

## Division II Noncontroversial Proposal No. NC- 2023-2

### NCAA Constitution to Various Division II Bylaws

Previous Constitution Article Number	New Constitution or New Bylaw Number
3 NCAA Membership	7 NCAA Division II Membership and Institutional Control
3.01 through 3.5	7.01 through 7.5
3.6 Dues	Constitution Article 3(C)
4 Organization	8 Division II Organizational Structure
4.01.1 Structure	New Constitution Preamble
4.01.2 Guarantees	New Constitution Article 3 Finance
4.02 Definitions and Applications	8.02
4.02.1 Association	New Constitution Preamble
4.1 Board of Governors	New Constitution Article 2(3)
4.3 Division II Presidents Council	8.1
4.3 Committees/Cabinets	New Constitution Article 2(B)(1)
4.7 Division II Management Council	8.2
4.9 Committees/Cabinets	Eliminated in new constitution
4.10 Division II Administrative Committee	8.3
4.12 Division II Planning and Finance Committee	8.4
4.13 Geographic Areas	8.1.1.4
5 Legislative Authority and Process	9 Legislative Process
5.01.1 through 5.01.2	Eliminated in new constitution
5.02 through 5.02.1	9.02 through 9.02.1
5.02.1.1	New Constitution eliminates dominant provision language
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5.02.1.2 Common	9.02.1.2
5.02.1.3 Federated	9.02.1.3
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5.1.3.2	9.1.1.1
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5.1.3.4 through 5.1.3.6.2	Moved to Board of Governors Policies and Procedures
5.1.4.1 through 5.1.4.4 (except 5.1.4.3.4)	Moved to Board of Governors Policies and Procedures
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## MOVE DIVISION II PROVISIONS OUT OF THE NCAA CONSTITUTION

**Convention Year:** 2023

**Status:** Ready for Consideration

**Effective Date:** August 1, 2022

**Official Notice Number:** NC-2023-2

**Source:** NCAA Division II Management Council.

**Proposal Category:** Noncontroversial

**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 12/1/21 6 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 3.3.3.2); 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 12/1/21 7 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: (Revised: 7/20/10)~~

~~(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. (Revised: 1/26/15)~~

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

~~3.3.3.1 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies\* (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.~~

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

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

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

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

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

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

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

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

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

### ~~3.3.4 Conditions and Obligations of Membership.~~

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

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

~~3.3.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member institution is responsible for certifying the eligibility of student athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student athlete to represent~~

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

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

~~(a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 20.10.3.1.1 or an emerging sport for women per Bylaw 20.03;~~

~~(b) The sport officially shall have been accorded varsity status by the institution's president or chancellor or committee responsible for intercollegiate athletics;~~

~~(c) The sport is administered by the department of intercollegiate athletics;~~

~~(d) The eligibility of student athletes participating in the sport shall be reviewed and certified by a staff member designated by the institution's president or chancellor or committee responsible for intercollegiate athletics policy; and~~

~~(e) Qualified participants in the sport shall receive the institution's official varsity awards.~~

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

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

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

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

~~3.3.4.8 President or Chancellor Attestation of Compliance Obligations. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or~~

~~committee unless its president or chancellor attests, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance). [See Bylaw 18.4.2.1 (d)].~~

~~3.3.4.9 Compliance-Related Certification. An active member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless it certifies [see Bylaw 18.4.2.1 (e)] that the conditions of Bylaw 18.4.2.1.1 have been satisfied.~~

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

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

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

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

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

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

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

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

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

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

~~3.3.4.11.1 Administrative Requirement — Year Round Drug Testing. In sports in which the Association conducts year-round drug testing, the consent form shall be administered individually to student athletes each academic year at the time the intercollegiate squad first~~

~~reports for practice or before the Monday of the institution's fourth week of classes, whichever date occurs first.~~

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

~~3.3.4.11.3 Retention Requirements. The consent form shall be kept on file and such file shall be made available for examination on request by an authorized representative of the NCAA [see Bylaw 14.1.4.2 (c)].~~

~~3.3.4.12 Student Athlete Health Insurance Portability and Accountability Act (HIPAA) Authorization/Buckley Amendment Consent Form—Disclosure of Protected Health Information. An active member institution shall administer annually, on a form prescribed by the Management Council, a statement for each student athlete to voluntarily sign that provides information prescribed in Bylaws 14.1.5 and 14.1.5.2.~~

~~3.3.4.12.1 Administrative Requirement. The statement shall be administered individually to each student athlete by the athletics director or the athletics director's designee before the student athlete's participation in intercollegiate athletics each academic year.~~

~~3.3.4.12.2 Failure to Provide Consent. The authorization/consent by the student athlete is voluntary and is not required for the student athlete to be eligible to participate.~~

~~3.3.4.12.3 Retention Requirement. Any signed statement(s) shall be kept on file and shall be available for examination on request by an authorized representative of the NCAA. [See Bylaw 14.1.5.2 (c).]~~

~~3.3.4.13 Discipline of Members. In accordance with directions of the Management Council or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19).~~

