



OFFICIAL NOTICE

2023 DIVISION II OFFICIAL NOTICE

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



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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www.ncaa.org
November 2022

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

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Official Notice

117th Annual Convention

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

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

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

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

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

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

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

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

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

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

November 15, 2022

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** Designated by NCAA Division II Presidents Council for roll-call vote.*

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Accrediting of Delegates

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

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

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

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

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

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

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

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

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

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

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

Meetings and Reservations

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

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

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

Proposed Amendments

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

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

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

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

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

Amendments-to-Amendments

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

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

Withdrawal of Proposal

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

Review of Interpretations

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

Emergency Legislation Adopted by the Presidents Council

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

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

Interpretations to be Included in the NCAA Division II Manual

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

Noncontroversial Legislation Adopted by the Management Council

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

Order of Business

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

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

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

Voting Procedures

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

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

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

Memorial Resolutions

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

Administrative Structure

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

Request for Interpretations

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

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

TOPICAL GROUPINGS OF PROPOSED AMENDMENTS 117th ANNUAL CONVENTION

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

117th Annual Convention

LEGISLATIVE PROPOSALS SUBMITTED BY THE MEMBERSHIP

[Note: In the following proposals:

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

2023 NCAA CONVENTION OFFICIAL NOTICE FREQUENTLY ASKED QUESTIONS

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

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

DIVISION II LEGISLATIVE PROPOSALS

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

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

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

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

Consent Package

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

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

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.22 unchanged.]

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

[7.3.1.5.23 renumbered as 7.3.1.5.24, unchanged.]

[7.3.1.6 through 7.3.1.8 unchanged.]

[7.3.2 through 7.3.5 unchanged.]

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

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

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

Frequently Asked Questions:

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

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

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

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

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

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

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

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

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.23 unchanged.]

~~7.3.1.5.24 Self-Study and Evaluation.~~

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

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

~~(1) Institutional oversight;~~

~~(2) Budgetary control;~~

~~(3) Ethical conduct;~~

~~(4) Recruiting;~~

~~(5) Eligibility;~~

~~(6) Financial aid;~~

~~(7) Rules compliance;~~

(8) Health and safety; and

(b) Strategic initiative related topics:

(1) Philosophy statement;

(2) Institutional control and responsibility;

(3) Athletics operations;

(4) Student-athlete well-being;

(5) Health and safety;

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

(7) Cultural diversity and gender equity.

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

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

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

[7.3.1.6 through 7.3.1.9 unchanged.]

[7.3.2 through 7.3.6 unchanged.]

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

Effective Date: August 1, 2023

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

Frequently Asked Questions:

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

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

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

Answer: Yes.

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

Answer: Yes.

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

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

Bylaws: Amend 9.3, as follows:

9.3 Amendment Process.

[9.3.1.1 through 9.3.1.4 unchanged.]

[9.3.3 through 9.3.5 unchanged.]

9.3.6 Notification to Membership.

9.3.6.1 Amendments to Division Dominant Provisions.

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

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

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

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

[9.3.6.1.3 renumbered as 9.3.6.1.2, unchanged.]

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

9.3.6.2 Amendments to Legislation.

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

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

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

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

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

[9.3.6.2.3 renumbered as 9.3.6.2.2, unchanged.]

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

[9.3.7 through 9.3.13 unchanged.]

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

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

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

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

Frequently Asked Questions:

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

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

The Division II legislative process would become as follows:

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

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

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

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

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

Bylaws: Amend 14.3, as follows:

14.3 Freshman Academic Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[14.3.1.2 through 14.3.1.3 unchanged.]

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

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

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

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

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

[14.3.1.5 renumbered as 14.3.1.4, unchanged.]

[14.3.2 through 14.3.4 unchanged.]

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

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

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

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

Frequently Asked Questions:

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

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

Division II Initial-Eligibility Requirements	
Early Academic Qualifier Athletics aid, practice, and competition.	Pre-7th Semester: <ul style="list-style-type: none"> • 14 core-course units in the required subject areas; and • At least a 2.500 core-course GPA.
Qualifier Athletics aid, practice, and competition.	Complete Academic Record: <ul style="list-style-type: none"> • 16 core-course units in the required subject areas; • At least a 2.200 core-course GPA; and • Proof of graduation.
Partial Qualifier Athletics aid and practice.	Does not meet requirements to be a Qualifier.

