolinas	Underwood*			
Cen	Asst. Comm	N/M	Jeremy Christoffels Northern Sun Intercollegiate Conference	Northern Sun Intercollegiate	Davis	Christoffels	Christoffels	Christoffels*
MidW	Asst AD	N/F	Karen Henson Drury University	Great Lakes Valley	Henson	Henson	Henson	Henson*
So	Asst AD	N/M	TJ Budd Palm Beach Atlantic University	Sunshine State	Budd*			
West	SID	N/M	Jared Pine Pacific West Conference	Pacific West	Pine	Pine	Pine	Pine*
Atl	Dir of tennis	N/M	Jerome Simon Mercyhurst University	Pennsylvania State Athletic	Simon	Simon	Simon*	
SoC	C	N/M	Josh Cobble Cameron University	Lone Star	Cobble	Cobble	Cobble	Cobble*
East	AD	N/F	Stefanie Whitby Wilmington University (Delaware)	Central Atlantic Collegiate	Whitby	Whitby	Whitby	Whitby*

*Not eligible for reappointment 05/29/2022

**REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
SEPTEMBER 12-13, 2022, MEETING**

ACTION ITEMS.

1. Legislative items.

- **None.**

2. Nonlegislative items.

a. Alcohol sales at the 2023 Division II Men's and Women's Tennis Championships.

- (1) Recommendation. Approve 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.
- (2) Effective date. Only for the 2023 NCAA Division II Men's and Women's Tennis Championships.
- (3) Rationale. Division II previously adopted noncontroversial legislation (NC-2019-42) to permit alcohol sales at the Division II Men's Lacrosse Championship, which is played annually in conjunction with the Division I and III championships. Consistent with that approach, a waiver should be approved to permit the sale of alcohol during the 2023 Division II Men's and Women's Tennis Championships because they are being held in conjunction with Divisions I and III. All three divisions will play at the United States Tennis Association National Campus, which will have the necessary security and provisions in place. Additionally, approving a waiver will provide a consistent fan experience through the week with alcohol sales being permitted at the Division I championships. Division III legislation permits alcohol sales at joint championships with Division I when conducted in the same venue.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

b. Automatic qualification grace period.

- (1) Recommendation. Approve 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.

- (2) Effective date. Immediate, through the 2023-24 academic year.
- (3) Rationale. In order to meet the requirements for automatic qualification, a conference must have six active members that sponsor the sport at the varsity intercollegiate level in which automatic qualification 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 the automatic qualifier. If a conference falls below the requirement of six active members, there is a three-year grace period provided the conference stays within one member institution of the minimum number (i.e., five).

Due to COVID-19, the Division II Administrative Committee provided relief from the sports sponsorship requirements for spring 2020 and the 2020-21 academic year. As a result, conferences were not required to have six active members sponsoring the sport. Institutions and conferences were expected to resume adherence to sport sponsorship requirements in the 2021-22 academic year. Additionally, Division II championships were canceled for the 2020 winter, spring and fall seasons. The application of the three-year grace period was not considered during the Administrative Committee's ongoing review of the impact of COVID-19 on Division II legislation and policies. Since there are three current instances of a conference in the grace period, the Championships Committee believes additional relief of one year should be provided.

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

c. Softball championship format.

- (1) Recommendation. Approve a change to the finals site format from six days to seven days. [See Attachment A.]
- (2) Effective date. 2023 NCAA Division II Softball Championship.
- (3) Rationale. This recommendation culminates more than a year of collaboration and vetting within the Division II softball community. Momentum for the proposal built shortly before the 2022 championship when the National Fastpitch Coaches Association (NFCA) urged Division II to expand its five-day format, which at the time was the fewest among the three divisions and was perceived not to provide adequate rest for participants throughout the tournament (the five-day format provided no days off). The NFCA advocated an eight-day tournament that was supported by the Division II Softball Committee, but given the timing of the issue the Division II Championships Committee and Division II Management Council approved the six-day format that was used for the 2022 championship and agreed that it would continue to consider alternate options to determine the best experience for student-athletes in subsequent years.

The Division II Softball Committee reviewed membership feedback from the six-day model, which provided an off day to the two teams that were 2-0 after day two. While this was an improvement, the committee and the softball community believed that a seven-day model allows for additional necessary rest and recovery for participating student-athletes, including an off day for teams that lose the first day as well as a day off prior to the start of the championship series. Additionally, providing an off day for teams that lose the first game enhances the student-athlete experience as no teams would be eliminated on the second day of competition (currently, four teams are eliminated on day two). Finally, this format provides a buffer in the schedule for weather delays, which is important as the championship will be held on a grass field the next four years after being on a turf field for the last three years.

The Softball Committee and the Championships Committee are aware that this format will affect the logistics of the Division II Spring Festival (e.g., venue availability, competition schedule, community engagement) that will need to be reviewed if this recommendation is approved (the next spring festival is in 2024), but neither committee is recommending softball be removed from the festival.

This request is outside of the traditional championships triennial budget process, but the Championships Committee believes this adjustment is necessary for student-athlete health and well-being. This proposal is supported by the NFCA and other membership groups as well.

- (4) Estimated budget impact. Approximately \$25,000.
- (5) Student-athlete impact. The adjustments will improve the student-athlete experience at the finals site by providing up to two rest days, and it also ensures that all student-athletes (even those on the teams that lose their first two games and are eliminated) are able to more fully experience the championship.

d. Access ratios for select sports.

- (1) Recommendation. Approve regional berth allocations for baseball, women's soccer, and men's and women's tennis as specified in Attachment B.
- (2) Effective date. 2022-23 academic year.
- (3) Rationale. The sport committees for these sports based their postseason berth allocations on the current year's sport sponsorship as the fairest method and to retain an equitable bracket size among regions.
- (4) Estimated budget impact. None.

- (5) Student-athlete impact. None.

e. Performance Indicator scale adjustment for baseball.

- (1) Recommendation. Approve adjusting the calculation for the Performance Indicator as reflected in Attachment C.
- (2) Effective date. Immediate, for the 2022-23 championship year.
- (3) Rationale. The Division II Baseball Committee implemented changes to the PI scale this past year and found that the adjustments rendered the selection criteria ineffective. This change will allow the PI scale to more closely resemble the previous scale (and the scale used for other sports) and provide the regional and national committees the necessary tools to evaluate teams.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

f. Preliminary-round host microsites.

- (1) Recommendation. Require 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 [Attachment D].
- (2) Effective date. Immediate, for championships beginning in fall 2022. (Institutions will be provided guidelines that advise what types of information would be required, as well as additional information that could/should be considered, to help ensure consistency among microsites.)
- (3) Rationale. The Division II Championships Committee believes the microsite approach will significantly enhance the fan experience at all championships. The committee also believes this will not be an undue burden on the membership, as several preliminary-round hosts already create microsites. However, some hosts either don't create one or it is difficult to find it on their athletics website.

The issue has been vetted with the Division II Conference Information Directors Association (D2CIDA) and the Division II Sports Information Directors Association (D2SIDA) board. Both groups felt a microsite was a fair request for preliminary-round hosts across all Division II sports and that minimum requirements should be established for consistency. If a preliminary-round host wanted to include more information than the minimum requirements, they would be welcome and encouraged to do so.

- (4) Estimated budget impact. None to the Association, though preliminary-round hosts may incur minimal costs through their website provider if they would prefer to create a custom microsite.
- (5) Student-athlete impact. Student-athletes would benefit indirectly from this enhancement, as it will help generate attendance and interaction at all championship sites.

g. Referral to the Division II Nominating Committee – sport committee member temporary replacement policy.

- (1) Recommendation. That the NCAA Division II Nominating Committee 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).
- (2) Effective date. Immediate.
- (3) Rationale. Currently there is no policy for temporary replacements of sport committee members. One sport committee this past year had a member on maternity leave April through June and used this process to ensure the region was fully represented on the national committee. The committee felt this replacement process worked well and recommended that the Championships Committee support implementation as policy for all sport committees should future similar situations arise.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

h. Team sport replacement policy.

- (1) Recommendation. Adopt the team sport replacement policy for teams not able to compete after selections [Attachment E].

- (2) Effective date. Immediate, for championships beginning in fall 2022.
- (3) Rationale. The Division II Championships Committee previously implemented replacement policies during the previous two academic years to address situations related to COVID-19. These policies, which will be incorporated in each sport's pre-championships manual, essentially mimic what was implemented for COVID reasons but would cover other potential scenarios in which a team cannot compete. Guidelines address if notice is received before or after the bracket has been announced and has a 24-hour deadline post-announcement for any changes. This policy will create consistency across team sports while allowing individual sports to maintain the flexibility already in place for those championships.

The committee noted that the Division I Competition Oversight Committee this summer adopted similar replacement policies for Division I and National Collegiate Championships to manage situations that may arise due to any extraordinary circumstances in the future. The Division III Championships Committee, which is also meeting at this time, is also considering adopting these policies.

- (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.

i. Sport committee appointments. Ratify the following sport committee appointments, effective immediately. (See Attachment F.)

- 1) Women's lacrosse.** Appoint **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.
- 2) Men's and women's swimming and diving.** Appoint **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.
- 3) Wrestling.** Appoint **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.

INFORMATIONAL ITEMS.

1. **Welcome and review of agenda.** Championships Committee Chair Reid Amos welcomed the group and reviewed the agenda and timing for guest presenters. He also noted that Linda Bell recently resigned from the committee upon accepting an athletics director position at an NAIA institution, and that the Division II Nominating Committee will identify a replacement.
2. **Championships Committee policies and procedures.** The committee conducted its annual review of its policies and procedures and did not recommend any changes. Committee members also were reminded to sign the annual conflict of interest forms by the September 23 deadline.
3. **2022-23 sport committee assignments.** Committee members reviewed and filled assignments for the 2022-23 academic year.
4. **Review of previous reports.** The committee approved the report from its August 4 videoconference as presented.
5. **Division II Nominating Committee report.** The committee endorsed the recommendations to fill the immediate vacancies identified in Action Item 2-i above. Staff noted that committee vacancies for September 1, 2023, will be posted in the next few weeks.
6. **Division II championships budget.**
 - a. **Overview of the Division II budget.** Staff led the committee through an educational summary of the Division II budget that included information about the allocations from the NCAA revenue distribution formula; the projected 10-year budget models through the end of the NCAA's current media rights agreement (through 2031-32); and budget guidelines and allocations for Division II championships (about 60 percent of the Division II budget is devoted to the championships program). Staff also noted a concept the Division II Planning and Finance Committee is considering.

The Planning and Finance Committee expects to finalize the recommendation later this month for the Division II Presidents Council to consider during its October meeting.
 - b. **Budget-to-actuals.** The committee reviewed the budget-to-actuals for fiscal year 2021-22 as of August 31, noting that some of the expenses for spring sports remain outstanding at this time.
 - c. **Review of football travel costs.** Per an earlier request from the committee, staff summarized the effects of a proposal adopted for football beginning with the 2019 season that allows the Division II Football Committee the flexibility to place teams in the bracket in a manner that minimizes flights. In general, the new approach has been effective in decreasing the number of charter flights required in the preliminary rounds. The Championships Committee agreed that this information could help inform its future discussions regarding how best to manage the division's commitment to regionalization across sports (see Informational Item 7-c).

7. Committee updates.

- a. **Membership Committee.** Staff updated the committee on the Membership Committee's July meeting during which the committee advanced two institutions to active Division II status as of September 1 (College of Staten Island and Frostburg State University); advanced one institution to Provisional Year Three (D'Youville University); advanced three institutions to Provisional Year Two (Allen University, Edward Waters University and Emory & Henry College); and accepted three institutions into Provisional Year One (Thomas More University, University of South Carolina Beaufort and Westmont College).

Championships Committee members also received an update about the discussions that took place within the Implementation Committee's Membership Subcommittee regarding the provisional membership process that have now been referred to the Membership Committee for further review. The Membership Committee also has been asked to consider an alternative to the Institutional Self-Study Guide (ISSG) should legislation be adopted at the 2023 Convention that eliminates the ISSG as the method for documenting institutional compliance accountability going forward.

- b. **Playing Rules Oversight Panel.** The Championships Committee reviewed reports from the panel's most recent meetings as information only.
- c. **Implementation Committee.** The committee reviewed the final report from the Implementation Committee summarizing the committee's charge, procedures and outcomes, including the proposals slated for the 2023 Convention and the 12 noncontroversial legislative proposals already approved. The Championships Committee also began discussing the following referrals from the Implementation Committee's Championships Subcommittee, which are summarized below and include initial action the Championships Committee took to begin addressing them. *(Note: Members of the Championships Subcommittee not already serving on the Championships Committee joined the committee to summarize the subcommittee's work and help inform the discussion in each area.)*
- Referral No. 1: Explore a championships structure that sets 35 as a uniform minimum sponsorship requirement to establish/maintain a Division II championship in men's and women's sports (with a five-year grace period if a sport falls below the minimum), continues to offer the best access ratio among divisions (via a range from 4.5 to 6), and grants automatic qualification privileges to a championship once minimum sponsorship is reached (rather than rely on a sport committee's recommendation), unless AQs would comprise more than 75 percent of the bracket (which may result in a bracket expansion).

Initial response from the Championships Committee: The committee discussed the various nuances associated with this proposal and asked staff to gather additional data to address specific questions. The committee noted that of the referrals this one is likely

the most impactful and thus will require further vetting not only within the committee but most certainly within the Division II membership at large.

- Referral No. 2: Collaborate with the Division II Membership Committee to consider aligning minimum contest requirements for sport sponsorship and championships selection purposes to simplify the process and provide the membership additional flexibility without compromising the integrity of either requirement area.

Initial response from the Championships Committee: The committee agreed to ask the five sport committees overseeing sports that currently have different standards (football, men's and women's golf, men's lacrosse and men's soccer) to submit their input regarding potentially aligning the requirements by December, which will allow the Division II Membership Committee and the Division II Championships Committee to consider any recommendations during their February meetings.

- Referral No. 3: Complete the task of combining Bylaws 18 and 31 to create a significantly revised overarching championships bylaw that moves several existing bylaws to policy. This task should be completed by February 2023 to allow for an August 1, 2023, effective date (i.e., the 2023-24 Division II Manual).

Initial response from the Championships Committee: Staff briefed the committee on the comprehensive draft of the revised bylaw, as well as a chart listing what was retained as legislation, eliminated, or moved to policy. The committee will be asked to provide input during its November monthly videoconference in order for staff to revise the document accordingly and resubmit for the committee to consider formally in February.

- Referral No. 4: While keeping regionalization principles related to selections, ask the Division II Championships Committee to consider changes to the division's championship model concerning regionalization bracketing policies with the goal of reducing first-round conference matchups and maintaining fiscal responsibility.

Initial response from the Championships Committee: The committee established a subcommittee to collaborate with the NCAA travel staff to test various bracketing models in specified sports (men's basketball and women's volleyball) and report findings to the full group during a subsequent meeting or videoconference.

- Referral No. 5: Continue monitoring discussions within Division I regarding National Collegiate Championships and how any changes in that space will affect Division II.

Initial response from the Championships Committee: The committee noted there haven't been any discussions with Divisions I and III based on the current priorities of the Division I Transformation Committee.

The committee did not discuss the referral from the Legislative Process and Compliance Subcommittee and will add that to a future agenda.

8. Sport committee reports.

a. Baseball.

- 1) Performance Indicator scale adjustment.** The Championships Committee supported the sport committee's request to adjust the scale as specified. (See Action Item 2-e.)
- 2) Potential playing rules change.** The Division II Baseball Committee asked the Championships Committee to provide feedback on potentially implementing a 10-run rule for the postseason (regionals and finals), noting the length of games and the number of high, one-sided scores observed during the 2022 championship. Baseball Committee members also see the potential benefits in limiting the number of innings in these situations for both teams, allowing them to rest pitching staffs and lessen the unnecessary injury risk. The rule would be an administrative change, given it is permissible in the current NCAA baseball rules, but the committee wanted to hear feedback from the Championships Committee before further consideration (the Divisions I and III Baseball Committees also are being asked to comment). The Division II Championships Committee discussed the issue and believes it merits further consideration, though members acknowledged pros and cons with the concept. The committee also advised seeking feedback from the Division II Conference Commissioners Association and to understand current conference policies.

b. Men's golf.

- **2023 regional ranking dates.** The Championships Committee approved the sport committee's request to adjust the ranking dates for 2023 as listed below. The Division II Men's Golf Committee conducted a ranking in February last year, but the lack of tournaments for a number of teams made the ranking extremely difficult and proved to be an ineffective use of the committee's time. The committee is moving back to its previous ranking date formula.
 - Friday, March 17, 2023 – first ranking call (alphabetical listing of team under consideration);
 - Friday, March 31, 2023 – second ranking call;
 - Friday, April 14, 2023 – third ranking call; and
 - Friday, April 28, 2023 – selection call.

c. Women's golf.

- 1) Course change for the 2023 South Regional.** The Championships Committee approved the sport committee's request to move the 2023 South Regional from Achasta Golf Club

in Dahlonega, Georgia, to Chattahoochee Golf Club in nearby Gainesville, Georgia. Host institution University of North Georgia recommended changing golf courses to provide the best experience for student-athletes and ensuring championship-level course conditions. The new course is in close proximity and will not negatively impact the logistics already secured.

- 2) **2023 regional ranking dates.** The Championships Committee approved the sport committee's request to adjust the ranking dates for 2023 as listed below. Moving the first ranking call to mid-March will provide more data for the regional advisory committees and national committee to evaluate a team's performance. Additionally, moving the calls from Thursday to Friday will allow the regional advisory committees to conduct their calls on Thursday instead of Wednesday, which has been problematic due to travel schedules, returning from tournaments.

- Friday, March 17, 2023 – first ranking call; (alphabetical listing of team under consideration);
- Friday, March 31, 2023 – second ranking call;
- Friday, April 14, 2023 – third ranking call; and
- Monday, May 1, 2023 – selection call.

- 3) **Regular-season format recommendation.** The Championships Committee approved the sport committee's request to consider the six-count-five and six-count-four formats as allowable options for purposes of rankings and selections. The Championships Committee noted that the two formats are currently allowed in all three divisions of men's golf and that the Divisions I and III Women's Golf Committees are advocating the use of both formats as well.

d. Men's and women's golf.

- **Replacement policy recommendation.** The Championships Committee reviewed a request from the Division II Men's and Women's Golf Committees to establish a policy stating that a team or individual that has been selected and must withdraw from regional competition can be replaced as long as the committee receives notification within 48 hours from the start of regional competition. The golf committees upon submitting this recommendation noted that currently there is no official replacement policy in place. However, the Championships Committee at this meeting adopted replacement policies for all team sports (see Informational Item 9-e) that are slightly different than what the golf committees are recommending. Accordingly, the Championships Committee agreed that the golf committees should apply the team sport policy to teams selected to participate in regionals for consistency and to ask the golf committees whether they would be comfortable with following the newly adopted policies applying to individuals or, if not, explain why. The Championships Committee would prefer consistency across

sports but is willing to entertain a compelling rationale as to why a different policy would be in golf's best interests.

- e. **Men's lacrosse.** The Championships Committee received a report from the sport committee's June 21-22 annual meeting as information only.

- f. **Women's lacrosse.**

- **Joint championships concern.** The Championships Committee received a report from the sport committee's June 14 annual meeting that noted the sport committee's continued concern regarding the decision to conduct the Divisions II and III championship games at venues other than Gillette Stadium for the joint championships in 2025 and 2026. The committee feels that including four of the six championships at one site and keeping two of the championships at a different site will provide a much different experience for the Division II and III women's lacrosse student-athletes.

The Division II Championships Committee understands the sport committee's concern and acknowledged that the issue has been discussed for the better part of a year without being resolved. The committee requested the sport committee provide a status update by – but preferably before – its February meeting.

- g. **Women's rowing.**

- **In-region competition clarification.** The Championships Committee approved the sport committee's request to clarify in-region competition to state that the institution must have both an Eight and a Four competing with no doubling of student-athletes to be eligible for selections. The clarification is intended to ensure that coaches have a clear understanding of what is required to be eligible for selections.

- h. **Softball.**

- 1) **Championship format recommendation.** The Championships Committee supported the sport committee's recommendation to implement a seven-day format at the championship finals site, which provides for two days off during the course of the tournament. (See Action Item 2-c.)
 - 2) **Referral regarding sport committee replacement policy.** The Championships Committee supported the sport committee's recommendation that the NCAA Division II Nominating Committee 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 specified. (See Action Item 2-h.)

- i. **Men's and women's tennis.**

- 1) Waiver to allow for alcohol sales.** The Championships Committee supported the sport committee's request for the Management Council to approve a waiver to allow for the sale of alcohol at the joint 2023 tennis championships. (See Action Item 2-a.)
 - 2) Selection date.** The committee also approved the sport committee's request to move selections for the Division II Men's and Women's Tennis Championships up one day from Tuesday to Monday. The committee noted that 2022 was the first year for a new regional date formula that moved the first date of regionals up from Saturday to Friday. With the selection announcement taking place Tuesday evening, this results in logistical challenges for teams traveling to regional sites and for shipping necessary items to host institutions. Moving selections and the announcement up one day will lessen the tight turnaround to regionals.
 - j. Men's and women's track and field.** The Championships Committee received a report from the sport committee's June 14-16 annual meeting as information only.
 - k. National Collegiate sports.** As it does annually, the committee reviewed reports from National Collegiate sport committees as information only.
- 9. Additional discussion items.**
- a. 2022-23 access ratios.** The committee supported the access ratios for select sports as identified in Action Item 2-d.
 - b. Strategic plans.** The committee reviewed strategic plans from sport committees as information only.
 - c. AQ deadlines.** The committee revisited the issue of conference tournament finals being held right up against sport committee selection meetings. At the committee's request in June, staff gathered information across sports for the committee to weigh whether deadlines for AQ submission should be established. After discussion, however, the committee acknowledged the potential negative impact that establishing deadlines could have on conference tournament logistics (conference contractual arrangements with their broadcast partners, and the desire to reduce missed class time by conducting conference tournaments on Friday/Saturday/Sunday rather than Thursday/Friday/Saturday). The committee requested staff consult with the travel and broadcast staffs to further evaluate options that could rectify the concern without significantly impacting conference tournaments.
 - d. AQ grace periods.** The committee agreed to ask the Division II Management Council to extend 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. (See Action Item 2-b)

- e. **Ranking calls.** The committee noted that the Division II Management Council approved the committee's recommendation that team sport committees publish the first of their three rankings as an alphabetical list of teams under consideration rather than as an actual ranking. The action prompted further discussion among Management Council members whether additional rankings (i.e., the second ranking) be published his way as well. The Championships Committee took the discussion under advisement and agreed to monitor sport committee feedback during the 2022-23 academic year regarding the effectiveness of the under-consideration ranking to determine whether additional rankings should be conducted in this manner in 2023-24. The committee will revisit the issue during its June 2023 meeting.

10. Staff updates.

- a. **Championships Equity, Diversity and Inclusion Action Team.** Staff updated the committee on ongoing efforts to enhance equity, diversity and inclusion and elevate the student-athlete voice at all NCAA championship sites.
- b. **Legal.** Staff updated the committee on legal affairs involving or affecting the NCAA.
- c. **Gender equity update.** Staff provided an update on the ongoing implementation of the gender equity recommendations, including a newly developed internal review process of championships to ensure continued progress. Results from this internal review will be shared during the Championships Committee's February meeting (some may come with a budget impact and the Championships Committee will already be using its February meeting to consider budget requests for the next triennium).
- d. **Media update.** Staff provided the committee with an update on streaming metrics for Division II championships. Championships Committee members suggested various improvements (e.g., including players' numbers in the live box score, ensuring that statistics go live on time, offering live stats as a stand-alone option) on NCAA.com that should be considered in the coming year to enhance viewer access and experience.
- e. **2021-22 nullification update.** Among the many topics the Division II Implementation Committee's Championships Subcommittee addressed during its work over the last nine months was a comprehensive review of Division II's nullification policy. The subcommittee ultimately agreed that the policy, while not perfect, should be retained to protect the integrity of the Division II championships program. The subcommittee believed the policy is being applied as intended, especially since beginning in 2021-22 the enforcement staff generally has not been applying nullification involving initial-eligibility violations where the student-athlete otherwise would have been eligible but for an administrative issue, provided they ultimately were certified without conditions.

To ensure that the policy continues to meet intended outcomes, the subcommittee recommended annual check-ins between the Division II Championships Committee and the enforcement staff to make sure the committee supports the philosophical approach the enforcement staff is applying. Accordingly, members of the enforcement staff during this meeting summarized recent applications of the policy and noted that the refined filter through which nullification is being applied has reduced the number of instances. Championships Committee members were pleased with the report and agreed that the application of nullification continues to be on the right track.

f. Governance.

- 1) Summary of actions.** Staff reviewed highlights from the Division II Management Council's and Division II Presidents Council's summer meetings.
- 2) 2023 Convention legislation update.** Staff updated the committee on legislative proposals for the 2023 NCAA Convention, including the eight proposals sponsored by the Division II Presidents Council and four that were properly sponsored by the membership.
- 3) Preliminary-round host microsites.** Staff briefed the committee on the desire for preliminary-round hosts to create microsites that either link to or are part of the institution's primary athletics website that provide fans additional information about the event. Accordingly, the committee proposed that all preliminary-round hosts be required to provide information via a microsite as part of their hosting responsibilities. (See Action Item 2-f.)
- 4) Selection show analytics.** Staff provided the committee an update on selection show analytics for the last several years.

11. Future meetings and videoconferences.

- October 6, 2-3:30 p.m. Eastern time (monthly videoconference).
- November 3, 2-3:30 p.m. Eastern time (monthly videoconference).
- 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).

<i>Committee Chair:</i>	<i>Reid Amos, Mountain East Conference</i>
<i>Staff Liaison(s):</i>	<i>Karen Kirsch, Championships and Alliances</i>
	<i>Micaela Liddane, Championships and Alliances</i>
	<i>Angela Red, Academic and Membership Affairs</i>

Division II Championships Committee September 12-13, 2022, Meeting	
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.	
Molly Hanson, Montevallo University (Division II SAAC representative substituting for Thomas Webb Jr. via videoconference).	
Jim Johnson, Pittsburg State University (Management Council chair, via videoconference).	
Matt Kilcullen, Mercy College.	
Regan McAthie, Concordia University, St. Paul.	
Gary Pine, Azusa Pacific University.	
Carol Rivera, California Collegiate Athletic Association.	
Harry Stinson III, Lincoln University of Pennsylvania (Management Council vice chair).	
Absentees:	
Thomas Webb Jr., Western New Mexico University.	
Guests in Attendance:	
Gary Brown, NCAA Contractor (via videoconference).	
Brandi Laurita, University of Findlay (Division II Implementation Committee member, via videoconference).	
Carrie Michaels, Shippensburg University of Pennsylvania (Division II Implementation Committee member, via videoconference).	
Wendell Staton, Georgia College (Division II Implementation Committee member, via videoconference).	
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:	
John Baldwin, Mark Bedics, Eric Breece, Ashley Caldwell, Donisha Carter, Zach Christopher, Nate, Flannery, Kelly Groddy, Terri Gronau, Leslie Havens, Will Hopkins, Maritza Jones, Ryan Jones, Caleb Kolby, Connor Lancashire, Victoria Lipscomb, Jeff O'Barr, Greg Pottorff, Leigh Ann Price, Stephanie Quigg, Jay Jay Rackley, Ryan Rea, Alyssa Rice, Jennifer Roe, Liv Sappington, Rachel Seewald, Micki Spears, Chris Strobel and Chris Termini.	

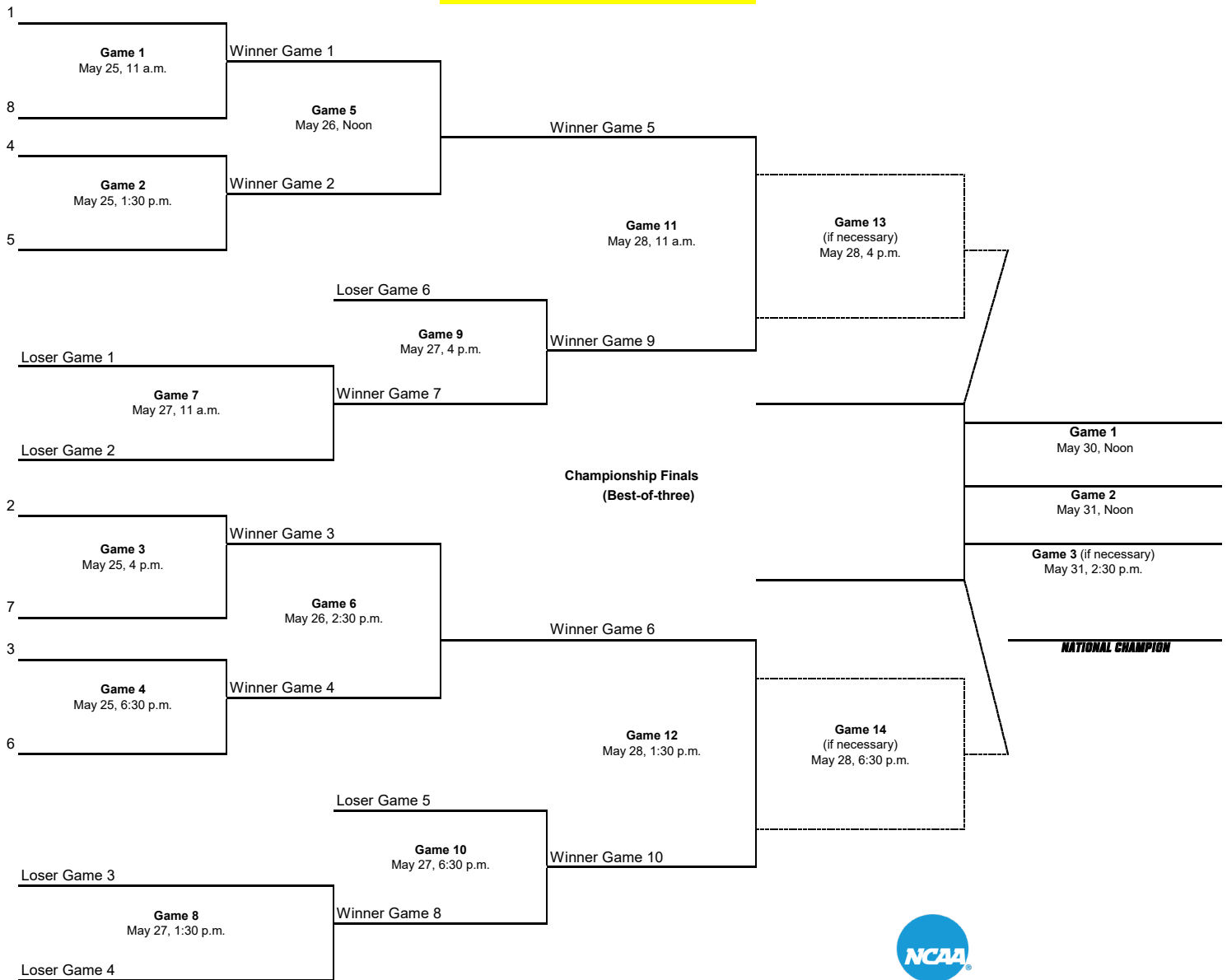


2023 NCAA DIVISION II SOFTBALL CHAMPIONSHIP

**FROST STADIUM AT WARNER PARK
CHATTANOOGA, TN
MAY 25-MAY 31**

Division II Softball Committee Proposal

DRAFT



**ALL TIMES ARE EASTERN TIME.
INFORMATION SUBJECT TO CHANGE.**

Bracket Notes:

1. If the winner of Game 9 defeats the winner of Game 5, then Game 13 is necessary.
2. If the winner of Game 10 defeats the winner of Game 6, then Game 14 is necessary.
3. If only one if necessary game is needed, it will be played at 4 p.m.
4. The Championship Finals is a best-of-three series.
5. All games are webstreamed in high definition on www.NCAA.com.

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Don't Bet On It.



**REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
SEPTEMBER 12-13, 2022, MEETING**

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

a. Regional berth allocations in baseball.

- (1) Recommendation. Approve the following postseason berth allocations for each region based on 2022-23 sport sponsorship information:

Region	No. of Institutions	2021-22 Berths	2022-23 Berths	Access Ratio
Atlantic	31	7	7	4.3
Central	39	8	8	4.9
East	30	7	7	4.4
Midwest	32	7	7	4.9
South	35	8	8	4.4
South Central	22	6	6	3.7
Southeast	33	7	7	4.9
West	25	6	6	4.2
	247	56	56	4.5

- (2) Effective date. Immediate.

- (3) Rationale. The Division II Baseball Committee believes basing postseason berth allocations on the current year's sport sponsorship is the fairest method and retains an equitable bracket size among regions. The committee assigned championship berths to bring the access ratios into the tightest range possible within the bracket size of 56. The bid allocations remain the same as they were in 2021-22 in the above proposal.

- (4) Estimated budget impact. None.

- (5) Student-athlete impact. Regions will be represented in the postseason based on sponsorship in that region, which will provide the most equal access to the championship for all student-athletes.

b. Regional berth allocations in women's soccer.

- (1) Recommendation. Approve the following postseason berth allocations for each region based on 2022-23 sport sponsorship information:

Region	No. of Institutions	2021-22 Berths	2022-23 Berths	Access Ratio
Atlantic	33	7	7	4.7
Central	35	8	8	4.4
East	34	7	8	4.3
Midwest	33	8	7	4.7
South	26	6	6	4.3
South Central	26	6	6	4.3
Southeast	34	8	8	4.3
West	31	6	6	5.2
	252	56	56	4.5

- (2) Effective date. Immediate.
- (3) Rationale. The Division II Women's Soccer Committee believes basing postseason berth allocations on the current year's sport sponsorship is the fairest method and retains an equitable bracket size among regions. The only change from last year is an increase of bids in the East and a decrease of bids in the Midwest. With membership numbers flipping between the two regions the committee felt it was best to adjust the bids accordingly. The committee assigned the rest of the berths to best keep consistency and to bring the access ratios into the tightest range possible within the bracket size of 56.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. Regions will be represented in the postseason based on sponsorship in that region, which will provide the most equal access to the championship for all student-athletes.

c. Regional berth allocations in men's and women's tennis.

- (1) Recommendation. Approve the following postseason berth allocations for each region based on 2022-23 sport sponsorship information:

Men's Tennis:

Region	No. of Institutions	2021-22 Berths	2022-23 Berths	Access Ratio
Atlantic	19	6	7	2.7
Central	9	4	4	2.3
East	15	6	5	3.0
Midwest	27	8	8	3.4
South	29	8	8	3.6
South Central	8	4	4	2.0
Southeast	29	8	8	3.6
West	11	4	4	2.8
	147	48	48	3.1

Women's Tennis:

Region	No. of Institutions	2021-22 Berths	2022-23 Berths	Access Ratio
Atlantic	32	7	7	4.6
Central	27	6	6	4.5
East	21	6	5	4.2
Midwest	30	7	7	4.3
South	34	7	8	4.3
South Central	11	4	4	2.8
Southeast	31	7	7	4.4
West	16	4	4	4.0
	202	48	48	4.2

(2) Effective date. Immediate.

(3) Rationale. The Division II Men's and Women's Tennis Committee believes basing postseason berth allocations on the current year's sport sponsorship is the fairest method and retains an equitable bracket size among regions. The proposed allocation reflects the recently approved requirement that a minimum of four teams per region and a maximum of eight teams per region are selected.

(4) Estimated budget impact. None.

(5) Student-athlete impact. Regions will be represented in the postseason based on sponsorship in that region, which will provide the most equal access to the championship for all student-athletes.

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 BASEBALL
PERFORMANCE INDICATOR SCALE**

Points	Result	Opponent's W/L %
36	Win on the Road	vs. .700 or above
35	Win at a Neutral Site	vs. .700 or above
34	Win at Home	vs. .700 or above
33	Win on the Road	vs. .600 -.699
32	Win at a Neutral Site	vs. .600 -.699
31	Win at Home	vs. .600 -.699
30	Win on the Road	vs. .525 - .599
29	Win at a Neutral Site	vs. .525 - .599
28	Win at Home	vs. .525 - .599
27	Win on the Road	vs. .475 - .525
26	Win at a Neutral Site	vs. .475 - .525
25	Win at Home	vs. .475 - .525
24	Win on the Road	vs. .425 - .474
23	Win at a Neutral Site	vs. .425 - .474
22	Win at Home	vs. .425 - .474
21	Win on the Road	vs. .350 - .424
20	Win at a Neutral Site	vs. .350 - .424
19	Win at Home	vs. .350 - .424
18	Win on the Road	vs. below .349
17	Win at a Neutral Site	vs. below .349
16	Win at Home	vs. below .349

Points	Result	Opponent's W/L %
18	Loss on the Road	vs. .700 or above
17	Loss at a Neutral Site	vs. .700 or above
16	Loss at Home	vs. .700 or above
15	Loss on the Road	vs. .600 -.699
14	Loss at a Neutral Site	vs. .600 -.699
13	Loss at Home	vs. .600 -.699
12	Loss on the Road	vs. .525 - .599
11	Loss at a Neutral Site	vs. .525 - .599
10	Loss at Home	vs. .525 - .599
9	Loss on the Road	vs. .475 - .525
8	Loss at a Neutral Site	vs. .475 - .525
7	Loss at Home	vs. .475 - .525
6	Loss on the Road	vs. .425 - .474
5	Loss at a Neutral Site	vs. .425 - .474
4	Loss at Home	vs. .425 - .474
3	Loss on the Road	vs. .350 - .424
2	Loss at a Neutral Site	vs. .350 - .424
1	Loss at Home	vs. .350 - .424
0	Loss on the Road	vs. below .349
0	Loss at a Neutral Site	vs. below .349
0	Loss at Home	vs. below .349



Division II Preliminary Round Microsite Requirements

(Created 9/23/2022)

Starting with the 2022-23 academic year, all Division II preliminary round hosts are required to create a microsite (i.e., a single webpage for the event and a link to it from the school's main athletics website) that includes select minimum requirements about the championship. If a preliminary-round host is interested in including more information than the minimum requirements, they are welcome to do so.

The division's minimum requirements for preliminary-round microsites are the following:

- The championship's sport logo, available in the NCAA Logo Library, should be displayed.
- Relevant ticket information and game day safety protocols.
- For applicable sports, a link to the championship's bracket on NCAA.com.
- All relevant game information, including the championship's digital program, venue address, game schedule for the host site with game times, links to live stats on NCAA.com, links to live video and postgame press conferences if applicable, the final scores and links to view the final stats.
- The final score, link to final stats and any necessary updates to the game schedule should be posted immediately after each game concludes.
- A link to the microsite should be displayed prominently on the athletics website, whether the link is on a splash page, home page, pinned in the news stories, etc.
- The microsite should adhere to fair and equitable treatment for ALL participating student-athletes and schools.

Optional information that preliminary-round hosts may consider adding to their microsite, include but is not limited to:

- Links to game recaps from participating teams.
- Information about hotel accommodations, local dining, shopping and attractions.
- Public transportation options.
- Information for volunteers.
- Links to local news that promotes the hosting of the championship.
- Links to NCAA Division II social media platforms.



2022-23 NCAA DIVISION II CHAMPIONSHIPS

Team Replacement Policy

The Division II Championships Committee developed 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 for the Division II Championships.

1. Before 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. For any single-bid conference, the conference 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 multi-bid conference that has a team, at-large or AQ, unable to participate, the policy for replacing that team is as follows:

- i. The last four teams not selected as at-large teams for the original field shall be designated as replacement teams, if they choose to be considered as such.
- ii. The four replacement teams will be ranked 1-4. The first team in the ranking will be the first replacement team, the second-ranked team will be the second replacement team, etc.
- iii. The replacement team shall be placed in the bracket in the position left vacant by the withdrawing team.

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.

2022-23 DIVISION II WOMEN'S LACROSSE COMMITTEE

(Division II Championships Administration Only)

Composition: Four members, two from each region – South, Atlantic, Midwest and East. 50% Administrators (2).

Vacancies: **One immediate vacancy, Casey Petrusic resigned, South region, coach or admin. No September 2023 vacancies.**

Staff Liaison: Caleb Kolby

REG	POS	EM/ GEN	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
ATL	Assoc Comm	N/M	Doug DeBiase Central Atlantic Collegiate Conference	Central Atlantic Collegiate	DeBiase	DeBiase	DeBiase*	
MIDW	C	N/F	Shannon McHale Colorado Mesa University	Rocky Mountain Athletic	McHale	McHale	McHale	McHale*
EAST	Asst. AD/C	N/F	Dawn Sachs Mercy College *Pending approval	East Coast	Sachs	Sachs	Sachs	Sachs*
South	Asst Dir/SWA	N/F	Casey Petrusic Newberry College	South Atlantic	Petrusic	Petrusic	Petrusic	Petrusic (9/26)*

*Not eligible for reappointment
07/27/2022

Atlantic – Central Atlantic Collegiate Conference and Pennsylvania State Athletic Conference

East – East Coast Conference and Northeast-10 Conference

Midwest – Great Lakes Intercollegiate Athletic Conference, Mountain East Conference, Rocky Mountain Athletic Conference and Independent Institutions (Alderson Broadus University, Davis and Elkins College, Ohio Valley University, Ursuline College, Concordia University, St. Paul)

South – Conference Carolinas, South Atlantic Conference, Sunshine State Conference and Independent Institutions (University of Alabama, Huntsville, University of Montevallo, Shorter University, Young Harris College, Florida Institute of Technology)

2022-23 DIVISION II MEN'S AND WOMEN'S SWIMMING & DIVING COMMITTEE

Composition: Five members, including two that represent men's swimming and two that represent women's swimming and one that represents diving. One male and one female. Quota of 50 percent administrators: **3**.

Vacancies: **One immediate vacancy, Bethany Hobbs-Helmus resigned, admin.**

Staff Liaison: Micaela Liddane

DIV.	POS.	EM/ GEN	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
II (M/W)	C	Y/F	Sara Smith Roberts Wesleyan College	East Coast	Smith*			
II (M/W)	C	N/M	Kirk Sanocki Wingate University	South Atlantic	Sanocki*			
II (M/W)	(SWA)	N/F	(Britney Woodhull-Smith Barton College)	Conference Carolinas	Woodhull- Smith	Woodhull- Smith	Woodhull- Smith	Woodhull- Smith*
II (M/W)	Asst AD/ SWA	N/F	Bethany Hobbs-Helmus, California State University, East Bay	California Collegiate Athletic Association	Hobbs- Helmus*			
II (Diving)	Assoc AD	N/M	DJ Bevevino Clarion University of Pennsylvania	Pennsylvania State Athletic	Bevevino	Bevevino*		

*Not eligible for reappointment
07/28/2022

2022-23 DIVISION II WRESTLING COMMITTEE

Composition: Six members. One from each region: Super Region 1, Super Region 2, Super Region 3, Super Region 4, Super Region 5 and Super Region 6. Quota of 50 percent administrators: **3**.