~~3.3.4.14 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event (see Constitution 3.3.4.14.3): [D]~~

~~(a) A student athlete participating in the covered event in an intercollegiate sport as recognized by the participating institution; and~~

~~(b) A prospective student athlete participating in the covered event who has graduated from high school and signed an irrevocable commitment to participate in an intercollegiate sport at a participating institution.~~

~~3.3.4.14.1 Amount of Coverage Insurance. Such insurance coverage must be of equal or greater value than the deductible of the NCAA catastrophic injury insurance program and may be provided through the following sources: [D]~~

~~(a) Parents' or guardians' insurance coverage;~~

~~(b) Participant's personal insurance coverage; or~~

~~(c) Institution's insurance program.~~

~~3.3.4.14.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event (see Constitution 3.3.4.14.3). [D]~~

~~3.3.4.14.3 Covered Event. A covered event includes the following: [D]~~

~~(a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);~~

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

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

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

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

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

~~3.3.4.16 Academic Performance Census — Failure to Submit. If an institution fails to submit its Academic Performance Census by the applicable deadline, in a format approved and administered by~~

~~the Presidents Council (or a committee designated by the Presidents Council), that institution shall forfeit Division II institutional enhancement funds for the following academic year.~~

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

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

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

~~(b) A process that ensures a student athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from athletics activities (e.g., competition, practice, conditioning sessions) and evaluated by a medical staff member (e.g., sports medicine staff, team physician) with experience in the evaluation and management of concussions;~~

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

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

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

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

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

~~institution shall designate an athletics health care administrator to oversee the institution's athletic health care administration and delivery.~~

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

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

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

~~3.3.4.22.1 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.~~

~~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.~~

~~3.4.3.3.3.3 Conference Member in Selected Sports. An active member institution that is a member of a voting conference in only selected sports (e.g., an affiliated conference member only in football) may not be considered when determining whether the conference has six member institutions that sponsor and compete in the sport.~~

~~3.4.3.3.3.4 Waiver. The Membership Committee, by two thirds majority of its members present and voting, may waive the requirements of Constitution 3.4.3.3.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.~~

~~3.4.3.3.4 Football Issues. In addition to meeting the requirements of Constitution 3.4.3.3.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.~~

~~3.4.3.3.5 Grace Period. An active member conference may continue to qualify for conference membership privileges for three years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership, provided the conference remains within one member institution of that minimum number.~~

~~3.4.3.3.6 Waiver. The Membership Committee, by a two thirds majority of its members present and voting, may grant a waiver for an active member conference that falls below the required minimum number of active institutions, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.~~

#### ~~3.4.4 Conditions and Obligations of Membership.~~

~~3.4.4.1 General. The member conferences of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.~~

~~3.4.4.2 Conference Competition. Member conferences shall conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition.~~

~~3.4.4.3 Composition of Conference. All of the members of the conference shall be active member institutions of this Association.~~

~~3.4.4.3.1 Exception for Composition of Conference. A conference with eight or more active NCAA member institutions may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.~~

~~3.4.4.4 Conference Student Athlete Advisory Committee. Each active member conference shall establish a conference student athlete advisory committee for its member institutions' student athletes. The composition and duties of the committee shall be determined by the conference.~~

~~3.4.4.4.1 Annual Meeting. The member conference shall conduct at least one in-person meeting annually of its conference student athlete advisory committee.~~

~~3.4.4.4.1.1 Failure to Conduct a Conference Student Athlete Advisory Committee Annual Meeting. If an active member conference fails to meet the conditions set forth in Constitution 3.4.4.4.1 during a given year, the conference shall immediately be placed on probationary status during the following academic year and would not be eligible for all or any portion of the conference grant funds as determined by the Planning and Finance Committee. If the conference fails to meet the conditions set forth in Constitution 3.4.4.4.1 during the probationary year, the conference may forfeit immediately its membership in the Association.~~

~~3.4.4.4.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of Constitution 3.4.4.4.1 if it deems that unusual circumstances warrant such action.~~

~~3.4.4.5 Sports Sponsorship Audit Requirement. A voting member conference shall provide documentation, on request, to the Membership Committee to show evidence of compliance with sports sponsorship requirements set forth in Constitution 3.4.3.3.3 for a given year.~~

~~3.4.4.6 Athletics Diversity and Inclusion Designee. An active member conference shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.~~

~~3.4.5 Loss of Member Conference Status.~~

~~3.4.5.1 Failure to Comply with Sports Sponsorship Criteria. A voting member conference that fails to satisfy minimum sports sponsorship criteria in a given year shall be placed on probation for one year in the next academic year after noncompliance occurs. During the probationary year, the conference shall not be eligible to receive the share of the Enhancement Fund that is based on conference sports sponsorship. A conference shall be afforded the one-year probationary period only once in every five-year period. The five-year period shall begin September 1 after the completion of the academic year in which the sports sponsorship criteria is not met. If a conference fails to meet the minimum sports sponsorship criteria at the end of the probationary year, or is ineligible for the once-in-five-year probationary period, it shall forfeit its voting conference membership and all associated privileges immediately. A conference forfeiting voting conference membership in accordance with this legislation shall be ineligible to reapply for voting conference membership for at least one calendar year.~~