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

Answer: No.

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

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

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

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

Administrative: Amend 31, as follows:

31 Executive Regulations

[31.01 through 31.02 unchanged.]

31.1 Administration of NCAA Championships.

[31.1.1 through 31.1.11 unchanged.]

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

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

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

[31.2 through 31.4 unchanged.]

31.6 Rights to NCAA Properties and Marketing Restrictions.

[31.6.1 unchanged.]

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

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

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

[31.6.3 through 31.6.4 unchanged.]

[31.7 through 31.9 unchanged.]

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

Effective Date: August 1, 2023

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

Frequently Asked Questions:

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

Answer: No.

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

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

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

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

Emerging Sports for Women

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

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

A. Bylaws: Amend 7.02.2, as follows:

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

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

[7.02.2-(b) unchanged.]

[7.02.2.1 unchanged.]

B. Bylaws: Amend 7.3.1.7.1.3, as follows:

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

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

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

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

[7.3.1.7.1.3.1 through 7.3.1.7.1.3.11 unchanged.]

C. Bylaws: Amend 15.4.2, as follows:

15.4.2 Equivalency Sports.

15.4.2.1 Maximum Equivalency Limits.

[15.4.2.1.1 unchanged.]

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

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

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

[15.4.2.1.3 through 15.4.2.1.4 unchanged.]

[15.4.2.2 unchanged.]

D. Bylaws: Amend 17, as follows:

17 Playing and Practice Seasons

[17.01 through 17.02 unchanged.]

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

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

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

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

[17.02.16.2 unchanged.]

[17.02.17 through 17.02.18 unchanged.]

[17.1 through 17.21 unchanged.]

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

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

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

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

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

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

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

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

17.22.7 Number and Dates of Competition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.22.11 Other Restrictions.

17.22.11.1 Noncollegiate, Amateur Competition.

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

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

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

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

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

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

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

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

Effective Date: August 1, 2023

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

Frequently Asked Questions:

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

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

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

Answer: Spring.

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

Answer: Yes.

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

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

Organizational Structure

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

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

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

[Division II, Roll Call]

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

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

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

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

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

8.1.1.4 Geographical Areas:

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

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

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

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

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

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

[8.1.2 unchanged.]

8.1.3 Election/Term of Office.

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

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

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

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

~~8.1.3.3 Staggered Terms:~~

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

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

[8.1.4 unchanged.]

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

[Division II, Roll Call]

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

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

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

[8.1.2 unchanged.]

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

[8.1.2.1-(a) unchanged.]

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

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

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

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

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

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

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

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

[8.1.2.2 unchanged.]

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

[Division II, Roll Call]

8.2 Division II Management Council.

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

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

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

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

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

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

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

[8.2.1.1 through 8.2.1.3 unchanged.]

[8.2.2 through 8.2.4 unchanged.]

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

[Division II, Roll Call]

8.2.2 Duties and Responsibilities. The Management Council shall:

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

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

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

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

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

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

[8.2.2.2-(d) unchanged.]

[8.2.2.3 unchanged.]

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

[Division II, Roll Call]

8.3 Division II Administrative Committee.

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

[8.3.1.1 unchanged.]

[8.3.2 through 8.3.3 unchanged.]

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

[Division II, Roll Call]

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

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

[8.4.1.1 unchanged.]

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

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

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

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

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

Effective Date:

Sections A, B, F: February 1, 2024

Sections C, D, E: August 1, 2023

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

Frequently Asked Questions:

Division II Presidents Council/Executive Board

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

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

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

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

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

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

Division II Management Council

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

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

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

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

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

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

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

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

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

Division II Administrative Committee

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

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

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

Division II Strategic Planning and Finance Committee

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

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

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

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

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

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

Amateurism

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

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

A. Bylaws: Amend 12.02, as follows:

[Division II, Roll Call]

12.02 Definitions and Applications.

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

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

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

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

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

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

B. Bylaws: Amend 12.2.4, as follows:

[Division II, Roll Call]

12.2.4 Draft and Inquiry.

[12.2.4.1 unchanged.]