Vacancy: No September 2023 vacancies. One immediate vacancy, Adam Bracken resigned, Super region 3 coach or admin.

Staff Liaison: Aaron King

REG.	POS.	EM/G	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
1	Asst AD/ SWA	N/F	Maura Donovan American International College	Northeast-10	Donovan	Donovan	Donovan*	
2	Asst. AD	N/M	Cy Wainwright Newberry College	South Atlantic	Wainwright	Wainwright	Wainwright*	
3	Asst AD	N/M	Adam Bracken Ashland University	Great Lakes Valley Intercollegiate Athletic	Bracken	Bracken*		
4	C	Y/M	Todd Steidley University of Central Oklahoma	Mid-America Intercollegiate Athletics	Steidley	Steidley*		
5	C	N/M	Rocky Burkett Northern State University	Northern Sun Intercollegiate	Burkett	Burkett	Burkett	Burkett*
6	AD	N/M	Marc Bauer University of Nebraska at Kearney	Mid-America Intercollegiate Athletic	Bauer	Bauer	Bauer	Bauer*

*Not eligible for reappointment.
08/02/2022



**REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
SEPTEMBER 16, 2022, ELECTRONIC VOTE**

ACTION ITEMS.

- **None.**

INFORMATIONAL ITEMS.

- **2022 Division II Men's and Women's Cross Country Southeast Regional course change.** The Division II Championships Committee approved the Division II Men's and Women's Cross Country Committee's recommendation to move the 2022 Southeast Regional competition site from McAlpine Creek Park in Charlotte, NC to Wingate Cross Country Course in Wingate, NC.

Queens University of Charlotte was originally awarded the bid to host the Southeast Regional at McAlpine Creek Park but subsequently declined the opportunity due to the institution reclassifying its athletics program to Division I. The Championships Committee during its August 4 monthly videoconference approved the sport committee's recommendation that Wingate University take over as host of the meet, after which Wingate asked that the competition site be moved to the Wingate Cross Country Course.

The Division II Men's and Women's Cross Country Committee noted that moving the competition to Wingate's home course will best facilitate the institution being able to host the event and assure an excellent experience for participating student-athletes. The Division II Championships Committee agreed with that rationale.

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 September 16, 2022, Electronic Vote	
Attendees:	
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.	
Harry Stinson III, Lincoln University of Pennsylvania (Management Council vice chair).	

Gary Pine, Azusa Pacific University.
Carol Rivera, California Collegiate Athletic Association.
Regan McAthie, Concordia University, St. Paul.
Absentees:
Reid Amos, Mountain East Conference.
Thomas Webb Jr., Western New Mexico University.
Guests in Attendance:
None.
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:
None.



REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
SEPTEMBER 19, 2022, ELECTRONIC VOTE

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

- **Sport committee appointments.** Ratify the following sport committee appointments, effective immediately (see Attachment).
 - a. **Men's golf.** Appoint **Jimmy Wilson**, head men's golf coach, Georgia College, to replace Jimmy Stobs, head men's golf coach, Barry University, who declined the appointment.
 - b. **Women's soccer.** Appoint **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.
 - c. **Softball.** Appoint **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.
 - d. **Men's and women's tennis.** Appoint **Troy Katen**, deputy director of athletics, Northwest Missouri State University, to replace Jeremy Christoffels, assistant commissioner, Northern Sun Intercollegiate Conference, who declined the appointment.

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

INFORMATIONAL ITEMS.

- None

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
September 19, 2022, Electronic Vote

Attendees:

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.
Gary Pine, Azusa Pacific University.
Carol Rivera, California Collegiate Athletic Association.
Thomas Webb Jr., Western New Mexico University.
Absentees:
None.
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:
Leslie Havens.

2022-23 DIVISION II MEN'S GOLF COMMITTEE

Composition: Four members. One from each of the four men's golf regions – Atlantic/East, West/South Central, South/Southeast, Central/Midwest. Quota of 50 percent administrators: **2**.

Vacancies: **One immediate vacancy, Jimmy Stobs declined appointment, South/SoE region, coach.**

Committee preference: **50% coaches.**

Staff Liaison: Mark Bedics

REG	POS	EM/ GEN	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
Midwest/Cen	Assoc A	N/F	Sara Higley Ferris State University	Great Lakes Intercollegiate Intercollegiate	Higley	Higley*		
W/SoC	C	Y/F	Renee Yuen Chaminade University	Pacific West	Yuen	Yuen*		
Atl/ East	AD	N/M	Jeremy Benoit Goldey-Beacom College	Central Atlantic Collegiate	Benoit	Benoit	Benoit	Benoit*
So/ SoE	C	N/M	Jimmy Stobs Barry University	Sunshine State	Stobs	Stobs	Stobs	Stobs*

*Not eligible for reappointment

08/28/2022

2022-23 DIVISION II WOMEN'S SOCCER COMMITTEE

Composition: Eight members. Division II women's soccer regions: West, Central, South Central, Midwest, South, Southeast, Atlantic, East. Quota of 50 percent administrators: 4.

Vacancies: **One immediate vacancy, Brittany Lauritsen resigned, Central region, coach or admin.**

Staff Liaison: Zach Christopher

REG	POS	EM/ GEN	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
Atl	AD	N/F	Carrie Bodkins Alderson Broaddus University	Mountain East	Bodkins	Bodkins	Bodkins	Bodkins*
Cen	AD	N/F	Brittany Lauritsen Bemidji State University	Northern Sun Intercollegiate	Lauritsen	Lauritsen	Lauritsen*	
East	Assoc AD/C	N/M	Michael Winn Pace University	Northeast-10	Winn	Winn	Winn	Winn*
SoE	Asst. AD/SWA	N/F	Jamie Grodecki Georgia College	Peach Belt	Grodecki	Grodecki	Grodecki*	
So	Deputy AD	N/F	Kathy Kroupa Lynn University	Sunshine State	Kroupa	Kroupa	Kroupa	Kroupa*
Mid W	C	N/M	Greg Herdlick Rockhurst University	Great Lakes Valley	Herdlick	Herdlick	Herdlick*	
West	C	N/F	Kacey Bingham Western Oregon University	Great Northwest Athletic	Bingham	Bingham	Bingham*	
SoC	C	Y/M	Baback Abouzar Texas Woman's University	Lone Star	Abouzar	Abouzar	Abouzar*	

*Not eligible for reappointment
08/29/2022

2022-23 DIVISION II WOMEN'S SOFTBALL COMMITTEE

Composition: Eight members. One from each Division II softball region (West, Central, South Central, Midwest, South, Southeast, Atlantic, East). Quota of 50 percent administrators: 4.

Vacancies: **One immediate vacancy, SoC region, Christie Ward resigned due to new job out of the region.**

Staff Liaison: Karen Kirsch

REG	POS	EM/ GEN	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
Mid W	C	N/F	Missy Frost University of Indianapolis	Great Lakes Valley	Frost	Frost	Frost*	
West	SWA	N/F	Rebekah Gasner Montana State University Billings	Great Northwest Athletic	Gasner*			
Atl	Asst Com	N/F	Allie Kolezynski Mountain East Conference	Mountain East	Kolezynski*			
Cen	C	N/M	Jason Anderson Southern Arkansas University	Great American University	Anderson	Anderson *		
So	C	N/F	Valerie Silvestrini Florida Institute of Technology	Sunshine State	Silvestrini	Silvestrini	Silvestrini*	
SoC	Sr Assoc AD/SWA	N/F	Christie Ward Colorado State University Pueblo	Rocky Mountain	Ward	Ward	Ward	Ward*
East	AD	N/F	Susan Cassidy-Lyke Molloy College	East Coast	Cassidy-Lyke	Cassidy-Lyke	Cassidy-Lyke	Cassidy-Lyke *
SoE	AD	N/F	Kendall Rainey The University of Virginias College at Wise	South Atlantic	Rainey	Rainey*		

*Not eligible for reappointment 08/12/2022

2022-23 DIVISION II MEN'S AND WOMEN'S TENNIS COMMITTEE

Composition: Eight members. Three positions will be allocated for men, three positions allocated for women and two positions unallocated. Quota of 50 percent administrators: **4**.
 One from each of the tennis regions: West, Central, South Central, South, Southeast, Midwest, Atlantic, East.

Vacancies: **Two September 2023 vacancies, South and Southeast Regions, coaches or admins. One immediate vacancy Jeremy Christoffels declined.**

Staff Liaison: Zach Christopher

REG	POS	EM/ GEN	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
SoE	C	N/M	Lee Underwood Barton College	Conference Carolinas	Underwood*			
Cen	Asst. Comm	N/M	Jeremy Christoffels Northern Sun Intercollegiate Conference	Northern Sun Intercollegiate	Christoffels	Christoffels	Christoffels	Christoffels*
MidW	Asst AD	N/F	Karen Henson Drury University	Great Lakes Valley	Henson	Henson	Henson	Henson*
So	Asst AD	N/M	TJ Budd Palm Beach Atlantic University	Sunshine State	Budd*			
West	C	N/M	Hendrik Bode Hawaii Pacific University	Pacific West	Bode	Bode	Bode	Bode*
Atl	Dir of tennis	N/M	Jerome Simon Mercyhurst University	Pennsylvania State Athletic	Simon	Simon	Simon*	
SoC	C	N/M	Josh Cobble Cameron University	Lone Star	Cobble	Cobble	Cobble	Cobble*
East	AD	N/F	Stefanie Whitby Wilmington University (Delaware)	Central Atlantic Collegiate	Whitby	Whitby	Whitby	Whitby*

*Not eligible for reappointment 08/29/2022

**REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
OCTOBER 6, 2022, VIDEOCONFERENCE**

ACTION ITEMS.

- **None.**

INFORMATIONAL ITEMS.

1. **Welcome and review of agenda.** Championships Committee Chair Reid Amos welcomed the group and introduced the committee's newest member, Cade Smith, director of athletics at the University of Alabama in Huntsville.
2. **Review of previous reports.** The committee approved reports from its September 12-13 meeting and September 16 and 19 electronic votes as modified. (The committee noted that the reference to four teams being eliminated on Day 2 of the softball championship in Item 2-c of the September 12-13 meeting report should be changed to two teams being eliminated.)
3. **Division II Festival update.** The committee received an update on the planning for the 2022 Division II Fall Festival in Seattle, which will take place November 29-December 3. The committee also discussed 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.
4. **Implementation Committee referrals.** The committee continued discussion from its September meeting regarding the following referrals from the Division II Implementation Committee:
 - Referral No. 1: Explore a championships structure that sets 35 as a uniform minimum sponsorship requirement to establish/maintain a Division II championship in men's and women's sports (with a five-year grace period if a sport falls below the minimum), continues to offer the best access ratio among divisions (via a range from 4.5 to 6), and grants automatic qualification privileges to a championship once minimum sponsorship is reached (rather than rely on a sport committee's recommendation), unless AQs would comprise more than 75 percent of the bracket (which may result in a bracket expansion).
 - Referral No. 2: Collaborate with the Division II Membership Committee to consider aligning minimum contest requirements for sport sponsorship and championships selection purposes

to simplify the process and provide the membership additional flexibility without compromising the integrity of either requirement area.

- Referral No. 3: Complete the task of combining Bylaws 18 and 31 to create a significantly revised overarching championships bylaw that moves several existing bylaws to policy. This task should be completed by February 2023 to allow for an August 1, 2023, effective date (i.e., the 2023-24 Division II Manual).
- Referral No. 4: While keeping regionalization principles related to selections, ask the Division II Championships Committee to consider changes to the division's championship model concerning regionalization bracketing policies with the goal of reducing first-round conference matchups and maintaining fiscal responsibility.
- Referral No. 5: Continue monitoring discussions within Division I regarding National Collegiate Championships and how any changes in that space will affect Division II.

Committee members focused primarily on Referral No. 1, reviewing additional data they asked staff to provide, particularly access ratios by sport, sport sponsorship information and historical summaries of bracketing formats in select sports. The committee also acknowledged that the regionalization subcommittee appointed to address Referral No. 4 will conduct its first meeting soon and begin reviewing various bracketing models in men's basketball and women's volleyball to inform initial recommendations.

The committee will provide feedback on Referral No. 3 during its November videoconference. Members hope to begin formulating concepts for the remaining referrals by the committee's February 2023 meeting in order to seek membership input and potentially develop formal recommendations by the committee's June 2023 meeting so that the necessary legislative proposals may be properly sponsored for the 2024 NCAA Convention.

5. Other business.

- **Men's basketball host change.** The committee noted the need for a replacement host for the Division II Men's Basketball Championship, given the University of Southern Indiana has been accepted into the Division I membership process to reclassify its athletics program. Accordingly, the Great Lakes Valley Conference has agreed to assume hosting duties in Evansville for the remainder of the bid cycle (2023, 2024 and 2025 – the 2026 championship will be conducted as a joint event with women's basketball in Pittsburgh).

6. Future meetings and videoconferences.

- November 3, 2-3:30 p.m. Eastern time (monthly videoconference).
- 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 October 6, 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.	
Gary Pine, Azusa Pacific University.	
Carol Rivera, California Collegiate Athletic Association.	
Cade Smith, University of Alabama at Huntsville.	
Absentees:	
Jim Johnson, Pittsburg State University.	
Thomas Webb Jr., Western New Mexico University.	
Guests in Attendance:	
Gary Brown, NCAA Contractor (via videoconference).	
NCAA Staff Support in Attendance:	
Karen Kirsch, Championships and Alliances.	
Micaela Liddane, Championships and Alliances.	
Other NCAA Staff Members in Attendance:	
Terri Gronau, Leslie Havens, Maritza Jones, Connor Lancashire and Liv Sappington.	



REPORT OF THE
NCAA DIVISION II COMMITTEE ON INFRACTIONS
SEPTEMBER 12, 2022, ELECTRONIC MAIL

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

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

(1) Recommendation. Approve the attached Enforcement IOPs reflecting Bylaw 19 changes.

(2) Effective date. Immediate.

(3) Rationale. On July 19, 2022, the NCAA Division II Management Council approved the elimination of 25 bylaws from the Division II Manual and the addition of them to the Enforcement, Committee on Infractions and/or Infractions Appeals Committee IOPs, if appropriate. *See* Division II Proposal No. NC-2023-17. The attached IOPs memorialize the bylaws that were added to the operating procedures for the enforcement staff. Among other things, these operating procedures address investigative and interview processes.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

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

(1) Recommendation. The COI recommends the Management Council approve the following 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 (new text appears in red):

5-9. Hearing Procedures.

5-9-1. Notification of Hearing Procedures. Prior to an appearance before the COI, institutions and involved individuals shall be advised in writing of the general procedures to be followed during the hearing and the composition of the Division II COI.

5-9-2. Opening and Closing Statements. At the outset of the hearing, the chair will ask a representative from the institution to provide an opening statement, followed

by each involved individual, a representative from the conference office, and a representative from the enforcement staff. At the end of the hearing, following discussion of all allegations, the chair will ask the parties to provide closing statements in the same order. Opening and closing statements should be brief and general overviews of the case, not recitations of specific information relevant to particular allegations.

5-9-3. Party Presentations. Following opening statements, the COI will begin its review of the allegations. The chair will ask that each party appearing before the COI designate one representative to present the party's position on the allegations and coordinate its responses to the COI's questions. For each allegation, the enforcement staff will present a general description of the allegation and the information developed during its investigation that it believes supports the conclusion of a violation. The institution and involved individual(s) shall then be provided an opportunity to respond to the allegations in which they are involved.

5-9-4. COI Questioning. COI members may ask questions at any time during the discussion of an allegation. Any institutional representative or involved party may be questioned on any relevant issue.

5-9-5. Types of Information. Any oral or documentary information may be received, but the COI may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.

(2) Effective date. Immediate.

(3) Rationale. On July 19, 2022, the NCAA Division II Management Council approved the elimination of 25 bylaws from the Division II Manual and the addition of them to the Enforcement, Committee on Infractions and/or Infractions Appeals Committee IOPs, if appropriate. See Division II Proposal No. NC-2023-17. The proposed additions were previously captured in the bylaws and detail the notifications a party will receive ahead of a hearing, the COI's expectations for opening and closing statements, the identification of party presenters, the COI's authority related to party questioning and the types of information that the COI can exclude.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.

<i>Committee Chair:</i>	<i>John David Lackey, Public Member</i>
<i>Staff Liaison(s):</i>	<i>Matt Mikrut, Office of the Committees on Infractions</i> <i>Heather McVeigh, Office of the Committees on Infractions</i>

Marnae Mawdsley, Office of the Committees on Infractions
Bri Reid, Office of the Committees on Infractions

Division II Committee on Infractions September 12, 2022, Electronic Mail	
Attendees:	
John David Lackey, Public Member (Chair).	
Rich Loosbrock, Adams State University (Vice Chair).	
Jessica Chapin, American International College.	
David Hansburg, Colorado School of Mines.	
Melissa Reilly, East Coast Conference.	
Leslie Schuemann, Great Midwest Athletic Conference.	
Jason Sobolik, Minnesota State University, Moorhead.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Staff Liaison in Attendance:	
Heather McVeigh.	
Other NCAA Staff Members in Attendance:	
None.	



ENFORCEMENT: DIVISION II INTERNAL OPERATING PROCEDURES

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ENFORCEMENT: DIVISION II INTERNAL OPERATING PROCEDURES

Introduction.

This document contains the Internal Operating Procedures of the NCAA enforcement department. The primary purpose of this document is to provide member institutions and involved individuals with basic information regarding the enforcement staff's investigation and processing functions in connection with alleged violations of NCAA bylaws. The provisions are designed to reflect the obligations of all parties to cooperate during investigations in order to discover accurate facts in a timely manner. This document does not articulate all of the enforcement staff's activities. The administrative procedures for Division II are contained in Article 32 of the Manual and the Division II Committee on Infractions Internal Operating Procedures.

These procedures are not contractual in nature, do not create any independent right, do not have the force of NCAA bylaws and may be amended in accordance with NCAA Bylaw 19.3. Current procedures and notice of amendments will be available on the NCAA website.

Chapter 1 – Investigations.

1-1. Information Gathering. If the enforcement staff receives or develops information indicating a potential NCAA violation and that information is believed to be reliable, the staff may conduct an investigation pursuant to Bylaws 32.2 and 32.3 and these procedures. The enforcement staff has a responsibility to gather information regarding possible violations. In doing so, the staff may employ the following investigative tools:

- (a) Letter of inquiry to the institution;
- (b) Interviews with prospective student-athletes, enrolled student-athletes, current and former institutional staff members, third parties or other individuals who may have relevant knowledge;
- (c) Document and records requests;
- (d) Review of publicly available information;
- (e) Observation of public places (on or off campus);
- (f) Research;
- (g) Communications between departments of the NCAA national office; and
- (h) Communications with sources.

If an enforcement staff member intends to use any other investigative tool, ~~he or she~~they shall first obtain written approval from the vice president of enforcement and the NCAA's general counsel, or their designees.

1-2 Misrepresentation of Identity. In no case shall enforcement staff members misrepresent their identity or title to an individual who may provide information relevant to an investigation.

1-23. Sharing Information. There are instances when the enforcement staff has information that, if shared immediately with the institution or an involved individual, could compromise the integrity of the investigation, even without malicious intent by the institution or involved individual. In those instances, during an active investigation, and after consulting with the managing director of enforcement (investigations and processing) or the vice president of enforcement, the investigative team shall: (a) inform an institution that it has information it



ENFORCEMENT: DIVISION II INTERNAL OPERATING PROCEDURES

will not immediately share; and (b) share the information in a timely manner after concluding that disclosure will not materially jeopardize the investigation.

1-43. Document Request Deadlines. When the enforcement staff requests information from either a member institution or an individual who is subject to NCAA bylaws, the enforcement staff may identify a reasonable deadline for the submission of the requested materials. The enforcement staff may, in its discretion, seek agreement of the parties when identifying response deadlines.

1-54. Interview Record and Attendance.

1-54-1. 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, or if the enforcement staff believes the use of a recording device would have an inhibiting effect on the interviewee, a summary of the information reported should be prepared pursuant to Enforcement IOP 1-5-2.

1-5-1-1. Recording of an Interview by the Interviewee. The interviewee may record their interview subject to the conditions set forth in Bylaw 32.3.7 Statement of Confidentiality and provided the interviewee gives advanced notice of their intent to record the interview. If the interviewee does not record the interview, they may request a copy of the recording and the interview transcript, if one has been completed, subject to the confidentiality provisions of Bylaw 32.3.7. Copies of interview summaries prepared by the enforcement staff are confidential and will only be provided to interviewees (and their institutions) in accordance with Bylaw 32 and the procedures set forth herein.

1-5-1-2. Recording of an Interview by an Institution - Access to Recordings and Transcripts. Interviews conducted by the institution in accordance with Bylaw 32.3.3.1 or with the enforcement staff at any location may be recorded by the institution under inquiry, provided the institution gives notice of its intent to record the interview. If the institution is unable or chooses not to record such an interview, the institution may request a copy of the enforcement staff's recording of the interview and/or a copy of the interview transcript, if one has been completed.

1-5-1-3. Access to Recordings and Transcripts by Conference. For interviews conducted in accordance with Bylaw 32.3.3.1 or by the institution and enforcement staff, and with consent of the institution, a conference may request a copy of the interview recording and/or transcript, if one has been completed by the enforcement staff or the institution.

1-5-2. Nonrecorded Interviews. When an interview is not recorded, or if the recording device malfunctions, the enforcement staff shall prepare a written interview summary of the information and, to the extent possible, attempt to obtain a signed affirmation of its accuracy from the interviewee. The interviewee will be permitted to make nonsubstantive corrections to the memorandum before affirming its



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accuracy. If an interviewee wants to make additions or corrections that materially alter the substance of the memorandum, they may do so and the new information shall be treated as a separate interview. In order to obtain the interviewee's signature, the enforcement staff may provide a copy of the unsigned interview summary to the interviewee and their counsel provided the interviewee agrees not to release the summary to a third party. After the summary is signed, the interviewee and their counsel, upon request, may make or receive a signed copy. The substance of an unrecorded interview for which a signed affirmation was not obtained may be considered by the NCAA Committee on Infractions to the extent the Committee on Infractions determines the information to be reliable.

1-5-3. Note-taking during Interview. It is permissible for individuals being interviewed to take notes of the proceedings. These notes are the personal notes of the person interviewed and do not need to be provided to any party in the investigation unless the note-taker gives their consent. These notes are not considered part of the case file.

1-5-4 Presence of Parents, Legal Guardians or Institutionally Appointed Advisors during Interview. Bylaws 32.3.34.1 and 32.3.6 identify individuals who may be present during certain interviews. In addition, by request, a parent or legal guardian (duly appointed by a court of competent jurisdiction) of a prospective student-athlete or current student-athlete who is under the age of 18 may be present during the individual's interview with the enforcement staff or may participate by remote connection or through other available technologies. The enforcement staff reserves the ability to schedule the order of interviews if the parent or legal guardian is also interviewed or to decline the request of a parent or legal guardian to be present in order to, among other things, protect the integrity of the investigation, simplify logistics, preserve confidentiality and/or minimize scheduling conflicts. If a student-athlete's parent or legal guardian is not reasonably available, the student-athlete's institution may appoint from its staff an advisor to be present during the interview, regardless of the student-athlete's age.

1-54-52. Interview Participation. If the enforcement staff conducts an interview with an enrolled student-athlete or current institutional staff member ~~on the campus of an institution~~ and the subject matter to be discussed in the interview does not relate to that institution or would not affect the interviewee's eligibility or employment at that institution, notification to the institution's president or chancellor is not necessary. However, in such a circumstance, the enforcement staff shall contact the athletics director to offer an opportunity to discuss procedures relating to the enforcement staff's interview(s) ~~visit to campus~~. In addition, if information is raised at any point during such an interview that relates to that institution or could affect the interviewee's eligibility or employment at that institution, the enforcement staff shall pause the interview. The enforcement staff shall notify the institution's athletics director, president or chancellor and allow the institution's involvement in the interview before the interview resumes or before any additional interviews are conducted ~~on the institution's campus~~.



ENFORCEMENT: DIVISION II INTERNAL OPERATING PROCEDURES

1-6 **Enforcement Staff's Responsibility to Maintain Case File.** The enforcement staff is responsible for maintaining case materials obtained during its investigation, including recorded interviews, interview summaries, interview transcripts and other relevant information. Such materials will be retained consistent with the NCAA's document retention/destruction policy. Personal notes, impressions or communications of the enforcement staff do not become part of the case file.

1-75. Time-Sensitive Investigations. All investigations shall be conducted as promptly and as efficiently as possible, without sacrificing fairness or accuracy. In instances where the eligibility of a student-athlete or a prospective student-athlete may be impacted, the enforcement staff shall work to complete as much of the investigation as reasonably possible 10 calendar days before the first competition of the season. If the staff cannot complete the investigation before the first competition, or if the investigation relates to in-season eligibility issues, the enforcement staff shall communicate with the institution about: (a) the status of the investigation; (b) the information still needed; and (c) the potential impact, if any, on the student-athlete's or the prospective student-athlete's eligibility.

1-86. Communications.

1-86-1. Communications with President or Chancellor. After providing a notice of inquiry pursuant to Bylaw 32.5 and upon request, the enforcement staff will meet personally with the president or chancellor or a designated representative of the involved institution to discuss the investigation. Thereafter, the enforcement staff will be available as needed to discuss the investigation with the president, chancellor or designated representative of the institution. ~~Unless the institution requests more frequent periodic updates, the staff shall provide an update every six months to a designated representative of the involved institution regarding the status of the investigation, its expected duration and any obstacles encountered during the course of the investigation per Bylaw 32.5.1.1.~~

1-86-2. Expansion of an Investigation. If, after commencing an investigation, the enforcement staff obtains information indicating possible additional types of violations or prompting a significant change in the focus of the investigation, it shall give written or oral notice to the institution that it has expanded the investigation.

1-86-3. Contacting the Enforcement Staff. Communications with the enforcement staff about a matter under investigation are encouraged and should first be directed to the lead investigator or the supervising director. Unresolved concerns, or communications about matters not assigned to an investigative team, may be presented to a managing director or the vice president of enforcement.

1-86-4. Disclosures. The parties shall not disclose information about an investigation in violation of Bylaws 32.1.1, 32.1.3 or 32.3.~~79-1.4~~. If a party improperly discloses information, the enforcement staff may investigate the source of leaked or disclosed information and bring appropriate allegations if the Committee on Infractions could conclude from the information discovered that a party violated confidentiality legislation.



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1-97. Projected Duration and Scheduling Conference. When the enforcement staff begins an active investigation, it shall project the anticipated duration of the case (when a ~~N~~Anotice of ~~A~~llegations or summary disposition report will issue) based on, among other factors, the number of sports and the number of potential allegations identified. The staff shall notify the institution and any involved individual(s) of the projected duration and all parties shall work to satisfy the proposed timeline. The enforcement staff shall also notify the Committee on Infractions of active investigations as provided in ENF IOP 1-~~108~~. If the Notice of Allegations or initiation of the Summary Disposition process in a case is not completed within the projected timeline, the chair of the Committee on Infractions may, in ~~his or her~~their discretion pursuant to Bylaw 32.7.9, convene a scheduling conference to discuss why the timeline was not satisfied, a plan for completing the investigation and other matters designed to assure timely disposition of the case. The scheduling conference is not designed to address the merits of potential allegations or other substantive issues.

The parties may also request a conference with the committee chair approximately 30 calendar days before expiration of the anticipated timeline if it appears that timely resolution will be difficult. Should the chair agree to hold a conference, discussion would be limited to plans or strategies to keep the case moving expeditiously.

1-~~108~~. Case Readiness Report. The enforcement staff will provide to the committee a monthly report of active investigations that are likely to yield a Notice of Allegations or Summary Disposition Report. For each active investigation, the report will include, among other information, a summary of the potential infractions and the anticipated duration of the investigation.

1-~~119~~. Limited Immunity. Pursuant to Bylaw 32.3.8, limited immunity is an investigative tool that allows information to be elicited from a prospective, current or former student-athlete and a current or former institutional staff member ("individual") concerning ~~his or her~~their potential involvement in or knowledge of NCAA violations, with the understanding that the NCAA will not put the individual at-risk in the infractions process by bringing identified allegations against the individual ~~him or her~~.

1-~~119~~-1. When to Request. The enforcement staff may request limited immunity for an individual at any time during the pendency of an investigation or during the processing of the case.

1-~~119~~-2. Protections. If an individual satisfies all conditions prescribed by the NCAA Committee on Infractions, limited immunity means that the NCAA enforcement staff will not allege bylaw violations against the individual for disclosed conduct predating the grant of immunity. Limited immunity does not prevent the enforcement staff from alleging identified violations of NCAA legislation when:

- a. The grant of immunity has been revoked by the Committee on Infractions;
- b. The individual fails to report violations; or
- c. The individual commits future violations (including the provision of false or misleading information).



ENFORCEMENT: DIVISION II INTERNAL OPERATING PROCEDURES

Additionally, limited immunity does not protect the individual from action taken by the institution or any other entity.

1-119-3. Representation by Legal Counsel. Recipients of or candidates for limited immunity may be represented by personal legal counsel or another advisor throughout the process.

1-119-3-1. Student-Athletes. For recipients of or candidates for limited immunity who are student-athletes, when feasible, the enforcement staff will communicate with the institution where the student-athlete is enrolled about securing personal legal counsel or other advisor unaffiliated with the institution's athletics department, for the student-athlete.

1-119-3-2. Prospective Student-Athletes. For recipients of or candidates for limited immunity who are prospective student-athletes, when feasible, the enforcement staff will communicate with the prospective student-athlete about the opportunity to secure personal legal counsel or other advisor.

1-119-4. Factors to Consider. In determining whether to seek limited immunity, the enforcement staff may consider the following factors:

- a. Whether the individual is a prospective student-athlete, current or former student-athlete, or a current or former staff member.
- b. Whether the individual received limited immunity in the past, and if so, the value of the information reported to the enforcement staff.
- c. Whether the individual has information that will assist the investigation or otherwise support or refute allegations.
- d. The likelihood of obtaining relevant information with or without the grant of limited immunity.
- e. The nature of the potential allegations involved in the case.
- f. The position of the individual's institution on the request for limited immunity.
- g. The impact on the timeliness of an investigation.
- h. Any other circumstances supporting or refuting a grant of limited immunity.

1-119-5. Process for Requesting. Limited immunity may be requested only by the enforcement staff's vice president, managing director of enforcement for investigations and processing or the vice president's designee. The request for limited immunity shall be made in writing, addressed to the chair or vice chair of the Committee on Infractions and shall contain a brief summary of the relevant facts that



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support a grant of limited immunity. The request shall also identify the involved parties and state whether the involved parties are represented by legal counsel or other advisor.

- | **1-119-6. Acknowledgement.** The enforcement staff shall prepare an appropriate document outlining the terms and conditions of the limited immunity agreement. The acknowledgment shall be signed by all parties subject to the limited immunity agreement, with a copy of the acknowledgment being provided to all signatories.
- | **1-119-7. Record Keeping (Pertaining to Limited Immunity).** The enforcement staff shall maintain copies of approvals and denials of applications for limited immunity in the case file and make those records available to the appropriate parties via the secure filing system. The presumption is that all parties will have access to all approvals and denials of applications for limited immunity.
- | **1-119-8. Revocation.** The enforcement staff will seek revocation of limited immunity only when it reasonably determines that the Committee on Infractions could conclude that an individual violated the terms of his/her limited immunity agreement.
- | **1-119-9. Revocation Process.** The enforcement staff may request that a grant of limited immunity be revoked by submitting a petition to the chair of the NCAA Committee on Infractions, or if the chair is unavailable, the petition shall be submitted to the vice chair. The petition shall state the basis for the revocation and shall be forwarded to all appropriate parties.
- | **1-119-10. Process Following Revocation.** If the Committee on Infractions revokes a grant of limited immunity, the enforcement staff may name the individual in the underlying allegation(s) pursuant to Bylaw 32.7 and, where appropriate, may also allege an unethical-conduct violation pursuant to Bylaw 10.1.
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Chapter 2 - Processing of Violations.

2-1. Interpretation Requests. If an institution and the enforcement staff cannot reach agreement on whether facts and circumstances constitute a violation of NCAA legislation, the institution and the enforcement staff may submit a joint statement of agreed-upon facts to the NCAA academic and membership affairs (AMA) staff for a formal interpretation. If the institution and the enforcement staff are unable to reach agreement on the facts, or if there is an unreasonable delay in reaching agreement on the facts, a party may submit an individual request for an interpretation. In either case, the AMA staff will render a decision based on the facts submitted and notify participating parties of the outcome. Participating parties may appeal a staff interpretation to a committee of representatives from member institutions as allowed by applicable legislation and AMA procedures.

2-2. AMA Audit. When the enforcement staff substantially completes ~~draft allegations~~ **Notice of Allegations (NOA)**, the investigative team submits the draft ~~allegations~~ **NOA** to the AMA staff for an audit of the cited bylaws. One or more of the AMA enforcement staff liaisons, in consultation with the appropriate team(s), will review the ~~draft allegations~~ **NOA** to determine whether: (1) the allegations, as drafted, support that a violation occurred; (2) the cited bylaws are appropriate; (3) the appropriate versions of the bylaws are cited; and (4) additional bylaws should be cited.

2-3. Summary Disposition.

2-3-1. Summary Disposition Report (SDR) Election. Decisions about whether to use the summary disposition process are made on a case-by-case basis. While use of the summary disposition process is generally encouraged, the following are elements that suggest a case may not be appropriate for summary disposition:

- a. The case involves an allegation of unethical conduct;
- b. The case involves an allegation of lack of institutional control;
- c. The case involves an alleged violation of the cooperative principle or related bylaws;
- d. The institution or an involved individual has been involved in a separate major violation within the past five years;
- e. The case involves significant disagreement on material facts, such that it may invite additional scrutiny by the Committee on Infractions;
- f. The case involves a significant recruiting or extra-benefit allegation;
- g. The case involves an academic misconduct allegation;
- h. There are any unique issues in the case or any particular instances that the committee has not reviewed in the last 10 years; or



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- i. The case involves an allegation or instance of material enforcement staff misconduct.

2-3-2. Abandoning the Summary Disposition Process. At its discretion, any party may withdraw its consent to the summary disposition process. If any party withdraws its consent, the enforcement staff shall issue a Notice of Allegations pursuant to Bylaw 32.7.

2-3-3. Completion of Summary Disposition Report. Pursuant to Bylaw 32.8, the enforcement staff, institution and any involved individual may elect to process a major case through the use of a summary disposition report. To complete the report, the enforcement staff may provide to the institution and any involved individual a template to use, which could include sections that each of the parties is asked to complete. For the purpose of completing this report efficiently, the enforcement staff may require as a condition for using this process an agreement on reasonable deadlines for completion of the report. The expected duration of the process shall not exceed 90 calendar days from the day the parties reach agreement to pursue the process to the date the final report is submitted to the Committee on Infractions. Failure by a party to adhere to the deadlines may serve as a basis for the other parties to withdraw their consent to the summary disposition process. Additionally, the chair of the Committee on Infractions or ~~their~~^{his or her} designee, pursuant to Bylaw 32.7.9, may in ~~his or her~~^{their} discretion convene a scheduling conference to discuss why the report was not completed within the deadline and determine a plan for completing the processing of the case, which could include abandoning the summary disposition process and proceeding via a hearing.

2-4. Guidelines for Allegations. When determining whether the Committee on Infractions could conclude that a major violation occurred (Bylaw 32.7.1), the enforcement staff must (a) use only attributable information and documentation and (b) evaluate relevant information in a fair and objective manner. In exercising its discretion to bring or not bring an allegation, the enforcement staff should also review relevant bylaw interpretations and prior similar cases as appropriate. Case-specific interpretations are addressed above in IOP 2-1. Decisions whether to bring allegations are made on a case-by-case basis.

2-5. Allegation Review Board. Before finalizing ~~draft allegations~~^{a Notice of Allegations (NOA)}, the investigative team shall submit the draft ~~allegations~~^{NOA} to an Allegation Review Board unless the team, in consultation with the managing director for investigations and processing, concludes that additional review would prevent timely resolution of the matter. The investigative team will advise the institution in writing in advance of the date of the review board. The investigative team will also advise in writing any involved party in advance of the date of the review board, provided that the involved party's status has been determined by the enforcement staff at the time the review board is scheduled. The Review Board, consisting of enforcement staff members who were not part of the investigative team, shall be appointed by the managing director for investigations and processing to analyze the following:

- a. Information relied upon to support the allegation(s);



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- b. Information refuting the allegation(s);
- c. Proper level (major or secondary) and bylaw citation(s) for each allegation;
- d. Appropriateness of any matters not alleged to be violations; and
- e. Other issues unique to the case.

2-5-1. Submission of Information to the Allegation Review Board. There is no requirement that institutions or involved individuals submit material for the review board's consideration. However, if a party wishes to submit additional information, it must be received by the investigative team no less than three business days prior to the date of the review board meeting.

2-5-2. Page Limits. Submissions shall not exceed 10 pages, double-spaced, with no smaller than 11-point font and one-inch margins. With prior approval by the managing director of enforcement for investigations and processing, submissions may exceed the 10 pages limit upon a showing of good cause.

2-5-3. Good-Cause Exception. Except for good cause as determined by the managing director of enforcement for investigations and processing, submissions that do not comply with this rule will be deemed untimely and may not be considered by the review board.

2-65. Pre-Allegation Conference. An institution or involved individual may request a conference with the enforcement staff before the staff issues an NOA. If requested, representatives of the enforcement staff shall allow the institution or involved individual to provide information or positions regarding potential allegations.

2-76. Submission Process. The enforcement staff shall submit and share case materials electronically through the secure filing system, a secure website that serves as the principal platform for parties to electronically submit and access case information once a matter proceeds past investigation. The enforcement staff will provide instructions relating to the process for exchanging and submitting information electronically to involved individuals and institutions in a timely manner.

2-76-1. Distribution of Process Documents. Processing documents prepared by the enforcement staff (e.g., NOA, enforcement staff case summary) shall be shared with all parties unless, pursuant to Committee on Infractions IOP 4-56, there are portions of a processing document not pertinent to a party that are not shared.

2-76-2. Information that Refutes an Allegation. The enforcement staff shall make available to the institution and any involved individual via the secure filing system any information of which it is aware that tends to refute an allegation pertaining to that party. If a party intends to rely on supplemental factual information (that is, information not identified by the enforcement staff as factual information), that party shall identify such information in its response's key record list with a hyperlink. If the enforcement staff is aware of information not identified by the parties that clearly



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refutes an allegation, the enforcement staff will make that information available to the Committee on Infractions.

2-76-3. Amending Allegations. The enforcement staff may amend allegations consistent with Bylaw 32 and the operating procedures of the Committee on Infractions.

2-76-4. Key Record List and Hyperlinking. Pursuant to Committee on Infractions IOP 3-1-3, a party, at the beginning of a written submission, shall identify the most pertinent factual information it intends to rely on in presenting the case in a key factual information list and index of authorities (past cases and interpretations) with hyperlinks to the secure filing system and the Legislative Services Database (LSDBi).

2-87. Access to Information through Secure Website. In matters to be presented to the Committee on Infractions, the institution and involved individuals shall have access to pertinent case materials as described in Bylaw 32.7.4 as soon as feasible after the issuance of the NOA (or after the issuance of the ~~draft~~ summary disposition report ~~in a summary disposition case~~ or negotiated resolution). The information will be accessible through the secure filing system. All information contained in the secure filing system is governed by the rules of confidentiality, as set forth in Article 32 and the secure filing system's terms of service. The enforcement staff may add pertinent factual information to the secure filing system after the NOA is issued and must provide prompt notice of the addition to the institution, involved individuals and the Committee on Infractions.

2-87-1. Access Restrictions. Pursuant to Committee on Infractions IOP 4-~~56~~, the presumption is that all pertinent case information and submissions will be made available to all parties. A party may request the enforcement staff to not share information with another party when the information is not pertinent to that other party. If the enforcement staff grants the request, it will provide notice to the Committee on Infractions and any impacted parties.

2-98. Negotiated Resolution.

2-98-1. Negotiated Resolution Election. Decisions about whether to use the negotiated resolution process are made on a case-by-case basis. The following are factors that suggest a case may not be appropriate for negotiation:

- a. Not all participating parties agree to negotiate a particular violation.
- b. The case involves an alleged violation of the cooperative principle or related bylaws.
- c. The type of violation was present in a separate major case at the institution that occurred within the past five years.
- d. The case involves significant disagreement on material facts.
- e. A hearing on the matter is scheduled to occur within 30 or fewer days.



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- f. There are unique issues or circumstances that may necessitate consideration by the Committee on Infractions.
- g. The case involves an allegation or instance of material enforcement staff misconduct.

2-98-2. Written Agreement. Pursuant to Bylaw 32.6.2, the enforcement staff, an institution or an involved individual may propose to process a major case using the negotiated resolution process. If the parties propose to resolve a case via a negotiated resolution, the agreement shall be memorialized and comply with the provisions of Bylaw 32.6.2.3.

2-98-3. Preliminary Assessment of Penalties. Pursuant to Bylaw 32.6.4, parties included in the negotiated resolution may request in writing that a hearing panel of the Committee on Infractions preliminarily assess whether the agreed upon penalties are manifestly unreasonable pursuant to Bylaw 19.5.

2-98-4. Timeline for Completing the Agreement. For the purpose of completing the agreement efficiently, the enforcement staff may require, as a condition for using this process, an agreement on reasonable deadlines for completion of the report.

2-98-4-1. Failure to Complete the Agreement Within the Timeline. Failure by a party to adhere to the deadlines may serve as a basis for the other parties to withdraw their consent to the negotiated resolution process.

2-98-5. Abandoning the Negotiated Resolution Process. At its discretion, any party may withdraw its consent to the negotiated resolution process. If any party withdraws its consent, the enforcement staff shall issue a summary disposition report or notice of allegations for any allegations not resolved through the negotiated resolution process. If there are violations that include only institutional involvement, the institution and the enforcement staff may negotiate a resolution for those violations pursuant to Bylaw 32.6.2.2.

2-98-6. Rejection of Negotiated Resolution. In accordance with Bylaw 32.6.6, a rejected negotiated resolution shall be processed pursuant to Bylaw 32.7 or Bylaw 32.8.

2-98-7. Return of Negotiated Resolution to the Parties. In accordance with Bylaw 32.6.6, if the Committee returns the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues that preclude approval of the negotiated resolution, the enforcement staff shall coordinate the response on behalf of the parties included in the negotiated resolution. If the requested additional information or clarification changes elements of the agreement, the parties shall submit an amended agreement to the Committee.

2-9-8. Factual Information. A rejected negotiated resolution may not be considered as factual information and included in a subsequent notice of allegations or summary disposition report.



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Chapter 3 - Secondary Violations.

- 3-1. Processing Secondary Violations.** Matters the enforcement staff believes to involve only secondary violations ordinarily will be submitted and reviewed electronically through the Requests and Self-Reports Online (RSRO) system. Appeals from staff determinations regarding secondary violations may be presented to the Committee on Infractions pursuant to Bylaws 19.6.1 and 32.4.3.