~~3.4.5.2 Erroneous Information During Membership Application. A member conference that provides erroneous information during the membership application process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to elect the conference as an active member conference, may be terminated or suspended (see Constitution 3.4.5.3).~~

~~3.4.5.2.1 Appeal. The Division II Management Council shall review appeals of the Membership Committee's decision to suspend or terminate a member conference for providing erroneous information during the membership application process.~~

~~3.4.5.3 Termination or Suspension. The membership of any member conference failing to maintain the academic or athletics standards required for membership or failing to meet the conditions and obligations of membership may be suspended or terminated or the member conference otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:~~

~~(a) Notice of intention to suspend or terminate membership, stating the grounds on which such motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member conference; and~~

~~(b) The Presidents Council approves the notification of intention to move for suspension or termination.~~

~~3.4.5.3.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of conference membership.~~

~~3.4.5.4 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has satisfied Constitution 3.4.3.3.2.~~

~~3.4.5.5 Failure to Pay Dues. If a member conference fails to pay its annual dues for one year, its membership shall be automatically terminated.~~

~~3.4.6 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be imposed during the period between annual Conventions for a violation(s) of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~3.4.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a majority vote of the Committee on Infractions present and voting, or at the annual Convention by vote of a majority of the members present and voting.~~

### ~~3.5 Provisional Membership.~~

#### ~~3.5.1 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 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.~~

~~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 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.~~

~~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 12/1/21 32 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 — Thirty 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 — Ninety 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.~~

~~5.4.2.5 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 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 or 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. Bylaw: Amend 7, as follows:

## **7 NCAA Division II Membership and Institutional Control**

### **7.01 General Principles.**

**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]

(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:

(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).

7.4.3.3.1 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 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.

7.4.3.3.4 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 Authorizing Legislation.

9.3.1.1. Noncontroversial Amendment. The Presidents Council, or an entity designated by the Presidents Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division's legislation. The Presidents Council, or an entity designated by the Presidents Council, shall sponsor legislation at the next annual Convention to confirm the adoption of such amendments.

9.3.1.2 Emergency Legislation. The Presidents Council may adopt "emergency" legislation that shall be effective immediately in situations when significant values or harm are at stake and the use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division II membership because of the delay in its effective date (e.g., immediate health and safety concerns or issues, situations when NCAA must respond to, or comply with, a court, alternative dispute resolution (ADR) or government order, to limit or avoid NCAA liability as a result of litigation, ADR or governmental proceedings). Such "emergency" legislation shall be adopted by at least

a three-fourths majority of the members of the Presidents Council present and voting. Further, "emergency legislation" adopted by the Presidents Council must be ratified by the Division II membership at the next regularly scheduled NCAA Convention.

9.3.1.3 Amendment-to-Amendment -- Division Dominant Provisions. A proposed amendment to a division dominant provision may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.

9.3.1.4 Amendment-to-Amendment -- Federated Provisions. A proposed amendment to a federated provision of the bylaws may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.

### 9.3.3 Sponsorship -- Amendments to Division Dominant Provisions.

9.3.3.1 Amendment. An amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.

9.3.3.2 Amendment-to-Amendment. An amendment-to-amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.

9.3.3.3 Editorial Changes. The presiding officer may permit changes in the wording of a proposed amendment of a purely editorial nature or to correct typographical errors.

### 9.3.4 Sponsorship -- Amendments to Legislation.

9.3.4.1 Amendment. An amendment to a provision of the bylaws may be sponsored by:

(a) The Presidents Council;

(b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or

(c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or

more of their active member institutions and signed by the chairs of the conferences' official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.

9.3.4.1.1 Amendment, Federated Provision. When legislation is applicable only to a particular division, only members of that division may submit amendments to that legislation.

9.3.4.1.2 Primary Contact Person. All amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.

9.3.4.2 Amendment-to-Amendment. An amendment to an amendment of a provision of the bylaws may be sponsored by:

(a) The Presidents Council;

(b) Eight or more active member institutions with voting privileges when submitted in writing by each institution's president or chancellor or the president or chancellor's designated representative; or

(c) At least one member conference with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of eight or more of their active member institutions, and signed by the chairs of the conference's official presidential administrative group or at least two presidents or chancellors of a conference's member institutions, if a conference has no presidential administrative group.

9.3.4.2.1 Primary Contact Person. All amendments-to-amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.

9.3.4.3 Editorial Changes. The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.

### 9.3.5 Submission Deadline.

#### 9.3.5.1 Division Dominant Provisions.

9.3.5.1.1 Amendments. Amendments to division dominant provisions shall be sponsored by the appropriate divisional presidential administrative group in accordance with the following deadlines:

(a) Annual Convention -- September 1.



(b) Special Convention -- Thirty days before a special Convention.

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.

9.3.5.3.1.1.1 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.

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.

**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 [insert BOG proposal number] 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.