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

[12.2.4.2 unchanged.]

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

[12.2.4.3 unchanged.]

C. Bylaws: Amend 12.3, as follows:

[Division II, Roll Call]

12.3 Use of Agents.

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

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

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

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

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

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

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

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

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

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

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

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

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

[12.3.4 unchanged.]

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

Effective Date: August 1, 2023

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

Frequently Asked Questions:

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

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

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

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

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

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

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

Answer: Yes.

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

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

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

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

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

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

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

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

Recruiting and Playing and Practice Seasons

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

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

A. Bylaws: Amend 13.11.2, as follows:

[Division II, Roll Call]

13.11.2 Permissible Activities.

[13.11.2.1 through 13.11.2.6 unchanged.]

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

B. Bylaws: Amend 17.1.6.3.5, as follows:

[Division II, Roll Call]

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

[17.1.6.3.5.1 through 17.1.6.3.5.2 unchanged.]

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

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

Effective Date: Immediate

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

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

Frequently Asked Questions:

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

Answer: No.

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

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

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

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

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

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

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

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

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

Answer: Yes.

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

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

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

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

Eligibility

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

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

A. Bylaws: Amend 14.2, as follows:

[Division II, Football Only, Roll Call]

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

[14.2.1 through 14.2.3 unchanged.]

14.2.4 Criteria for Determining Season of Eligibility.

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

[14.2.4.1.1 through 14.2.4.1.2 unchanged.]

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

[14.2.4.1.4 through 14.2.4.1.6 unchanged.]

[14.2.4.2 through 14.2.4.8 unchanged.]

[14.2.5 through 14.2.7 unchanged.]

B. Bylaws: Amend 17.11, as follows:

[Division II, Football Only, Roll Call]

17.11 Football.

[17.11.1 through 17.11.8 unchanged.]

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

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

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

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

[17.11.8.4 unchanged.]

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

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

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

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

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

[17.11.9.1 unchanged.]

[17.11.10 unchanged.]

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

Effective Date: Immediate

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

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

Frequently Asked Questions:

Question No. 1: What is the current legislation?

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

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

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

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

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

Eligibility

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

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

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

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

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

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

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

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

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

Bylaws: Amend 14.2, as follows:

[Division II, Football Only, Roll Call]

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

[14.2.1 through 14.2.3 unchanged.]

14.2.4 Criteria for Determining Season of Eligibility.

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

[14.2.4.1.1 through 14.2.4.1.6 unchanged.]

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

[14.2.4.2 through 14.2.4.8 unchanged.]

[14.2.5 through 14.2.7 unchanged.]

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

Effective Date: August 1, 2023

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

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

Frequently Asked Questions:

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

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

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

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

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

Answer: Yes.

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

Answer: Yes.

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

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

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

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

proposal.

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

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

Playing and Practice Seasons

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

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

A. Bylaws: Amend 17.1.6.3.1, as follows:

[Division II, Roll Call]

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

[17.1.6.3.1-(a) unchanged.]

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

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

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

[17.1.6.3.1.1 unchanged.]

B. Bylaws: Amend 17.4.2, as follows:

[Division II, Roll Call]

17.4.2 Preseason Practices.

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

[17.4.2.1.1 unchanged.]

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

Effective Date: August 1, 2023

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

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

Frequently Asked Questions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix A

Noncontroversial Legislation Adopted by the
NCAA Division II Management Council

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

NO. NC-2023-1	COMMITTEES – COMMON COMMITTEES – COMMITTEES WITH ONLY CHAMPIONSHIPS ADMINISTRATION RESPONSIBILITIES -- ICE HOCKEY COMMITTEE, WOMEN'S -- COMPOSITION
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Intent: To specify that the five members of the Women's Ice Hockey Committee shall consist of one member from each conference that is eligible for and applies for automatic qualification into the NCAA National Collegiate Women's Ice Hockey Championship.

Bylaws: Amend 21.5, as follows:

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

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

[21.5.1 unchanged.]