FINAL REPORT OF THE
NCAA DIVISION II IMPLEMENTATION COMMITTEE
AUGUST 2022

PURPOSE/CHARGE.

In October 2021, the Division II Presidents Council approved a process that included establishing a Division II Implementation Committee to review the division's rules and policies and make recommendations to ensure that changes are consistent with the principles agreed upon in the NCAA's new constitution.

COMMITTEE COMPOSITION.

The Implementation Committee included one representative from all 23 Division II conferences and five current and former student-athletes. All five Division II members who served on the NCAA Constitution Committee were on the Implementation Committee. Steven Shirley, president at Minot State University and chair of the Division II Presidents Council, served as an ex-officio member.

BACKGROUND.

During summer 2021, the NCAA's collegiate model of athletics was facing serious challenges. The effects of the COVID-19 pandemic in 2019 that canceled championships and altered how student-athletes experienced college altogether were still lingering, and federal decisions in the student-athlete name, image and likeness space, as well as the U.S. Supreme Court's unanimous decision in the Alston case called into question the NCAA's ability to self-govern.

Additionally, calls for greater representation and equity from both inside and outside intercollegiate athletics compounded the concern that the NCAA's collegiate model that had been in place for more than a century could no longer maintain its status quo.

In late July 2021, the NCAA Board of Governors announced that a special Convention would be convened in November to rework the NCAA constitution, with formal action to be taken at the NCAA's annual Convention in January.

In August 2021, the Board of Governors appointed a 28-member Constitution Committee, featuring presidents, commissioners, athletics directors and student-athletes from Divisions I, II and III, a Division I faculty athletics representative and independent members of the NCAA Board of Governors, to frame the new constitution. The Division II representatives were California State University, Chico, President Gayle Hutchinson; Pittsburg State University Athletics Director Jim Johnson; California University of Pennsylvania Volleyball Student-Athlete Madeleine McKenna; Northeast-10 Conference Commissioner Julie Ruppert; and Lincoln University (Pennsylvania) Athletics Director Harry Stinson III.

In October 2021, and after a series of initial Constitution Committee meetings, it became clear that while ratification of a new constitution in January remained the essential first step in the process of transforming the governance of the NCAA, there also must be a second step, which would require each division to review its rules and policies to assure that changes are consistent with the principles agreed upon in the new constitution. This led to the appointment of a 28-member Implementation Committee co-chaired by University of Wisconsin-Parkside Chancellor Debbie Ford and Delta State University President William LaForge.

COMMITTEE PROCESS.

The Implementation Committee held an orientation meeting in January 2022 and then met in person February 7-8, agreeing quickly on several initial recommendations and other concepts for which to seek feedback via a membership survey. Many of these initial recommendations were sent to the Division II Management Council and Division II Presidents Council in April, and several were approved as noncontroversial legislation.

The Implementation Committee conducted other videoconferences and another in-person meeting in May before finalizing additional recommendations during a June 30 videoconference for the Division II Management Council and Division II Presidents Council to consider during their summer 2022 meetings.

To accomplish this work, the Implementation Committee at the outset established six topic-specific subcommittees to develop concepts and recommendations. The subcommittees conducted individual videoconferences as necessary outside of the full committee meeting schedule to complete their tasks.

- Budget
- Championships
- Enforcement and Infractions Process
- Governance
- Legislative Process and Compliance
- Membership

The work was prioritized as follows:

- Priority 1 – To be completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023;
- Priority 2 – Recommendations by spring/summer 2023 for review and consideration; and
- Priority 3 – Discussed and reviewed with an action date to be determined.

The subcommittees collaborated with each other and with existing governance committees and other membership bodies to develop recommendations that were well-informed, well-vetted, and advanced with consensus on their viability moving forward.

COMMITTEE OUTCOMES.

The Implementation Committee's work culminated in a June 30 videoconference during which the group finalized more than two dozen recommendations for the Management Council and Presidents Council to consider during their meetings in July and August, respectively. (These were in addition to the initial recommendations the councils addressed in April.)

The recommendations included 10 legislative proposals for the 2023 NCAA Convention (seven that were subsequently approved to be grouped as a package for the purpose of voting at the Convention), 12 noncontroversial legislation proposals, two nonlegislative items, and a package of concepts, tasks and reviews to be referred to existing bodies within the Division II governance structure.

Among the more significant recommendations were to modify the composition and duties of the Division II Presidents Council (renaming it as the Division II Executive Board), the Division II Management Council, the Division II Administrative Committee and the Division II Planning and Finance Committee (renaming it as the Division II Strategic Planning and Finance Committee).

In all – in just six months of work – the Implementation Committee authored 11 Convention proposals, 25 noncontroversial legislation proposals and three other nonlegislative items, all of which reflect the committee's mission and commitment to implement significant change to the division's operating procedures without compromising the values and principles to which Division II members hold true.

Detailed descriptions of all the committee's recommendations are in Attachment A. A status-tracking list of items by Priority is in Attachment B.

The committee reconvened for a final time August 8 to review actions the Management Council and Presidents Council took on the recommendations. The committee is prepared to reconvene this fall as needed, but it is believed that the existing bodies on which almost all of the committee members already serve are capable of managing the various referrals and reaching conclusions on those concepts.

Division II Implementation Committee Roster
Jackie Armstrong , Senior Associate Director of Athletics for Compliance/Senior Woman Administrator, Point Loma Nazarene University; Pacific West Conference.
Carrie Bodkins , Director of Athletics, Alderson Broaddus University; Mountain East Conference.
Michaela Boyd , Student-Athlete, Palm Beach Atlantic University; Division II Student-Athlete Advisory Committee.
Zach Brown , Student-Athlete, University of North Georgia; Division II Student-Athlete Advisory Committee.

Curtis Campbell , Director of Athletics, Morehouse College, Southern Intercollegiate Athletic Conference. Previously, J. Lin Dawson, Clark Atlanta University.
Chris Colvin , Commissioner, Conference Carolinas.
Ismael Contreras , Student-Athlete, Purdue University Northwest; Division II Student-Athlete Advisory Committee.
Devin Crosby , Director of Athletics, Lynn University; Sunshine State Conference.
Debbie Ford (co-chair), Chancellor, University of Wisconsin-Parkside; Great Lakes Intercollegiate Athletic Conference.
Marty Gilbert , Faculty Athletics Representative, Mars Hill College; South Atlantic Conference.
Chris Graham , Commissioner, Rocky Mountain Athletic Conference.
Gayle Hutchinson* , President, California State University, Chico; California Collegiate Athletic Association.
Jim Johnson* , Director of Athletics, Pittsburg State University; Mid-America Intercollegiate Athletics Association.
Colleen Perry Keith , President, Goldey-Beacom College; Central Atlantic Collegiate Conference.
Brandi Laurita , Director of Athletics, Findlay University; Great Midwest Athletic Conference.
Kara Lindaman , Faculty Athletics Representative, Winona State University; Northern Sun Intercollegiate Conference.
Madeleine McKenna* , Former Student-Athlete, California University of Pennsylvania; Former Member of the Division II Student-Athlete Advisory Committee.
Carrie Michaels , Senior Associate Director of Athletics/Senior Woman Administrator, Shippensburg University of Pennsylvania; Pennsylvania State Athletic Conference.
Traci Murphy , Director of Athletics, Daemen University; East Coast Conference.
Steve Roach , Director of Athletics, Texas A&M University-Kingsville; Lone Star Conference.
Julie Ruppert* , Commissioner, Northeast-10 Conference.
Kevin Schriver , Faculty Athletics Representative, Southwest Baptist University; Great Lakes Valley Conference.
Steven Shirley (ex-officio), President, Minot State University, Division II Presidents Council Chair.
Wendell Staton , Director of Athletics, Georgia College; Peach Belt Conference.
Jackson Stava , Director of Athletics, Seattle Pacific University; Great Northwest Athletic Conference.
Harry Stinson III* , Director of Athletics, Lincoln University of Pennsylvania; Central Intercollegiate Athletic Association.
Corbin Thaete , Student-Athlete, California State University, San Marcos; Division II Student-Athlete Advisory Committee.
Cherrie Wilmoth , Associate Director of Athletics for Internal Operations and Compliance/Senior Woman Administrator, Southeastern Oklahoma State University, Great American Conference.
Matt Willson , Commissioner, Gulf South Conference. Previously, William LaForge (co-chair), Delta State University.

**Also served on the NCAA Constitution Committee.*

Summary of Division II Implementation Committee Actions

2023 NCAA Convention Proposals

1* Rename the NCAA Division II Presidents Council as the NCAA Division II Executive Board and amend the composition, term of office and chair and vice chair as follows:

Composition:

- Eight presidents/chancellors based on Division II championships region;
- 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 Executive Board;
- *Two student-athletes (one representing male sports, one representing female sports), serving on and chosen by the Division II Student-Athlete Advisory Committee; and
- The chair of the Division II Management Council, who will serve as an ex officio, nonvoting member.

**Note: The Division II Presidents Council in April 2022 approved noncontroversial legislation to amend the student-athlete representation and terms of service to align with the new constitution.*

Terms of service:

- Two years, renewable for two years for presidents, chancellors and independent members;
- *One year, renewable for one year, for Division II Student-Athlete Advisory Committee members; and
- The chair and vice chair shall each serve terms not to exceed two years from three years.

Selection process:

- When a vacancy on the Executive Board occurs, a formal call for nominations will be sent to conference offices and to all presidents and chancellors eligible to serve. The members of the Executive Board shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.

2* Establish the duties of the newly named NCAA Division II Executive Board as follows:

- Implement policies adopted by the NCAA Board of Governors;
- Establish and direct the general policy of Division II;
- Establish a strategic plan and/or a set of strategic priorities for Division II;
- Elect a chair and vice chair;
- Appoint a Division II Executive Board member to the Board of Governors;
- 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;

- Adopt emergency legislation;
- Sponsor amendments and amendments-to-amendments to the constitution by a two-thirds majority vote;
- Call for a special convention of Division II;
- Delegate to the Management Council responsibilities for specific matters it deems appropriate;
- Approve recommendations of the Management Council, including the composition of the Management Council;
- Ratify, amend or rescind the actions of the Management Council;
- Ensure there is gender and ethnic diversity among its membership, the membership of the Management Council and the membership of each of the other bodies in the Division II governance structure;
- Approve the budget and the use of funds allotted to Division II (e.g., revenue distribution funds, funds for the operation of championships);
- Approve regulations providing for expenditures and income to Division II;
- Approve regulations providing for the administration of Division II championships;
- Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;
- Provide comments and input to the Board of Governors on matters that impact Division II and the Association;
- Convene same-site meetings, as necessary, with the Management Council; and
- Create 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.

3*. Amend the Management Council composition and selection process as follows:

Composition:

- One member from all voting, multisport Division II conferences;
- Four at-large members to enhance diversity on the council; and
- *Two members from the Division II Student-Athlete Advisory Committee (one representing male sports, one representing female sports), each with a vote.

**Note: The Division II Management Council in April 2022 approved the amended student-athlete representation on the Management Council to each have one vote instead of a combined vote.*

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.

- If a conference would like to submit one or two additional nominees (beyond a director of athletics, senior woman administrator, faculty athletics representative and a conference administrator) as part of its slate, the slate must include at least two women and one person of color.
- 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*. Amend the Management Council duties and responsibilities as follows:

- Implement policies adopted by the NCAA Board of Governors and the Division II Presidents Council (Executive Board);
- Make recommendations to the Presidents Council (Executive Board) on matters it deems appropriate;
- Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;
- Sponsor legislative proposals for a vote at the annual NCAA Convention;
- Take final action on matters delegated to it by the Presidents Council (Executive Board);
- Review and act on the recommendations of the Division II committee structure and the recommendations of 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;
- 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;
- Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;
- 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 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, subject to approval by the Presidents Council (Executive Board).

5*. Rename the NCAA Division II Planning and Finance Committee as the NCAA Division II Strategic Planning and Finance Committee and amend the group’s composition as follows:

- One Division II Presidents Council (Executive Board) member who serves as the vice chair;

- Two Management Council members, including the vice-chair;
- One conference commissioner;
- One member from the Division II Student-Athlete Advisory Committee; and
- Six additional members.
- At least one member shall be from a minority-serving institution.

6*. Amend the Planning and Finance Committee duties as follows:

- 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 Presidents Council (Executive Board);
- Provide regular reports on the implementation of the strategic plan/strategic priorities to the Division II Management Council and Presidents Council (Executive Board);
- Make recommendations related to the Division II budget and the budget guidelines and principles;
- Ensure alignment of the division's strategic plan/strategic priorities with financial allocations; and
- Advise both the Division II Presidents Council (Executive Board) and Management Council regarding the division's financial affairs.

7*. Amend the Administrative Committee composition as follows:

- The chair and vice chair of the Division II Presidents Council (Executive Board);
- The chair and vice chair of the Division II Management Council; and
- The chair of the Division II Student-Athlete Advisory Committee.

**Proposal Nos. 1-7 are listed separately here for the purposes of providing detail on each but were grouped as a package for the purpose of voting at the 2023 NCAA Convention.*

8. Amend deadlines for of the Division II legislative process as follows:

- July 15: Deadline for submission of proposals by the membership.
- September 1: Deadline for the Division II Presidents Council (Executive Board) to sponsor legislation.
- September 15: Modification period for membership-sponsored proposals.
- October 7: Deadline for committee review of membership-sponsored proposals.
- By December 10: Publication of the Official Notice.

9. Eliminate the Institutional Self-Study Guide (ISSG) and ask the Division II Membership Committee to consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies.

10. Redefine the term "agent" to align with that used in the Uniform Athlete Agent Act, and restructure/redraft the Use of Agents bylaw to specify the following:

- It shall be permissible for a student-athlete to sign a contract to receive advice/negotiations from an agent;
- It shall be permissible for a student-athlete to use professional service providers.
- It shall be impermissible for a student-athlete (or their relatives) to receive benefits (tangible or intangible) from an agent or individual for professional sports opportunities; and
- It shall be impermissible for a student-athlete to enter into an agreement with an agent that helps to secure initial or continued enrollment or a scholarship at a particular institution

11. Allow for the sale of alcoholic beverages (beer and wine only) at Division II championships.

Noncontroversial Legislation Adopted

1. Specify that the chair and vice chair terms for the Presidents Council and Management Council shall not expire on staggered terms and to place the legislation in the NCAA Division II Presidents Council and Management Council policies and procedures.

2. Remove the following legislation and place in the NCAA Division II Presidents Council and Management Council policies and procedures:

Staggered Terms.

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

Operating Rules.

- Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council/Management Council. For the Presidents

Council/Management Council to take action, a simple majority of Presidents Council/Management Council members present and voting shall be required, unless otherwise specified.

3. Require that an institution and conference in Division II shall sponsor a minimum of 10 sports and eliminate the five-sport/three-season requirement as specified.

4. Remove the Audit of Membership Requirements and place them in the NCAA Division II Membership Committee's policies and procedures.

5. Amend the appeals of interpretations process to specify that the NCAA Division II Legislation Committee and the NCAA Division II Academic Requirements Committee shall be the final authority of appealed interpretations.

6. Amend the Amateurism bylaw to align with and address the goals of the Interim NIL Policy as follows:

- Remove duplicative language;
- More clearly define the term "professional service providers";
- Remove Bylaw 12.1.2 (activities prior to full-time collegiate enrollment);
- Codify the NIL Policy;
- Redraft Bylaws 12.1.3 (permissible – following initial full-time collegiate enrollment) and 12.1.4 (impermissible – following initial full-time collegiate enrollment);
- Clarify the use of a student-athlete's NIL under Bylaw 12.4.1 (criteria governing compensation to student-athletes) to specify that unless the student-athletes has entered into an NIL agreement, an employer may not use the student-athlete's reputation to promote their product or service; and
- Remove all of Bylaw 12.5 (promotional activities).

7. Eliminate the attestation of compliance requirement.

8. Merge Constitution 3 and 6 and Bylaw 20 and remove duplicative language in the legislation.

9. Amend the Enforcement Policies and Procedures as follows:

- Define full cooperation in the infractions process;
- Establish that the Committee on Infractions (COI) may infer that failure or refusal to produce requested materials supports an alleged violation;
- Establish that the COI may view the failure or refusal to interview as an admission that an alleged violation occurred;
- Protect a “whistleblower” who voluntarily reports information about a potential violation; and
- Confirm that information upon which the COI bases its decision could be information that both directly and circumstantially supports an alleged violation.

10. Specify in Enforcement that:

- Facts established by a decision or judgment of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution’s university system’s board of trustees, may be accepted as true in concluding whether an institution or individual violated NCAA legislation; and
- Evidence submitted and positions taken in such a matter may be considered in the infractions process.

11. Amend the mission of the Infractions Program to clarify that:

- It is the mission of the NCAA infractions program to uphold 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 constitution and 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; and
- 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.

12. Specify that 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; further, specify that 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.

13. Amend the Infractions Program to specify that the infractions program shall hold institutions, coaches, administrators, and student-athletes who violate the NCAA constitution and bylaws accountable for their conduct, both at the individual and institutional levels.

14. Specify that 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; further, specify that each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

15. Amend Representation by Legal Counsel to clarify that when the enforcement staff member conducts an interview, the individual questioned may be represented by personal legal counsel.

16. Amend Presence of Institutional Representative During Interview to specify that if an interview with an enrolled student-athlete or athletics department staff member is conducted, an institutional representative (as 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, 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.

17. Amend Attendance at Hearings to specify that the institution's senior compliance administrator shall be required to be present at institutional hearings.

18. Amend Interview with Member Institutions, Presence of Institutional Representative During Interview and Notice to Institution to reflect the current practice of the enforcement staff notifying an institution of interviews of current institutional staff members and/or enrolled student-athletes; further, to remove references to the interviews being conducted "on campus." Additionally, eliminate Status Notification within Six Months, which requires the enforcement staff to provide infractions case status updates every six months.

19. Amend Committee on Infractions 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 ask 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 the case.

20. Amend Presidents Council Composition to include two student-athletes (one representing male sports and one representing female sports) who are chosen by and serving on the Division II Student-Athlete Advisory Committee, each of whom shall serve a one-year term, renewable for one year.

21. Amend Presidents Council Duties and Responsibilities to include the following:

- Appoint a Division II Presidents Council member to the NCAA Board of Governors;
- Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote; and
- Provide comments and input to the NCAA Board of Governors on matters that impact Division II and the Association.

22. Amend the duties of the Presidents Council chair and vice chair to specify that neither will automatically serve as members of the NCAA Board of Governors.

23. Specify that the two Student-Athlete Advisory Committee members serving on the Management Council shall have their own vote.

24. Eliminate the following 25 bylaws from the manual and, when appropriate, add them to the Enforcement, Committee on Infractions and/or Infractions Appeals Committee internal operating procedures:

- Bylaw 19.3.1.1 (Notification to the Membership).
- Bylaw 32.2.1.1 (Staff Initiation of Investigation).
- Bylaw 32.2.2.1.3 (Matters Handled by Correspondence).
- Bylaw 32.3.2 (Timely Process).
- Bylaw 32.3.4.2 (Conflict with Academic Schedule).
- Bylaw 32.3.5 (Proper Identification of NCAA Staff Member).

- Bylaw 32.3.9.1 (Recordings).
- Bylaw 32.3.9.1.1 (Access to Recordings and Transcripts).
- Bylaw 32.3.9.1.2 (Institutional Recording of an Interview – Access to Recordings and Transcripts).
- Bylaw 32.3.9.1.2.1 (Access to Recordings and Transcripts by Conference).
- Bylaw 32.3.9.2 (Non-Recorded Interviews).
- Bylaw 32.3.9.3 (Handwritten Notes).
- Bylaw 32.3.10.1 (Case File).
- Bylaw 32.3.12 (Meeting with President or Chancellor).
- Bylaw 32.7.4.1 (Additions to Secure Website).
- Bylaw 32.8.1.4 (Committee on Infractions Review) (retain the heading and remove the sentence, “The Committee on Infractions shall consider the case at a subsequent meeting.”)
- Bylaw 32.9.3 (Limitations on Presentation of Staff Factual Information).
- Bylaw 32.9.5 (Notification of Hearing Procedures).
- Bylaw 32.9.6.6 (Designation of Presentation Coordinators).
- Bylaw 32.9.7.1 (Opening and Closing Statements).
- Bylaw 32.9.7.2 (Staff Presentation).
- Bylaw 32.9.7.3 (Institutional or Involved Individual’s Presentation). Bylaw 32.9.7.4 (Types of Information).
- Bylaw 32.9.7.6 (Committee Questioning).
- Bylaw 32.9.8.5 (Voting Requirements).

25. Amend the appeal of nullification decisions of the Division II Championships Committee to specify that the 72-hour window an institution is granted to appeal a nullification decision is 72 business hours (8 a.m.-5 p.m. in all time zones).

26. Relocate legislative language from Constitution 2.1.1 (Responsibility for Control), Constitution 2.8.1 (Responsibility of Institution) and Constitution 6.01.1 (Institutional Control) that articulates institutional responsibilities to monitor and control its athletics programs to Bylaw 7 (membership and institutional control) with nonsubstantive edits for consistency with the new constitution. Additionally, strike references to “constitution” in Bylaws 19 and 32.

27. Provide an accelerated option for hearings.

28. Stay the Committee on Infractions’ penalties when an appeal is properly filed with the Infractions Appeals Committee to reflect current practices.

29. Eliminate legislation and where, appropriate, add to the Enforcement, Committee on Infractions' and/or Infractions Appeals Committee's internal operating procedures.

30. Merge, update and reorganize Bylaw 19 and Bylaw 32 into new Bylaw 19 (Infractions Program).

31. Eliminate Constitution 3.3.4.13, 3.3.6 and 3.4.6, regarding the discipline of members.

Nonlegislative Actions

1. Change the current name and structure of the conference grant program as follows:

- Rename the program "Conference Strategic Priorities Fund;"
- Amend reporting requirements to 1) only require conferences to provide the total amount spent when reporting pre-approved uses; and 2) allow carry-over dollars beyond the minimum percentage requirement in each area; and
- Amend the review process to be a staff function with Planning and Finance Committee oversight.

2. Separate the current Enhancement Fund into two distinct line items in the Division II budget:

- Conference Sports Sponsorship Fund – allocate 75% of current budget.
- Institutional Equal Distribution Fund – allocate 25% of current budget.

Further, approve a policy change to earmark the institutional equal distribution fund to benefit the athletics department, but do not require a report on how institutions use these dollars.

3. Designate any supplemental distribution from the Division II surplus to benefit the athletics department, but do not require a report on how institutions use these dollars.

Referrals

1. To the Division II Academic Requirements Committee:

- Review the two-year college transfer requirements and progress-toward-degree requirements in current Bylaw 14.

2. To the Division II Championships Committee:

- Explore a championships structure that sets 35 as a uniform minimum sponsorship requirement to establish/maintain a Division II championship in men's and women's sports (with a five-year grace period if a sport falls below the minimum), continues to offer the best access ratio among divisions (via a range from 4.5 to 6), and grants automatic qualification privileges to a championship once minimum sponsorship is reached (rather than rely on sport committee recommendation), unless AOs would comprise more than 75 percent of the bracket (which may result in a bracket expansion).
- Collaborate with the Division II Membership Committee to consider aligning minimum contest requirements for sport sponsorship and championships selection purposes to simplify the process and provide the membership additional flexibility without compromising the integrity of either requirement area. [Note: Sport committees that oversee sports that currently have different standards (football, men's and women's golf, men's lacrosse and men's soccer) will be consulted for feedback as well.]
- Complete the task of combining Bylaws 18 and 31 to create a significantly revised overarching championships bylaw that moves several existing bylaws to policy. This task should be completed by February 2023 to allow for an August 1, 2023, effective date.
- While keeping regionalization principles related to selections, request the Division II Championships Committee consider changes to the division's championship model concerning regionalization bracketing policies with the goal of reducing first round conference matchups and maintaining fiscal responsibility.
- Continue monitoring discussions within Division I regarding National Collegiate Championships and how any changes in that space will affect Division II.
- Consider which, if any, playing and practice season policies adopted during the COVID-19 pandemic should be adopted on a permanent basis.

3. To the Division II Legislation Committee:

- Consider renaming current Bylaw 12 (Amateurism).
- Review current Bylaw 13 (Recruiting).
- Determine whether the various institutional reporting requirements remain relevant/useful.
- Review the five-season/10-semester rule, transfer requirements and organized-competition rules in current Bylaw 14 (Eligibility: Academic and General Requirements).

- Review Bylaws 15 (Financial Aid), 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes) and 17 (Playing and Practice Seasons).

4. To the Division II Membership Committee:

- Review current Bylaws 18.4.2 (Institutional Eligibility) through 18.4.2.2.2 (Exemption from Maximum Awards Limitation) and 31.3.3.6 (Exclusion of Institution Reclassifying from Division II to Division I) for consideration of moving to Bylaw 7 (Membership and Institutional Control) or policy.
- Consider developing a new institutional engagement program to replace the Institutional Self-Study Guide.
- Finalize the review of the Division II provisional membership process.
- Review the definition of a covered event for the certification-of-insurance requirement.

5. To the Division II Planning and Finance Committee:

- Determine whether: (a) there could be either a higher minimum spending allowance or a modified range requirement for select Strategic Positioning Outcome (SPO) areas, if needed; and (b) whether there should be a sixth SPO area for purposes of program reporting devoted to health and wellness.
- Determine whether: (a) future allocations for the Division II Enhancement Fund should be increased even further to account for sports sponsorship growth and opportunities; and (b) Division II can evaluate potential corporate champions/partners and new sources of revenue.
- Consider when a supplemental distribution is approved by the Presidents Council whether conferences should be included in the allocation and receive a portion of the distribution. Currently only institutions are eligible for this distribution.
- Consider a potential waiver/grace period for conferences that fall below the minimum of six institutions sponsoring a sport to retain a unit for the conference sports sponsorship fund calculation.

6. To the Division II Student-Athlete Advisory Committee:

- Determine whether there is a need for SAAC representation on Division II general committees that currently do not include a SAAC member. (The SAAC is asked to seek feedback from the relevant general committees.)
- Determine for committees that already do have a SAAC representative whether it would be beneficial to have student-athletes or former student-athletes that are not on the Division II SAAC serve on these committees. (The SAAC is asked to seek feedback from the relevant general committees.)

7. To the Division II Committee on Student-Athlete Reinstatement:

- Review the hardship, seasons-of-competition and eligibility waivers in current Bylaw 14.

8. To the NCAA Enforcement Staff, the Division II Committee on Infractions, and the Division II Infractions Appeals Committee:

- Review current Bylaws 31.2.2.4 (participation while ineligible) and 31.2.2.5 (institutional penalty for ineligible participation) for consideration of moving to Bylaw 19 or policy.
- Review the legislation for institutional control (new Bylaw 7) and institutional responsibilities to monitor its athletics programs to determine whether the expectations are fair, accurate and reasonable.
- Consider whether establishing charging guidelines for failure to monitor and lack of institutional control would be appropriate and beneficial.



Division II Implementation Committee
Status of Areas for Review – August 8, 2022

Priority 1 Items

Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.

Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
Constitution 3 (NCAA Membership)	Eliminate attestation of compliance (also in Bylaw 18).	Membership and Championships	Management Council adopted noncontroversial legislation to eliminate this requirement.
Constitution 3 (NCAA Membership)	Review what is required to be an active Division II member (e.g., regional accreditation, sport sponsorship, three-season requirement).	Membership	The Presidents Council sponsored legislation for the 2023 convention to eliminate the requirement for schools to submit an ISSG. The Management Council adopted noncontroversial legislation to merge Constitution 3 and 6 and Bylaw 20, which became effective August 1, 2022. The Management Council also adopted noncontroversial legislation that maintains the 10-sport minimum sponsorship requirement for institutions and conferences but eliminates the five-sport/three season component (effective August 1, 2023). Other items were referred to the Division II Membership Committee, such as the continued review of the provisional membership process. The Membership Subcommittee also confirmed that some components of the existing legislation should

Priority 1 Items <i>Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.</i>			
Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
			not be altered, such as minimum financial aid requirements and policies governing missed class time.
Constitution 3 (NCAA Membership)	Review what is required to be an active Division II conference.	Membership	The Management Council adopted noncontroversial legislation to merge Constitution 3 and 6 and Bylaw 20, which became effective August 1, 2022. The Membership Subcommittee confirmed that some components of the existing legislation should not be altered, such as requirements for establishing a new conference and the conference annual SAAC meeting requirement.
Constitution 4 (Organization)	Division II Presidents Council composition - DII student-athlete representation (considerations include from national SAAC, any student-athlete from campus, graduated, remaining eligibility, number, selection process). - Additional presidents (e.g., by conference) or fewer presidents; or composition based on something other than regions. - Other positions (e.g., AD, SWA, commissioner, FAR, etc.). - Independent members not affiliated with a school or conference.	Governance	The Presidents Council adopted noncontroversial legislation to add two SAAC representatives with voting privileges (one representing male sports and one representing female sports) to the Presidents Council, which became effective August 1, 2022. The Presidents Council also is sponsoring a legislative package for the 2023 Convention that includes changing the name,

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Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
			composition and duties of the Presidents Council.
Constitution 4 (Organization)	Division II Presidents Council duties - Appointment of Division II Presidents Council member to the NCAA Board of Governors. (Note: The chair and vice chair of the Division II Presidents Council will not automatically serve as members of the BOG.) - Sponsor amendments to the constitution by two-thirds majority. - Delegation of current duties to other committees/councils in the structure (e.g., approval of committee appointments, all non-controversial legislation to the Management Council).	Governance	The Presidents Council adopted noncontroversial legislation to amend some of the Council's duties based on the new constitution, which became effective August 1, 2022. The Presidents Council also is sponsoring a legislative package for the 2023 Convention that more significantly amends the duties of the Council.
Constitution 4 (Organization)	Division II Management Council composition - Position requirements, including at-large. - By conference or other form of representation. - Student-athlete voting privileges.	Governance	The Management Council adopted noncontroversial legislation to give each of the two student-athlete representatives their own vote rather than a combined vote. The Presidents Council also is sponsoring a legislative package for the 2023 Convention that amends the composition of the Management Council.
Constitution 4 (Organization)	Division II Management Council duties - Duties that can be delegated by the Presidents Council - Duties that can be delegated to other committees (e.g., sport committee appointments approval only by Championships Committee)	Governance	The Presidents Council is sponsoring a legislative package for the 2023 Convention that significantly amends the duties of the Management Council.

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Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
Constitution 4 (Organization)	Division II Administrative Committee duties and responsibilities - Review duties for potential other areas of action. - If have more/greater duties, expand representation.	Governance	The Presidents Council is sponsoring a legislative package for the 2023 Convention that includes amending the composition of the Administrative Committee. The Implementation Committee did not recommend amending the duties of the Administrative Committee.
Constitution 4 (Organization)	Division II Planning and Finance Committee Duties and Responsibilities - Committee composition not based on Management Council or Presidents Council (e.g., stand-alone committee). - Specific positions required. - Review of duties and responsibilities.	Governance	The Presidents Council is sponsoring a legislative package for the 2023 Convention that includes amending the name, composition and duties of the Planning and Finance Committee.
Constitution 5 (Legislative Authority and Process)	Division II legislative and amendment process - Different dates, every other year business session, publication requirements, etc. - Interpretation review (e.g., number of times an interpretation can be appealed).	Legislative Process and Compliance	The Presidents Council is sponsoring legislation for the 2023 Convention that revises/ streamlines the division's legislative and amendment process. Further, the Management Council adopted noncontroversial legislation to specify that the final appeal of interpretations is the Academic Requirements Committee and Legislation Committee.

Priority 1 Items <i>Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.</i>			
Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
Bylaw 12 (Amateurism)	Rename entire bylaw.	Legislative Process and Compliance	Referred to the Legislation Committee for further review.
Bylaw 12 (Amateurism)	Private lessons and use of NIL and codify other NIL legislation.	Legislative Process and Compliance	The Management Council adopted noncontroversial legislation to amend Bylaw 12 (amateurism) to align with and address the goals of the Interim NIL Policy.
Bylaw 18 (Championships and Postseason Football)	Discuss National Collegiate Championships with Divisions I and III.	Championships	This item will be addressed once the Division I Transformation Committee completes its work on Division I membership requirements and Division I determines what it wants for the future of the National Collegiate Championships program.
Bylaw 18 (Championships and Postseason Football)	Eliminate 18.5 – duplicative with Bylaw 31 (AQ).	Championships	The Championships Subcommittee supported this during its review of a draft to streamline Bylaws 18 and 31. The entire draft has been referred to the Championships Committee for final review/approval.
Bylaw 18 (Championships and Postseason Football)	Move banned drugs from legislation to policy (18.4.1, 31.2.3).	Championships	Referred to CSMAS to consider as policy; Implementation Committee also asked CSMAS to limit regulated substances to those affecting performance.

Priority 1 Items <i>Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.</i>			
Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
Bylaws 19 (Infractions Program) and 32 (Enforcement Policies and Procedures)	Move to policy, subject to approval by Management Council. (Potentially: 19.4, 19.5, 19.6, 19.7, all of 32).	Enforcement and Infractions	The Management Council adopted noncontroversial legislation to eliminate 25 bylaws from the Manual and, when appropriate, add them to the Enforcement, Committee on Infractions and/or Infractions Appeals Committee internal operating procedures.
Bylaws 19 (Infractions Program) and 32 (Enforcement Policies and Procedures)	Review other recommended changes from Enforcement and Infractions Task Force.	Enforcement and Infractions	The Management Council adopted all 10 EITF proposals developed previously via noncontroversial legislation.
Bylaws 19 (Infractions Program) and 32 (Enforcement Policies and Procedures)	Track changes by Division I to the enforcement and infractions process.	Enforcement and Infractions	The enforcement staff will assume this responsibility.
Bylaw 20 (Division Membership)	Remove duplicative language from current Constitution 3 and combine Constitution 3 and Bylaw 20.	Membership	The Management Council adopted noncontroversial legislation to combine Constitution 3 and 6 and Bylaw 20 and address duplicative language.
Bylaw 20 (Division Membership)	Review multi-division classification and membership and track Division I and III discussions and actions.	Membership	Referred to the Membership Committee.
Bylaw 21 (Committees)	Review how Association-wide and common committees will be handled with new constitution, including duties and composition.	Governance	Under consideration by the Board of Governors.

Priority 1 Items <i>Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.</i>			
Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
Bylaw 21 (Committees)	Combine Division II committees/councils from current Constitution 4 and combine with Bylaw 20.	Governance	To be completed for the 2023-24 Division II Manual.
Bylaw 21 (Committees)	National SAAC to establish process for selecting a student-athlete to serve on the Board of Governors.	Governance	Division II SAAC established a process and procedures to recommend a former Division II student-athlete to serve on the Board of Governors.
Bylaw 21 (Committees)	Review duties of Division II committees and determine whether some can be combined (e.g., Legislation Committee and ARC) and duties delegated to other committees (e.g., CLR duties to other committees).	Governance	Will be reviewed by the governance structure following Division II's review of the operating bylaws.
Bylaw 21 (Committees)	Review which committees should have student-athlete representation and whether such representation must come from DII National SAAC.	Governance	Referred to the Student-Athlete Advisory Committee.
Bylaw 21 (Committees)	Review whether any committees should have independent representation by individuals not affiliated with a school or conference.	Governance	Presidents Council sponsored legislation for the 2023 Convention to add two independent members to the new Executive Board.
Bylaw 21 (Committees)	Review process to be nominated for a committee (e.g., general committees, sports committees, councils).	Governance	Presidents Council sponsored legislation for the 2023 Convention to amend the nominations process for the Executive Board and Management Council. Also, the Presidents Council sponsored legislation that the composition of the Strategic Planning and Finance Committee will be recommended by the

Priority 1 Items <i>Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.</i>			
Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
			Nominating Committee to the Management Council.
Bylaw 21 (Committees)	Review approval process for appointments to committees (e.g., body that must approve the appointment).	Governance	Presidents Council sponsored legislation for the 2023 Convention to amend the duties of the Executive Board, Management Council and Championships Committee that the Executive Board will approve the composition of the Management Council, the Management Council will approve the composition of all other Division II general committees and the Championships Committee will approve sports committee appointments.
Bylaw 31 (Executive Regulations)	Eliminate Management Council approval of national statistics program (31.9).	Championships	Subcommittee supports; staff to produce revised bylaw for review in May 2023.
Bylaw 31 (Executive Regulations)	Amend nullification policy to not include violations in which student-athlete was ultimately declared eligible without withholding and codify which bylaw(s) trigger nullification.	Championships	The Championships Committee will continue monitoring the nullification policy in collaboration with the enforcement staff to ensure it meets expectations. [Note: The Management Council adopted noncontroversial legislation to amend the appeal of nullification

Priority 1 Items <i>Completed by August 1, 2022; or legislation sponsored by September 1, 2022, for January 2023 Convention vote; and/or legislation/policy adopted and effective August 1, 2023.</i>			
Current Legislative Area	Area for Review	Subcommittee	Status as of 08/8/22
			decisions of the Championships Committee to specify that the 72-hour window an institution is granted to appeal a nullification decision is 72 business hours (8 a.m.-5 p.m. in all time zones).]
Bylaw 31 (Executive Regulations)	Move to policy, subject to approval by Championships Committee and/or Management Council (Potentially: 31.1, 31.3, 31.4, 31.6, 31.7, 31.8, 31.9).	Championships	The Championships Subcommittee supported this during its review of a draft to streamline Bylaws 18 and 31. The entire draft has been referred to the Championships Committee for final review/approval.
Other	Track membership discussions (e.g., including requirements, new divisions or subdivisions) by Divisions I and III.	Membership	Staff continues monitoring ongoing developments within the Division I Transformation Committee and the Division III Advisory Council.
Other	Review enhancement fund distribution formula.	Budget	The Management Council adopted changes to the Division II Enhancement Fund to separate conference and institutional allocations and to earmark the institutional allocation to benefit the athletics department, effective September 1, 2022.
Other	Review conference grant distribution (e.g., current allocations, reporting requirements, conference and staff approvals).	Budget	The Management Council approved changes to the program's name and structure, effective April 2022.

Priority 2 Items*Recommendations by spring/summer 2023 for review and consideration**Note: These items may have initial discussions by the Implementation Committee after review and recommendations related to Priority 1 items; however, most are likely to be discussed and reviewed by committees in the governance structure after the Implementation Committee completes its work.*

Current Legislative Area	Area for Review	Subcommittee	Status as of 05/02/22
Constitution 3 (NCAA Membership)	Dues to be paid by DII members (schools and conferences) beyond dues established by BOG.		
Constitution 3 (NCAA Membership)	Requirement to have an organized conference SAAC.		
Constitution 6 (Institutional Control)	Review whether to continue requiring the Institutional Self-Study Guide (ISSG)	Membership	The Presidents Council sponsored legislation for the 2023 Convention to eliminate the ISSG; the Membership Committee has been charged with considering the development of a new institutional engagement program to replace it.
Bylaw 12 (Amateurism)	Review of Bylaw 12.5.4 (use of logos on equipment, uniforms and apparel).	Legislative Process and Compliance	The Management Council adopted noncontroversial legislation to eliminate this bylaw. To be reviewed by PROP and the playing rules staff whether a policy should be added to playing rules for each sport.
Bylaw 12 (Amateurism)	Eliminate 12.5 (promotional activities).	Legislative Process and Compliance	The Management Council adopted noncontroversial legislation to eliminate this bylaw.
Bylaw 13 (Recruiting)	What should be required by coaches, schools, student-athletes, prospects in the recruiting process and what	Legislative Process and Compliance	Referred to the Legislation Committee.

Priority 2 Items*Recommendations by spring/summer 2023 for review and consideration**Note: These items may have initial discussions by the Implementation Committee after review and recommendations related to Priority 1 items; however, most are likely to be discussed and reviewed by committees in the governance structure after the Implementation Committee completes its work.*

Current Legislative Area	Area for Review	Subcommittee	Status as of 05/02/22
	restrictions need to be in place. (See below for list of ideas for consideration).		
Bylaw 15 (Financial Aid)	Review reporting requirements and forms (e.g., combine financial aid form and eligibility list).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 18 (Championships and Postseason Football)	Discuss the minimum number of teams to establish a division championship (currently 50 for men, 40 for women) (18.2.4) and sports currently not meeting minimums.	Championships	Referred to the Championships Committee to explore a championships structure that sets the appropriate minimum sponsorship requirement to establish/maintain a Division II championship in men's and women's sports, continues to offer the best access ratio among divisions, and establishes the appropriate automatic qualification parameters for all championships (earned access in football).
Bylaw 18 (Championships and Postseason Football)	Eliminate requirement to have paid dues prior to competing (18.4.2.1-b).	Championships	The Championships Subcommittee supported this during its review of a draft to streamline Bylaws 18 and 31. The entire draft has been referred to the Championships Committee for final review/approval.

Priority 2 Items

Recommendations by spring/summer 2023 for review and consideration

Note: These items may have initial discussions by the Implementation Committee after review and recommendations related to Priority 1 items; however, most are likely to be discussed and reviewed by committees in the governance structure after the Implementation Committee completes its work.

Current Legislative Area	Area for Review	Subcommittee	Status as of 05/02/22
Bylaw 18 (Championships and Postseason Football)	Eliminate specific requirement to be meeting financial aid legislation to participate in championship (18.4.2.2). The sense may be that Bylaw 15 sufficiently captures this.	Championships	The Championships Subcommittee supported this during its review of a draft to streamline Bylaws 18 and 31. The entire draft has been referred to the Championships Committee for final review/ approval.
Bylaw 20 (Division Membership)	Review restricted and probationary status (e.g., still relevant, different process, etc.).		
Bylaw 20 (Division Membership)	Review membership requirements for provisional members. - Staff attend year one provisional vendor visit. - Readiness of DI and/or DIII members and numbers of years required in the process.	Membership	Referred to the Membership Committee.
Bylaw 31 (Executive Regulations)	Discuss permitting alcohol sales at Division II championships.	Championships	The Presidents Council sponsored legislation for the 2023 Convention to allow for the sale of alcoholic beverages at Division II championships.
Other	Review institutional reporting requirements.	Membership	The Membership Committee has been charged with the development of a new institutional engagement program to replace the ISSG.
Other	Role of BOG Student-Athlete Engagement Committee with new constitution and divisional autonomy.		

Priority 3 Items

Discussed and reviewed with TBD action date

Note: These items may have initial discussions by the Implementation Committee after review and recommendations related to Priority 1 items; however, most are likely to be discussed and reviewed by committees in the governance structure after the Implementation Committee completes its work.

Current Legislative Area	Area for Review	Subcommittee	Status as of 05/02/22
Bylaw 10 (Ethical Conduct)	Consider whether sports wagering should apply to professional sports.		
Bylaw 14 (Eligibility: Academic and General Requirements)	Discuss whether to permit five seasons in 10 semesters/15 quarters and whether to continue with hardship waivers, extensions of eligibility, etc.	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 14 (Eligibility: Academic and General Requirements)	Determine whether initial-eligibility and/or two-year college transfer requirements are needed (e.g., required to follow institution and/or conference requirements to be eligible).	Legislative Process and Compliance	Referred to the Academic Requirements Committee.
Bylaw 14 (Eligibility: Academic and General Requirements)	Review progress-toward-degree requirements (e.g., simplify to what is minimally required, only require good academic standing).	Legislative Process and Compliance	Referred to the Academic Requirements Committee.
Bylaw 14 (Eligibility: Academic and General Requirements)	Permit all student-athletes one progress-toward-degree waiver.	Legislative Process and Compliance	Not recommended by the Academic Requirements Committee.
Bylaw 14 (Eligibility: Academic and General Requirements)	Transfer requirements (e.g., permit one transfer with no waiver/exceptions needed; maintain competition in year of transfer rule).	Legislative Process and Compliance	Referred to the Academic Requirements Committee.
Bylaw 14 (Eligibility: Academic and General Requirements)	Unattached competition legislation (e.g., remove, consistent for all sports).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 14 (Eligibility: Academic and General Requirements)	Organized competition (e.g., continue to require academic year in residence).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 15 (Financial Aid)	Review equivalency limits (e.g., no national limits, reductions, increases, etc.).	Legislative Process and Compliance	The Membership Subcommittee determined that no changes were warranted in financial aid requirements.

Priority 3 Items*Discussed and reviewed with TBD action date*

Note: These items may have initial discussions by the Implementation Committee after review and recommendations related to Priority 1 items; however, most are likely to be discussed and reviewed by committees in the governance structure after the Implementation Committee completes its work.

Current Legislative Area	Area for Review	Subcommittee	Status as of 05/02/22
Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes)	Eliminate award restrictions at the institutional and conference level and permit schools and/or conferences to establish types, amounts, etc., provided to student-athletes.	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes)	Allow student-athlete contributions to awards (16.1.4.4).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes)	Allow institution/conference to determine comp ticket limits. Maintain NCAA championship limits. (16.2.1.1).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 16 (Awards, Benefits and Expenses for Enrolled Student-Athletes)	Eliminate housing restrictions (allow SA dorms, different benefits) – institutional decision. (16.5.2.1).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 17 (Playing and Practice Seasons)	Consider model from COVID (e.g., same start and end date and institutions were able to structure their own playing and practice season based on the number of days within the specific sport season).	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 17 (Playing and Practice Seasons)	Eliminate restrictions for outside team tours.	Legislative Process and Compliance	Referred to the Legislation Committee.
Bylaw 18 (Championships and Postseason Football)	Discuss other championships opportunities for Division II (e.g., e-sports, other sports based on geographic and/or student interest).	Championships	Referred to the Championships Committee.
Bylaw 20 (Division Membership)	Review list of emerging sports for women, particularly sports that have not added sponsorship numbers.		
Other	Consider whether “Division II” can be named something different.		

Bylaw 13 – Possible Changes – Referred to the Legislation Committee.

- Eliminate restrictions on meetings/banquets.
- Deregulate the institutional pre-enrollment fees legislation and allow institutions to determine what is considered a pre-enrollment fee.
- Eliminate the restrictions of 13.2.8 and permit institutions to create a fundraiser for PSAs that are impacted by extreme circumstances.
- Deregulate the transportation legislation under 13.5.
- Deregulate the official and unofficial visit legislation.
- Deregulate the tryouts legislation:
 - Permit an institution's staff member to participate in coaching activities with a nonscholastic-based basketball team that includes the coach's child or children.
 - Eliminate mileage restrictions on local sports clubs.
 - Permit all sports to provide private lessons.
 - Deregulate institutional facility usage.
- Deregulate sports camps and clinics, as well as broaden the exception of slush funds to include sports camps and clinics.
- Eliminate the financial assistance to a PSA or PSA's high school legislation.
- Eliminate the recruiting calendars and only have the dead period attached to the NLI signing period.

NCAA Division II Implementation Committee Q&A

Thanks to all members of the Division II Implementation Committee who responded to our “Top 10 Questions” upon completion of the committee’s work. You continue to make a positive impact on intercollegiate athletics – Division II in particular – and your efforts are appreciated!

Kevin Schriver, Faculty Athletics Representative, Southwest Baptist University (GLVC)

How did what was accomplished improve the division, either operationally, philosophically, or both?

- For a while now, as people spoke of “the NCAA,” the whole of the image and brand was keyed on what most people see through the lens of television. And while Division II has worked for the past number of years to establish our brand and philosophy, this review has helped us solidify just exactly what that means. We have been about life in the balance, between academics *and* athletics. We have been about student-athlete well-being. We have been about the collegiate athletics experience being the best it can be for all involved. This moment was not necessarily our catalyst for creating such a philosophy, but a crystalizing event for Division II – our values, our strengths, and our people.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- I have been on a number of committees and have always seen firsthand the cooperation among a very diverse group working toward the greater good. This experience was business as usual in that regard. Yes, we are competitive in our sports, but Division II has for the longest time held dear our relationships as people over the win-loss records or trophies won. Our business, as usual, has been what is good for the student-athlete is good for Division II, and therein lies the cornerstone of our unity.

Bonus Open-Ended Question: Was what you wanted to say not expressly captured in any of these questions? Then feel free to ask yourself the question of your choice and provide your answer here.

- The NCAA DII staff is a great group of people, all the way around. We could not have done what we did without their assistance and guidance. Kudos to them – all of them!

Traci Murphy, Director of Athletics, Daemen University (ECC)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished, or both?

- Streamlining the DII Manual; the depth to which discussions progressed to find the right changes, recommendations and balance; being on a committee that was as comfortable and proud as I am to be DII.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- I believe it reinforced the definition of Division II and what sets us apart from the other divisions. Outcomes brought us back to what makes Division II special yet provide the flexibility to grow with the ever-changing generations of student-athletes.

How did the recommendations strengthen Division II as a membership destination?

- Reworking the Division II Manual to better support the new NCAA constitution as well as eliminating redundancy reinforces the Division II philosophy and streamlines the legislation so we can better provide for and support student athletes and enhance their experiences. In a sense, we kept it simple – reinforcing the foundation of our division, thereby supporting all that works within Division II, including small staffs and member schools with varied resources, yet we can now move within the legislation to provide the most for student athletes without separating the haves from the have nots.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- Hopefully this provides a more equitable voice in terms of institutional input as well as enhancing the voice of the student-athlete.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- We, as athletics administrators, identified the importance of the student-athlete voice and from the outset the Implementation Committee laid the groundwork of expecting the student-athlete voice in everything we do. I think engaging SAAC reps at this level sent the message that it matters, again reinforcing the DII philosophy and our “why.”

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- YES!! What I enjoyed about my experience was the ability to speak freely, to listen to all perspectives and find a way to reach a place at which we could all agree. As busy as we all were back on campus and as we were still dealing with the aftermath of a pandemic, we all came to this space focused, engaged and ready. If that doesn't indicate how important this was, I am not sure we would ever be able to demonstrate it. We even asked to add an in-person meeting because we all felt so strongly about the conversation each subcommittee was engaging in and the differences we noticed between zoom discussion and in-person discussion. This was important to everyone – we all wanted to get it right. We all understood the value and its importance, and our involvement was crucial to its success.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- In today's market, higher ed institutions are dealing with a unique time at which college-ready students are at an all-time low. Add the aftermath of a pandemic and institutions need flexibility to do what is best for their mission, vision and financial stability. We were deliberate in retaining the minimum sport sponsorship rules. However, permitting an institution to be creative would perhaps relieve pressure to discontinue programs, provide the ability to offer sports that best suit their institution, conference or geography. Additionally, the concept could possibly reduce the number of institutions that may consider transitioning out of Division II. This concept was to help institutions maintain Division II status as well as entice institutions in other divisions to consider transitioning to Division II if it will help them to maintain intercollegiate sport opportunities and experiences.

A lot of effort went into streamlining the Division II Manual, either by deregulating current bylaws, combining bylaws, and/or moving existing rules to the policy level. If you're a compliance administrator at a Division II institution, what are you most happy about?

- The ease with which to find the legislative guidance for decision making, a more natural flow of finding the information, and not having the same information in two or more places. With being a one-person office, hopefully this will reduce time spent trying to find information or cross referencing to ensure compliance.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- I think there should be some variation of this level of review every five years.

Bonus Open-Ended Question: Was what you wanted to say not expressly captured in any of these questions? Then feel free to ask yourself the question of your choice and provide your answer here.

- This was a great exercise in teamwork with incredible philosophical discussion with amazing and dedicated NCAA staff. Committee leadership all with a live demonstration of what DII is all about.

Chris Colvin, Commissioner, Conference Carolinas

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished, or both?

- I think this committee did good work, but I think the most significant achievement won't be realized until the recommendations passed along to the governance structure are fully vetted. This committee was able to lay the groundwork for what could be transformational change.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- It could make access to championships one of the chief bedrock tenets of Division II.

How did the recommendations strengthen Division II as a membership destination?

- Division II showed that it is willing to act and act quickly to make decisions that will positively impact its members.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- I supported this change, but I honestly don't think it will be that impactful as it will not affect many institutions.

A lot of effort went into streamlining the Division II Manual, either by deregulating current bylaws, combining bylaws, and/or moving existing rules to the policy level. If you're a compliance administrator at a Division II institution, what are you most happy about?

- Less duplication.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for

the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- The potential reconfigured championships structure. The committee's recommendation did not abandon regionalization but presented concepts that could significantly enhance the championship experience by restructuring bracketing concepts and reducing first-round conference matchups. In addition, if the division can follow through on the change to sponsorship minimums to start a championship, it could significantly impact membership with additional championships conducted only at the Division II level.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- I don't think mitigating the need for anything similar is necessary. In fact, I think that a committee like this every five years or so might be a good thing. There were a lot of ideas and concepts generated that will now be vetted by the governance structure. That is a good thing. This committee gave specific committees (i.e., Championships, Membership) the kick start to look at significant improvements that may not have risen to the top of an already crowded regular agenda.

Jackson Stava, Director of Athletics, Seattle Pacific University (GNAC)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished, or both?

- The consistent approach by the entire committee to focus on both autonomy and flexibility for institutions and the well-being of our student-athletes was remarkable. I have never been part of a committee so intensely focused on retaining the Division II identity while at the same time embracing the creativity necessary to enhance it.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- The division is now better positioned to adapt to new challenges and remain viable in the ever-changing collegiate landscape. Philosophically, Division II can remain strong while also recognizing and responding to the challenges forthcoming to higher education.

How did the recommendations strengthen Division II as a membership destination?

- I believe DII will be viewed now, more than ever, as a destination due to the fact that our institutions are being positioned to thrive within their individual context and construct.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- There are always impacts to change; and in this instance less representation of conferences will hopefully lead to better in region collaboration between conferences while also allowing a greater depth of engagement by those leading the governance structure.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- The student-athlete voice will have never been stronger in both expression and in representation than we will all see in the future structure of DII. I am proud of the way this division is now requiring what we have always known was needed, more of the student-athlete voice.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- I have served on numerous committees, and this was by far the best experience. The camaraderie, engagement, and dedication of each individual on the committee is reflected in the outcomes. DII is different, and the work of this committee is one of the best representations of our collective engagement that I have ever witnessed.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- We are diverse as a division and this change allows that diversity to only grow. From our Canadian members to schools in Alaska, Hawaii, and beyond; we all now can serve our population of students more freely, which will not only benefit athletics but our institutions as a whole.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- (1) Continued review of the membership process and requirements to ensure long-term viability and growth. (2) A formal championship review to provide the most opportunities possible for participation. (3) Continued streamlining of legislation and review of appropriate standards of monitoring.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- We must now live out the robust and ambitious desire to continue to have DII as a leader in college athletics. Reviews go only as far as the people who implement them. It is now our job to make sure that this work, done first and foremost to protect and develop students, is central to all of our missions as DII members.

Bonus Open-Ended Question: Was what you wanted to say not expressly captured in any of these questions? Then feel free to ask yourself the question of your choice and provide your answer here.

- If anyone has ever questioned the positivity, creativity, or passion of Division II administrators, NCAA staff, or student-athletes, I wish they could have been a fly on the wall for these meetings, because this group clearly showed in word and in action what makes DII great!

Chris Graham, Commissioner, Rocky Mountain Athletic Conference

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished or both?

- (This response is somewhat similar to the open question at the end.) The committee was able to validate many aspects of Division II operations and governance through the full review process. Subgroups took the charge of considering bold opportunities to heart and presented strategic ideas to better prepare us for the future. The collaboration and engagement were inspiring and consequential.

How did what was accomplished improve the division, either operationally, philosophically or both?

- Governance decision-making will improve after adopting the Board of Governors model for the new Executive Board to simplify our decision-making process. The addition of committee openings for individuals not previously eligible will provide exceptional professional development opportunities to even more Division II administrators. Championship proposals maintained focus on enhancing the student-athlete experience and access while acknowledging a shift in philosophy on revenue-generating opportunities. Permitting institutions to make seasonal sport sponsorship decisions based on geography,

facilities, and campus interest creates sensible flexibility in a campus-centered approach. Aligning sport sponsorship minimums with championship qualification minimums will eliminate further confusion by administrators and coaches to avoid future conflicts. (I'm missing some but those are the ones that stand out.)

How did the recommendations strengthen Division II as a membership destination?

- The committee's work affirmed that Division II can continue to fund and offer the highest levels of championship access of any division for the foreseeable future. Allowing for institutions to determine sport sponsorship that best suits their needs and interests with fewer requirements presents a more attractive option for potential members.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- Conference representation is a hallmark of Division II and it is maintained, within the improved model, at the most important juncture of the governance process, which is the Management Council. To coincide with that renewed commitment to conference input on all key issues, ManCo's duties and responsibilities were further elevated, placing the Council at the nexus of all decision making. The Executive Board proposal, to reduce the current Presidents Council membership, replaces a top-heavy, redundant level of governance with a new strategically oriented leadership committee that will receive quarterly feedback from newly developed regional leadership meetings between conferences. These regional discussions with commissioners, presidents, senior woman administrators, Student-Athlete Advisory Committee representatives and others, will not only aid in building consensus on national issues but, for the first time in Division II, will encourage conversations about ground-level issues within each championship region.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- As concepts developed within the Governance Subcommittee, it quickly became apparent that Division II was positioned to become the NCAA leader in student-athlete representation and voice. Madeleine "Mads" McKenna was instrumental in developing this philosophy and serving as the champion she is for student-athlete involvement.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- Leadership, whether appointed or elected in Division II, has always been the cornerstone of our unity and progress. Implementation Committee Co-Chairs Ford and LaForge established a charge within the committee that inspired members to seek bold and creative ideas. The experience and camaraderie within the participating administrators ensured a sound and successful outcome of proposals.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- (as similarly stated above) The uniqueness of Division II institutions across all eight championship regions requires functional solutions to maintain viability and success. Allowing for flexibility of sport sponsorship decisions is a genuine recognition of the varying resources, interests and geography of member institutions. Local decision making, with the consideration of conference interests and sponsorship, is a more attractive 21st-century model.

Bonus Open-Ended Question: Was what you wanted to say not expressly captured in any of these questions? Then feel free to ask yourself the question of your choice and provide your answer here.

- Within the framework of attending to a new constitution, it was heartening to validate the product of Division II leadership efforts over many years while simultaneously challenging ourselves to contemplate future possibilities and potential within Division II. Committee members regularly expressed great pride and enthusiasm in seizing that opportunity.

Wendell Staton, Director of Athletics, Georgia College (Peach Belt)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished or both?

- We cleaned up the DII Manual significantly and we need to continue this trend. We brought clarity to the division's governance structure. We initiated discussions with the premise of exploring what is in student-athletes' best interests and worked from there.

How did what was accomplished improve the division, either operationally, philosophically or both?

- Increased efficiency, less bureaucracy, student-athlete focused.

How did the recommendations strengthen Division II as a membership destination?

- We are a division that is student-athlete focused and have a desire for less bureaucracy.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- Streamlined governance structure. Measures are in place to ensure representation continues equitably and voices are heard.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- We have always been the leader when it comes to elevating the student-athlete voice, and our efforts in this area continue to serve as an example for the entire Association. Student-athlete representation and input is a clear overarching and non-negotiable trait of our division.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- The committee work was identical to every committee on which I have served in Division II – collaborative and with student-athletes' best interests at the forefront. I felt our work was a clear reflection of Division II as we debate through collegial conversation, with no person adopting the attitude of taking their ball and going home if they don't get their way. Our ability to debate collegially makes us stronger. There is great respect and trust in the room, which allows for the best ideas to surface.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- A real winning formula here. This allows members to better serve their region and student-athlete interests. It makes sense fiscally, ideologically, and geographically.

A lot of effort went into streamlining the Division II Manual, either by deregulating current bylaws, combining bylaws, and/or moving existing rules to the policy level. If you're a compliance administrator at a Division II institution, what are you most happy about?

- A 400-page manual wasn't built overnight, and it won't be reduced to four pages overnight. This was an outstanding start and I think we need to be proactive and continue to push for more deregulation.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- Regionalization. It has been a wonderful hallmark of our division, but if we can tweak it just a bit it will be even better. Continue to brand ourselves away from Division I.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- Not to create another committee, but something similar to the Implementation Committee should probably exist as a standing committee.

Carrie Michaels, Senior Associate Director of Athletics and Senior Woman Administrator, Shippensburg University of Pennsylvania (PSAC)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished or both?

- NCAA DII staff sets the bar with regard to preparation, information sharing, feedback solicitation, transparency, and overall process. Throughout the review, the committee and membership had ample opportunities to help shape what the division will look like moving forward. Staff and committee members should be proud of the outstanding work and diligence taken to provide meaningful and impactful outcomes. Structures were streamlined, the student-athlete voice was enhanced, and referrals were shared with appropriate committees to analyze for future application.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- This process allowed us to look at what we are doing, assess whether it is working, review what could be improved, and impact the direction we want to take our division. We found that we do a lot well, but also have areas of opportunity. There was a lot done in a short amount of time, and there is ample work to be done stemming from the referrals established through great conversation and feedback. Operations were reviewed and as a result streamlined and improved. Philosophy was assessed and reaffirmed with enhancements made within the governance structure and for the membership.

Collen Perry Keith, President, Goldey-Beacom College (CACC)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished, or both?

- (1) Collegiality and efficiency. Everyone took their role seriously, came ready to work and was committed to a common goal to improve Division II and make it a model for other divisions. (2) Assembling professionals from all over the country, from conferences with varied needs, and having them work as a unified force with no one looking to advance their college or conference.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- (1) Expanded participation in the leadership of the division. (2) Instilled a sense that life in the balance and the philosophy of Division II still is relevant and works well for college athletics.

How did the recommendations strengthen Division II as a membership destination?

- More participation, especially at the Management Council level, where everyone has a voice and vote. Honoring the student-athlete voice by ensuring it is present in every committee, at every level.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- Representation where it matters most – at the Management Council – was expanded and the student-athlete voice is now present across the governance structure. If members believe something has been lost, I would ask them to give the new structure a chance to work then see if they still believe something is lost.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- Two members – two votes on every committee that has student-athlete members. That doubles their vote.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- It offers more flexibility for colleges to sponsor sports, which will be very attractive to more colleges in some areas of the country.

A lot of effort went into streamlining the Division II Manual, either by deregulating current bylaws, combining bylaws, and/or moving existing rules to the policy level. If you're a compliance administrator at a Division II institution, what are you most happy about?

- The streamlining we accomplished will result in compliance officers having to consult fewer sites to obtain the information they need.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- Continued look at championships.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- Stay current with concerns; collect and address them. If a tweak is needed, get on that quickly and on a regular timeline.

Bonus Open-Ended Question: Was what you wanted to say not expressly captured in any of these questions? Then feel free to ask yourself the question of your choice and provide your answer here.

- Q: Would you participate in this sort of division-wide activity again? A: Absolutely and am honored to have participated this time.

Cherrie Wilmoth, Deputy Director of Athletics for Internal Operations and Compliance and Senior Woman Administrator, Southeastern Oklahoma State University (GAC)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished or both?

- One of the most positive and significant outcomes from this review was being a part of a process that brought administrators, faculty and student-athletes from across Division II together to collaborate on what we stand for and what we are moving toward in our division. We continued to examine and expand on what it means to be a member of this division and to focus on our student-athletes.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- What we accomplished gave relevance to who we are in Division II both operationally and philosophically. There have been significant steps made over the years in Division II; however, this was probably the most historic in the sense that information was gathered, and steps were taken that will continue to foster change in the coming months and years benefiting our members.

How did the recommendations strengthen Division II as a membership destination?

- The recommendations strengthened Division II focusing on our core principles of higher education and competitive equity in an everchanging society.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- Hearing and understanding the student-athlete voice is an important piece to our growth and development. The student-athletes are our customers who later become faculty, administrators and professionals in society. It is important for us to listen to educate ourselves and to provide guidance and direction to our student-athletes so they can grow.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- Absolutely! Everyone was working together for a common goal and vision.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- I think this helps our members. Every member is unique based on their own circumstances. This benefits schools by allowing them to tailor what works for them.

A lot of effort went into streamlining the Division II Manual, either by deregulating current bylaws, combining bylaws, and/or moving existing rules to the policy level. If you're a compliance administrator at a Division II institution, what are you most happy about?

- Everything! It makes sense to deregulate bylaws that are outdated or not applicable to our division. Combining bylaws makes it easier for our practitioners and our members to understand and then educate our student-athletes and communities. Policy creates

oversight but gives some autonomy for schools to work within their own framework and institutional governance systems.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- Continuing to deregulate bylaws, championships, funding for our division.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- Continuing to work together as division with each other and our student-athletes. Taking meaningful steps to enhance who we are for the success of all parties involved.

Debbie Ford, President, University of Wisconsin-Parkside (GLIAC)

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished or both?

- The high levels of collaboration and decision making of the DII Implementation Committee – all roles, all conferences, and all voices represented and respected. The future-focused recommendations in governance and the inclusion of student voices in all levels of DII governance.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- The recommendations improve the student-athlete experiences, add student voices to the governance process, place decision making at the right levels within DII and reduce bureaucracy.

How did the recommendations strengthen Division II as a membership destination?

- The recommendations clearly outline the expectations of DII members and make it easier for campuses to join the best division.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- Representation remains with the Management Council and the Council has expanded responsibilities. The newly defined Executive Board will focus on strategic issues and not be bogged down with day-to-day management issues. The new Executive Board will include perspectives from external members and student athletes. Decision-making will be more aligned and nimble.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- The students now have voice and vote responsibilities and are represented at all levels of governance. This is one of the most impactful recommendations and a core focus for the DII Implementation Committee.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- Absolutely! It started with the DII Implementation Committee representation of conferences and roles across intercollegiate athletics. The committee prioritized communication and sought input from conferences and the general membership. The recommendations were supported by the Conference Commissioners, SAAC, Management Council and Presidents Council.

Among the recommendations was to retain the minimum of 10-sports for sports sponsorship but relax the rules governing how many sports are required per season. How does this benefit schools in how they choose what sports to offer, and will that help attract prospective members to the division and retain current members?

- Higher education is in a state of transition as we rebound from the impacts of the global pandemic. This flexibility allows campuses to remain in DII while implementing changes at the campus level in terms of sports sponsorship.

A lot of effort went into streamlining the Division II Manual, either by deregulating current bylaws, combining bylaws, and/or moving existing rules to the policy level. If you're a compliance administrator at a Division II institution, what are you most happy about?

- Easier to understand, streamlined policies, and focus on what is most important to student-athlete success.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for

the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- Alignment of changes from DI and DIII that may impact DII. Regular and consistent communication of the timeline of the recommendations and selection of members for all governance groups/committees/etc.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- First, fully implement the recommendations and plan an assessment of the new governance, policies, rules, and ways of working together. Make any necessary modifications in a timely way. Ensure transparent communication to the membership about the rationale of the changes and new ways of working together.

Bonus Open-Ended Question: Was what you wanted to say not expressly captured in any of these questions? Then feel free to ask yourself the question of your choice and provide your answer here.

- Thanks to the Division II leadership and team for guiding the Implementation Committee and for positioning us to think big about the future of Division II. I am so proud of the work we completed together and knowing we placed students at the center of our decision making.

Madeleine McKenna, Former Volleyball Student-Athlete, California University of Pennsylvania; Current Graduate Assistant at the University of Wisconsin-Parkside

How did the accomplishments of the committee improve the division, either operationally, philosophically, or both?

- The work the Implementation Committee did over the past year improves the division's ability to operate more efficiently. Each subcommittee was really thorough in reviewing the ways in which Division II functions, and I felt like we were all driven by this guiding philosophy of how we can best serve our student-athletes as a division and how we can best empower our member institutions to do the same. By streamlining the manual, we give our athletics administrators and conference offices the ability to be more efficient with their time and focus on what matters most: the student-athletes.

How did the recommendations strengthen Division II as a membership destination?

- In one of our very first meetings, Chancellor Ford looked at our committee and said, "Be Bold." I certainly would like to think that the recommendations and changes that came out of the Implementation Committee's work are bold. The way that Division II was able to

mobilize and collaborate is a testament to why we are an attractive membership destination. For institutions outside of the Division II membership, I would want them to see the recommendations made by the Implementation Committee as a product of the culture of our division: empowering, student-athlete centered, collaborative, and driven by a passion for what the DII experience has to offer. Meaningful steps have been taken to streamline our operations, policies, and procedures in order to adapt to the evolving needs of our membership.

The governance structure has been redesigned to better represent our student-athletes, campuses, and conferences. Championships are being reimagined to provide our student-athletes with unforgettable experiences that better reflect the exciting level of competition at the DII level. For institutions looking to provide their student-athletes with the opportunity to compete at high levels both athletically and academically while pursuing meaningful experiences and involvement on campus, Division II continues to be the place to be.

Several of the recommendations modified the governance structure at the leadership level. What will be most gained by these changes, and how can you reassure those members who may worry that something has been lost (i.e., representation)?

- In addition to continuing to increase student-athlete representation, the changes to the composition of the Management Council will have the greatest impact on the governance structure. Giving conferences the option to submit two additional candidates in positions beyond the previous titles that were eligible to serve on Management Council (ADs, FARs, SWAs, and conference office staff), if and only if their entire slate includes at least two women and one person of color, will increase diversity within our governance structure by intentionally creating space for these voices to be heard. Our best work is done when individuals with diverse perspectives, backgrounds, and experiences collaborate, so expanding the pool of voices we can pull from will surely have a positive impact.

I also think that altering the structure of the Presidents Council to look less like the Management Council and more like an Executive Board will empower our committee members to do what they do best. For example, presidents, chancellors, and independent members on the Executive Board can focus on being strategic and thinking big picture, just like they do on their campuses and in their various professions. By reducing the number of members on this committee, they are tasked with being more representative of their entire region and encouraged to delegate duties to the committees in the governance structure best suited to tackle the duty/assignment. The Management Council, with its representation from each conference and various athletics stakeholders, will remain empowered to handle the operational aspects of our division and day-to-day efforts to best serve our student-athletes.

The revised governance structure also strengthens student-athlete representation and input in the decision-making process. Division II has always been good about encouraging and listening to the student-athlete voice – how do these changes make their input even more influential moving forward?

- Division II has made it very clear that we value the voice of our student-athletes, as evidenced by National SAAC's vote on the floor of convention, the presence of five current/former student-athletes on the Implementation Committee, and the representation of DII National SAAC representatives on various Division II and Association Wide committees, including DII Management Council. The revised governance structure maintains student-athlete representation on committees throughout the division, while also adding voting privileges at the Presidents Council and management Council level and student-athlete positions to the composition of other committees. Instead of the two student-athletes having a shared vote on the Management Council, they now each get their own vote, which in turn strengthens the student-athlete voice in the room where decisions impacting the day-to-day operations of college athletics are made. Two of the 13 voting members of the DII Executive Board (our reimagined Presidents Council) are DII National SAAC members. That is a significant amount of influence for the highest board within the DII governance structure and could even be the deciding vote in close proposals that have significant implications on the entire DII membership.

Student-athletes will also have representation on the NCAA DII Strategic Planning and Finance Committee and the DII Administrative Committee, which continues to keep the student-athlete voice centered in the room where important and strategic decisions are being made. As a student-athlete who has been granted with many different opportunities to represent the voice of 125,000+ DII student-athletes on DII Management Council, the Constitution Committee, the Implementation Committee, and on the floor of Association-Wide business sessions, I can confidently say that DII values the input and opinions of our student-athletes.

My experiences as a student-athlete in the DII governance structure have empowered me to be a passionate advocate for my peers and has given me the confidence to speak up in crowded rooms with important individuals and feel like what I was saying truly meant something. It is my hope that many generations of student-athletes to come will feel valued and empowered in the same way I do because of their experiences in Division II, and I think that the revised governance structure gives us an incredible opportunity to make that happen. When we say "Make It Yours," we mean make every level of your college experience yours. From the classes you take and the clubs you are involved in on campus to the decisions being made across the division, DII student-athletes get to make it theirs.

Another hallmark of Division II is the sense of collaboration when it comes to decisions that affect the membership. Many people cite that as among what they appreciate most about Division II – the sense of family, of working together to achieve collective goals, and sharing the values like balance and preparing student-athletes for success in all facets of life as points to rally around when developing rules and policies. Did the rigor and scope of this review reflect that sense of unity among Division II members?

- The rigor and scope of this review absolutely reflected the deeply ingrained sense of unity and collaboration within Division II. In both of our in-person meetings, the energy in the room was electric. To sit and be surrounded by people from across the DII membership, all representing different institutions, different conferences, private or public schools, different geographic locations, and unique resources, and to feel the united drive to work together

and achieve something that will best serve all of our student-athletes and the diverse interests of the membership is something I'll never forget.

I have so much love for this division and the people in DII because I get to sit on committees like the Implementation Committee and witness the ways in which athletics administrators, university presidents/chancellors, FARs, conference office personnel, and National Office staff deeply care about the student-athlete experience. The work of this committee was bold, intentional, and a deeply collaborative process in which membership feedback was sought every step of the way. The accomplishments of the Implementation Committee are a product of involvement across the division and the sense of empowerment and trust that our peers instill in us when we get these opportunities to represent their voices.

While the Implementation Committee accomplished even more than might have been expected in such a short time, there are still some significant matters left on the table for the governance structure to tackle in the next year or two. What would you say are the three most important areas to be addressed?

- An important area to address is the enforcement of the new constitutional duty for institutions to provide their coaches and athletics administrative staff with mental health education. Division II and the Association as a whole have taken important strides in identifying student-athlete mental health and well-being as a key principle and focus of our work. I would love for us to find a way to highlight this education as something every campus needs to be doing, but in a way that doesn't just create another box to check. Also, this mental health education will not only better equip our athletics departments to support student-athlete mental health, but also give them the skills and resources to support their own mental health. College athletics can be incredibly demanding, so the more we can foster awareness and decrease the stigma, the better the outcomes will be across every level of our athletics departments and campus communities.

Other important areas that will need to be addressed and monitored will be the continuously changing landscapes in Division I and Division III, NIL and the unique implications at each divisional level, and the adherence to the collegiate student-athlete model. As government involvement continues to fluctuate, we will need to find ways to advocate for our student-athletes and highlight how Division II truly models the ideals of the Association as a whole.

This was one of the most – if not the most – significant reviews the division has undertaken since its creation in 1973. Looking ahead, what does the division need to do to retain the benefits gained through this review and mitigate the need for anything similar to be necessary in the near future?

- The division needs to continue to be collaborative and create channels for efficient and effective feedback for our various stakeholders. Empowering the division, our conferences, and our member institutions to be innovative and bold will allow us to bend and adapt as necessary, rather than having to cope with a rigidity that would ultimately require an entire overhaul of the decisions made in this review. Throughout our work, Chancellor Ford charged us with thinking of the unintended consequences; decisions were thoughtful and

thoroughly reviewed by groups of people with diverse experiences and perspectives in the hopes of producing changes that will benefit generations of student-athletes to come. If we can continue to keep the student-athlete at the center of our work and give our stakeholders the ability to focus on whatever it is that they do best, then we will be able to continue to grow and evolve with the membership instead of having to play catch-up in a big review every couple of decades.

Michaela Boyd, Soccer Student-Athlete (SAAC Representative), Palm Beach Atlantic University

What were the two or three most positive and significant overarching outcomes from this review, either in the way it was conducted, what was accomplished, or both?

- One key takeaway about the way the process was conducted was the consistency in keeping student-athletes at the center of decision making. During my time on this committee, I was always encouraged to speak up, especially in subcommittee meetings. Even during discussions that may be considered slightly dense for a student-athlete to take part in, the willingness of the members within my subcommittee to re-explain topics using different language, just for the sake of me giving input, represents to a tee what the priority of this committee was.

How did what was accomplished improve the division, either operationally, philosophically, or both?

- The sheer amount of change implemented during an extremely short time impressed me a great deal. I know that this committee's work will strongly improve the operation of the division and truly allow not only student-athletes but campus and conference administrators a better overall experience. If I had to pick one thing, though, it would be creating and adjusting division-wide committees to add the voice of the student-athlete. That is surely what stands out to me the most.

REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
SEPTEMBER 29, 2022, TELECONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Discussion Regarding NCAA Division II Legislation Committee Positions on 2023 NCAA Convention Division II Proposal Nos. 2-7 (1-1), 2-8 (1-2), 2-9 (1-3) and 2-11 (1-4).** During their summer meetings, the Division II Presidents Council and Management Council, referred the following membership-sponsored proposals to the Legislation Committee for review. The committee agreed to take the following positions on the proposals:
 - a. Proposal No. 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. The committee agreed to oppose the 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 nonathletically related 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.

[Note: Christopher Ratcliff, Roger State University, recused themselves from the vote on this proposal.]
 - b. Proposal No. 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. The committee agreed to take no position.
 - c. Proposal No. 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. The committee agreed to oppose the 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.

[Note: Christopher Ratcliff, Roger State University, recused themselves from the vote on this proposal.]

- d. Proposal No. 2-11 (1-4) Playing and Practice Seasons – General Playing-Season Regulations and Basketball – Basketball First Permissible Practice Date. The committee agreed to oppose the 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.
2. **Discussion regarding Division II Proposal No. NC-2023-30 (amateurism – various bylaws – student-athlete name, image and likeness activities) and activities following a prospective student-athlete’s initial full-time collegiate enrollment.** The committee discussed Proposal No. NC-2023-30 (amateurism – various bylaws – student-athlete name, image and likeness activities), specifically addressing situations where a prospective student-athlete enrolls at a collegiate institution and was previously involved in activities that are not permitted for current Division II student-athletes as it relates to agents. The committee determined that upon an individual triggering student-athlete status at a Division II institution, they would need to cease all activities that are impermissible under Division II legislation (e.g., use of an agent for professional sports opportunities), notifying their institution that the activities have ceased. The committee noted that institutions are to determine the appropriate reporting requirements related to receiving confirmation that an individual is no longer participating in activities that are contrary to the legislation.
3. **Approve the June 21-22, 2022, in-person meeting report and June 30, 2022, electronic communication report of the Legislation Committee.** The committee reviewed and approved the June 21-22, 2022, in-person meeting and June 30, 2022, electronic communication reports.
4. **Review of the Summer 2022 Division II Presidents Council and Division II Management Council Summary of Actions.** The committee received an update on the actions taken at the summer Management Council and Presidents Council quarterly meetings.
5. **Future Meeting Dates.**
 - a. November 1-2, 2022; Indianapolis.
 - b. March 2023; videoconference.
 - c. June 2023; Indianapolis.

Committee Chair: Carlin Chesick, Pennsylvania State Athletic Conference
Staff Liaisons: Susan Britsch, Academic and Membership Affairs

Chelsea Hooks, Academic and Membership Affairs
Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Legislation Committee September 29, 2022, Teleconference	
Attendees:	
Brenda Cates, University of Mount Olive.	
Carlin Chesick, Pennsylvania State Athletic Conference.	
Ismael Contreras, Purdue University Northwest.	
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.	
Jason Stock, California State University, San Marcos.	
Melinda Terry, St. Edward's University.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Susan Britsch, Chelsea Hooks and Jordan Lysiak.	
Other NCAA Staff Members in Attendance:	
Terri Steeb Gronau, Maritza Jones and Stephanie Quigg.	

REPORT OF THE
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
AUGUST 24, 2022, TELECONFERENCE

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

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

(1) Recommendation. To update the previously approved waiver checklist, as specified. [See Attachment.]

(2) Effective date. Immediate.

(3) Rationale. For an institution or conference to self-apply the previously approved waiver checklist, the institution's or conference's circumstance(s) must appear on the list and the circumstance(s) must satisfy the specified criteria established for the particular approved waiver. If the circumstance(s) does not appear on the checklist or if the circumstance(s) does not satisfy the established criteria, the institution or conference may file an NCAA Division II Committee for Legislative Relief waiver on behalf of the student-athlete.

Since the addition of the “No Participation Opportunity at Previous Institution” to the previously approved waiver checklist, NCAA staff received questions regarding the application of the previously approved waiver for a four-year college transfer student-athlete who does not satisfy the requirements of the one-time transfer exception. Amending the previously approved waiver checklist to note that the “No Participation Opportunity at Previous Institution” self-applied waiver may be utilized by any student-athlete who obtains a signed No Participation Opportunity Form and is not able to utilize the one-time transfer exception, will provide clarity, reduce bureaucracy, ease the burden on compliance administrators and decrease the number of waivers received by staff.

(4) Estimated budget impact. None.

(5) Student-athlete impact. The updated checklist will provide additional flexibility for institutions and conferences to self-apply a waiver where a student-athlete did not have a participation opportunity at their previous institution, without the requirement of submitting a legislative relief waiver, overall expediting the process.

INFORMATIONAL ITEMS.

- **Future meeting dates.**
 - a. October 5, 2022; videoconference.
 - b. March 2023; videoconference.

Committee Chair: Ellen Fagerstrom, Minnesota State University, Moorhead
Staff Liaison(s): Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Committee for Legislative Relief August 24, 2022, Teleconference	
Attendees:	
Larry Earnesty, Millersville University of Pennsylvania.	
Marlon Furlongue, St. Mary's University (Texas).	
Amy Henkelman, Dominican University of California.	
Absentees:	
Ellen Fagerstrom, Minnesota State University, Moorhead.	
Guest in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Jordan Lysiak.	
Other NCAA Staff Members in Attendance:	
Olivia Beach, Stephanie Quigg, and Angela Red.	



**NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
PREVIOUSLY APPROVED WAIVERS CHECKLIST**

Adopted September 2020

Updated August 24, 2022

The previously approved waiver process was approved with an immediate effective date by the NCAA Division II Committee for Legislative Relief during its September 25, 2020, meeting. The intent behind this process is to reduce bureaucracy and permit the membership and NCAA staff to work more efficiently in limited circumstances.

Similar to previously approved incidental expense waivers in NCAA Division II Bylaw 16.12, institutions may self-apply, on campus, any previously approved waiver specifically listed below without filing a formal NCAA Division II Committee for Legislative Relief waiver request to the NCAA national office. An institution is only permitted to self-apply relief (approve a waiver request) if the institution's circumstances appear on the list of designated previously approved waivers, and the circumstances satisfy the specified criteria established for the particular previously approved waiver. If an institution's circumstances do not appear on the list of previously approved waivers, or if the circumstances do not satisfy all of the established criteria for a particular previously approved waiver, the institution must submit a formal legislative relief waiver application to the national office for consideration.

An institution that grants relief of NCAA legislation based on the specific previously approved waiver circumstances listed below must keep a report on file and make it available for examination on request by an authorized representative of the NCAA. Institutions are encouraged to call the national office at 317-917-6044 with any questions related to the administration of the previously approved waiver process. The list of previously approved waivers will be updated on an annual basis by staff.

Bylaw 12.5.1.1: Missed Class Time in Conjunction with a Promotional Activity.

1. Institution would like student-athlete(s) to miss class to participate in an institutional, charitable, education or nonprofit promotional activity.
2. All other requirements of the promotional activity legislation are satisfied.
3. The institution's faculty athletics representative supports and has approved the request in writing.
4. Institution has obtained written permission from each professor of the classes that each student-athlete(s) will miss due to the activity.
5. See Committee for Legislative Relief RSRO Case Nos. 998292 and 1088414.

Bylaw 13.11.2.1: Prospective Student-Athlete's Continuation of Tryout on Different Day Due to Inclement Weather.

1. Institution would like a prospective student-athlete to continue a tryout on a different day

due to inclement weather.

2. The prospective student-athlete is unable to participate in a complete tryout (i.e., tryout up to two hours, golf tryout up to five hours) due to inclement weather.
3. The institution must not have had an alternate location to continue the tryout (e.g., indoor facilities).
4. Relief is specific to only the time remaining on the prospective student-athlete's tryout.
5. See Committee for Legislative Relief RSRO Case Nos. 942894 and 1074513.

Bylaw 14.5.5: No Participation Opportunity at Previous institution.

1. Institution would like for a transfer student-athlete, who had no participation opportunity at their previous institution, to be immediately eligible.
2. The student-athlete is not otherwise eligible for use of the one-time transfer exception.
3. Previous institutions completed the Division II No Participation Opportunity Form.
4. If the student has one season of competition remaining in their sport, or two full-time semesters or three full-time quarters or fewer remaining in which to complete their eligibility and who has not earned a baccalaureate degree, the institution must show that the student-athlete has satisfactorily completed an average of 12-semester or 12-quarter hours of transferrable degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time attendance, at any collegiate institution, with a cumulative minimum grade-point average of 2.000 in transferable degree credits. (Effective immediately, for student-athletes transferring for the 2019-20 academic year.)
5. See Committee for Legislative Relief RSRO Case Nos. 1141055, 1143663, 1147066, 1152391, 1153808, and 1155076.

Bylaw 16.8.1: Institution Providing Actual and Necessary Expenses to A Student-Athlete Not Eligible for Competition When the Travel is Necessary (e.g., Health and Safety).

1. Institution would like to provide actual and necessary expenses to permit a student-athlete, who is ineligible for competition, to travel with his or her team due to the health and safety of the student-athlete.
2. Institution has on file a written statement from the faculty athletics representative stating that he/she does not object to the student-athlete traveling while ineligible.
3. Institution has on file documentation addressing why it is necessary for the student-

athlete to travel with the team (e.g., medical documentation).

4. Student-athlete may not participate in practice or competition associated with the travel.
5. See Committee for Legislative Relief RSRO Case Nos. 982600, 1001573, 1004586, 1044650 and 1073283.

Bylaw 17.1.6.8.2: Permit a Student-Athlete to Miss Class Time to Participate in Competition During the Nonchampionship Segment Due to A Catastrophic Event Resulting in Institutional Closure – Team Sports.

1. Institution would like to permit student-athlete(s) to miss class to participate in a previously scheduled date(s) of competition or contest(s) during the nonchampionship segment but due to the closure of the institution, the institution's make-up class schedule conflicts with the previously scheduled date(s) of competition or contest(s).
2. The institution has documentation that the date of competition or contest was previously scheduled.
3. The institution's closure was due to a catastrophic event (e.g., hurricane, wildfires, pandemic).
4. The institution's faculty athletics representative supports and has approved the request in writing.
5. Institution has obtained written permission from each professor of the classes that each student-athlete(s) will miss.
6. Relief is specific to those team sports impacted and for the specific date(s) of competition or contest(s).
7. See Committee for Legislative Relief RSRO Case Nos. 987067, 989328, and 1078461.

Bylaws 17.3.8, 17.5.8, 17.7.8, 17.10.8, 17.12.8, 17.15.8, 17.17.8, 17.20.8, 17.21.8, 17.23.8, and 17.26.2.8: Participation in Countable Athletically Related Activities Beyond the Legislated Period Outlined in The Nonchampionship Segment Activities Legislation.

1. Institution would like to participate in countable athletically related activities beyond the 45- or 60-consecutive calendar day period.
2. The request is specific to those instances where an institution was closed due to a catastrophic event (e.g., hurricane, wildfires, pandemic) and the institution lost days within their 45- or 60-consecutive calendar day period due to the closure.

- 3.
4. Institution can only extend the nonchampionship segment in the impacted sport(s) by the number of days missed due to the closure of the institution.
5. See Committee for Legislative Relief RSRO Case Nos. 984951, 985129, 985665, 985818, 988770, 989920, 992536, 1031771, and 1081783.

[References: NCAA Division II Bylaws 12.5.1.1 (institutional, charitable, educational or nonprofit promotions), 13.11.2.1 (tryout), 16.8.1 (permissible), 17.1.6.8.2 (no class time missed for competition in nonchampionship segment – team sports), 17.3.8 (out-of-season and nonchampionship segment athletically related activities), 17.5.8 (out-of-season and nonchampionship segment athletically related activities), 17.7.8 (out-of-season and nonchampionship segment athletically related activities), 17.10.8 (out-of-season and nonchampionship segment athletically related activities), 17.12.8 (out-of-season and nonchampionship segment athletically related activities), 17.15.8 (out-of-season and nonchampionship segment athletically related activities), 17.17.8 (out-of-season and nonchampionship segment athletically related activities), 17.20.8 (out-of-season and nonchampionship segment athletically related activities), 17.21.8 (out-of-season and nonchampionship segment athletically related activities), 17.23.8 (out-of-season and nonchampionship segment athletically related activities), and 17.26.2.8 (out-of-season and nonchampionship segment athletically related activities – women)]

REPORT OF THE
NCAA DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF
OCTOBER 5, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Review of NCAA Division II Committee for Legislative Relief cases decided from February 1 through July 31, 2022, by the NCAA staff and committee.** The committee reviewed cases decided by staff and the committee from February 1 through July 31, 2022. A total of 142 cases were submitted in Division II with 106 of those cases were decided by staff during this time period. Of the 106 cases decided, staff approved 61 cases, 13 of which were approved with conditions. There were seven cases approved based on the totality of the circumstances, with the committee affirming staff's position on all seven cases. Additionally, staff denied 23 cases, four of which were appealed to the committee. The committee affirmed the staff's decision in two cases and overturned staff's decision in two cases.
2. **Discussion regarding cases approved following a student-athlete not providing written notification of transfer by June 15.** The committee received an overview of waivers processed and approved by staff related to the June 15 written notification of transfer deadline as outlined in NCAA Division II Bylaw 14.5.5.3.9 (one-time transfer exception). Specifically, when a 4-4 transfer student-athlete fails to provide the previous institution with written notification of transfer by the June 15 deadline. The committee advised staff to continue to process these waivers utilizing the previous guidance from their August 24, 2022, teleconference.
3. **Review of 2023 NCAA Convention proposals potentially impacting the Committee for Legislative Relief.** Staff provided a review of the 12 proposals that will be voted on by the Division II membership at the 2023 NCAA Convention. The committee reviewed NCAA Division II Proposal No. 2-11 (playing and practice seasons -- general playing-season regulations and basketball -- basketball first permissible practice date) and discussed the impact the proposal would have on legislative relief waivers. Specifically, it was noted that should the proposal be adopted, it may result in a nominal increase of waivers due to the impact that may exist related to the permissible start date for on-court practices and access to shared, on-campus facilities.
4. **Discussion regarding revisions to NCAA Division I four-year transfer legislation.** The committee received an update from staff regarding the adoption of NCAA Division I Proposal Nos. 2022-20 (recruiting, academic eligibility and financial aid – undergraduate four-year transfer regulations) and 2022-21 (recruiting and academic eligibility – notification of transfer – postgraduate participation at another institution) and how they will impact the June 15 written notification of transfer deadline, as outlined in Division II Bylaw 14.5.5.3.9 (one-time transfer exception). Staff noted that there may be an increase

in transfer waivers due to the transfer windows for some Division I sports being later than the June 15 written notification of transfer deadline in Division II.

Additionally, the committee received an update on the discussions regarding the Division I transfer waiver guidelines; specifically, the no participation opportunity form guideline.

5. **Review of the Committee for Legislative Relief March 30, 2022, videoconference and August 24, 2022, teleconference reports.** The committee reviewed and approved its March 30, 2022, videoconference and August 24, 2022, teleconference reports, as written.
6. **Review of the NCAA Division II Priorities.** Staff provided a review of the NCAA Division II priorities for the 2022-23 academic year.
7. **Review of the summer 2022 NCAA Division II Management Council and Presidents Council summary of actions.** The committee reviewed the summary of actions from the 2022 summer meetings of the Management Council and the Presidents Council.
8. **Review of the Committee for Legislative Relief roster.** The committee reviewed the updated roster.
9. **Future meeting/teleconference/videoconference schedule.** Staff noted that a videoconference is anticipated in March 2023 and additional information will be provided at a later date.

Committee Chair: Larry Earnesty, Millersville University of Pennsylvania

Staff Liaison(s): Chelsea Hooks, Academic and Membership Affairs

Jordan Lysiak, Academic and Membership Affairs

NCAA Division II Committee for Legislative Relief October 5, 2022, Videoconference	
Attendees:	
Marcie Haduca Covell, California State University, East Bay.	
Ellen Fagerstrom, Minnesota State University Moorhead.	
Marlon Furlongue, St. Mary's University (Texas).	
Amy Henkelman, Dominican University of California.	
Absentees:	
Larry Earnesty, Millersville University of Pennsylvania.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Chelsea Hooks and Jordan Lysiak.	
Other NCAA Staff Members in Attendance:	
Olivia Beach, Terri Steeb Gronau, Anna Lynn Houk, Maritza Jones and Olivia Sappington.	

REPORT OF THE
NCAA DIVISION II MEMBERSHIP COMMITTEE
SEPTEMBER 23, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Identify active member host institutions for provisional year one institutions.** Per the NCAA Division II membership process, provisional year one institutions must participate in a visit to an active member institution's campus in year one of the process. The Membership Committee selected the University of Findlay as the host institution for Thomas More University; Lander University as the host institution for the University of South Carolina Beaufort; and Biola University as the host institution for Westmont College.

[Note: Christina Whetsel, assistant director of athletics and senior woman administrator, Augusta University, recused themselves from the discussion and voting regarding University of South Carolina Beaufort; and Debbie Snell, executive director of athletics, Hawaii Pacific University, recused themselves from the discussion and voting regarding Westmont College.]

2. **Update on the Division II Compliance Blueprint Review Program.** The committee received an update regarding the status of the compliance blueprint review program for the 2022-23 academic year. Specifically, it was noted that up to 16 reviews will be conducted and the process to request a review will open in Program Hub in late September.
3. **Update regarding work of the NCAA Division II Implementation Committee.** The committee discussed the priority two and three items from the Membership Subcommittee of the Division II Implementation Committee, specifically those related to membership. The committee continued a discussion it had started during its July in-person meeting regarding these items and agreed to continue the discussion at its November meeting.
4. **Review of 2023 NCAA Convention Division II legislative proposals.** NCAA staff provided an overview of the legislative proposals that will be presented for a membership vote at the 2023 NCAA Convention. The proposals included eight sponsored by the NCAA Division II Presidents Council and four sponsored by the membership.
5. **Recap of provisional year one orientation videoconference.** The committee provided feedback regarding the agenda and programming from the September 21, 2022, provisional year one orientation videoconference.
6. **Update on spring 2023 campus visit schedule.** Staff provided the committee with an update regarding the provisional year one visits to Thomas More University, University of South Carolina Beaufort and Westmont College.
7. **Approval of the July 12-13, 2022, in-person meeting report.** The committee reviewed and approved its July 12-13, 2022, in-person meeting report.

8. **Review of the summer 2022 NCAA Division II Management Council and Presidents Council summary of actions.** Staff provided an update from the summer 2022 meetings of the Management Council and Presidents Council.
9. **Future meeting dates.**
 - a. November 9, 2022, videoconference; timing to be determined.
 - b. February 7, 2023, in-person meeting; Indianapolis.
 - c. April 2023, teleconference; timing to be determined.
 - d. July 11-12, 2023, in-person meeting; Indianapolis.

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 September 23, 2022, Videoconference	
Attendees:	
Melanie Brundson, Winona State University.	
Andrew Carter, Missouri Western University.	
Robert Dranoff, East Coast Conference.	
Bashar Hanna, Bloomsburg University of Pennsylvania.	
Kirby Garry, California State University, Monterey Bay.	
Curtis Janz, University of Arkansas, Fort Smith.	
Jessica McIntyre, Lee University.	
Will Prewitt, Great American Conference.	
Debbie Snell, Hawaii Pacific University.	
Jennifer Virgil, Bloomfield College.	
Christina Whetsel, Augusta University.	
Absentees:	
Keri Becker, Grand Valley State University.	
Jim Johnson, Pittsburg State University (Management Council chair).	
Guests in Attendance:	
None.	
NCAA Liaisons in Attendance:	
Jeremy Christoffels and Angela Red.	
Other NCAA Staff Members in Attendance:	
Olivia Beach, Dana Conner, Terri Steeb Gronau, Maritza Jones, Olivia Sappington and Stephanie Quigg.	



EXCERPT FROM THE REPORT OF THE
NCAA DIVISION II NOMINATING COMMITTEE
JULY 27, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- NCAA Division II Nominating Committee (one immediate vacancy replacing Colleen Cannon). [Attachment]
 - (1) Recommendation. Appoint **Matthew Pope**, vice president and director of athletics, Carson-Newman University, South Atlantic Conference.
 - (2) Effective Date. Immediate.
 - (3) Rationale. The committee forwards Mr. Pope as its choice. He has 30 years of diversified experience within intercollegiate athletics. Mr. Pope has experience serving as a tournament director for multiple sports championships. The committee will benefit from his vast experience.
 - (4) Estimated Budget Impact. None.
 - (5) Student-Athlete Impact. None.

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

INFORMATIONAL ITEMS.

1. **Reports of previous meetings.** The committee approved the report from its March 11, 2022, meeting and its May 26, 2022, electronic action.
2. **Informational documents.** The committee reviewed the informational documents. The committee created a new document that provides the history of the conference rotation for sport committees. This document will be added to the informational documents that are provided for each meeting.
3. **NCAA Division II Strategic Alliance Matching Grant Selection Committee.** The Nominating Committee appointed Jeremy Benoit, director of athletics, Goldey-Beacom College, Central Atlantic Collegiate Conference, to fill an immediate vacancy on the committee.
4. **Future meetings.**

- a. Videoconference – to be determined.
- b. In-person meeting - January 10, 2023, in conjunction with the NCAA Convention.

Committee Chair: Molly Belden, Northeast Conference

Staff Liaison: Jen Roe, Policy and Governance

NCAA Division II Nominating Committee July 27, 2022, Videoconference	
Attendees:	
Molly Belden, Northeast-10 Conference.	
James Crawley, Dominican College (New York).	
Tony Duckworth, Albany State University (Georgia).	
Kris Dunbar, Great Lakes Intercollegiate Athletic Conference.	
Bob Hogue, Pacific West Conference.	
Santee Mott, Texas Women's University.	
Roberta Page, Slippery Rock University of Pennsylvania.	
Eric Schoh, Winona State University.	
Todd Thurman, Metropolitan State University of Denver.	
Jerry Wollmering, Truman State University.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Staff Liaison in Attendance:	
Jen Roe.	
Other NCAA Staff Members in Attendance:	
None.	

2021-22 DIVISION II NOMINATING COMMITTEE

Composition: Eleven members, including two members of the Division II Management Council.

Vacancies: **One immediate vacancy, Colleen Cannon resigned, SoE**

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	9/21-9/22	9/22-9/23	9/23-9/24	9/24-9/25
West	N/M	Comm	Bob Hogue Pacific West Conference	Pacific West	Hogue	Hogue*		
East	N/F	Sr. Assoc Comm	Molly Belden Northeast-10 Conference	Northeast-10	Belden	Belden	Belden*	
MidW	N/F (N/F)	Comm (Assoc AD/SW A)	Kris Dunbar Great Lakes Intercollegiate Athletic Conference (Jessica Chandler University of Missouri St. Louis)	Great Lakes Intercollegiate Athletic (Great Lakes Valley)	Dunbar*	Chandler	Chandler	Chandler (9/26)*
SoCen	N/M	AD	Todd Thurman Metropolitan State University of Denver	Rocky Mountain Athletic	Thurman	Thurman	Thurman	Thurman*
Atl	N/F	AD	Roberta Page Slippery Rock University of Pennsylvania	Pennsylvania State Athletic	Page	Page	Page	Page (9/26)*
South	N/M	AD	Tony Duckworth Albany State University (Georgia)	Southern Intercollegiate Athletic	Duckworth	Duckworth	Duckworth	Duckworth*
Cen	N/M	AD	Eric Schoh Winona State University	Northern Sun Intercollegiate	Schoh	Schoh	Schoh*	
East	N/M	FAR	James Crawley Dominican College (New York)	Central Atlantic Collegiate	Crawley	Crawley	Crawley*	
SoE	Y/F	Asst. AD	Colleen Cannon Queens University of Charlotte	South Atlantic Conference	Cannon	Cannon*		
	N/M	AD (MC Rep)	Jerry Wollmering ² Truman State University	Great Lakes Valley Conference	Wollmering ²	Wollmering ²	Wollmering ² (1/24*)	
	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. 06/03/2022



EXCERPT FROM THE REPORT OF THE
NCAA DIVISION II NOMINATING COMMITTEE
AUGUST 26, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

a. NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (one immediate vacancy replacing Tim Singleton). [Attachment A]

- (1) Recommendation. Appoint **Jack Entriken**, head athletic trainer and director of sports medicine, Kutztown University of Pennsylvania, Pennsylvania State Athletic Conference; or **Adam Weyer**, head athletic trainer, assistant athletic director for sports medicine, Lander University, Peach Belt Conference.
- (2) Effective Date. Immediate.
- (3) Rationale. The committee forwards Mr. Entriken as its first choice and Mr. Weyer as its second choice. Mr. Entriken has been a certified athletic trainer since 1987 and has 32 years of experience within Division II. He also holds a National Football League ATC spotters' position. His appointment would be of great value to the committee. Mr. Weyer has 22 years of experience as a certified athletic trainer with 16 years at the Division II level. The Peach Belt Conference has never been represented on this committee and would be a strong alternate choice to serve.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

b. NCAA Division II Committee for Legislative Relief (immediate vacancy replacing Tara Davenport). [Attachment B]

- (1) Recommendation. Appoint **Marcie Haduca**, assistant athletics director for compliance, California State University, East Bay, California Collegiate Athletic Association.
- (2) Effective Date. Immediate.
- (3) Rationale. The committee forwards Ms. Haduca as its choice to fill this vacancy. While this is her first appointment to serve on a national committee, her 10 years of experience in Division II compliance will be

beneficial to the committee. Her appointment will add gender and diversity to the committee.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. NCAA Division II Membership Committee (one immediate vacancy replacing Curtis Campbell). [Attachment C]

(1) Recommendation. Appoint **Melanie Brunsdon**, senior woman administrator, Winona State University, Northern Sun Intercollegiate Conference.

(2) Effective Date. Immediate.

(3) Rationale. Ms. Brunsdon has over 14 years of Division II experience. She was instrumental in assisting Minot State University as they transitioned to Division II. Ms. Brunsdon's firsthand experience going through the membership process will be vital experience for the committee.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

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

INFORMATIONAL ITEMS.

- 1. Reports of previous meetings.** The committee approved the report from its July 27, 2022, videoconference.
- 2. Informational documents.** The committee reviewed the informational documents. The committee created a new document that provides the history of the conference rotation for sport committees. This document will be added to the informational documents that are provided for each meeting.
- 3. Future meetings.**
 - a. Videoconference – September 13, 2022, 2 p.m. Eastern time.
 - b. In-person meeting - January 10, 2023, in conjunction with the NCAA Convention.

Committee Chair: Molly Belden, Northeast Conference
Staff Liaison: Jen Roe, Policy and Governance

NCAA Division II Nominating Committee August 26, 2022, Videoconference	
Attendees:	
Molly Belden, Northeast-10 Conference.	
James Crawley, Dominican College (New York).	
Tony Duckworth, Albany State University (Georgia).	
Kris Dunbar, Great Lakes Intercollegiate Athletic Conference.	
Bob Hogue, Pacific West Conference.	
Santee Mott, Texas Women's University.	
Roberta Page, Slippery Rock University of Pennsylvania.	
Eric Schoh, Winona State University.	
Jerry Wollmering, Truman State University.	
Absentees:	
Todd Thurman, Metropolitan State University of Denver.	
Guests in Attendance:	
Jessica Chandler, University of Missouri, St. Louis.	
NCAA Staff Liaison in Attendance:	
Jen Roe.	
Other NCAA Staff Members in Attendance:	
None.	

2022-23 COMMITTEE ON COMPETITIVE SAFEGUARDS AND MEDICAL ASPECTS OF SPORTS

Legislated Requirements: 23 members total, including six positions allocated for men, six allocated for women (10 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);
- 3 medicine (at least 1 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 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
- 3 S/As (1 from each division (SAAC);
- 1 licensed clinical/counseling sports psychologist;
- 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.

LEGISLATION: Six September 2023 vacancies. One immediate vacancy, Division II, male, athletic trainer.

Vacancies: John Parsons, Jessica Wagner, 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*
DI	N	F	Drug-Testing (HTP)	Deena Casiero University of Connecticut	Big East	Casiero	Casiero	Casiero*	
FCS	Y	M	Board certified orthopedist (HTP)	Alan Hirahara California State University, Sacramento	Big Sky	Hirahara	Hirahara	Hirahara*	
	Y	F	Board certified psychiatrist (general public physician)	Yolanda Malone-Gilbert		Malone-Gilbert*			
FBS	N	F	Director of Nutrition (Dietitian)	Auburn Weisensale University of Pittsburgh	Atlantic Coast	Weisensale*			
DI	N	F	(FAR/Prof) (Drug education)	Nadine Mastroleo Binghamton University	America East	Mastroleo	Mastroleo*		

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	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>Clinical Sports Psychologist</i>)	James Houle The Ohio State University	Big Ten	Houle	Houle*		
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)	Tim Singleton Wingate University	South Atlantic	Singleton	Singleton	Singleton*	
DI	N	M	Head Womens' Swimming Coach	Matt Barany University of Richmond	Atlantic 10	Barany	Barany	Barany	Barany*
FBS	Y	F	Athletic Trainer (F)	Kim Terrell University of Oregon	Pac-12	Terrell*			
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	Y	M	Div. I Council	Patrick Chun ¹ Washington State University	Pac-12	Chun ¹	Chun ¹ (7/24*)		
I	N	M	(Football Rules Committee Rep)	Richard Wanninger Patriot League	Patrtiot 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 07/03/2022

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 – 7, FCS – 3, DI – 2, DII – 3, DIII - 3
 Male – 12; Female – 11; EM – 7
 DR – 3; AD – 3; FAR – 2; Coach – 1; SWA – 1
 OTH – 10; SA - 3

2022-23 DIVISION II COMMITTEE FOR LEGISLATIVE RELIEF

Composition: The Division II Committee for Legislative Relief shall consist of five members, including one member of the Division II Management Council.
 Terms: Members of the Division II Committee for Legislative Relief shall be elected for one four-year term.
 Preference: **Athletics administrators with Division II longevity who have a clear understanding of NCAA Bylaws 12 and 14.**
 Vacancies: **One immediate vacancy, Tara Davenport resigned.**
 Staff Liaison: Jordan Lysiak

Region	EM/GEN	POS	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
SoE	Y/F	SWA	Tara Davenport Savannah State University	South Atlantic	Davenport	Davenport	Davenport	Davenport*
Cen	N/F	FAR	Ellen Fagerstrom Minnesota State University Moorhead	Northern Sun Intercollegiate	Fagerstrom	Fagerstrom*		
Atl	N/M	Assoc AD	Larry Earnesty Millersville University of Pennsylvania	Pennsylvania State Athletic	Earnesty*			
SoC	Y/M	Assoc AD	Marlon Furlongue St. Mary's University (Texas)	Lone Star	Furlongue	Furlongue*		
West	N/F	MC Rep	Amy Henkelman ² Dominican University of California	Pacific West	Henkelman ²	Henkelman ²	Henkelman ² (1/25)*	

* Not eligible for reappointment

²Management Council representative

08/02/2022

2022-23 DIVISION II MEMBERSHIP COMMITTEE

Composition: Twelve members, including two members of the Management Council and one chancellor or president from an active member institution not represented on the Division II Presidents Council.

Vacancies: **One immediate vacancy, Curtis Campbell resigned.**

Appointment: **The committee should consist of members with at least five years of Division II experience. There should be a balance between members with extensive Division II longevity and members that have gone through the provisional/reclassification process.**

Preferences: Angela Red

Staff Liaisons:

Chair:

Region	EM/GEN	ROLE	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/24	9/25-9/26
West	N/F	AD	Debbie Snell Holy Names University	Pacific West	Snell	Snell*		
Atl	Y/M	AD	Curtis Campbell Morehouse College	Southern Intercollegiate Athletic	Campbell	Campbell	Campbell*	
West	N/M	AD	Kirby Garry California State University, Monterey Bay	California Collegiate Athletic	Garry*			
Cen	N/M	Com	Will Prewitt Great American Conference	Great American	Prewitt	Prewitt*		
East	Y/F	Assoc AD/SWA	Jennifer Virgil Bloomfield College	Central Atlantic Athletic	Virgil*	Virgil	Virgil	Virgil*
SoCen	N/M	AD	Curtis Janz University of Arkansas, Fort Smith	Lone Star	Janz*			
South	N/F	Assoc AD	Jessica McIntyre Lee University	Gulf South	McIntyre	McIntyre	McIntyre	McIntyre*
MidW	N/F	AD	Keri Becker Grand Valley State University	Great Lakes Intercollegiate Athletic	Becker	Becker*		
Cen	N/M	AD	Andrew Carter Missouri Western State University	Mid-America Intercollegiate Athletic	Carter*			
Atl	N/M	CEO	Bashar Hanna Bloomsburg University of Pennsylvania	Pennsylvania State Athletic	Hanna*			
	N/M	MC Rep	Bob Dranoff ² East Coast Conference	East Coast	Dranoff ² (1/23*)			
	N/F	MC Rep	Christina Whetsel ² Augusta University	Peach Belt	Whetsel ²	Whetsel ²	Whetsel ²	Whetsel ² (1/26*)

* Not eligible for reappointment ²Management Council representative 08/04/2022

EXCERPT FROM THE REPORT OF THE
NCAA DIVISION II NOMINATING COMMITTEE
SEPTEMBER 13, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

a. **NCAA Division II Championship Committee (one immediate vacancy replacing Linda Bell). [Attachment A]**

- (1) Recommendation. Appoint **Cade Smith**, director of athletics, University of Alabama in Huntsville, Gulf South Conference.
- (2) Effective Date. Immediate.
- (3) Rationale. The committee forwards Mr. Smith as its choice. While he has only been a Division II administrator for three years; he has eight years of coaching experience. Mr. Smith has regional advisory committee (RAC) experience in volleyball. His appointment will add ethnic diversity to the committee and also provide Mr. Smith with valuable experience for his growth as a professional.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

b. **NCAA Division II Infractions Appeals Committee (immediate vacancy replacing Dixie Cirillo). [Attachment B]**

- (1) Recommendation. Appoint **Chris Snyder**, director of athletics, Seton Hill University, Pennsylvania State Athletic Conference.
- (2) Effective Date. Immediate.
- (3) Rationale. The committee forwards Mr. Snyder as its choice to fill this vacancy. He has extensive Division II and committee experience. Mr. Snyder's appointment will be beneficial to the committee.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

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

INFORMATIONAL ITEMS.

1. **Reports of previous meetings.** The committee approved the report from its August 26, 2022, videoconference.
2. **Informational documents.** The committee reviewed the informational documents.
3. **Additional nominations.** The committee requested that the following vacancies be reposted to seek additional nominations:
 - a. NCAA Division II Coaching Enhancement Grant Selection Committee – two immediate vacancies.
 - b. NCAA Women's Basketball Rules Committee – one immediate vacancy – appointee must be from the Region 3 and be an administrator.
4. **Future meetings.**
 - a. Videoconference – October 11 from 2 to 3 p.m. Eastern time.
 - b. In-person meeting - January 10, 2023, in conjunction with the NCAA Convention.

Committee Chair: Molly Belden, Northeast Conference

Staff Liaison: Jen Roe, Policy and Governance

NCAA Division II Nominating Committee September 13, 2022, Videoconference	
Attendees:	
Molly Belden, Northeast-10 Conference.	
James Crawley, Dominican College (New York).	
Tony Duckworth, Albany State University (Georgia).	
Kris Dunbar, Great Lakes Intercollegiate Athletic Conference.	
Bob Hogue, Pacific West Conference.	
Santee Mott, Texas Women's University.	
Roberta Page, Slippery Rock University of Pennsylvania.	
Matt Pope, Carson-Newman University.	
Todd Thurman, Metropolitan State University of Denver.	
Jerry Wollmering, Truman State University.	
Absentees:	
Eric Schoh, Winona State University.	
Guests in Attendance:	
None.	
NCAA Staff Liaison in Attendance:	
Jen Roe.	
Other NCAA Staff Members in Attendance:	
Maritza Jones.	

2022-23 DIVISION II CHAMPIONSHIPS COMMITTEE

Composition: Twelve members, including one member of the Division II Student-Athlete Advisory Committee and two members of the Management Council. The vice-chair of the Management Council serves as an ex officio, nonvoting member.

Appointment Preferences: **Some sport committee or regional advisory committee experience is preferred. The committee should also have representatives from each region. The committee also determined that conference rotation should be considered when making appointments.**

Vacancies: **One immediate vacancy, Linda Bell resigned, South region.**

Staff Liaison: Karen Kirsch, Micaela Liddane

Region	EM/GEN	ROLE	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
East	N/M	AD	Matt Kilcullen Mercy College	East Coast	Kilcullen*			
South	Y/F	SWA	Linda Bell Fort Valley State University	Southern Intercollegiate Athletic	Bell	Bell	Bell*	
West	Y/F	SWA/ Assoc Com	Carol Rivera California Collegiate Athletic	California Collegiate Athletic	Rivera	Rivera*		
Atl	N/M	Comm	Reid Amos Mountain East Conference	Mountain East	Amos*			
Midwest	N/F	SWA/De puty AD	Kristy Bayer Rockhurst University	Great Lakes Valley	Bayer	Bayer*		
SoE	N/M	AD	Gary Pine Azusa Pacific University	Pacific West	Pine	Pine	Pine*	
SoCen	N/M	AD	Nathan Gibson University of Colorado, Colorado Springs	Rocky Mountain Athletic	Gibson	Gibson*		
West	N/M	Comm	Chris Colvin Conference Carolinas	Conference Carolinas	Colvin	Colvin	Colvin*	
Central	N/F	AD	Regan McAthie Concordia University, St. Paul	Northern Sun Intercollegiate	McAthie	McAthie	McAthie	McAthie*
	Y/F	MC REP	Courtney Lovely ² Palm Beach Atlantic University	Sunshine State	Lovely ² (1/23*)			
	Y/N	MC REP	Marcus Clarke ² Central Intercollegiate Athletic Conference	Central Intercollegiate Athletic	Clarke ²	Clarke ²	Clarke ² (1/25*)	
	N/F	SAAC REP	Grace Martin West Virginia State University	Gulf South	Martin (1/23*)			

Nonvoting members:

Region	EM/GEN	Role	NAME AND INSTITUTION	CONFERENCE/ ORGANIZATION REPRESENTED	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
	Y/M	MC VICE- CHAIR	Harry Stinson ² Lincoln University (PA)	Independent	Stinson ² (1/23*)			

2022-23 DIVISION II INFRACTIONS APPEALS COMMITTEE

Legislated Requirements: Five members, including one public member and one Management Council representative. Appointed for three three-year term. A member may be reappointed but shall not serve more than nine years on the committee.

Vacancies: One immediate vacancy. Dixie Cirillo resigned. Public member. MC Rep

Reappoint: Weatherington (term 3); Bais (term 3)

Staff Liaison: Wendy Walters, Joyce Thompson

POS	GEN	EM	NAME AND INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25
Sr Assoc Com	M	Y	Eddie Weatherington Central Intercollegiate Athletic Association	Central Intercollegiate Athletic	Weatherington (term 2)		
SWA	F	N	Dixie Cirillo Colorado School of Mines	Rocky Mountain Athletic	Cirillo (term 2)	Cirillo (term 2)	
FAR	M	N	Doug Blais Southern New Hampshire University	Northeast-10	Blais (term 2)		
MC Rep	M	Y	Curtis Campbell ² Morehouse College	Southern Intercollegiate Athletic	Campbell ²	Campbell ²	Campbell ² (1/27*)
PUBLIC							

²Term concurrent with Management Council term.

* Not eligible for reappointment

09/07/2022

REPORT OF THE
NCAA DIVISION II PLANNING AND FINANCE COMMITTEE
AUGUST 11, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **April 21 Planning and Finance Committee Videoconference Report.** The committee approved the report from the April videoconference meeting, as presented.
2. **Division II Conference Strategic Priorities Fund.**
 - a. **Guideline and Principles.** The committee was provided an overview of the guidelines and principles for the Conference Strategic Priorities Fund. This document was updated at the April meeting to include the new review process for the reports. The document governs the Conference Strategic Priorities Fund and provides the direction for how staff is to evaluate each conference's report. The committee was also reminded of the flexibility provided for the 2021-22 reporting cycle due to the impact of the COVID-19 pandemic.
 - b. **2021-22 Conference Strategic Priorities Fund Reports.** The staff summarized the process underwent to review the streamlined reports and the committee was shown an example of a report under this new process. The committee was also provided a summary of the percentage that each conference spent for each Strategic Positioning Outcome (SPO) area in 2021-22, any carryover dollars requested, as well as the staff's recommendations on whether to approve the report, or have the committee review additional information. The committee approved all 23 reports.
 - c. **Conference Strategic Priorities Fund Carryover Dollars from 2020-21 and 2021-22.** The committee reviewed the carryover dollars from the 2020-21 and 2021-22 reporting cycles. Conferences will be required to report on the carry-over dollars from 2021-22 in their 2022-23 reports.
 - d. **Fines for Late Submission.** The committee noted that 22 conferences submitted their grant reports by the deadline, with one conference not meeting the deadline for the presidential acknowledgement.
 - e. **South Atlantic Conference Appeal of Fine for Late Submission.** The committee received an appeal letter of the fine for the late submission of the presidential acknowledgement. The committee agreed to waive the fine stating that withholding the money from the 2022-23 disbursement would be a detriment to the student-athletes and others in the conference. The committee directed the staff to draft a letter to the conference noting that relief would be given this time, but that

appropriate planning should be put in place to submit and acknowledge by the deadline and that relief would likely not be given in the future.

- f. **Conference Audit History.** The committee selected three conferences at random to be audited in the upcoming fiscal year: (1) Great Lakes Valley Conference; (2) Northeast-10 Conference; and (3) the South Atlantic Conference. Audits will be performed by an internal NCAA auditor and completed in the September to December 2022 timeframe.
- g. **Special Recognitions for 2021-22.** The committee approved a \$3,333 award to the following conferences to be recognized for exemplary programs from their 2021-22 grant report:
 - (1) Conference Carolinas
Game Day and National Championships: Conference Tournament Expenses
 - (2) Pennsylvania State Athletic Conference
Diversity and Inclusion: Minority Coaches Seminar
 - (3) South Atlantic Conference
Diversity and Inclusion: ADID Meeting

The committee asked staff to remind conferences that in order to be considered for special recognition funds, each conference should self-identify initiatives as exemplary in its report. With the streamlined report, it is hard to identify exemplary initiatives, so the committee will rely on conferences to self-identify initiatives that should be considered.

- 4. **Affiliated Organizations' Reports.** The committee reviewed the reports from the seven affiliated organizations that receive Division II grants. The committee approved a \$75,000 grant to each of the following organizations: Division II Athletics Directors Association; Division II Conference Commissioners Association; Division II Faculty Athletics Representative Association; and the National Association of Athletics Compliance.

The committee approved a \$70,000 grant to Women Leaders in College Sports, due to a \$5,000 withholding from the 2021-22 report for impermissible uses. The committee noted that in 2016, Women Leaders was notified that the NCAA had enacted a policy that limits the indirect cost rate on NCAA national office-funded grants to 10 percent of the total grant funds. On the 2021-22 reporting form, the association reported a Grant Administration Fee of \$10,000, which was 20% of that year's grant. Therefore, the committee agreed to withhold \$5,000, which is the amount in excess of the noted in the policy.

The committee also requested information on the unused funds by the College Sports Information Directors of America and Minority Opportunities Athletics Association. The committee will review the information during its September meeting.

5. Division II Budget Information.

- a. Budget Guidelines and Principles.** The committee reviewed the Budget Guidelines and Principles. No action was needed.
- b. Budget-to-Actual Report Ending May 31, 2022.** The committee reviewed the budget-to-actual report for the period ending May 31, 2022.

6. Review Models for Division II Long-Range Budget. The committee reviewed various models of the Division II long-range budget as well as the key assumptions. The finalized long-range budget will be brought back for approval and recommendation to the Presidents Council during the September videoconference.

7. Discuss Referrals from the Division II Implementation Committee.

- a. Conference Strategic Priorities Fund.** The committee discussed two referrals from the Budget Subcommittee of the Implementation Committee. The referrals requested that the committee discuss whether it should amend the Conference Strategic Priorities Fund to (1) add a sixth SPO area for purposes of program reporting devoted to health and wellness; and/or (2) establish a higher minimum spending allowance or a modified range requirement for select SPO areas. The committee noted that the five SPO areas have been in place since the adoption of the Division II strategic plan in 2008 and that while there is not a health and safety SPO area, student-athlete well-being is at the core of the five SPO areas and use of funds for health and safety is allowed under all areas. The committee agreed that no changes should be made to the Conference Strategic Priorities Fund at this time and would revisit after the division begins the process for the next Division II strategic plan.
- b. Conference Sports Sponsorship Fund.** The committee discussed a referral from the Budget Subcommittee of the Implementation Committee on whether to recommend a waiver or grace period for conferences that fall below the minimum of six institutions sponsoring a sport to retain a unit for the Conference Sports Sponsorship Fund calculation. The committee agreed that a small group of members will convene prior to the September meeting to continue the review of this topic.
- c. Division II Supplemental Distribution.** The committee discussed a referral from the Budget Subcommittee of the Implementation Committee on whether active Division II conferences should be included in the allocation and receive a portion of the Division II Supplemental Distribution in years in which such a distribution is approved by the Division II Presidents Council. The committee agreed that no change should be made to the supplemental distribution at this time noting that the current revenue distribution funds favor the conferences by providing 75% of the

dollars via the Conference Sports Sponsorship Fund and 25% via the Equal Distribution Fund.

- d. **Update on Discussions Regarding Potential Additional Corporate Partners and Sources of Revenue for the Association.** The committee received an update regarding potential additional corporate partners and sources of revenue for the Association and Division II.
8. **Future Meetings.** The committee reviewed the upcoming videoconference dates in September and December.

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 August 11, 2022, Videoconference	
Attendees:	
Michael Driscoll, Indiana University of Pennsylvania.	
Gayle Hutchinson, California State University, Chico.	
Jim Johnson, Pittsburg State University.	
Collen Perry Keith, Goldey-Beacom College.	
Erin Lind, Northern Sun Intercollegiate Conference.	
Carrie Michaels, Shippensburg University of Pennsylvania.	
Steven Shirley, Minot State University.	
Absentees:	
Carlos Campo, Ashland University.	
Mark Corino, Caldwell University.	
Guests in Attendance:	
None.	
NCAA Staff Support in Attendance:	
Terri Steeb Gronau, Maritza Jones, Ryan Jones and Andrea Worlock.	
Other NCAA Staff Members in Attendance:	
Haydyn Gibson, Ann Martin, Olivia Sappington and Jill Waddell.	



REPORT OF THE
NCAA DIVISION II PLANNING AND FINANCE COMMITTEE
SEPTEMBER 21, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

a. Ticket and Ancillary Revenue and Media Broadcast Revenue Insurance for the Association and Division II Premium Allocation.

- (1) Recommendation. Approve that Division II participate in the following Association's policies: (a) ticket and ancillary revenue insurance; and (b) media broadcast revenue insurance; further, approve the Division II premium allocation amount for Fiscal Year 2022-23 (FY23).
- (2) Effective Date. Immediate.
- (3) Rationale. In August 2022, the NCAA Board of Governors approved procuring insurance in FY23 for tickets and ancillary revenue; media broadcast revenue; and event cancellation captive (excess coverage and difference in conditions) for cancellation, postponement, curtailment and relocation of the Division I Men's Basketball Championship.

The Planning and Finance Committee reviewed the options for Division II's participation in each of the three coverages and recommends that Division II participate in the Association's policies for tickets and ancillary revenue and media broadcast revenue, noting that the Division II investment for the coverage was close to what is currently budgeted and it provides some revenue security for the division. Specifically, for ticket and ancillary revenue, the cost to the division is \$66,162 with a coverage limit of \$5,287,919. For media broadcast revenue, the cost is \$67,648 with a coverage limit of \$9,614,000.

The Planning and Finance Committee recommends that Division II not participate in the event cancellation captive. The captive "difference in conditions" policy is relevant only in cases where the commercial policies exclusions (e.g., war, pandemic) preclude coverage. The committee noted the overall cost to participate (\$911,276) in comparison to the potential risk to the division. Given the division's current reserve amount and assessing the overall risk, it is recommended that Division II not participate.

This determination is for FY23 only. The division will re-evaluate participation for FY24 at a future meeting.

(4) Estimated Budget Impact. \$133,810.

(5) Student-Athlete Impact. None.

b. Division II Softball Championship Final Site Format.

(1) Recommendation. Approve the budget request for a change in the Division II Softball Championship final site format from six to seven days.

(2) Effective Date. 2023 championship.

(3) Rationale. The Division II Softball Committee reviewed membership feedback from the six-day model approved for 2022, which provided an off day to the two teams that were 2-0 after day two. While this was an improvement, the committee and the softball community feel that a seven-day model allows for additional necessary rest and recovery for participating student-athletes, including an off day for teams that lose the first day as well as a day off prior to the start of the championship series.

Additionally, providing an off day for teams that lose the first game enhances the student-athlete experience as no teams would be eliminated on the second day of competition (currently, four teams are eliminated on day two). Finally, this format provides a buffer in the schedule for weather delays, which is important as the championship will be held on a grass field the next four years after being on a turf field for the last three years.

The committee is aware that this format will have an impact on the logistics of the Division II Spring Festival (e.g., venue availability, competition schedule, community engagement) that will need to be reviewed if this recommendation is approved, but the committee is not recommending softball be removed from the Festival.

This request is outside of the traditional championships triennial budget process, but the committee believes this adjustment is necessary for student-athlete health and well-being.

This proposal is supported by the National Fastpitch Coaches Association and other membership groups.

(4) Estimated Budget Impact. Approximately \$25,000. (The division will use funds from the FY22 surplus for the spring 2023 championship and base budget the increase starting with FY24.)

- (5) Student-Athlete Impact. The adjustments will improve the student-athlete experience at the final site by providing up to two rest days, and it also ensures that all student-athletes (even those on the teams that lose their first two games and are eliminated) are able to more fully experience the championship.

c. Division II Long-Range Budget.

- (1) Recommendation. Approve the revised Division II long-range budget through 2031-32, as presented in the Attachment A.
- (2) Effective Date. Immediate.
- (3) Rationale. 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.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Approval of August 2022 Planning and Finance Committee Report.** The committee approved the report from its August 2022 videoconference, as presented.
2. **Follow-up on Affiliated Organization Reports.**
 - a. **College Sports Communicators (formerly College Sports Information Directors of America).** The committee reviewed the additional information provided by College Sport Communicators regarding the unused funds reported in its initial report and did not have any concerns. The committee approved a \$75,000 grant for the 2022-23 reporting cycle.
 - b. **Minority Opportunities Athletic Association.** The committee reviewed the additional information provided by the Minority Opportunities Athletic Association regarding the unused funds reported in its initial report and noted that the organization did not spend \$3,925 by August 31 and requested the funds be carried over to the next reporting cycle. The affiliated organization guidelines do not permit carry-over funds, therefore, the committee agreed to approve a \$71,075 grant for the 2022-23 reporting cycle.
3. **NCAA Division II Revenue Distribution Policy.** The committee approved the updated Division II Revenue Distribution Policy [Attachment B], as presented. Updates to the policy include separating the previous Enhancement Fund into two distinct line items in the Division II budget and renaming them as follows: (a) Conference Sports Sponsorship Fund (75 percent of previous budget); and (b) Institutional Equal Distribution Fund (25 percent of previous budget). In addition, the updated policy requires that any institutional distribution (equal or supplemental) be earmarked to benefit the athletics department.

4. **Discuss a Recommendation to address Reduction in Sponsorship Numbers for the Division II Conference Sports Sponsorship Fund.** The committee discussed a referral from the Budget Subcommittee of the Implementation Committee on how to address the issue of conferences that fall below the minimum of six institutions sponsoring a sport for purposes of the Conference Sports Sponsorship Fund calculation. The committee was also provided an update from the small group of Planning and Finance Committee members who met earlier in September to develop a recommendation for the full committee's consideration.

The small group is recommending that sport sponsorship funds be calculated based on sponsorship two years prior to the distribution. If the conference falls below the minimum number of six institutions sponsoring a specific sport, the conference will forfeit funds for that sport two years following the academic year in which the minimum was not met.

Rationale for this recommendation:

- Would allow conferences a full year to plan for a reduction in funds based on not meeting sports sponsorship for a sport.
- Would ensure accuracy of data as it currently exists as the total amount of units paid would reflect the total amount of sports sponsored.
- Since conferences would only be paid for sports they sponsored, would not hinder other conferences as a portion of the total budget would not be allocated to a sport that is not being properly sponsored.
- The Revenue Distribution System is not designed to track on sponsorship below six institutions, and this recommendation would not require manipulation of the system or the data to accommodate such instances.
- Implementing this change would not require an additional process that would be hard to support, including:
 - Creation of a waiver/grace period process and policies.
 - Identification of a committee to review waivers.
 - Review of mitigating circumstances that would require subjective consideration on a case-by-case basis.
 - Creation of an appeal opportunity.
 - Staff support of waiver/grace period and potential appeal opportunity.

The small group recommended that the Planning and Finance Committee share this recommendation with the Division II Conference Commissioners Association in October and discuss any feedback received from the CCA at its December videoconference, for a possible recommendation to the Management Council and Presidents Council's review in January 2023.

5. **Conference Strategic Priorities Fund Guidelines and Principles.** The committee approved the recommended updates to the Division II Conference Strategic Priorities Fund guidelines and principles. The updates include:
- (1) Additions to the permissible uses in the Academic and Life Skills SPO for conference SAAC recognition awards and gifts; NIL allowed services and education; and nutritional initiatives.
 - (2) Additions to the permissible uses in the Athletics Operations and Compliance SPO for Conference Information Directors Association meeting; NIL allowed services and education; and strategic plan development.
 - (3) Additions to the permissible uses in the Diversity and Inclusion SPO for ADID meetings; and postgraduate scholarships for minority student-athletes.
 - (4) Additions to the permissible uses in the Game Day, Conference and National Championships SPO for destructible bat stickers; and officials' recognition program.
 - (5) Additions to the permissible uses in the Membership and Positioning Initiatives SPO for institutional branding and marketing; marketing software; and membership consultant.
6. **Future Meetings.** The committee reviewed the upcoming videoconference date in December.

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 September 21, 2022, Videoconference	
Attendees:	
Mark Corino, Caldwell University.	
Michael Driscoll, Indiana University of Pennsylvania.	
Gayle Hutchinson, California State University, Chico.	
Jim Johnson, Pittsburg State University.	
Collen Perry Keith, Goldey-Beacom College.	
Erin Lind, Northern Sun Intercollegiate Conference.	
Steven Shirley, Minot State University.	
Absentees:	
Carlos Campo, Ashland University.	

Guests in Attendance:
None.
NCAA Staff Support in Attendance:
Terri Steeb Gronau, Maritza Jones, Ryan Jones and Andrea Worlock.
Other NCAA Staff Members in Attendance:
David Lafiosca, David Pajak, Olivia Sappington and Jill Waddell.

NCAA Division II Long-Range Budget Assumptions**Division II Long-Range Budget (Attachment A) – Key Assumptions.**

- The NCAA Division II Long-Range Budget (DII LRB) Assumptions document is intended to provide detail of each revenue and expense line item in the DII LRB, and any key assumptions used to create the projections within the DII LRB.
- The DII LRB is reviewed annually by the Division II Planning and Finance Committee, Management Council and Presidents Council.

DII Revenue – Key Assumptions.

- In accordance with NCAA Constitution Article 3 (finance), Division II is 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. General operating revenue includes 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 [Attachment B].
- Division II projected revenue aligns with the NCAA 10-Year Financial Model. In this model, media rights revenues are based on actual amounts in the men's basketball media rights contract with CBS/Turner through FY32, the championships media rights contract with ESPN through FY24, and the radio broadcast rights contract through FY24. There are no assumed increases in the contracts expiring in FY24 for conservatism. Reference Attachment C with information on planned increases.
- Surplus is not budgeted. The revenues in excess of expenses may serve to fund unforeseen needs, special projects/initiatives or a possible supplemental distribution to the Division II membership.
- Unallocated dollars from the previous fiscal year are added to the projected budget to calculate the total revenue for the division.

DII Expenses – Key Assumptions.

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

- DII Joint Championships: Assumes allocations of \$450,000 in FY22, FY26 and FY30. Unused dollars carry over year to year.
- DII Championships Festivals: Assumes an increase of \$50,000 in FY23. Assumes a different allocation in years with no festivals (\$150,000 in FY22 and \$200,000 in FY26 and FY30).
- DII Conference Sports Sponsorship Fund: Assumes a two percent increase in FY22; a 2.5 percent increase for FY23 and a three percent increase FY24 through FY32.
- DII Institutional Equal Distribution Fund. Assumes a two percent increase in FY22; a 2.5 percent increase for FY23 and a three percent increase FY24 through FY32.
- DII Supplemental Distribution: The amount for a supplemental distribution is determined following the end of a fiscal year based on whether the division had a surplus at year end.
- DII Academic All-America Program (College Sports Communicators). Assumes a \$25,000 increase starting in FY23.
- APPLE Training Institute and NCAA Inclusion Forum. Assumes a three percent increase in FY25, FY28 and FY31 for travel and operational increases.
- DII Coaches Connection. Assumes a budget increase in FY23 for travel expenses.
- DII Coaching Enhancement Grant. Assumes no new grants awarded in FY21 due to COVID-19, which reduced budget in FY21 through FY23. [See SAMG, below.]
- DII Conference Strategic Priorities Fund: Assumes a \$4,000 to \$6,000 premium amount increase in FY25 (\$310,000); a \$6,000 to \$8,000 premium amount increase in FY28 (\$310,000); and a \$110,000 to \$120,000 base amount increase for each conference in FY31 (\$230,000).
- DII Degree Completion. Assumes a \$9,000 increase starting in FY22, following Foundation for the Future allocations.
- DII University. Assumes a \$50,000 increase starting in FY24.
- DII Drug Testing Enhancement: Assumes a six percent increase in FY23 and a three percent increase annually through FY32 per contractual agreement.
- Exploratory and Provisional Membership: Only reported as actuals.
- DII FAR Institute. Assumes a \$25,000 increase starting in FY23.
- DII Game Day Initiative. Assumes a four-year commitment starting in FY21 through FY24.

- DII Governance Outreach. Assumes no increases unless new programs or expenses are requested and approved.
- DII Grant to ADA. Assumes a \$25,000 increase starting in FY23.
- DII Grant to CCA. Assumes a \$25,000 increase starting in FY23.
- DII Grant to MOAA. Assumes a \$25,000 increase starting in FY23.
- DII Grant to NAAC. Assumes a \$25,000 increase starting in FY23.
- DII Grant to Women Leaders in College Sports. Assumes a \$25,000 increase starting in FY23.
- DII Identity Initiatives, Marketing and Communications: Assumes a \$50,000 increase in each triennial (FY25, FY28 and FY31). Assumes a \$1,000 purchasing credit each triennial starting in FY25.
- DII Identity Workshop: Assumes a \$15,000 increase in FY22. Assumes a three percent increase in FY25, FY28 and FY31 for travel and operational increases.
- Insurance for Loss of Revenue. Assumes no increase until contract for Association increases or changes.
- DII Internship Grant. [See SAMG, below.]
- DII Leadership Conference. Assumes a three percent increase in FY25, FY28 and FY31 for travel and operational increases.
- DII Membership Education: Assumes an increase of \$15,000 in FY22.
- DII Mentor Program. Assumes no increases until new expenses are requested and approved.
- NCAA Annual Convention. Assumes no increase until new expenses are requested and approved.
- DII New AD Orientation. Assumes no budget in FY22 and a \$41,000 budget starting in FY23 through FY32.
- DII Regular Season and Championships Media. Assumes no increase until new expenses are requested and approved.
- DII SAAC Conference. Assumes a three percent increase in FY25, FY28 and FY31 for travel and operational increases.

- DII Strategic Alliance Matching Grant (SAMG): Assumes no new grants awarded in FY21 due to COVID-19, which reduced budget in FY21 through FY23. Assumes a \$175,000 increase in FY25. This increase can be used for the SAMG, the Coaching Enhancement Grant, and/or the Internship Grant, based on the specific programs' needs.
- 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.

The National Collegiate Athletic Association

Division II Long-Range Budget Projections through 2031-32

[illegible]



MEMORANDUM

January 20, 2022

VIA EMAIL

TO:

FROM: Kathleen McNeely
NCAA Sr. Vice President of Administration and
Chief Financial Officer

SUBJECT: NCAA DII and DIII Revenues and Services per Article 3 of the 2022 NCAA Constitution.

This memo provides more detail than what is included in Article 3 of the 2022 NCAA Constitution as it relates to DII and DIII revenues and services.

Article 3 of the new constitution states, "Resources will be allocated to the three divisions to provide standard membership services, including championships. Division II will receive 4.37% and Division III will receive 3.18% of all operating revenue sources, as agreed on January 9, 1996.

All Division II and Division III member schools and conferences shall receive services from the national association. Each division may choose to support additional service needs through their divisional budget. An annual review will be conducted to validate the additional Association service expenses that Divisions II and III pay for directly out of their allocation."

The revenue sources that are the basis for the DII and DIII revenue calculations are based on revenues that existed in 1996. These include television and marketing rights, including sponsorship categories that existed in 1996, ticket and host revenue, membership dues, convention and bowl fees, interest income and realized gains and losses on investments.

The services, as of January 2022, that Division II and Division III member schools and conferences shall receive from the national office include administrative services, catastrophic insurance for student-athletes, championship support, communication activities, education support for membership, inclusion support, governance, health and safety services, regulatory support, legal services, research activities and sports based statistical support.

Eliminating the overhead on services dating back to 1996 resulted in additional revenue for both Division II (\$1.3 million) and Division III (\$1.5 million). If Division II and III add any new services, the specific division will be required to cover the costs to support initiatives created or enhanced following the 2021-22 fiscal year.

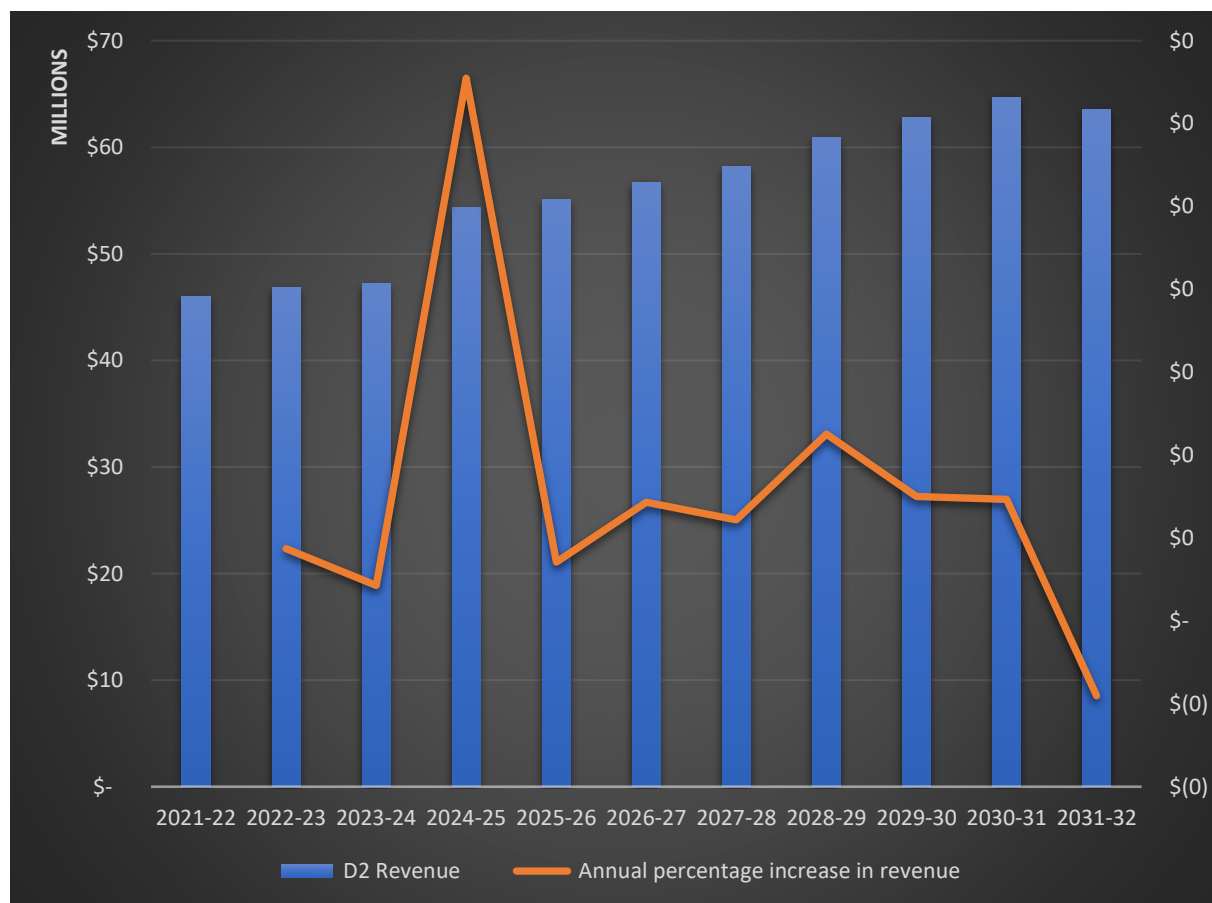
NCAA MEMO TO FILE- NCAA SERVICES FOR
DII AND DIII IN ARTICLE 3 OF THE 2022
NCAA CONSTITUTION
JANUARY 20, 2022
Page No. 2

This memo is written with the understanding that as college sports evolves, some services may no longer be necessary, or some services might be best provided by third party vendors instead of national office staff. These changes will be made in consultation with the divisional governing bodies.

Division II 10-Year Revenue Allocation

Fiscal Year	D2 Allocation-Based Revenue	D2 Revenue	Annual percentage increase in revenue	Annual Division II revenue increase
2021-22	\$ 1,052,436,676	\$ 45,991,483		
2022-23	\$ 1,071,117,230	\$ 46,807,823	2%	\$ 816,340
2023-24	\$ 1,080,330,760	\$ 47,210,454	1%	\$ 402,631
2024-25	\$ 1,243,106,315	\$ 54,323,746	13%	\$ 7,113,292
2025-26	\$ 1,260,975,030	\$ 55,104,609	1%	\$ 780,863
2026-27	\$ 1,298,170,896	\$ 56,730,068	3%	\$ 1,625,459
2027-28	\$ 1,330,655,524	\$ 58,149,646	2%	\$ 1,419,578
2028-29	\$ 1,393,441,234	\$ 60,893,382	5%	\$ 2,743,736
2029-30	\$ 1,436,540,898	\$ 62,776,837	3%	\$ 1,883,455
2030-31	\$ 1,479,967,968	\$ 64,674,600	3%	\$ 1,897,763
2031-32	\$ 1,453,736,501	\$ 63,528,285	-2%	\$ (1,146,315)

10 year average percentage increase: 3%





NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
POLICY LIBRARY

NCAA Division II Revenue Distribution Policy

I. PURPOSE

The purpose of this policy is to document the intent, scope, funding calculation, distribution methodology and history of the NCAA Division II Revenue Distribution Program.

II. STATEMENT OF POLICY

The NCAA Division II Revenue Distribution Program (formerly Enhancement Fund) was created in the late 1980s as a financial incentive for members to maintain Division II affiliation.

According to the Division II Budget Guidelines and Principles, at a minimum, \$5.1 million will be distributed annually to Division II institutions and conferences via the current Division II revenue distribution formula or any other formula(s) that may be adopted. The formula(s) for the conference sports sponsorship fund shall include a principal goal of strengthening conference operations and the institutional equal distribution should be earmarked for athletics.

In addition, the guidelines and principles state that care will be taken to avoid funding special interests of various segments of the Division II membership or items that may be more an institution's or conference's responsibility than that of the Association or division.

In August 2022, the NCAA Division II Management Council approved separating the budget previously allocated to the enhancement fund into two separate line items in the Division II budget.

- a. Conference Sports Sponsorship Fund -- allocate 75% of previous enhancement fund budget.
- b. Institutional Equal Distribution Fund -- allocate 25% of previous enhancement fund budget.

Dollar amounts for the funds are approved annually by the NCAA Division II Planning and Finance Committee as part of the Division II budget.

Conference Sport Sponsorship Fund:

Purpose of Distribution: Strengthen conference operations and provide a financial reward to active Division II conferences that have at a minimum six active Division II institutions sponsoring NCAA sports.

Timing of Fund Release: April.

Calculation: Conference Sports Sponsorship Fund/Total qualifying sports from each conference from previous academic year.

Reporting Requirements and Fines: On an annual basis, a conference shall be required to verify the sports sponsored by the conference for the previous academic year no later than midnight (EST) November 1, via the NCAA Revenue Distribution system. The Revenue Distribution system automatically captures the sports that each of the conference members have reported as sponsoring for the previous academic year via the NCAA Sports Sponsorship and Demographics form.

If a conference is late and verifies its sports sponsored between November 2 and November 8, the conference shall be fined \$5,000. For each additional week (as measured by seven consecutive days) that the verification is late, the conference shall be fined \$5,000 per week. The fine will be deducted from the total amount allocated to the conference in April.

Fund Restrictions: Funds are provided to active conferences to use at their discretion.

- Conferences become eligible for the sports-sponsorship portion of the fund one year after active conference membership (NCAA Bylaw 7.4.3.3).
- Each sport counted by the conference must have at least six active Division II institutions that meet the minimum contests and participants requirements for sports sponsorship per Bylaw 20.10.3.3. Regular season, post season and exempt contests would count towards minimum contests' requirements.
- Affiliate institutions can be counted toward meeting the minimum of six institutions for sports-sponsorship.
- If an active conference falls below the minimum number of six institutions sponsoring a specific sport, the conference will forfeit funds for that sport for the following academic year. To begin receiving funds again, the active conference must meet the minimum of six institutions sponsoring a sport.
- 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 conference sports sponsorship funds (Bylaw 7.4.5.1).
- A Division I sport is countable only if there is not a Division II championship for the six institutions to compete in.
- A National Collegiate sport is countable.
- An emerging sport for women is countable.
- Competition in the NAIA Championship is not countable.

Policy: NCAA Division II Revenue Distribution Policy Number: GO-01 Responsible Executive: Terri Steeb Gronau, Vice President of Division II	Responsible Office: Division II Governance Originally approved: September 22, 2015 Revised: April 25, 2017, August 4, 2020, September 22, 2021. Reviewed: April 30, 2019, April 28, 2020, April 27, 2021, April 21, 2022.

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Institutional Equal Distribution Fund:

Purpose of Distribution: Provide additional support to the athletics program at active Division II institutions.

Timing of Fund Release: April.

Calculation: Institutional Equal Distribution Fund/total active and eligible Division II institutions in the academic year when distribution occurs.

Reporting Requirements: N/A.

Fund Restrictions: Funds are provided to active and eligible institutions to earmarked to benefit the athletics department, but a report on how institutions use these dollars is not required.

- To be an active member, an institution shall be in compliance with all applicable provisions of the constitution and bylaws of the Association.
- Institutions must be current with NCAA membership dues.
- Single gender institutions are eligible to receive a full share of the fund.
- Division I or III institutions are not eligible for the fund.
- Division II institutions are eligible for the funds, even if the institution has adopted to compete in one Division I sport. However, the institution must be eligible in the Division I sport.
- An institution qualifies for funds as long as it is in good standing.
- Division II for-profit institutions that are not affiliated with a Division II conference are not eligible to receive funds.
- An active member institution that fails to submit data for the Academic Success Rate by the applicable deadline shall forfeit receipt of Division II institutional equal distribution 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 institutional equal distribution funds for the following three consecutive academic years (Bylaw 7.3.4.15.1).
- 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 equal distribution funds for the following academic year (Bylaw 7.3.4.16).
- 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 (Bylaw 7.3.4.22.1)
- 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 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

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on restricted membership status pursuant to Bylaw 20.02.6, shall not be eligible to receive Division II institutional equal distribution 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 (Bylaw 7.8.1.2).

- A member of Division II that is reclassifying to Division I shall no longer be eligible for the institutional equal distribution fund once it officially begins the reclassification process.
- A member of Division II that is reclassifying to Division III remains eligible for institutional equal distribution funds 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.

Supplemental Distribution Fund (Institutional Equal Distribution only):

If there is an operating surplus in the Division II budget from the previous fiscal year, the Planning and Finance Committee and Presidents Council may approve a supplemental distribution to the membership. Such distribution will follow the same methodology as the institutional equal distribution fund; that is, the distribution will be made only to those institutions that were eligible to receive the equal distribution in the previous academic year and are currently active as Division II.

Purpose of Distribution: Provide additional support to the athletics program at active Division II institutions.

Timing of Fund Release: February.

Calculation: Amount approved for supplemental distribution/Total active and eligible Division II institutions.

Reporting Requirements: NA.

Fund Restrictions: Funds are provided to active and eligible institutions to be earmarked to benefit the athletics department, but a report on how institutions use these dollars is not required.

III. WEB ADDRESS FOR THIS POLICY

[http://daily.ncaa.org/policies/Policies/GO-01 NCAA Division II Enhancement Fund and Supplemental Distribution Governance Policy.docx?Web=1](http://daily.ncaa.org/policies/Policies/GO-01%20NCAA%20Division%20II%20Enhancement%20Fund%20and%20Supplemental%20Distribution%20Governance%20Policy.docx?Web=1)

Policy: NCAA Division II Revenue Distribution Policy Number: GO-01 Responsible Executive: Terri Steeb Gronau, Vice President of Division II	Responsible Office: Division II Governance Originally approved: September 22, 2015 Revised: April 25, 2017, August 4, 2020, September 22, 2021. Reviewed: April 30, 2019, April 28, 2020, April 27, 2021, April 21, 2022.

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IV. CONTACTS

Subject matter	Office name	Telephone number
Disbursements	Accounting	317.917.6253
Policy clarification and interpretation	DII Governance	317.917.6940

For any policy compliance concerns, it is most effective to raise questions or concerns regarding possible unethical, questionable, unsafe or illegal activity to your direct supervisor. If you do not feel comfortable speaking with your direct supervisor or if you are not satisfied with the supervisor's response, you are encouraged to speak with a member of human resources, any other supervisor or the whistleblower coordinator, who is the NCAA's chief financial officer. Additionally, while the NCAA hopes staff members feel comfortable coming forward with their concerns, it acknowledges that may not always be the case. Therefore, the NCAA has contracted with a separate, third party, EthicsPoint, to allow staff members to anonymously report such activity. To make an anonymous report with EthicsPoint, call 1-855-257-4105 at any time or [click here](#).

V. APPENDIX

HISTORY

Late 1980s: The Enhancement Fund was created by the former NCAA Executive Committee (currently NCAA Board of Governors) following negotiation of the CBS media agreement as a financial incentive for schools to maintain Division II membership affiliation.

Originally \$3,000,000, the fund was aligned with already existing Division I financial distributions, where funds would go to Division II conference offices based on success in the Division II men's basketball tournament, and an equal distribution would be sent to each active Division II member.

Contributing factors for this decision:

- NCAA's revenue from CBS was linked directly to the telecast of the Division I men's basketball championship;
- Division II men's basketball had the highest percentage of sports sponsorship by member schools for all Division II sports.

2000-01: The former Division II Budget and Finance Committee (currently Division II Planning and Finance Committee) agreed to increase the distribution to a minimum of \$5,100,000. It also included two additional criteria in the calculation for the distribution: success in the women's basketball championship and number of championships sponsored by each conference.

The new formula to distribute the fund was as follows:

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- \$1,600,000 to conference offices based on the number of conference championships sponsored with at least six active members;
- \$800,000 to conference offices based on success in the men's basketball tournament;
- \$800,000 to conference offices based on success in the women's basketball tournament;
- \$1,900,000 equal distribution paid directly to active member institutions in good standing.

2009: The Division II Budget and Finance Committee agreed that the Division II strategic positioning platform must influence all future program and budget decisions for the division. The committee believed a distribution formula based in part on success in only two national championships (men's and women's basketball) was inconsistent with the division's comprehensive platform.

2010: A recommendation to the Presidents Council was presented by the Planning and Finance Committee in April 2010, regarding the distribution of enhancement funds to member schools and conferences. The recommendation included the elimination of the prongs related to success in the men's and women's basketball tournament. Further, the recommendation included a formula that would disburse 75 percent of the fund to conference offices based on sports sponsorship (as measured by the number of championships conferences offer in NCAA sports) and 25 percent of the fund to member schools based on equal distribution.

2012: The enhancement fund discontinued the allocation of funds based on conference performance in the men's and women's basketball tournament in May of 2012. The revised distribution formula allocates 75 percent of the fund based on a conference sports sponsored, and 25 percent of the fund is allocated in an equal distribution to all active and eligible Division II institutions. A contingency fund was established to offset any shortfalls that conferences may have experienced in the first year. The committee voted to discontinue the use of enhancement funds to independent institutions within the sport sponsorship calculations starting with the May 2012 distribution. It was also determined that the \$100,000 increase be allocated to the equal distribution prong of the calculation for the May 2011 distribution.

2019: The Planning and Finance Committee approved two changes to the Sports Sponsorship distribution, as follows: 1) added clarifying language related to minimum contests, and 2) added emerging sports for women as countable sports. The committee also clarified that a for-profit institution that is not affiliated with a conference is not eligible to receive equal distributions funds.

2020: In April, the Division II Presidents Council received a recommendation from the Division II Administrative Committee and the Planning and Finance Committee related to the impact on the division's long-range budget from the reduction of revenue due to the cancellation of 2020 winter and spring NCAA championships as a result of the COVID-19 pandemic. In order to reestablish the division's minimum cash reserve, the Presidents Council decided that the 2020-21 enhancement fund allocation would remain the same as allocated in 2019-20, which was \$7.3

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million. In addition, the enhancement fund would increase 2% annually from the 2021-22 fiscal year through the 2023-24 fiscal year and 2.5% thereafter.

In September 2020, the committee approved changing the timing of the distribution to late April and following the receipt of payment for the Division I Men's Basketball Championship. The release date change provided the Planning and Finance Committee an opportunity to consider the economic impact associated with the cancellation of NCAA Championships, specifically, the NCAA Men's Final Four Tournament, prior to the release of funds.

August 2022: The Division II Management Council approved a recommendation from the NCAA Division II Implementation Committee to separate the Enhancement Fund budget into two distinct line items in the Division II budget:

- a. Conference Sports Sponsorship Fund -- allocate 75% of the previous enhancement fund budget.
- b. Institutional Equal Distribution Fund -- allocate 25% of previous enhancement fund budget.

Further, the Management Council approved a policy change to earmark the institutional equal distribution fund and any potential supplemental distribution to benefit the athletics department, but do not require a report of how institutions use these dollars.

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REPORT OF THE
NCAA DIVISION II STUDENT-ATHLETE ADVISORY COMMITTEE
JULY 14, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Updates on 2021-22 Division II SAAC Goals and Priorities.** The committee discussed the goals and priorities from the 2021-22 academic year. Each task force shared their priorities and reviewed resources they have created.
 - a. **Diversity and Inclusion.** The task force shared the development of four draft quarterly conversation starter documents. The documents include tips on how to foster diversity and inclusion conversations on campus and offers suggested questions to help guide the discussion. The task force also discussed future ideas to spotlight diverse student-athletes, surveying campuses on their needs for inclusion efforts, increasing focus on identity as well as diversity, and educating student-athletes on starting difficult conversations.
 - b. **Mental Health.** The task force discussed its goal to continue the importance of breaking the stigma surrounding mental health in college athletes and within our division. Its current focus is working with the Division I and Division III's SAACs to create a joint statement like the "United as One" statement from 2020. The task force also discussed future ideas of the promotion of a national lifeline number, a division-wide Green Bandana Project and a mental health awareness week for each sports season.
 - c. **Life After the Game.** The task force discussed the success and plans for the "Champions for Life" podcast. The plans include topics surrounding transitioning to life after athletics, interviewing, networking, identity out of sports, STEM and workplace environment. The task force also discussed professional development documents, including one document that will be distributed to campus and conference SAACs after the new academic year begins. The documents serve as resources for student-athletes in preparation for life outside of sports.
2. **Discussion on 2022-23 SAAC Goals.** The committee discussed the three current goal areas and their alignment with Division II SAAC and student-athletes. The committee approved continuing with the same goals in the 2022-23 academic year. They also discussed more collaboration among task forces and creating tangible resources for student-athletes to utilize on their campuses.
3. **Discussion on Updated Division I Civic Engagement Legislation.** The committee reviewed the newly adopted Division I noncontroversial legislation that amended the division's civic engagement legislation. The intent of the legislation is to allow countable

athletically related activities (CARA) for teams in their championship season on the first Tuesday after the first Monday in November, provided that student-athletes are given a day off to participate in civic engagement activities and programming within 15 days before or after the first Tuesday after the first Monday in November.

The committee discussed whether there would be any interest in providing similar flexibility in Division II with the division's civic engagement legislation that was adopted by the membership in January. The committee was not in support of adopting similar legislation for Division II. The committee affirmed that student-athletes would like Election Day off each year from CARA to civically engage based on the feedback campus SAACs provided in the 2022 NCAA Convention legislative grids and conversations SAAC members have had with their peers. In addition, the committee felt that if flexibility is provided to the division's existing civic engagement legislation that student-athletes support, then flexibility could potentially be provided to other existing legislation that student-athletes support.

4. **Update on Civic Engagement Resource.** The civic engagement task force provided an update on a resource it is creating for Division II student-athletes. With the recent update to Division I civic engagement legislation, the Division I and II SAACs determined it would be best to create their own civic engagement resources and not collaborate with each other. Division II SAAC provided feedback on creating a document that outlines various ways to get involved with their local communities on Election Day.
5. **Division II SAAC Election of Presidents Council Representatives.** The committee held elections for two new representatives on the Division II Presidents Council. The new representatives are Michaela Boyd, Sunshine State Conference; and Davaris Cheeks, Northern Sun Intercollegiate Conference. This is the first time Division II SAAC members will serve on the Presidents Council. At the April Presidents Council meeting, the council adopted legislation to add two student-athletes from SAAC to the Presidents Council consistent with the new NCAA Constitution adopted in January.
6. **Discussion of 2023 Convention Proposed Legislation.** The committee reviewed the proposals for the 2023 Convention that are sponsored by the Division II Presidents Council and the Division II membership. The committee also reviewed recommendations from the Division II Implementation Committee. Like previous years, the committee will distribute materials to conferences and institutions regarding the legislative process, including the legislative grids in September. These grids are a condensed version of each of the legislative proposals that make for easier understanding and workability when taking a position on each proposal. Further instructions and submission details will be provided to each conference and institution by their national SAAC representative. The committee asks that each institution completes its grid and submits, via email or hard copy, to their national SAAC representative not later than Monday, Oct. 17.
7. **Discussion on Championship and Enforcement Fine Allocations.** The committee received an update from the community engagement subcommittee on discussions regarding potentially adjusting the division's current championship and enforcement fine

allocations. Team IMPACT® receives 75 percent of fine allocations and Make-A-Wish® receives 25 percent to supplement Division II institutions that fundraise less than the national average cost of a wish reveal in an academic year, which is \$10,000. As a result of the COVID-19 pandemic, the subcommittee believes Division II institutions have become more involved in their local communities and not as involved with national organizations and would like to reflect this in the fine allocations. The proposed new allocation model would be split three ways with Make-A-Wish® receiving 40 percent, Team IMPACT® receiving 35 percent and the top three finalists for the Division II Award of Excellence receiving the remaining 25 percent. The committee discussed perceived challenges that could occur from this distribution model and alternate ways to divide the 25 percent to assist in community engagement initiatives. The committee will continue to discuss the fine allocation model at its November meeting.

8. **Discussion on Future NCAA President.** Madeleine McKenna, the newly selected Division II student-athlete representative on the NCAA Board of Governors, joined the committee to receive feedback on the future NCAA president and priorities of the organization. The committee discussed ideal qualities it would like in the potential candidates and provided feedback on the priorities of the Association, Division II and the national office.
9. **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, Pa. 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.
10. **NCAA Sports Wagering Educational Program and EPIC Risk Management.** SAAC received a presentation from EPIC Risk Management on programming that educates student-athletes on the risks of gambling and gambling addiction within the college setting.
11. **Team IMPACT® and Make-A-Wish®.** The committee received an update on Division II's partnerships with Team IMPACT® and Make-A-Wish®. Team IMPACT's fellowship program has expressed interest in creating a Division II group with institutions to increase community engagement. Amy VanRyn can be contacted for more information about the fellowship program at avanryn@teamimpact.org. Both organizations are still recovering from the negative impacts of the COVID-19 pandemic.
12. **SAAC and Management Council Summit.** The committee prepared for the SAAC and Management Council Summit scheduled via videoconference July 15. The committee prepared to lead and facilitate discussions during the summit with members from the Management Council.

13. **New SAAC Member.** SAAC welcomed Katie Williamson, a basketball student-athlete from Southern Connecticut State University, as the new Northeast-10 Conference representative.
14. **April and May Meeting Reports.** The April 2022 and May 2022 committee meeting reports were reviewed and approved.
15. **Future Meetings.**
 - a. Fall 2022 videoconference, date to be determined.
 - b. Nov. 19-20, 2022; videoconference.
 - c. Jan. 10-14, 2023, in conjunction with 2023 NCAA Convention; San Antonio.
 - d. April 13-16, 2023, in conjunction with SAAC Super Region Convention; Pittsburgh.
 - e. July 14-16, 2023; SAAC/Management Council Summit; Indianapolis.
 - f. Nov. 2023, in conjunction with SAAC Super Region Convention; date and location TBD.
 - g. 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
 George Midgett, Eligibility Center

NCAA Division II Student-Athlete Advisory Committee July 14, 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.	
Sylvia Cortés, University of Alabama in Huntsville, At-Large.	
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.
Bianca Lockamy, Virginia Union University, Central Intercollegiate Athletic Association.
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.
Austin Mondello, Colorado Mesa University, Rocky Mountain Athletic Conference.
Leshlie Ramirez, University of Puerto Rico, Mayaguez, Independent.
Skylar Ross, Dominican College (New York), Central Atlantic Collegiate Conference.
Corbin Thaete, California State University, San Marcos, California Collegiate Athletic Association.
Cam Trudell, Great Lakes Intercollegiate Athletic Conference.
Thomas Webb Jr., Western New Mexico University, Lone Star Conference.
Kiana Wiggins, Caldwell University, At-Large.
Absentees:
Nicholas Dill, Northwestern Oklahoma State University, Great American Conference.
Katie Williamson, Southern Connecticut State University, Northeast-10 Conference.
Sandra Woodley, University of Texas of Permian Basin, Lone Star Conference.
Guests in Attendance:
Andrew Kluge, Madeleine McKenna, Mark Potter, Jessica Tyler, Amy VanRyn.
NCAA Liaisons in Attendance:
Amanda Benzine, Marcus Brown, Haydyn Gibson, Ryan Jones and George Midgett.
NCAA Staff Members in Attendance:
Olivia Beach, Susan Britsch, Godwin Dooley, Jordan Lysiak, Stephanie Quigg, Angela Red, Liv Sappington and Mark Strothkamp.



REPORT OF THE
NCAA DIVISION II STUDENT-ATHLETE ADVISORY COMMITTEE
SEPTEMBER 25, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Election of External Communications Coordinator.** The committee elected Leshlie Ramirez, independent representative, to serve as the external communications coordinator. She will begin serving in the role immediately, and her appointment will conclude when her committee term of service ends following the 2023 NCAA Convention.
2. **Overview of 2023 NCAA Convention Division II Legislation and Legislative Grids.** The committee was provided an overview of the 2023 NCAA Convention legislative proposals that are sponsored by the Division II Presidents Council and the Division II membership. They also received an overview of the legislative grids that campus SAACs will complete and share with their national SAAC representative by October 17. National SAAC representatives should send their conference's completed legislative grids to the committee's vice chair, Ismael Contreras, by October 24. National SAAC will review the feedback from the legislative grids and determine its official positions on the 2023 Convention proposals during its November meeting.
3. **Future Meetings.**
 - a. Nov. 19-20, 2022; videoconference.
 - b. Jan. 10-14, 2023, in conjunction with 2023 NCAA Convention; San Antonio.
 - c. April 13-16, 2023, in conjunction with SAAC Super Region Convention; Pittsburgh.
 - d. July 14-16, 2023; SAAC/Management Council Summit; Indianapolis.
 - 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
Ryan Jones, Governance
Amanda Benzine, Women's Basketball
Marcus Brown, Academic and Membership Affairs
Haydyn Gibson, Governance

NCAA Division II Student-Athlete Advisory Committee September 25, 2022, Videoconference	
Attendees:	
Laura Amaya, Roberts Wesleyan University, 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.	
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.	
Bianca Lockamy, Virginia Union University, Central Intercollegiate Athletic Association.	
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.	
Austin Mondello, Colorado Mesa University, Rocky Mountain Athletic Conference.	
Skylar Ross, Dominican University New York, Central Atlantic Collegiate Conference.	
Cam Trudell, Great Lakes Intercollegiate Athletic Conference.	
Thomas Webb Jr., Western New Mexico University, Lone Star Conference.	
Kiana Wiggins, Caldwell University, At-Large.	
Katie Williamson, Southern Connecticut State University, Northeast-10 Conference.	
Absentees:	
Marty Gilbert, Mars Hill University, South Atlantic Conference.	
Leshlie Ramirez, University of Puerto Rico, Mayaguez, Independent.	
Corbin Thaete, California State University, San Marcos, California Collegiate Athletic Association.	
Sandra Woodley, University of Texas Permian Basin, Lone Star Conference.	
NCAA Staff Members in Attendance:	
Amanda Benzine, Susan Britsch, Haydyn Gibson, Chelsea Hooks, Maritza Jones, Ryan Jones and Liv Sappington.	

REPORT OF THE
NCAA DIVISION II COMMITTEE ON
STUDENT-ATHLETE REINSTATEMENT
SEPTEMBER 21, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

- **Review of Division II Proposal No. 1-3 (Eligibility – Season-of-Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Season of Eligibility – Minimum Amount of Competition – Up to Three Contests - Football).** The NCAA Division II Committee on Student-Athlete Reinstatement reviewed Proposal No. 1-3 specifying football student-athletes may compete in up to three contests during their initial year of collegiate enrollment without using a season of competition. The committee took no position on the proposal.

Committee Chair: Jessica Harbison Weaver, Pacific West Conference.

Staff Liaisons: Maison Hubbard, Academic and Membership Affairs.

Jess Rigler, Academic and Membership Affairs.

NCAA Division II Committee on Student-Athlete Reinstatement September 21, 2022, Videoconference	
Attendees:	
Teresa Clark, Cedarville University.	
Marcus Grant, Central Intercollegiate Athletic Association.	
Lynn Griffin, Coker University.	
Jessica Harbison Weaver, Pacific West Conference.	
Scott Larson, Lubbock Christian University.	
Kiana Wiggins, Caldwell University.	
Absentees:	
None.	
NCAA Support Staff in Attendance:	
Maison Hubbard and Jess Rigler.	
Other NCAA Staff Members in Attendance:	
Karlee Curtis, Angela Red, Brad Rochman and Stephanie Quigg.	

REPORT OF THE
NCAA DIVISION II MANAGEMENT COUNCIL
IDENTITY SUBCOMMITTEE
OCTOBER 4, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. Legislative Items.

- None.

2. Nonlegislative Items.

- Division II Identity Workshops.

- a. Recommendation. Approve extending head athletic trainers as the audience for the Division II Identity Workshop through 2025; further, approve the audience of the 2026 through 2029 workshops as sports information directors/athletic communications directors and streamline the nomination process.
- b. Effective Date. Immediate.
- c. Rationale. By extending head athletic trainers as the audience for the Division II Identity Workshop by one year, it would provide 300 opportunities for athletic trainers to attend, which would reach all Division II active member institutions.

The subcommittee is recommending sports information directors/athletic communications directors as the next audience for the 2026 through 2029 Identity Workshops. The subcommittee noted that sports information directors/athletic communications directors are the audience that would most benefit from the workshops given how much the profession has changed over the last few years.

Finally, the conference office currently nominates attendees, then staff from the national office emails nominees. By using the NCAA Program Hub, any administrator from the conference office can nominate attendees for an upcoming workshop. Once nominated, attendees will get an automatic email asking them to complete their nomination online. Once nominations close, national office staff can pull nominees' information in one document. The use of Program Hub allows nominators and nominees to submit all information in one area and improves the efficiency of the nomination process.

- d. Estimated Budget Impact. None.

- e. Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Make Game Day Yours Update.** The national office is continuing to work on 10 modules and a discussion guide for the Make Game Day Yours initiative to launch at the 2023 NCAA Convention in January. The modules and discussion guide will be available in Division II University and incorporated in the education session about the Make Game Day Yours initiative at the Convention on Friday, Jan. 13.

The subcommittee was provided an update on the regional training sessions. To date, there have been two regional training sessions that were held this past January at the 2022 Convention and at NACDA in June. Between December and next January, there have been three regional training sessions scheduled: a virtual training for the Atlantic Region December 15-16; an in-person training for the South Central Region at the NCAA Convention on January 11; and an in-person training for the Southeast Region on January 23-24. The staff is working with the commissioners of the Central, East and South Regions to determine the timing of their respective regional training sessions. Those three regions are the last of the eight regional training sessions that are contracted through the Disney Institute to occur by 2023.

2. **Make It Yours Marketing Plan Update.** The subcommittee was provided an update that there are budget dollars to promote the brand and the attributes that make Division II unique. It was noted that the national office staff has re-engaged Barkley on developing a marketing strategy. As part of the strategy for promoting the brand, Division II will use Division II Day on February 22 as a day to continue to promote the division and what it has to offer. Finally, as the staff works with Barkley to develop the marketing plan, the subcommittee will be asked to share feedback along with the Management Council, Presidents Council and SAAC.
3. **Division II 50th Anniversary Celebration Update.** The subcommittee was provided an update that the staff has started to meet internally with the communications staff and Division III, which is also celebrating its 50th anniversary, to discuss ideas and initial plans. Division II is planning to celebrate its 50th anniversary during the 2023-24 academic year. From a Division II perspective, there have been some discussions about possibly creating a 50th anniversary celebration logo, potentially offering 50th anniversary signage for the membership through Source One Digital and creating a 50th anniversary tribute team. This tribute team would recognize 50 individuals who have left their mark on Division II.
4. **NCAA.com Editorial Update.** The subcommittee was provided an update regarding Division II's formal partnership with NCAA.com that includes regular-season editorial coverage and video streaming enhancements for the championships streamed on NCAA.com. Wayne Cavadi, who has served as Division II's beat writer, for the last six years, is continuing to write stories about Division II in more of a freelanced role. Due to this

freelance role, Mr. Cavadi is unable to write as many stories as he has during previous years. The staff has discussed complementing his written articles with a weekly video interview with a host and a student-athlete or a coach that could be posted on the division's social media accounts. The staff is working with Turner Sports on this idea. The goal would be to have these interviews posted to NCAA.com to provide one more avenue for exposure.

5. **Division II Award of Excellence Update.** Each active Division II school and conference is eligible to submit its best community engagement activity and/or event that promotes student-athletes giving back and serving as leaders within their communities for consideration in the 2023 Division II Award of Excellence. To be eligible, the activity or event must have occurred between December 2021 and November 2022. Monetary prizes are given for first (\$2,500), second (\$1,250) and third place (\$1,000), and a \$500 prize is given to one winner in each of the 23 Division II conferences, one winner representing independent institutions, and at-large honorees. All prize money is to be used toward future community engagement initiatives. More information can be found [here](#). Nominations are due not later than Friday, Nov. 18 to d2award@ncaa.org.
6. **Social Media Analytics Overview.** The subcommittee received an overview of the division's social media analytics for July, August and September. In July, the division's Twitter, Instagram, and Facebook accounts combined to total over 260,000 impressions. In August, across the division's platforms, there were over 500,000 impressions. In September, Division II combined to total over 600,000 impressions.

Subcommittee Chair: Teresa Clark, Cedarville University
Staff Liaison(s): Ryan Jones, Division II Governance
Terri Steeb Gronau, Division II Governance
Maritza Jones, Division II Governance
Haydyn Gibson, Division II Governance

Division II Management Council Identity Subcommittee October 4, 2021, Videoconference	
Attendees:	
Brenda Cates, University of Mount Olive.	
Teresa Clark, Cedarville University.	
Robert Dranoff, East Coast Conference.	
Theresa Hanson, Simon Fraser University.	
Jim Johnson, Pittsburg State University.	
David B. Kuhlmeier, Valdosta State University.	
Danny McCabe, Adelphi University.	
Sandee Mott, Texas Woman's University.	
Absentees:	
Courtney Lovely Evans, Palm Beach Atlantic University.	

Amy Henkelman, Dominican University of California.
Cam Trudell, Great Lakes Intercollegiate Athletic Conference.
Guests in Attendance:
Jill Willson, NCAA contractor.
NCAA Staff Support in Attendance:
Ryan Jones, Haydyn Gibson, Terri Steeb Gronau and Maritza Jones.
Other NCAA Staff Members in Attendance:
Ann Martin, Olivia Sappington and Jill Waddell.



REPORT OF THE
NCAA COMMITTEE ON COMPETITIVE SAFEGUARDS
AND MEDICAL ASPECTS OF SPORTS
JUNE 21-22, MEETING

ACTION ITEMS.

1. Legislative items.

- **NCAA Division I Bylaw 20.2.4.2.1 -- Concussion Safety Protocol – Eliminate Submission Requirement.**
 - (1) Recommendation. That the Division I Board of Directors (or appropriate governance body and/or process) adopt legislation to eliminate the requirement that a Division I autonomy institution shall (and a non-autonomy institution may) submit its Concussion Safety Protocol to the Concussion Safety Protocol Committee for review each year; and to eliminate the corresponding role and responsibility of the Concussion Safety Protocol Review Committee.
 - (2) Effective date. Immediate.
 - (3) Rationale. Since the adoption of this legislation, a variety of resources (e.g., Concussion Safety Protocol Checklist, Concussion Safety Protocol Template) have been developed to assist schools in creating, maintaining and evaluating their concussion safety protocols. With these resources, Division I school have access to all the tools and education necessary to comply with applicable concussion protocol management legislation such that the annual protocol submission process is not necessary to mitigate concussion-related risk to student-athletes. This has been formally recognized in Divisions II and III, where schools already rely on existing tools in lieu of a submission process. Based on this rationale and in light of COVID-related impacts on institutional resources, waivers of the legislative requirement were granted for academic years 2020-21, 2021-22 and 2022-23. Rather than continuing to extend previous waivers of the submission process, the Division should act to formally remove the legislated requirement.
 - (4) Estimated budget impact. Anticipated reduction in costs historically associated with administering the NCAA Concussion Safety Protocol Review Committee.
 - (5) Student-athlete impact. None.

2. Nonlegislative items.

- None.

INFORMATIONAL ITEMS.

1. **Approval of meeting report.** The CSMAS approved its February 22-23, 2022, videoconference report.
2. **COVID-19 and infection control update.** The CSMAS received an operational update about the work of the NCAA COVID-19 Medical Advisory Group, including a review of the [Infection Control in Sport](#) document.
3. **Legislative update.** The CSMAS received an update on relevant legislation (e.g., legislation sponsored by or developed with input from the committee, or legislation on which the committee previously provided feedback). Specifically, all three divisions adopted legislation recommended by the CSMAS at its February 2022 meeting to revise the drug-testing penalty for cannabinoids. Further, final action on CSMAS' recommendation to increase the size and amend the composition of the committee is expected later this summer.
4. **Governance updates.** The CSMAS received a governance update from each of the divisions.
5. **Litigation updates.** The CSMAS received a briefing on ongoing litigation relevant to its work.
6. **Membership responsibilities and strategic priorities for student-athlete health and safety.** The CSMAS began a review of the membership's nine health and safety strategic priorities in response to Association responsibilities outlined in the new NCAA Constitution. The CSMAS referred the continued review to its NCAA Committee on Competitive Safeguards and Medical Aspects of Sports Administrative Subcommittee. The CSMAS directed the AdCom, in collaboration with the membership, to explore options to align the priorities with the Association's commitment to student-athlete physical and mental health, safety and performance as described in the new constitution. The CSMAS noted the opportunity to explore organizing the priorities around functional areas (e.g., physical health) rather than specific health topics (e.g., cardiac).

Additionally, the CSMAS approved standardizing a process to identify and maintain evidence and consensus-based health, safety and performance guidance when requested by relevant committees or the membership. The CSMAS noted that it should leverage previous examples of advisory group processes (e.g., Mental Health Advisory Group) as it standardizes this work.

7. **National Federation of State High School Associations Sports Medicine Advisory Committee.** The CSMAS received an update about the National Federation of State High School Associations' Sports Medicine Advisory Committee.
8. **Drug Free Sport International report.** The CSMAS received an update from Drug-Free Sport International on the NCAA year-round and championship drug testing programs for the 2021-22 academic year. As in previous years, the update noted that there continues to be a high number of positive tests due to hormone and metabolic modulators. Additionally, an increasing number of protocol violations were committed by student-athletes during year-round testing, contributing to an increase in the total number of positives for the academic year.
9. **Subcommittee reports.**
 - a. **Drug-Testing Subcommittee.**
 - (1) Review of subcommittee activity. The CSMAS received the March, April and May reports of its Drug-Testing Subcommittee.
 - (2) Isotope Ratio Mass Spectrometry testing. CSMAS approved a recommendation from the Drug-Testing Subcommittee to permanently adopt the following Isotope Ratio Mass Spectrometry testing protocol:
 - (a) Apply established drug-testing program percentages to atypical T/E samples;
 - (b) Base IRMS tests per month on percentage of samples tested each month; and
 - (c) Atypical T/E results designated for IRMS testing will be based on Drug Free Sport International receipt of results reported from the World Anti-Doping Agency lab.

The topic of IRMS testing was originally referred to the Drug-Testing Subcommittee in February for further evaluation after the CSMAS was informed about the unexpected volume of IRMS testing (a process used to determine if an atypical testosterone to epitestosterone ratio is due to exogenous steroid used) that occurred during the 2021-22 academic year.

- (3) Drug Testing Manual. The CSMAS granted the Drug-Testing Subcommittee authority to review and approve the Drug-Testing Program Manual on an annual basis.
- (4) Divisions II and III drug testing referral. The CSMAS discussed referrals from Divisions II and III to continue its discussion on whether cannabinoid testing should remain part of the NCAA Drug-Testing Program. The referrals suggested that NCAA regulation be limited to performance enhancing substances and that other substances subject to potential student-athlete misuse be managed at the conference or institutional level. Further, Division II requested the CSMAS consider recommending moving drug-testing legislation to CSMAS policy.

CSMAS referred this item to its Drug-Testing Subcommittee and noted discussion will be further informed by an anticipated NCAA Cannabis Summit which is expected to occur later this year.

- b. **Prevention and Performance Subcommittee.** The CSMAS received the February and April reports of its Prevention and Performance Subcommittee.
 - c. **Administrative Subcommittee.** The CSMAS received the May and June reports of its Administrative Subcommittee.
10. **Transgender Student-Athlete Participation Policy.** The CSMAS approved the following clarifications related to the operationalization of the NCAA transgender student-athlete participation policy. It was noted in the discussion that, while CSMAS has been granted authority to make decisions necessary to operationalize the policy, the NCAA Board of Governors retains ultimate authority over the policy and the discretion to review and revisit any of the below.
- a. Sport-specific testosterone thresholds and deadlines for championship competition. The CSMAS approved sport-specific testosterone thresholds for all competition and approved deadlines to establish eligibility for championship competition during the 2022-23 academic year (Phase 2) (See Attachments A, B and C). The approved thresholds align with sport-specific governing body policies. Further, the CSMAS granted AdCom the authority to approve testosterone thresholds and deadlines for NCAA emerging sports.
 - b. Mid-cycle changes to eligibility requirements. The CSMAS approved the following process by which it will manage situations when a national governing body or international federation changes its transgender athlete participation policy after the NCAA publishes its eligibility requirements for a given academic year:

NCAA transgender student-athlete eligibility requirements shall be reviewed annually and shall be published not later than May 1 each year for the next/upcoming academic year. Should a national governing body or international federation change its transgender athlete participation policy after the release of the NCAA eligibility requirements for that academic year, the published eligibility requirements will not be reconsidered for that academic year. Such changes will be considered as part of the following annual review of NCAA transgender student-athlete eligibility requirements.

- c. Eligibility documentation. The CSMAS clarified eligibility documentation submission requirements for Phase 2, which will require a school to submit “annual eligibility documentation” prior to the student-athlete’s initial competition in both the traditional and nontraditional segment and “championship eligibility documentation” prior to NCAA championship competition.

For multi-sport student-athletes, submission of annual eligibility documentation must occur at least twice per academic year: (1) Prior to the student-athlete’s initial contest in the fall term; and (2) Prior to the student-athlete’s initial contest of a different sport in the following academic term. A multi-sport student-athlete must submit championship eligibility documentation prior to each NCAA championship in which they compete.

- d. Policy exclusions. Looking to Phase 3 of policy implementation, the CSMAS agreed that it will not support the adoption of components of sport-governing transgender athlete policies that are fundamentally inconsistent with the NCAA’s commitment to fairness, inclusion and student-athlete well-being. For example, the CSMAS agreed, as part of Phase 3, it would not support the adoption of any policy component that:

- (1) Completely prohibits the eligibility of a transgender athlete to compete in an NCAA sport that aligns with their gender identity;
- (2) Requires a transgender athlete to undergo gender-affirming surgery (or related surgical procedures) to become or remain eligible;
- (3) Requires gender determinations based on:
 - i. The opinion of a review panel.
 - ii. Alignment of gender identity with federal or state identification documents.
 - iii. Physical evaluation.

- (4) Allows the policy or any part of the process (e.g., the NCAA Drug-Testing Program) to be used in support of or response to inquiries or challenges related to a student-athlete's gender identity or eligibility.

CSMAS clarified that the above is not a comprehensive list but could be used to provide clarity to student-athletes and schools preparing for Phase 3 implementation. It will continue to evaluate sport-specific policies and adopt components that support the NCAA's commitment to fairness, inclusion and student-athlete well-being.

- e. Simplification of Policy. The CSMAS directed its AdCom to reevaluate the transgender student-athlete participation policy as part of its upcoming work to support Phase 3 implementation. Specifically, the CSMAS noted that the evaluation should consider emerging evidence, national governing body and international federation policies, and sport classification, with an aim to prioritize policy simplification for NCAA student-athletes while balancing the commitment to inclusion, fairness and student-athlete well-being.
11. **NCAA Injury Surveillance Program**. The CSMAS received an update on the NCAA Injury Surveillance Program.
 12. **Election of CSMAS vice chair**. The CSMAS elected James Houle of The Ohio State University to the position of vice-chair. His term will begin September 1, 2022. His term as committee chair will begin September 1, 2023.
 13. **Comprehensive health and safety survey**. The CSMAS received an update on the comprehensive health and safety survey that it was informed about and stated support for in September 2021. The consolidated well-being survey will examine relevant health and safety topics including, but not limited to, substance use, sleep, mental health, sexual violence, injury and pain, nutrition and weight management. The survey was designed by NCAA Research and survey results will be used by the NCAA membership and its governing bodies for the purpose of further evaluating and better understanding the health and well-being aspects of the student-athlete experience. The quadrennial survey will be administered by Faculty Athletics Representatives on campus. The first iteration of the survey will open October 2022 to June 2023 and results are expected in late 2023.
 14. **Mental health**.
 - a. Mental Health Advisory Group update. The CSMAS received an update on the status of the development of the Mental Health Advisory Group. It is expected that the group will begin work in the coming months.

- b. Mental health resources and education. The CSMAS reaffirmed the importance of supporting student-athlete mental health and discussed [resources available](#) to the membership. The CSMAS supported further collaboration with divisional Student-Athlete Advisory Committees to identify and deploy relevant educational materials and consider alternative ways that member schools can support their student-athletes.
 - c. Coach COVID-19 Survey. The CSMAS received a report of the Coach COVID-19 Survey, which examined coach mental well-being, as well as how coaches are adapting to current recruiting and roster management challenges. The survey was designed and distributed by NCAA research and was available to coaches March 2 through April 17, 2022. More than 6,000 NCAA coaching staff members took the survey. The results of the study will be available in summer 2022.
- 15. Sexual violence prevention.**
- a. 2021-22 attestation update. The CSMAS received an update on the 2021-22 sexual violence prevention attestation process.
 - b. Educational materials updates and future plans. The CSMAS received an update on recently updated sexual violence prevention educational materials. Specifically, on May 16, 2022, the third edition of the “[Sexual Violence Prevention: An Athletics Tool Kit for a Healthy and Safe Culture](#)” was released to the membership. The third edition was revised to reflect material revisions to the [NCAA Board of Governors Policy on Campus Sexual Violence](#) (last updated April 2021) and to reflect changes to related federal regulations and guidance. It is expected that additional updates will be considered and incorporated during the 2022-23 academic year.
- 16. Cannabis summit.** The CSMAS was informed that the Cannabis Summit it commissioned in September 2021 is expected to occur late 2022.

Committee Chair: Stephanie Chu, University of Colorado, Boulder
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 June 21-22, 2022, Meeting	
Attendees:	
Pam Hinton-Bruzina, University of Missouri, Columbia	
Pat Chun, Washington State University	
Bob Colgate, National Federation High School Associations	
N. Jeremi Duru, American University	
Luis Feigenbaum, University of Miami (Florida)	
Alan Hirahara, California State University, Sacramento	
James Houle, The Ohio State University	
Yolanda Malone-Gilbert, Genesis Behavioral Health and Collaborative, Svc, Inc.	
Nadine Mastroleo, Binghamton University	
Nicole Pieart, Lake Forest College	
Leshlie Ramirez, University of Puerto Rico, Mayaguez	
Julie Rochester, Northern Michigan University	
Cody Shimp, St. Bonaventure University	
Kim Terrell, University of Oregon	
Michelle Walsh, Vassar College	
Auburn Weisensale, University of Pittsburgh	
Talia Williams, Carleton University	
Douglas Zipp, Ohio Wesleyan University	
Absentees:	
Tim Singleton, Wingate University	
Buddy Teevens, Dartmouth College	
Guests in Attendance:	
Adrian Boltz, Avinash Chandran, Michelle Dorsey, Crystal Gibson, Sue Henderson and Carey Wheelhouse.	
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:	
Leilani Hubbard, John Parsons and Anne Rohlman	
Other NCAA Staff Members in Attendance:	
Lydia Bell, Jackie Campbell, Amana Conklin, Amanda Dickey, LaGwyn Durden, President Mark Emmert, Abigail Edwards, Ryan Jones, Brian Hainline, Jessica Kerr, Louise McCleary, Mallory Mickus, Jean Merrill, Gretchen Miron, Crystal Rogers, Justin Whitaker, Stan Wilcox and Kelsey Gurganus-Wright.	



REPORT OF THE
NCAA HONORS COMMITTEE
JULY 14, 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 October 25, 2021, videoconference.
3. **Policies and procedures.** Staff reviewed the policies and procedures for the Theodore Roosevelt Award, the Silver Anniversary Award, the Inspiration Award and the Award of Valor. After the committee selects all honorees, the next step is to confirm their participation with the nominators.
4. **Honors Celebration overview.** NCAA staff shared a recap of the 2022 event and plans for honoring the awardees in January 2023.
5. **Theodore Roosevelt Award selection.** The committee selected the 2023 Theodore Roosevelt Award recipient.
6. **Silver Anniversary Award selection.** The committee selected six individuals to receive a 2023 Silver Anniversary Award.
7. **Award of Valor selection.** The committee chose not to select an Award of Valor recipient for 2023.
8. **Inspiration Award selection.** The committee awarded two 2023 Inspiration Awards.
9. **Committee positions.** Two committee terms will end in January 2023. The FBS position will be filled through the Division I nomination process, and the other will be filled by the Division III Management Council.
10. **Future meeting.** The next committee meeting to select Today's Top 10 honorees will be held by videoconference Friday, Sept. 30.
11. **Adjournment.** The videoconference was adjourned at approximately 1 p.m. Eastern time.

Report of the NCAA Honors Committee

July 14, 2022, Videoconference

Page No. 2

Committee Chair: Col. Margaret Martin, U.S. Air Force Academy

Staff Liaisons: Stacey Preston, Communications

Nora Loechel, Regulatory Affairs

Russell Register, Regulatory Affairs

NCAA Honors Committee July 14, 2022, Videoconference	
Attendees:	
Andrew Alia, Northeast Conference.	
Charles (Chuck) Brown, Pennsylvania State University, Erie, The Behrend College.	
Christopher Davis, Walmart.	
Hilary Link, Allegheny College.	
Chaunte Lowe, Olympian and motivational speaker.	
Col. Margaret Martin, U.S. Air Force Academy.	
LaRee Sugg, University of Richmond.	
Jerry Wollmering, Truman State University.	
Absentees:	
Anita DeFrantz, The Tubman Truth Corporation.	
Guests in Attendance:	
None.	
NCAA Staff Liaison (or Staff Support if subcommittee) in Attendance:	
Nora Loechel, 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
JULY 19, 2022, VIDEOCONFERENCE

KEY ITEMS.

- None.

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and review of roster.** The chair of the NCAA Minority Opportunities and Interests Committee, Marquette Dickens, welcomed committee members, guests and staff to the videoconference.
2. **NCAA Division I Men's Basketball Oversight Committee referral of the Senior Minority Administrator proposal.** The chair and vice chair shared that the Division I Men's Basketball Oversight Committee recommended the Senior Minority Administrator proposal be referred to the MOIC for further development and consideration. Members of the MBOC and staff provided additional context for the importance of the SMA definition/designation given the lack of racial/ethnic minority representation in leadership positions at Division I schools. The chair and vice chair conveyed concerns raised by the membership around the proposal as it is written.
3. **Committee discussion.** The chair and vice chair sought feedback from committee members regarding the SMA definition/designation and how the committee should move forward. Student-athlete representatives emphasized the potential positive mental health impact of increased racial/ethnic diversity in leadership positions. Committee members expressed key concerns including that the definition/designation places much responsibility on administrators of color and that the definition/designation will not be effective if not properly resourced. The chair reminded the committee that the divisional governance groups conveyed similar concerns about the lack of clarity around the SMA definition/designation. The vice chair shared questions and concerns expressed by various groups such as the Minority Opportunities Athletic Association, the LEAD1 Association, the 4AAPI Athletics Alliance and the Black AD Alliance. The committee reached consensus around engaging in further development of the SMA proposal and addressing the questions and concerns presented.
4. **Next steps.** The Senior Minority Administrator Working Group will convene in the coming months to outline and address concerns around the SMA proposal, clarify the definition/designation to determine feasibility and organize a joint meeting with various advocacy groups to discuss strategies and an optimal SMA definition/designation and structure. The committee will continue the important work of developing strategies and initiatives to increase diverse representation in leadership positions within athletics, noting the SMA definition/designation may be one potential opportunity to do so among others.

5. Adjournment. The videoconference adjourned at 1 p.m. Eastern time.

Committee Chair: Marquetta Dickens, William Peace University
Staff Liaisons: Tiffany Alford, Academic and Membership Affairs
Niya Blair Hackworth, Office of Inclusion
Abigail Edwards, Office of Inclusion
Dee Kennedy, Enforcement

NCAA Minority Opportunities and Interests Committee July 19, 2022, Videoconference	
Attendees:	
Michaela Boyd, Palm Beach Atlantic University.	
Mark Brown, Pace University.	
Marquetta Dickens, William Peace University.	
Tony Gaskew, University of Pittsburgh, Bradford.	
William Kelly, Coast Guard Academy.	
Ahleasha McNeal, Lincoln Memorial University.	
Mercy Ogutu, Trinity Washington University.	
Harry Stinson, Lincoln (Pa.) University.	
Absentees:	
Cheryl Aaron, Wentworth Institute of Technology.	
Alisse Ali-Joseph, Northern Arizona University.	
Brian Baptise, LaSalle University.	
Roy Brown III, Illinois at Springfield.	
Lisa Freeman, Northern Illinois University.	
Chaunte O'Neil, University of Miami.	
Stuart Robinson, New York University.	
Framroze Virjee, California State University, Fullerton.	
Dwaun Warmack, Claflin University.	
Guests in Attendance:	
Martin Newton, Samford University.	
John Williams, Big 12 Conference.	
NCAA Staff Liaisons in Attendance:	
Abigail Edwards and Dee Kennedy.	
Other NCAA Staff Members in Attendance:	
Jackie Campbell, Kina Davis, Kenneth Huber, Felicia Martin, Jeremy McCool, Jean Merrill, Solomon Siskind, Sade' Sleet and Amy Wilson.	



REPORT OF THE
NCAA PLAYING RULES OVERSIGHT PANEL
JULY 20, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** Tiffany Daniels, chair of the NCAA Playing Rules Oversight Panel, welcomed the panel. PROP reviewed the 2021-22 roster and sport assignments.
2. **Duties and conflict of interest.**
 - a. **Duties.** PROP reviewed its duties, noting the specific responsibilities of reviewing rule recommendations pertaining to safety, finances and image of the game.
 - b. **Conflict of Interest Statement.** PROP also reviewed the NCAA Conflict of Interest Statement.
3. **Approval of June 21, 2022, videoconference report.** PROP approved the report as written.
4. **Playing rules flexibility and the new NCAA Constitution.** PROP heard an update from NCAA staff regarding language in the new NCAA Constitution, effective Aug. 1, 2022, that will allow for flexibility within the rules at the division, sub-division or federated level as deemed necessary. PROP agreed that there is currently a framework in place to allow for flexibility and cited several examples of permissive rules that allow for divisional differences. It was noted that flexibility shall not be allowed for any rule that has a health and safety impact. NCAA staff will review current legislation to determine what provisions should be in place going forward, as well as determine which, if any, divisional governance bodies should weigh in on the process. An update and additional discussion will take place during an upcoming videoconference.
5. **NCAA Men's and Women's Ice Hockey Rules Committee annual meeting report and comment period results.** PROP reviewed and approved 18 rules changes submitted by the Men's and Women's Ice Hockey Rules Committee, which included:
 - a. Allowing a shootout format to be used in non-conference games if the contest remains tied after the five-minute overtime period;
 - b. Creating a stand-alone major penalty for contact to the head and hitting from behind penalties; and
 - c. Adjusting several parts of the instant replay process to reduce disruption in the game and put more responsibility on the teams to challenge plays.

6. **NCAA Men's Lacrosse Rules Committee annual meeting report, comment period results and videoconference report.** PROP reviewed and approved three rules changes submitted by the Men's Lacrosse Rules Committee, which included:
 - a. Prohibiting protrusions and sharp edges on the crosse head.
 - b. Allowing goals to stand if the offensive player lands in the goal mouth due to illegal contact by the defense.
 - c. Establishing standard penalties for indirect, direct or excessive contact to the head or neck area.
7. **NCAA Women's Lacrosse Rules Committee annual meeting report.** While it was a non-rules change year for women's lacrosse, PROP reviewed and approved one experimental rule to allow conferences to implement video review to correct errors related to timing, goals, and no goals for the 2023 season. Video review can also be used to determine if any player on the attacking team has entered the goal circle and if the act was the result of a foul. This review may only be in response to a goal or no-goal signal. Each team will receive two challenges per game.
8. **NCAA secretary-rules editor performance evaluation results and term extension requests.**
 - a. **Women's bowling secretary-rules editor performance evaluation report and NCAA Women's Bowling Committee July 6 email report.** The Women's Bowling Committee and Playing Rules Oversight Panel approved a term extension for Mike Fine, the women's bowling secretary-rules editor, to August 31, 2027. The Women's Bowling Committee will conduct a search in summer 2026 to identify a successor. The individual selected will shadow the current secretary-rules editor for one year and assume the role of secretary-rules editor September 1, 2027.
 - b. **Softball secretary-rules editor performance evaluation report and NCAA Softball Rules Committee July 8 email report.** PROP reviewed the secretary-rules editor performance evaluation report for Vickie Van Kleeck and the Softball Rules Committee's July 8 email report. PROP approved the Softball Rules Committee's recommendation to extend the term of the secretary-rules editor for four years once their second four-year term ends August 31, 2023. The Softball Rules Committee will conduct a search in summer 2026 to identify a successor. The individual selected will shadow the current secretary-rules editor for one year and assume the role of secretary-rules editor September 1, 2027.
 - c. **Wrestling secretary-rules editor performance evaluation report and NCAA Wrestling Rules Committee July 8 email report.** PROP reviewed the secretary-rules editor performance evaluation report for Chuck Barbee and the Wrestling Rules Committee's July 8 email report. PROP approved the Wrestling Rules Committee's recommendation to extend the term of the secretary-rules editor for four years once their second four-year term

- d. ends August 31, 2023. The Wrestling Rules Committee will conduct a search in summer 2026 to identify a successor. The individual selected will shadow the current secretary-rules editor for one year and assume the role of secretary-rules editor September 1, 2027.

9. Future meeting dates. The next videoconference is scheduled for 1 p.m. Eastern time, Thursday, August 11.

Committee Chair: Tiffany Daniels, Southeastern Conference.

Staff Liaisons: Ben Brownlee, Championships and Alliances, Playing Rules and Officiating.
Jay Fitzwater, Championships and Alliances, Playing Rules and Officiating.
Ashlee Follis, Championships and Alliances, Playing Rules and Officiating.
Ty Halpin, Championships and Alliances, Playing Rules and Officiating.
Rachel Seewald, Championships and Alliances, Playing Rules and Officiating.
Andy Supergan, Championships and Alliances, Playing Rules and Officiating.

NCAA Playing Rules Oversight Panel July 20, 2022, Videoconference	
Attendees:	
Robin Baker, University of Wisconsin-Eau Claire.	
Tiffany Daniels, Southeastern Conference.	
Joseph D'Antonio, Colonial Athletic Association.	
Robert Davenport, Oklahoma Baptist University.	
Keith Gill, Sun Belt Conference.	
David Hicks, King University.	
Matt Kilcullen, Mercy College.	
Scott Musa, Shenandoah University.	
Emily Parkins, Patriot League.	
Ed Scott, University of Virginia.	
Ronda Seagraves, Concordia University Texas.	
Brad Walker, America East Conference.	
Absentees:	
None.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Ben Brownlee, Jay Fitzwater, Ashlee Follis, Ty Halpin, Rachel Seewald and Andy Supergan.	
Other NCAA Staff Members in Attendance:	
Jackie Campbell, Aayushi Chouhan, Greg Johnson, Jeff Meyers, Stephanie Quigg, Bri Rigney and Leeland Zeller.	



REPORT OF THE
NCAA PLAYING RULES OVERSIGHT PANEL
AUGUST 11, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** Tiffany Daniels, chair of the NCAA Playing Rules Oversight Panel, welcomed the panel. PROP reviewed the 2021-22 roster and sport assignments.
2. **Duties and conflict of interest.**
 - a. **Duties.** PROP reviewed its duties, noting the specific responsibilities of reviewing rule recommendations pertaining to safety, finances and image of the game.
 - b. **Conflict of Interest Statement.** PROP also reviewed the NCAA Conflict of Interest Statement.
3. **Approval of July 20, 2022, videoconference report.** PROP approved the report as written.
4. **NCAA Baseball Rules Committee annual meeting report, comment period results and secretary-rules editor performance evaluation results.** PROP reviewed and approved 22 rules changes and a recommendation for an extension of the secretary-rules editor term submitted by the Baseball Rules Committee, which included:
 - a. Recommending that padding be placed on all hard surfaces (backstops, sideline, and outfield fences) that a player is likely to collide with during play.
 - b. Recommending immediately and requiring effective January 1, 2024, for Division I and January 1, 2025, for Divisions II and III, that collegiate baseball facilities shall have protective fencing or netting on the field side of the dugout at a height not less than three feet from the field level.
 - c. Requiring that the coach may only come to the middle point of their respective foul line when coming to the field to ask a question about a call in the field and requiring that the coach may not enter the dirt circle around home plate to ask a question about a call at the plate or when making a line-up change.
 - d. Requiring that a pitcher start the motion to deliver the pitch or attempt a pickoff prior to the 20-second time limit. A pitcher shall be limited to one step-off or "fake" move toward a baserunner per batter to reset the clock. A request for "time" by a defensive player would constitute a step-off. The first violation of the 20-second clock will result in a ball to the count.

- e. Requiring the use of a visible clock during all times of the game to enforce all timing rules equitably for Division I by January 1, 2024, and for Divisions II and III by January 1, 2025.
 - f. Recommending an extension of the term of the current secretary-rules editor for four years once the current term ends August 31, 2023.
5. **NCAA Softball Rules Committee annual meeting report and comment period results.** While it was a non-rules change year for softball, PROP reviewed and approved one rules change and one experimental rule submitted by the Softball Rules Committee, which included:
- a. Requiring sideline and home run fences constructed of wood, concrete or brick to be padded by January 1, 2027. Based on what was approved as a recommendation for baseball, PROP requested the Softball Rules Committee consider adopting the same language as baseball in the future. The Softball Rules Committee will consider this at its June 2023 annual meeting.
 - b. Allowing teams to experiment with a double first base during the fall 2022 (non-traditional) and/or spring 2023 (traditional) season.
6. **NCAA Track and Field Rules Committee annual meeting report and comment period results.** PROP reviewed and approved seven rules changes submitted by the Men's and Women's Track and Field Rules Committee, which included:
- a. Changing the time limit to initiate a trial from 30 seconds to one minute in the throwing events, horizontal jumping events, and high jump.
 - b. Allowing officials to use video review in field events, if an official video review system is available, to determine whether an infraction or violation has occurred.
 - c. Eliminating mixed-gender competition in the horizontal jumps, throws and 10,000 Meters.
7. **NCAA Men's Gymnastics Committee annual meeting report, comment period results and email vote report.** This item was moved to PROP's September 8 videoconference.
8. **NCAA Women's Gymnastics Committee annual meeting report and comment period results.** This item was moved to PROP's September 8 videoconference.
9. **NCAA Skiing Committee annual meeting report, comment period results and email vote report.** This item was moved to PROP's September 8 videoconference.

10. Playing rules flexibility and the new NCAA Constitution. This item was moved to PROP's September 8 videoconference.

11. Future meeting dates. The next videoconference is scheduled for 1 p.m. Eastern time, Thursday, September 8.

Committee Chair: Tiffany Daniels, Southeastern Conference

*Staff Liaisons: Ben Brownlee, Championships and Alliances, Playing Rules and Officiating
Jay Fitzwater, Championships and Alliances, Playing Rules and Officiating
Ashlee Follis, Championships and Alliances, Playing Rules and Officiating
Ty Halpin, Championships and Alliances, Playing Rules and Officiating.
Rachel Seewald, Championships and Alliances, Playing Rules and Officiating
Andy Supergan, Championships and Alliances, Playing Rules and Officiating*

NCAA Playing Rules Oversight Panel August 11, 2022, Videoconference	
Attendees:	
Robin Baker, University of Wisconsin-Eau Claire.	
Tiffany Daniels, Southeastern Conference.	
Robert Davenport, Oklahoma Baptist University.	
David Hicks, King University.	
Scott Musa, Shenandoah University.	
Emily Parkins, Patriot League.	
Brad Walker, America East Conference.	
Absentees:	
Joseph D'Antonio, Colonial Athletic Association.	
Keith Gill, Sun Belt Conference.	
Matt Kilcullen, Mercy College.	
Ed Scott, University of Virginia.	
Ronda Seagraves, Concordia University Texas.	
Guests in Attendance:	
Mark Kostek, track and field secretary-rules editor.	
NCAA Staff Liaisons in Attendance:	
Ben Brownlee, Jay Fitzwater, Ashlee Follis, Ty Halpin, Rachel Seewald and Andy Supergan.	
Other NCAA Staff Members in Attendance:	
Aayushi Chouhan, Anthony Holman, Greg Johnson and Bri Rigney.	



REPORT OF THE
NCAA PLAYING RULES OVERSIGHT PANEL
SEPTEMBER 8, 2022, VIDEOCONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** Tiffany Daniels, chair of the NCAA Playing Rules Oversight Panel, welcomed the panel. PROP reviewed the 2022-23 roster and sport assignments. New committee member Joe Schaly, whose term began September 1, 2022, was welcomed to the panel.
2. **Duties and conflict of interest.**
 - a. **Duties.** PROP reviewed its duties, noting the specific responsibilities of reviewing rule recommendations pertaining to safety, finances and image of the game.
 - b. **Conflict of Interest Statement.** PROP also reviewed the NCAA Conflict of Interest Statement.
3. **Approval of August 11, 2022, videoconference report and August 15, 2022, email vote report.** PROP approved the reports as written.
4. **NCAA Men's Gymnastics Committee annual meeting report, comment period results and email vote report.** PROP reviewed and approved four rules modifications submitted by the Men's Gymnastics Committee, which included:
 - a. Requiring the Head Judge to validate and sign the final scoresheet to ensure accuracy for each event.
 - b. Providing a second halftime option for dual meet competition, allowing for a three-minute break following the Pommel Horse and the Vault events in place of the single six-minute halftime following the Still Rings.
 - c. Permitting the use of team colors for competition pants and not follow the FIG dark pant rule. The dark pant rule was scheduled to go into effect September 1, 2022.
 - d. Establishing a time limit of up to five minutes for a student-athlete whose hand grip breaks during competition, to rest and regrip prior to restarting their routine.
5. **NCAA Women's Gymnastics Committee annual meeting report and comment period results.** PROP reviewed and approved 25 rules modifications submitted by the Women's Gymnastics Committee, which included:

- a. Adjusting the start value on three vault skills and adding two vaults to the NCAA Vault Chart.
 - b. Requiring a line be added to the vault landing mat in a funnel to serve as a visual guide for officials to evaluate the landing for appropriate scoring.
 - c. Defining the term Acro Pass to provide more clarity to athletes and judges for proper score and evaluation of Floor Exercise routines.
 - d. Removing the eight-inch mat from the Floor Exercise matting based on limited use and difficulty maintaining its position due to its size and thickness during tumbling passes.
 - e. Adjusting the Video Review and Video Inquiry process to ensure that athletes are receiving proper deductions and bonuses for routines. Judges may also use video to verify potential equipment failure to properly determine how to proceed with the routine and event.
6. **NCAA Skiing Committee annual meeting report, comment period results and email vote report.** PROP reviewed and approved three rules modifications submitted by the Skiing Committee, which included:
- a. Removing the coaches' representative position from both the Alpine and Nordic race juries to eliminate the potential for conflicts of interest, allowing the jury of officials to review and rule on issues.
 - b. Eliminating the super gatekeeper position from the list of Alpine officials.
 - c. Permitting Alpine parallel events for the Giant Slalom and Slalom event. This permissible format would provide an additional racing format with head-to-head competition and could provide an exciting element to the skiing meet.
7. **NCAA Division III and National Collegiate Men's Volleyball Committees annual rules report and comment period results.** The men's volleyball committees did not provide supplements for PROP to review due to not having majority support from the comment period results. The men's volleyball committees collaboratively decided to table the rules modification proposal that was sent out for comment and have more discussion on it during their 2023 annual meeting.

8. **Playing rules flexibility and the new NCAA Constitution.** PROP heard an update from staff regarding playing rules flexibility and the new NCAA Constitution. It was noted that the current framework allows for flexibility by division and that the panel will continue to consider flexibility if a division is not supportive of a rules change going forward.
9. **Future meeting dates.** The next in-person meeting is scheduled from 8 a.m. to 2 p.m. Eastern time, Wednesday, January 11, 2023, in San Antonio, Texas, for the NCAA Convention.

Committee Chair: Tiffany Daniels, Southeastern Conference

Staff Liaisons: Ben Brownlee, Championships and Alliances, Playing Rules and Officiating
Jay Fitzwater, Championships and Alliances, Playing Rules and Officiating
Ashlee Follis, Championships and Alliances, Playing Rules and Officiating
Ty Halpin, Championships and Alliances, Playing Rules and Officiating
Rachel Seewald, Championships and Alliances, Playing Rules and Officiating
Andy Supergan, Championships and Alliances, Playing Rules and Officiating

NCAA Playing Rules Oversight Panel September 8, 2022, Videoconference	
Attendees:	
Tiffany Daniels, Southeastern Conference.	
David Hicks, King University.	
Scott Musa, Shenandoah University.	
Emily Parkins, Patriot League.	
Ed Scott, University of Virginia.	
Joe Schaly, Thiel College.	
Brad Walker, America East Conference.	
Absentees:	
Robin Baker, University of Wisconsin-Eau Claire.	
Joseph D'Antonio, Colonial Athletic Association.	
Robert Davenport, Oklahoma Baptist University.	
Keith Gill, Sun Belt Conference.	
Matt Kilcullen, Mercy College.	
Guests in Attendance:	
None.	
NCAA Staff Liaisons in Attendance:	
Ben Brownlee, Jay Fitzwater, Ashlee Follis, Ty Halpin and Rachel Seewald.	
Other NCAA Staff Members in Attendance:	
Anthony Holman, Greg Johnson, Jeff Myers, Bill Regan, Bri Rigney and Stephanie Quigg.	



REPORT OF THE
NCAA POSTGRADUATE SCHOLARSHIP COMMITTEE
JULY 11-12, 2022, MEETING

INFORMATIONAL ITEMS.

- 1. Welcome.** The chair, Jameica Hill, convened the meeting and welcomed the committee to Indianapolis.
- 2. Report of the NCAA Postgraduate Scholarship Committee meeting.** The committee approved the report of its May 12, 2022, meeting.
- 3. Review of postgraduate scholarship applications.** The committee reviewed 78 spring sport applications (24 men and 54 women). The committee awarded 21 postgraduate scholarships for participants in men's sports and 21 postgraduate scholarships for participants in women's sports.

Committee Chair: Jameica Hill, Wofford College
Staff Liaison: Lori Thomas, Administrative Services

NCAA Postgraduate Scholarship Committee July 11-12, 2022, Meeting	
Attendees:	
Lissa Broome, University of North Carolina, Chapel Hill.	
Jameica Hill, Wofford College.	
Patricio Meneses, Fordham University.	
John Pagliasotti, Southwestern Oklahoma State University.	
Caitlin Schweihofer, Rutgers, The State University of New Jersey, New Brunswick.	
Absentees:	
Cheryl Aaron, Wentworth Institute of Technology.	
Tom Cody, Western Illinois University.	
Guests in Attendance:	
Julie Partridge, Southern Illinois University at Carbondale.	
NCAA Staff Liaison in Attendance:	
Lori Thomas.	
Other NCAA Staff Members in Attendance:	
None.	



REPORT OF THE
NCAA DIVISION II MANAGEMENT COUNCIL
NOMINATING SUBCOMMITTEE
SEPTEMBER 14, 2022, VIDEOCONFERENCE

The Division II Management Council Nominating Subcommittee met September 14 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 Constitution 8.2 of the Division II Manual. 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 eight vacancies, the Council is underrepresented in the number of faculty athletics representatives and senior woman administrators that it needs to comply with legislated requirements, which are a minimum of four directors of athletics; four senior woman administrators; four faculty athletics representatives; and one conference administrator.

The subcommittee also noted that with the vacancies, ethnic diversity decreased by three members, from eight minorities to five.

Management Council Nominations. The following are the recommendations for eight vacancies (i.e., one immediate vacancy and seven 2023 vacancies), as proposed by the subcommittee. [See Attachment H for ballot.]

1. **East Coast Conference** (replacing Bob Dranoff, commissioner, East Coast Conference). [Attachment A]

Subcommittee Recommendation. **Femi Alao**, senior woman administrator, Roberts Wesleyan College.

Femi Alao, the senior woman administrator, currently serves on a Division II Regional Advisory Committee and on the NCAA Division II Strategic Alliance Matching Grant Committee. She has been at her institution since 2019. She is considered to be an “up and coming” administrator who is a task oriented, hard worker.

With two senior woman administrators terms expiring, this appointment will help to increase the number of senior woman administrators on the Council.

Femi would increase the ethnic and gender diversity on the Council.

2. **Great Midwest Athletic Conference** (replacing Teresa Clark, faculty athletics representative, Cedarville University). [Attachment B]

Subcommittee Recommendation. **Christopher Cross**, director of athletics, Cedarville University.

Christopher Cross, the director of athletics, was chosen for his experience in intercollegiate athletics. He has over 22 years of athletic training and athletic administration experience. Christopher also has experience on a regional advisory committee.

3. **Gulf South Conference** (replacing Laura Clayton Eady, senior woman administrator, University of West Georgia). [Attachment C]

Subcommittee Recommendation. **Jeremy Elliott**, faculty athletics representative, University of Alabama in Huntsville.

All three nominees to the Council from the Gulf South Conference were limited in their committee experience. Jeremy Elliott, the faculty athletics representative, was chosen for his campus leadership experience. With four faculty athletics representatives' terms expiring, this appointment will help to increase the number of faculty athletic representatives on the Council.

4. **Mid-America Intercollegiate Athletics Association** (replacing Jim Johnson, director of athletics, Pittsburg State University). [Attachment D]

Subcommittee Recommendation. **Theresa Grosbach**, senior woman administrator, Missouri Western State University.

Theresa Grosbach, the senior woman administrator, was chosen for her varied experience in intercollegiate athletics, which spans over 20 years. She has served as a director of athletics, an associate director of athletics and an assistant athletics director. She is an active member within the conference structure. Theresa has served on two regional advisory committees.

5. **South Atlantic Conference** (replacing Marty Gilbert, faculty athletics representative, Mars Hill University). [Attachment E]

Subcommittee Recommendation. **Patrick Britz**, commissioner, South Atlantic Conference.

Patrick Britz, the conference administrator, was chosen for this 32 years of intercollegiate athletics experience. He has served at two Division I institutions, two conference offices, a national coaches association as well as the NCAA national office. He has been at the conference office for 14 years. He also has served on numerous committees throughout his career.

6. **Sunshine State Athletic Conference** (replacing Courtney Lovely Evans, senior woman administrator, Palm Beach Atlantic University). [Attachment F]

Subcommittee Recommendation. **Katherine Loh**, faculty athletics representative, Florida Southern College.

Katherine Loh, the faculty athletics representative, was chosen because she has been very active in her conference and has attended both the Division II FAR Institute and the Division II FAR Advanced Leadership Institute. With four faculty athletics representatives' terms expiring, this appointment will help to increase the number of faculty athletic representatives on the Council.

Katherine would increase the ethnic and gender diversity on the Council.

7. **At-Large Representative** (replacing David B. Kuhlmeier, faculty athletics representative, Valdosta State University). [Attachment G]

Subcommittee Recommendation. **Sarah Ramey**, senior woman administrator, West Texas A&M University.

Sarah Ramey was chosen for her experience in Division II and her background in strength and conditioning. She has been with her institution since 2007 in various roles. She currently serves on the Division II Track and Field Committee.

Sarah would increase the gender diversity on the Council.

8. **At-Large Representative** [replacing Harry Stinson, director of athletics, Lincoln University (Pennsylvania)], effective immediately. [Attachment G]

Subcommittee Recommendation. **Roberta Page**, director of athletics, Slippery Rock University of Pennsylvania.

Roberta Page was chosen because of her 20 years of intercollegiate athletics experience at the Division II level. Roberta currently serves on the Division II Nominating Committee and has previously served on the Management Council and a sports committee.

Roberta would increase the gender diversity on the Council.

Representation by Gender, Ethnic Diversity and Valued Positions with Vacancies:

<u>Number of Representatives</u>	<u>Position</u>
10	Director of athletics
3	Senior woman administrators
2	Faculty athletics representatives
3	Conference administrators

2	SAAC representatives

<u>Number of Representatives</u>	<u>Gender/Ethnic Diversity</u>
11	Males
9	Females
5	Ethnic minorities

Representation by Gender, Ethnic Diversity and Valued Positions with Recommended Selections

<u>Number of Representatives</u>	<u>Position</u>
12	Director of athletics
6	Senior woman administrators
4	Faculty athletics representatives
4	Conference administrators
2	SAAC representatives

<u>Number of Representatives</u>	<u>Gender/Ethnic Diversity</u>
14	Males
14	Females
7	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 September 14, 2022, Videoconference
Attendees:
Teresa Clark, Cedarville University.
Bob Dranoff, East Coast Conference
Laura Clayton Eady, University of West Georgia
Courtney Lovely Evans, Palm Beach Atlantic University.
Marty Gilbert, Mars Hill University.
Jim Johnson, Pittsburg State University.
Harry Stinson, Lincoln University (Pennsylvania).
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.



**NCAA DIVISION II MANAGEMENT COUNCIL
CONFERENCE NOMINATION FORM**

Director of Athletics

Individual Nominated Traci Murphy

Institution Daemen University

E-Mail tmurphy@daemen.edu

Phone Number 716-839-8346

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 Femi Alao

Institution Roberts Wesleyan College

E-Mail alao_obafemi@roberts.edu

Phone Number 585-594-6189

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 Dr. Kevin Telford

Institution Daemen University

E-Mail ktelford@daemen.edu

Phone Number 716-839-8340

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 _____

Institution _____

E-Mail _____

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

I hereby certify that these individuals have been nominated by the East Coast 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.

Rolt Diao
Conference Commissioner/Executive Director

[Signature]
Chief Executive Officer within the Conference

June 7, 2022

Date

June 7, 2022

Date

Please forward by Friday, July 29, to Maritza Jones, managing director of Division II,
via e-mail at jwaddell@ncaa.org.

Director of Athletics

Individual Nominated Christopher Cross

Institution Cedarville University

E-Mail ccross@cedarville.edu

Phone Number 937-766-7768

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 Cindy McKnight

Institution Ursuline College

E-Mail cmcknight@ursuline.edu

Phone Number 330-490-7319

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 Dr. Jackie Novak

Institution Walsh University

E-Mail jnovak@walsh.edu

Phone Number 330-490-7319

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 Leslie Schuemann

Institution Great Midwest Athletic Conference

E-Mail leslie.schuemann@greatmidwestsports.com

Phone Number 317-409-9949

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 Midwest 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.

Thomas G. Daeger Digitally signed by Thomas G. Daeger
Date: 2022.08.21 20:24:08 -04'00'

Brian Posler

Digitally signed by Brian Posler
Date: 2022.08.22 08:58:11 -04'00'

Conference Commissioner/Executive Director

Chief Executive Officer within the Conference

8/21/22

08/22/2022

Date

Date

Please forward by Friday, July 29, to Maritza Jones, managing director of Division II,
via e-mail at jwaddell@naaa.org.

Director of Athletics

Individual Nominated Dr. Cade Smith

Institution University of Alabama in Huntsville

E-Mail cade.smith@uah.edu

Phone Number 256-824-6144

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 Amber Rae Childers

Institution Auburn University at Montgomery

E-Mail achilde1@aum.edu

Phone Number 334-244-3152

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 Dr. Jeremy Elliott

Institution University of Alabama in Huntsville

E-Mail jeremy.elliott@uah.edu

Phone Number 256-824-2185

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

Institution

E-Mail

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

I hereby certify that these individuals have been nominated by the Gulf South 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.

M. Matthew Wilson Digitally signed by M. Matthew Wilson
Date: 2022.06.07 14:50:39 -05'00'

Ken Tucker

Digitally signed by Ken Tucker
Date: 2022.06.07 16:20:23 -05'00'

Conference Commissioner/Executive Director

Chief Executive Officer within the Conference

6/7/2022

Date

Date

Please forward by Friday, July 29, to Maritza Jones, managing director of Division II,
via e-mail at jwaddell@naaa.org.

Director of Athletics

Individual Nominated Rob Mallory

Institution Missouri Southern State University

E-Mail Mallory-r@mssu.edu

Phone Number 417-625-9574

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 Theresa Grosbach

Institution Missouri Western State University

E-Mail tgrosbach@missouriwestern.edu

Phone Number 816-271-4258

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 Scott Unruh

Institution University of Nebraska - Kearney

E-Mail unruhsa@unk.edu

Phone Number 308-865-8627

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 Amber Feldman

Institution MIAA Conference Office -- Deputy Commissioner

E-Mail feldman@themiaa.com

Phone Number (816) 421-6422

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 MIAA
(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.

Mick J. Ray
Conference Commissioner/Executive Director

[Signature]
Chief Executive Officer within the Conference

7-1-2022

Date

7/5/22

Date

Please forward by Friday, July 29, to Maritza Jones, managing director of Division II,
via e-mail at jwaddell@ncaa.org.

Director of Athletics

Individual Nominated Kim Pate

Institution Lenoir-Rhyne University

E-Mail kim.pate@lr.edu

Phone Number (828) 328-7116

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 Dr. Ahleasha McNeal

Institution Lincoln Memorial University

E-Mail ahleasa.mcneal@lmunet.edu

Phone Number (423) 869.6371

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 Dr. David Rachels

Institution Newberry College

E-Mail david.rachels@newberry.edu

Phone Number (803) 321-5189

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 Patrick Britz

Institution South Atlantic Conference

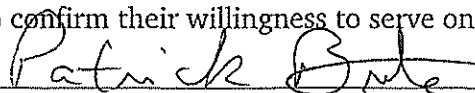
E-Mail patrick@thesac.com

Phone Number (803) 981-5240

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 South Atlantic 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

June 6, 2022

Date


 Chief Executive Officer within the Conference

June 6, 2022

Date

Please forward by Friday, July 29, to Maritza Jones, managing director of Division II, via e-mail at jwaddell@ncaa.org.



**NCAA DIVISION II MANAGEMENT COUNCIL
CONFERENCE NOMINATION FORM**

Director of Athletics

Individual Nominated Fran Reidy

Institution Saint Leo University

E-Mail fran.reidy@saintleo.edu

Phone Number (352) 588-8221

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 Kathy Kroupa

Institution Lynn University

E-Mail kkroupa@lynn.edu

Phone Number 561-237-7649

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 Dr. Katherine Loh

Institution Florida Southern College

E-Mail kloh@flsouthern.edu

Phone Number 863.680.3531

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 n/a

Institution

E-Mail

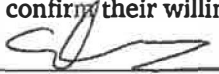
Phone Number

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

I hereby certify that these individuals have been nominated by the Sunshine State 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

July 25, 2022

Date


Chief Executive Officer within the Conference

7/20/22

Date

Please forward by Friday, July 29, to Maritza Jones, managing director of Division II,
via e-mail at jwaddell@ncaa.org.

Management Council At-Large Vacancy Nominees October 2022 Election

Eligible Nominees							
Name	Position	Institution	Email Address	Gender	Enhance Minority	Conference	Form Remitted
Jennifer Bell	AD	Converse College	jennifer.bell@converse.edu	F	N	CC	Y
Roberta Page	AD	Slippery Rock University of Pennsylvania	roberta.page@sru.edu	F	N	PSAC	Y
Sarah Ramey	SWA	West Texas A&M University	sramey@wtamu.edu	F	N	LSC	Y
Carol Rivera	Associate Commissioner	California Collegiate Athletic Association	crivera@goccaa.org	F	Y	CCAA	Y

Ineligible Nominees							
Name	Position	Institution	Email Address	Gender	Enhance Minority	Conference	Form Remitted
Peter Crabb	FAR	Northwest Nazarene	prcrabb@nnu.edu	M	N	GNAC	Y
Matt Pope	AD	Carson Newman College	mpope@cn.edu	M	N	SAC	Y
The candidates above are non-minority candidates who would not enhance the diversity or gender on the Council.							
Kelley Kish	AD	Wingate University	k.kish@wingate.edu	F	N	SAC	
Catie Lusby	SWA	University of Arkansas, Monticello	LusbyC@uamont.edu	F	N	GAC	
The candidates above did not submit their nominee information forms.							



NCAA Division II Management Council
October 2022 Elections for Conference Representatives

Please vote for one candidate from each conference.

East Coast Conference (replacing Bob Dranoff, Commissioner, East Coast Conference)	
	Traci Murphy, AD, Daemen University

	Femi Alao, SWA, Roberts Wesleyan College

	Kevin, Telford, FAR, Daemen University

Great Midwest Athletic Conference (replacing Teresa Clark, FAR, Cedarville University)	
	Christopher Cross, AD, Cedarville University

	Cindy McKnight, SWA, Ursuline College

	Jackie Novak, FAR, Walsh University

	Leslie Schuemann, Conference Administrator, Great Midwest Athletic Conference

Gulf South Conference (replacing Laura Clayton Eady, SWA, University of West Georgia)	
	Cade Smith, AD, University of Alabama in Huntsville

	Amber Rae Childers, SWA, Auburn University at Montgomery

	Jeremy Elliott, FAR, University of Alabama in Huntsville

Mid-America Intercollegiate Athletic Association (replacing Jim Johnson, AD, Pittsburg University)	
	Rob Mallory, AD, Missouri Southern State University

	Theresa Grosbach, SWA, Missouri Western State University

	Scott Unruh, FAR, University of Nebraska at Kearney

	Amber Feldman, Conference Administrator, Mid-America Intercollegiate Athletic Association

South Atlantic Conference (replacing Marty Gilbert, FAR, Mars Hill University)	
	Kim Pate, AD, Lenoir-Rhyne University

	Ahleasha McNeal, SWA, Lincoln Memorial University

	David Rachels, FAR, Newberry College

	Patrick Britz, Conference Administrator, South Atlantic Conference

Sunshine State Conference (replacing Courtney Lovely Evans, SWA, Palm Beach Atlantic University)	
	Fran Reidy, AD, Saint Leo University

	Kathy Kroupa, SWA, Lynn University

	Katherine Loh, FAR, Florida Southern College

At-Large Positions:	
1.	Replacing David B. Kuhlmeier, FAR, Valdosta State University
2.	Replacing Harry Stinson, AD, Lincoln University (Pennsylvania)
Choose two nominees:	
	Jennifer Bell, AD, Converse College

	Roberta Page, AD, Slippery Rock University of Pennsylvania

	Sarah Ramey, SWA, West Texas A&M University

	Carol Rivera, conference administrator, California Collegiate Athletic Association



Division II Management Council
Vice-Chair Election

Harry Stinson was elected as vice chair during the July Management Council meeting, but has since resigned from the council to take a position in Division I. The council needs to elect a new vice chair.

The duties of the Management Council vice chair are listed below:

1. Take the chair's place and perform the chair's duties if the chair is absent or incapacitated;
2. Serve as a member of the Division II Administrative Committee (*monthly videoconferences*);
3. Serve as a member of the Division II Planning and Finance Committee (*two to four virtual meetings*); and
4. Serve as an ex officio, nonvoting member of the Division II Championships Committee and all Division II sports committees (*two in-person meetings*).

Note that the vice chair of the Council shall serve a term of office not to exceed two years and will 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 vice chair.

Christina Whetsel and Jerry Wollmering have been nominated to serve as vice chair of the Council.



Division II Management Council
Vice Chair Election Ballot

☐

Christina Whetsel

☐

Jerry Wollmering

☐



Management Council Chair Duties

Listed below are the duties and responsibilities of the Division II Management Council chair:

1. Preside at Management Council meetings;
2. Serve as ex officio, nonvoting member of the Board of Governors;
3. Serve as a member of the Division II Administrative Committee;
4. Report to the Division II membership at the annual Convention the activities of the Management Council and Division II committees;
5. Serve as an ex officio, nonvoting member of any Division II committee that reports to the Division II Management Council; and
6. Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

Jim Johnson's term as chair of the Management Council will end at the conclusion of the Division II business session at the 2023 NCAA Convention.

Carrie Michaels, senior woman administrator, Shippensburg University of Pennsylvania, has indicated her interest in serving as chair of the Council.

The elected chair will serve for a one-year period of time.



Division II Management Council
Chair Election

☐

Carrie Michaels

☐

NCAA Division II Management Council
Committee and Project Team Assignments for 2022

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

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
Curtis Campbell (<i>Jerry Wollmering</i>)	NCAA Committee on Sportsmanship and Ethical Conduct Division II Implementation Committee Division II Infractions Appeals Committee
Brenda Cates	Division II Legislation Committee Division II Management Council Identity Subcommittee
Shawn Chin-Farrell	Division II Legislation Committee Division II Management Council Subcommittee
Teresa Clark	Division II Management Council Identity Subcommittee (<i>chair</i>) Division II Student-Athlete Reinstatement Committee
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
Bob Dranoff	Division II Convention Planning Project Team Division II Management Council Liaison to the Division II Conference Commissioners Association (CCA) Division II Management Council Identity Subcommittee Division II Management Council Subcommittee (<i>chair</i>) Division II Membership Committee
Laura Clayton Eady	NCAA Walter Byers Scholarship Committee Division II Management Council Liaison to National Association for Athletics Compliance (NAAC) Division II Management Council Subcommittee
Courtney Lovely Evans	Division II Championships Committee Division II Management Council Identity Subcommittee
Marty Gilbert	Division II Implementation Committee Division II Management Council Subcommittee (<i>chair</i>) 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
Jim Johnson, <i>chair</i>	NCAA Board of Governors (<i>ex officio</i>) Division II Administrative Committee Division II Implementation Committee Division II Management Council Identity Subcommittee (<i>ex officio</i>) Division II Planning and Finance Committee (<i>ex officio</i>)
Kristi Kiefer	Division II Convention Planning Project Team

Management Council Representative (<i>Mentor</i>)	Committees/Project Teams
	NCAA Research Committee
David Kuhlmeier	NCAA Committee on Women's Athletics Division II Degree-Completion Awards Committee Division II Management Council Identity Subcommittee
Erin Lind	NCAA Board of Governors Student-Athlete Engagement Committee Division II Convention Planning Project Team Division II Planning and Finance Committee
Danny McCabe	Division II Academic Requirements Committee Division II Convention Planning Project Team Division II Management Council Identity Subcommittee
Carrie Michaels	Division II Convention Planning Project Team Management Council Liaison to Women Leaders in College Sports NCAA Minority Opportunities and Interests Committee
Sandee Mott	Division II Management Council Identity Subcommittee Division II Nominating Committee
Bo Pagliasotti	NCAA Postgraduate Scholarship Committee Division II Management Council Subcommittee
Julie Rochester	Division II Convention Planning Project Team (chair) Division II Management Council Liaison to the Faculty Athletics Representatives Association (FARA) NCAA Committee on Competitive Safeguards and Medical Aspects of Sports
Harry Stinson, <i>vice chair</i>	Division II Administrative Committee Division II Championships Committee (<i>ex officio</i>) Division II Implementation Committee 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 the Minority Opportunities Athletics Administrators Association (MOAA)
Cam Trudell (Marty Gilbert)	Division II Management Council Identity Subcommittee Division II Student-Athlete Advisory Committee
Christina Whetsel (Laura Clayton Eady)	Division II Membership Committee Division II Management Council Subcommittee
Jerry Wollmering	Division II Management Council Subcommittee Division II Management Council Liaison to CoSIDA NCAA Honors Committee Division II Nominating Committee

Management Council Subcommittee chairs:

- Appeals of Membership Committee decisions on provisional membership status: Marty Gilbert
- Appeals of Academic Requirements Committee decisions on waivers involving the Academic Performance Census and the Academic Success Rate: Bob Dranoff
- Appeals of Legislative Review Subcommittee decisions involving the amateur status of prospective student-athletes: Marcus Clarke
- Appeals of Championships Committee decisions: Theresa Hanson

**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](#).

- 1. Mental and physical health.*
- 2. Sport-related illness and injury.*
- 3. Training and performance.*
- 4. Education and policy.*



Request for School Participation in the NCAA Injury Surveillance Program

The [NCAA Injury Surveillance Program](#) is a voluntary data collection program designed to inform injury prevention, risk-management and health care delivery practices in collegiate athletics by monitoring patterns in sport-related illnesses and injuries. Due to the value of data collected through the ISP and recent declining participation, it is requested that your school consider participating in the ISP for the 2022-23 academic year.

As a voluntary program, athletic trainers at NCAA schools may choose to participate and decide for which sports they will submit data. *Athletic trainers at participating schools may be eligible to receive free BOC continuing education credits for submitting data during the academic year. Athletic trainers have been the cornerstone of the ISP for decades.*

The ISP supports key NCAA committees, like the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports and various sport playing rules committees. These committees rely on the ISP to inform their decision making and develop policy and rules in support of student-athlete health and safety.

Prior to the COVID-19 pandemic, over 30% of NCAA schools were participating in the ISP, the highest level of participation in recent memory. However, the pandemic disrupted college athletics and imposed extra burdens and responsibilities on athletics health care providers, especially athletic trainers. Given these unprecedented challenges, association-wide ISP participation fell significantly between March 2020 and present day.

A new academic year brings new opportunities, including a renewed request for your school's participation in the ISP. Schools that use an ISP-compatible electronic medical record system can submit data to the ISP directly from their electronic medical record system. For schools that do not use a compatible EMR, the Datalys Center offers a free, HIPPA compliant web-based system (Datalys Injury Surveillance Tool) for any school to use.

The ISP is compatible with the following EMR systems:

- Athletic Trainer System.
- CSMI Solutions SportsWare Online.
- HealthyRoster.

- PyraMED.
- Smartabase (by Fusion Sport).
- Vivature NExTT.

Participation is estimated to take 15-20 minutes each week, per sport. Schools may submit data for as many or as few sports as it deems appropriate; however, full participation and reporting across all sports is encouraged.

To sign up for the ISP, schools may contact the Datalys Center (the non-profit organization with which the NCAA partners to manage the ISP) at NCAAISP@datalyscenter.org.

Thank you for your continued commitment to support the health and well-being of student-athletes. For further questions about the ISP, email the Sports Science Institute at ssi@ncaa.org.

This email was sent to NCAA Divisions I, II and III Athletics Health Care Administrators, Conference Commissioners, Directors of Athletics, Head Athletic Trainers and Head Team Physicians based on contact information in the [NCAA Directory](#).

National Collegiate Athletic Association 700 W. Washington St., Indianapolis, IN, 46204 US

This email was sent to: arohlman@ncaa.org

[View privacy policy](#)



**NCAA COMMITTEE ON COMPETITIVE SAFEGUARDS AND
MEDICAL ASPECTS OF SPORTS
SUMMIT ON CANNABIS IN COLLEGIATE ATHLETICS
PROSPECTUS**

Date & Location:

Wednesday December 7, 2022: 9am – 5pm

Thursday December 8, 2022: 9am - Noon

NCAA National Office, Indianapolis Indiana

Staff Liaisons:

John Parsons

LaGwyn Durden

Mallory Mickus

Emily Kroshus (NCAA Contractor)

Proposed Steering Committee:

Deena Casiero, MD (CSMAS)

Brian Hainline, MD (NCAA CMO)

Nadine Mastroleo, PhD

Latisha Bader, PhD

Jason Kilmer, PhD

Amy Eichner, PhD (USADA)

Event Co-Chairs:

Deena Casiero, MD

Brian Hainline, MD

Participating Organizations:

1. NCAA:
 - Committee on Competitive Safeguards and Medical Aspects of Sports
 - Division I (SVPC)
 - Division II
 - Division III
 - Student Athlete Advisory Committees (I, II, III)
2. United States Anti-Doping Agency
3. American Medical Society for Sports Medicine
4. American Orthopaedic Society for Sports Medicine
5. American Osteopathic Academy of Sports Medicine
6. National Athletic Trainers' Association - ICSM
7. College Athletic Trainers Society
8. American College of Sports Medicine
9. American College Health Association
10. NASPA
11. Clinical/Counseling Sport Psychology Association (formerly Big Sky Sport Psychology Group)
12. National Strength and Conditioning Association
13. Collegiate Strength and Conditioning Association
14. CPSDA / SCAN
15. United States Olympic and Paralympic Committee

16. U.S. Professional Leagues (MLB/
MLS/NBA/NFL/NHL

17. National Institute on Drug Abuse at
the National Institutes of Health

Summit Objectives:

1. To examine cannabis use as it relates to the physical and mental health, safety, and performance of collegiate student-athletes.
2. To identify similarities and/or differences between cannabis use trends between high school students and college students; cannabis use trends compared to alcohol and other recreational drugs; and to identify the implications of these similarities and/or differences in prevention and educational initiatives.
3. To discuss educational plans and management for the prevention of, and intervention for, cannabis use in collegiate student-athletes.
4. To explore knowledge gaps surrounding cannabis use in the college population and in sport.
5. To discuss emerging trends in the cannabis landscape.

Proposed Agenda:

1. Welcome and introductions.
2. Review of agenda, objectives and intended outcomes.
3. Pharmacokinetics, pharmacodynamics, and contemporary use patterns of cannabinoids in adolescents and adults.
 - Contemporary methods of ingestion.
4. The legal and political landscape of cannabinoids in the United States.
5. The implications of cannabis use in sport:
 - a. Athletic performance.
 - i. Ergogenic effects.
 - ii. Ergolytic effects.

- b. Pain management
 - c. Mental health and mental wellness.
- 6. Attitudes and use in athletics.
 - a. Motives for use, including sport-specific motives.
 - b. Cultural and political implications.
 - c. Administration studies.
 - d. Review of 2016 Substance Use Survey, Physician Pain Management Survey, and the 2021 NCAA Cannabis Survey.
- 7. Principles, practices and policies of testing for cannabinoids in elite amateur and professional sports.
 - a. Rationale for testing in sport.
 - b. Medical exemptions / medicinal cannabis.
 - c. Cannabis and cannabidiol.
- 8. Mental health impacts of cannabinoid use.
 - a. Acute and chronic considerations.
 - i. Psychosis.
 - ii. Depression / anxiety
 - iii. Addiction / withdrawal.
 - b. Cognition.
 - c. Mental health symptoms and disorders.
 - d. Sleep.
- 9. Behavioral interventions (UW studies – alcohol interventions w/ young college students)

Proposed Summit Outcomes & Deliverables:

1. Perform a scoping review of the literature.
2. Develop consensus statements regarding foundational principles, education, research, management and testing in sport.
3. Update the [NCAA Substance Abuse Prevention and Intervention Tool Kit](#).
4. Develop sport-wide strategies for prevention and management.

2023 NCAA Division II Award of Excellence

The Division II approach provides growth opportunities through academic achievement, learning in high-level athletics competition, and development of positive societal attitudes in service to the community.

As part of Division II's emphasis on community engagement, each active Division II school and conference is eligible to submit its best community engagement activity and/or event that promotes student-athletes giving back and serving as leaders within their communities. A few initiatives schools and conferences may consider include student-athlete leadership development, educational programming, military appreciation, game environment, Make-A-Wish® or Team IMPACT®.

ENTRY NOMINATION GUIDELINES

Digital submissions telling the story of the activity or event must be received not later than **FRIDAY, NOV. 18, 2022**, and should combine these items into one PDF document:

- An overview of the activity or event. Identify the theme for the activity or event and note the means in which the theme was used. Within the overview, explain how the activity or event has made an impact on the campus or in the community.
- Still photos (not more than 10) or video links highlighting the activity or event. Videos should not be longer than three minutes in length.
- Any fliers or other promotional materials related to the activity or event (including any newspaper or online articles).

To be eligible for consideration, the activity or event must have occurred between December 2021 and November 2022.

The 23 conference winners, winning independent institution and at-large honorees will be announced on [ncaa.org](https://www.ncaa.org) in January. The 2023 Division II Award of Excellence national winner will be recognized during the 2023 NCAA Convention. Submit your nomination for receipt not later than **FRIDAY, NOV. 18** to D2award@ncaa.org.

RECENT PAST WINNERS

2022

University of Minnesota Duluth for the school's Green Bandana Project

2021

Roberts Wesleyan College for partnership with Golisano Children's Hospital

2020

Virginia State University for Samaritan's Feet event

Minnesota Duluth won the 2022 Award of Excellence for its student-athlete led Green Bandana Project and mental health awareness games. This initiative brings student-athletes together to break the stigma surrounding mental health.

THE PRIZES

Each conference winner, independent winner and at-large honoree:

\$500

Third-place national finalist:

\$1,000 (initial prize plus additional \$500)

National runner-up:

\$1,250 (initial prize plus additional \$750)

The 2023 Division II Award of Excellence winner:

\$2,500 (initial prize plus additional \$2,000)



DIVISION II

MAKE IT YOURS

AGENDA

National Collegiate Athletic Association
Division II FAR Advanced Leadership Institute

NCAA national office
Palmer Pierce Ballroom

September 30-October 2, 2022

Friday, September 30

2 p.m.	Registration and reception.
2:30 p.m.	Welcome and opening remarks. • <i>Diane Husic, project coordinator.</i>
3 p.m.	Opening remarks from Division II staff. • <i>Terri Steeb Gronau, vice president of Division II, NCAA.</i>
3:30 p.m.	It Starts with You! • <i>Justin Patton, author and executive leadership coach, @JPinspires.</i>
4:30 p.m.	Break.
4:45 p.m.	Opening session with TiER1. • <i>Matt Ciocca, senior consultant, Tier1 Performance.</i> • <i>Grant Simmons, senior solutions consultant, TiER1 Performance.</i>
6:40 p.m.	Food for thought - discussion topics.
6:45 p.m.	Walk to dinner.
7 p.m.	Group dinner at Buca di Beppo and team building.

Saturday, October 1

7-7:40 a.m.	Breakfast available at hotel.
8 a.m.	Difficult Conversations. (Patton)
10:15 a.m.	Break.
10:30 a.m.	TiER1 second session. (Ciocca and Simmons)
12:30 p.m.	Lunch.
1:30 p.m.	Your Road to Yes and How to Build Trust with Others. (Patton)
2:45 p.m.	Break.
3 p.m.	TiER1 third session. (Ciocca and Simmons)
5 p.m.	Small group discussions and networking.
6 p.m.	Dinner at national office.
7 p.m.	Division II Implementation Committee. • <i>Kevin Schriver, faculty athletics representative, Southwest Baptist University.</i>
8 p.m.	Small group discussions and networking.
9 p.m.	Adjournment.

Sunday, October 2

7-7:40 a.m.	Breakfast available at hotel.
8 a.m.	Opening activity and discussion with Steering Committee.
9 a.m.	Report out from table conversations.
10 a.m.	Break.
10:15 a.m.	Keeping connected as FAR Fellows.
11 a.m.	Taking stock and next steps.
11:30 a.m.	Evaluation and closing.
Noon	Boxed lunches.
12:30 p.m.	Steering Committee debrief session.

NCAA Division II Diversity Grants Update

1. Grants Overviews.

- a. **Coaching Enhancement Grant.** The Coaching Enhancement Grant is designed to provide financial assistance to Division II member institutions for the creation of new assistant coaching positions, with the intent to encourage access, recruitment, selection and the long-term success of ethnic minorities and women. Selected recipients receive three years of grant funds from the NCAA. The NCAA contributes \$25,000 during the first year of funding for the salary and benefits of the hired assistant coach; \$15,000 during the second year; and \$8,000 in the third year. Recipients supply the complimentary funding toward the salary and benefits. Additionally, the NCAA provides \$1,200 for each year of funding to emphasize the commitment to professional development. Participating institutions are required to maintain the position for a minimum of two years after grant funds are exhausted, preferably incorporating the position into their ongoing operations.
- b. **Ethnic Minorities and Women's Internship Grant.** The Division II Ethnic Minorities and Women's Internship Grant is designed to provide financial assistance to Division II conferences and member institutions committed to enhancing ethnic minority and gender representation in full-time, entry-level administrative positions. Selected recipients receive one year of grant funds, including \$30,000 to be allocated toward the hired intern's salary and \$3,000 in professional development funding. Recipients must also contribute \$5,000, at minimum, as an in-kind gift to the hired intern as outlined in their proposal.
- c. **Strategic Alliance Matching Grant.** The Strategic Alliance Matching Grant provides funding for Division II institutions and conference offices to enhance diversity and inclusion through full-time, senior-level positions in athletics administration. Selected institutions and conference offices receive grant funding for three years, with diminishing contributions by the NCAA. The NCAA funds 75 percent of the position during the first year; 50 percent the second year; and 25 percent the third year. Participating institutions or conference offices are required to maintain the position for a minimum of two years after grant funds are exhausted, preferably incorporating the position into their ongoing operations.

2. **Eligibility.** For all grants, the position must be considered full time and the hired employee must identify as an ethnic minority and/or woman according to federal guidelines.

3. **Selection Committees.** The composition for the selection committee for each of the Division II diversity grants is listed below.

- a. **Coaching Enhancement Grant.**

- (1) Peggy Carl, Mansfield University of Pennsylvania, Pennsylvania State Athletic Conference.

- (2) Curt Lamb, Limestone University, South Atlantic Conference.
- (3) Howard Patterson, The University of Texas Tyler, Lone Star Conference.
- (4) Marcel Yoder, University of Illinois at Springfield, Great Lakes Valley Conference.

b. Ethnic Minorities and Women's Internship Grant.

- (1) Chris Barker, Southern Connecticut State University, Northeast-10 Conference.
- (2) Krystle Evans, Academy of Art University, Pacific West Conference.
- (3) Hailey Martin, Limestone University, South Atlantic Conference.
- (4) Whitnie Riden, Emmanuel College, Conference Carolinas.

c. Strategic Alliance Matching Grant.

- (1) Femi Alao, Roberts Wesleyan University, East Coast Conference.
- (2) Jeremy Benoit, Goldey-Beacom College, Central Atlantic Collegiate Conference.
- (3) Randy Loggins, Converse University, Conference Carolinas.
- (4) Kimberly Miller, Colorado Mesa University, Rocky Mountain Athletic Conference.

- 4. **2022-23 Proposal Submission Information.** Proposals for the 2023-24 selection cycle may be submitted starting Monday, September, 2022, and must be submitted not later than Tuesday, January 31, 2023, via the NCAA Program Hub.
- 5. **NCAA Staff Liaison.** For more information regarding the Division II diversity grants, visit the [Division II diversity grants website](#) or contact Lamarr Pottinger, associate director of leadership development via e-mail at (lpottinger@ncaa.org) or phone (317-363-5719).



EXCERPT FOR NCAA DIVISION II MANAGEMENT COUNCIL
FROM REPORT OF THE
NCAA DIVISION II NOMINATING COMMITTEE
OCTOBER 11, 2022, VIDEOCONFERENCE

ACTION ITEMS.

1. **Legislative Items.**
 - **None.**
2. **Nonlegislative Items.**
 - a. **NCAA Division II Academic Requirements Committee (immediate vacancy replacing vacant CEO spot).** [Attachment]
 - (1) Recommendation. Appoint **Cathy Cox**, president, Georgia College, Peach Belt Conference.
 - (2) Effective Date. Immediate.
 - (3) Rationale. The committee forwards Ms. Cox as its choice to fill this vacancy. President Cox is the vice president for the Peach Belt Conference and is passionate about athletics and providing athletes a positive and healthy environment. She comes highly recommended by the conference office.
 - (4) Estimated Budget Impact. None.
 - (5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. **Reports of previous meetings.** The committee approved the report from its September 13, 2022, videoconference.
2. **Informational documents.** The committee reviewed the informational documents and took no action.
3. **NCAA Division II Coaching Enhancement Grant Selection Committee.** The Nominating Committee appointed Allison Meadows, associate director of athletics/senior woman administrator, Concordia University, St. Paul, Northern Sun Intercollegiate Conference; and Kristen Rogers, assistant athletic director, Northern Michigan University, Great Lakes Intercollegiate Athletic Conference, to fill the two immediate vacancies on the committee.

4. **NCAA Division II Strategic Alliance Matching Grant Selection Committee.** The Nominating Committee appointed Ashley Beaton-Simpson, assistant director of athletics, University of Wisconsin-Parkside, Great Lakes Intercollegiate Athletic Conference, to fill an immediate vacancy on the committee.
5. **Future meetings.**
 - a. Videoconference – 2 p.m. Eastern time Tuesday, November 8.
 - b. In-person meeting – January 10, 2023, in conjunction with the NCAA Convention.

Committee Chair: Molly Belden, Northeast Conference

Staff Liaison: Jen Roe, Governance and Policy

NCAA Division II Nominating Committee October 11, 2022, Videoconference	
Attendees:	
Molly Belden, Northeast-10 Conference.	
Jessica Chandler, University of Missouri, St. Louis.	
Tony Duckworth, Albany State University (Georgia).	
Roberta Page, Slippery Rock University of Pennsylvania.	
Eric Schoh, Winona State University.	
Todd Thurman, Metropolitan State University of Denver.	
Jerry Wollmering, Truman State University.	
Absentees:	
James Crawley, Dominican College (New York).	
Bob Hogue, Pacific West Conference.	
Santee Mott, Texas Women's University.	
Guests in Attendance:	
None.	
NCAA Staff Liaison in Attendance:	
Jen Roe.	
Other NCAA Staff Members in Attendance:	
Lynn Dickey and Stephanie Quigg.	

2022-23 DIVISION II ACADEMIC REQUIREMENTS COMMITTEE

Composition: Eleven members, including two Management Council members, and one representative of American Assoc. of Collegiate Registrars and Admissions Officers (AACRAO), one chancellor or president from an active member institution not represented on the Presidents Council, and one Student-Athlete Advisory Committee member.

Appointment Preferences: Extensive academic background is important. Individuals should have experience in the research field or with the evaluation/assessment of academic records.

Vacancy: One immediate vacancy must be chancellor or president.

Staff Liaison: Susan Britsch

Region	EM/ GEN	ROLE	NAME, INSTITUTION	CONFERENCE	9/22-9/23	9/23-9/24	9/24-9/25	9/25-9/26
West	N/M	FAR	Bennett Cherry California State University, San Marco	California Collegiate Athletic Association	Cherry	Cherry*		
East	N/M	FAR	Timothy Briles Georgian Court University	Central Atlantic Collegiate	Briles*			
MidW	N/F	Asst. AD/SWA	Madison Peterson Truman State University	Great Lakes Valley	Peterson	Peterson	Peterson	Peterson*
Atl	N/F	AD	Karen Hjerpe California University of Pennsylvania	Pennsylvania State Athletic	Hjerpe	Hjerpe*		
South	N/M	Assoc AD	David Haase University of West Georgia	Gulf South	Haase*			
SoCen	N/F	Records Manager	Kelli Wooley Cameron University	Lone Star	Peterson*			
East	N/M	Registrar AACRAO	Ryan Quann Goldey-Beacom	Central Atlantic Athletic	Quann	Quann	Quann	Quann*
	N/F	AD	Theresa Hanson ² Simon Fraser University		Hanson ²	Hanson ²	Hanson ²	Hanson ² (1/27)*
	N/M	AD	Daniel McCabe ² Adelphi University	Northeast-10	McCabe ²	McCabe ²	McCabe ² (1/25)*	
	N/F	CEO	Cheryl Lovell Adams State University	Rocky Mountain Athletic	Lovell*			
		SAAC Member						

*Not eligible for reappointment. ² Term concurrent with service on Division II Management Council or Presidents Council. 09/25/2022



REPORT OF THE
NCAA DIVISION II CHAMPIONSHIPS COMMITTEE
OCTOBER 14, 2022, ELECTRONIC VOTE

ACTION ITEMS.

1. Legislative items.

- None.

2. Nonlegislative items.

- **Sport committee appointments.** Ratify the following sport and rules committee appointments, effective immediately (see Attachment).
 - a. **Women's basketball rules (Division II representative).** Appoint **Christopher Cross**, director of athletics, Cedarville University, to replace Tara Owens, director of athletics, Central State University, who accepted the AD position at Division I University of Maryland Eastern Shore.
 - b. **Men's lacrosse.** Appoint **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.
 - c. **Wrestling.** Appoint **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.

INFORMATIONAL ITEMS.

- None

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 October 14, 2022, Electronic Vote	
Attendees:	
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.
Gary Pine, Azusa Pacific University.
Carol Rivera, California Collegiate Athletic Association.
Cade Smith, University of Alabama in Huntsville.
Absentees:
Reid Amos, Mountain East Conference.
Jim Johnson, Pittsburg State University (Management Council, chair).
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:
Leslie Havens.

NCAA Government Relations Update
October 2022

Federal Issues

Name, Image and Likeness

On Aug. 2, Sens. Cory Booker (D-NJ), Richard Blumenthal (D-CT), Brian Schatz (D-HI), Ron Wyden (D-OR) and Alex Padilla (D-CA) introduced the [College Athlete Bill of Rights](#). This bill, which was referred to the Senate Committee on the Judiciary, includes a federal framework for NIL, and addresses broader concerns such as student-athlete health and safety, scholarship protections and other benefits. On Aug. 3, Sens. Joe Manchin (D-WV) and Tommy Tuberville (R-AL) sent a joint letter [soliciting](#) relevant stakeholders' input and perspectives related to NIL. The two senators sent an additional letter on Sept. 22, [seeking additional feedback](#) from "athletic collectives across the country" on the senators' ongoing work regarding NIL. Additionally, on Sept. 14, Sen. Roger Wicker (R-MS) introduced the [Collegiate Athlete Compensation Rights Act](#). This bill, which was referred to the Senate Committee on Commerce, Science and Transportation, would create a uniform, national framework for NIL compensation as well as create a new office of sport within the Federal Trade Commission. Lastly, on Sept. 28, Sens. John Thune (R-SD) and Benjamin Cardin (D-MD) [introduced](#) the [Athlete Opportunity and Taxpayer Integrity Act](#), which would prohibit charitable tax deductions for contributions used to compensate current or prospective student-athletes for their NIL. Despite increasing consensus on the need for a uniform NIL solution, there is not yet bipartisan agreement on a path forward for a federal framework.

With the continued federal legislative activity, the NCAA Board of Governors on Aug. 2 appointed a [Subcommittee on Congressional Engagement and Action](#) to provide guidance on what actions the Association should take to seek congressional partnership in addressing legislative issues. The subcommittee will identify the Association's specific congressional legislative needs and priorities that best support student-athletes participating in all divisions and at its 1,100 member schools, as well as develop and implement a strategic plan to effectively communicate and engage Congress about the Association's legislative priorities and key areas of ongoing work. The subcommittee will deliver a preliminary report to the board on Oct. 25, and our office will keep campus government relations offices closely informed of any outcomes of the subcommittee's work.

Transgender Athlete Participation

Following the U.S. Department of Education's announcement of its newly proposed Title IX rule over the summer, the department also [indicated](#) that it would address transgender students' athletic participation in a separate rule making process. However, no timetable for when this additional rule would be released has been provided to date. In response, on Sept. 12, Sen. Patty Murray (D-WA) [led](#) 18 colleagues in urging the Department of Education to continue with an additional proposed rulemaking on students' eligibility to participate in athletics. On the same day, Rep. Virginia Foxx (R-NC) and several Republican colleagues submitted a [comment letter](#) objecting to the already-proposed Title IX rule sharing their concern about competitive fairness in women's sports. In addition to this activity, on Sept. 23, the U.S. House of Representatives GOP released their [legislative agenda](#) should they retake control of the House of Representatives, which included a promise to "[d]efend fairness" by ensuring that only biological woman can compete in women's sports.

Gender Equity

On June 23, Rep. Alma Adams (D-NC) and Sen. Chris Murphy (D-CT) announced that they would be introducing the [Fair Play for Women Act](#), which would provide more information for college and high school students and parents about how to contact their Title IX coordinators, give greater authority to the Department of Education to bring schools into compliance and create streamlined regulations around

revenue distribution for colleges and their external partners. That same day, the U.S. Department of Education released [proposed changes](#) to its Title IX regulations for public comment.

State Issues

Name, Image and Likeness

Since the NCAA announced its interim policy last year, nearly 30 states (AR, AZ, CA, CO, CT, FL, GA, IL, KY, LA, MD, ME, MI, MO, MS, MT, NE, NJ, NM, NV, OH, OK, OR, PA, TN, TX, VA) have enacted disparate laws affecting the ability of student-athletes to benefit from their NIL. Two states (AL, SC) have enacted laws that would fully repeal the state's preexisting NIL law, while eight states (CT, IL, LA, MO, MS, NE, OR, TN) have enacted laws that would amend their preexisting NIL laws.

Transgender Athlete Participation

To date, 18 (AL, AR, AZ, FL, IA, IN, ID, KY, LA, MS, MT, OK, SC, SD, TN, TX, UT, WV) states have enacted laws related to transgender athlete participation in sports, 14 of which (AR, AZ, FL, IA, ID, KY, LA, MS, MT, OK, SC, SD, TN, WV) apply directly to college athletics.

Sports Wagering

Efforts to legalize sports wagering continue in states throughout the country. Currently, sports betting is legal in 37 states and jurisdictions (AZ, AR, CO, CT, DE, DC, FL, IL, IN, IA, KS, LA, ME, MD, MA, MI, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OR, PA, RI, SD, TN, VA, WA, WV, WI, WY), and 32 of those jurisdictions (AZ, AR, CO, CT, DE, DC, IL, IN, IA, KS, LA, MD, MI, MS, MT, NV, NH, NJ, NM, NY, NC, ND, OR, PA, RI, SD, TN, VA, WA, WV, WI, WY) are currently accepting wagers.

Higher Education Associations

NCAA government relations staff continues to build strong relationships with various higher education associations. The American Council on Education (ACE), among others, continues to provide guidance and support on issues of common interest and other issues which impact students and student-athletes. On Sept. 12, the Association joined nearly 50 higher education organizations in signing-on to a [letter](#) to the Department of Education on its proposed revisions to the regulations implementing Title IX.