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

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

Effective Date: September 1, 2022

Additional Information:

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

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

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

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

A. Constitution: Amend 3, as follows:

3 NCAA-Membership

[3 unchanged.]

3.01 General Principles:

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

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

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

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

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

3.02 Definitions and Applications:

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

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

3.02.3 Membership Categories:

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

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

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

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

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

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

~~3.1 Determination of Divisions:~~

~~[3.1 unchanged.]~~

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

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

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

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

~~3.2 Eligibility for Membership.~~

~~[3.2 unchanged.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~3.3 Active Membership.~~

~~[3.3 unchanged.]~~

~~3.3.1 Eligibility Requirements.~~

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

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

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

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

~~3.3.2 Privileges.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~3.3.4 Conditions and Obligations of Membership.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(a) Respond to the initial drug-testing notification from Drug Free Sport International by the date specified by the organization;~~
- ~~(b) Complete and forward to Drug Free Sport International a current and accurate institutional eligibility list (see Bylaw 14.11.2) by the date specified by the organization;~~
- ~~(c) Provide adequate and secure drug-testing facilities as specified by Drug Free Sport International;~~
- ~~(d) Notify student-athletes who have been selected for drug testing according to the timeline specified by Drug Free Sport International; and~~
- ~~(e) Respond to additional requests for assistance in administering the NCAA year-round drug-testing program as specified by Drug Free Sport International.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.3.4.23 Athletics Diversity and Inclusion Designee. The president or chancellor of an active member institution shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

3.3.4.24 Responsibility of Compliance Administrator. A member institution shall certify annually that it employs at least one individual who serves as a full-time compliance administrator with no coaching responsibilities.

3.3.4.24.1 Failure to Meet Responsibility of Compliance Administrator.

~~3.3.4.24.1.1 One-Year Probationary Period. An institution that fails to meet the requirement regarding the responsibility of the compliance administrator shall be placed on probation for one year for its entire athletics program (both men's and women's sports) in the next academic year after noncompliance is discovered. A member institution shall be afforded the one-year probationary period for failure to meet the requirement only once in a five-year period. The five-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met (see Bylaw 20.02.4).~~

~~3.3.4.24.1.2 Application of Restricted Membership Status. If an institution fails to meet the requirement regarding the responsibility of the compliance administrator at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 20.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.~~

~~3.3.4.24.2 Waiver. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of division criteria. The Management Council, or a subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.~~

~~3.3.5 Loss of Active Membership.~~

~~3.3.5.1 Termination or Suspension. The membership of any active member failing to maintain the academic or athletics standards required for such membership or failing to meet the conditions and obligations of membership may be suspended, terminated or otherwise disciplined by a vote of two-thirds of the Presidents Council. Membership shall not be suspended or terminated unless:~~

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

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

~~3.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of active membership.~~

~~3.3.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall forfeit immediately its membership in the Association.~~

~~3.3.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.~~

~~3.3.6 Discipline of Active Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~3.3.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on~~

~~Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention by vote of a majority of the members present and voting.~~

~~3.4 Member Conference.~~

~~[3.4 unchanged.]~~

~~3.4.1 Eligibility.~~

~~3.4.1.1 Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition. Voting rights and other membership privileges (e.g., Management Council representation) are available only to those multi-sport conferences that satisfy the requirements set forth in Constitution 3.4.3.3.~~

~~3.4.1.2 Composition of Active Conferences. All of the members of the conference shall be active members of this Association. A conference with eight or more active NCAA members may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.~~

~~3.4.1.2.1 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Constitution 3.4.1.2, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.~~

~~3.4.1.3 Conference Membership Requirements. A conference of at least 10 active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges must meet the following conditions:~~

~~(a) At the time of application, be composed of at least 10 active member institutions and/or institutions in the provisional period of the Division II membership process (see Bylaw 20.2.2.3). All institutions shall be located in the same geographic area as specified in Constitution 4.13;~~

~~(b) Submit an application to the Membership Committee, to be received in the national office not later than December 1. A fee, as determined by the Membership Committee, shall accompany the application. The following information must be submitted at the time of application:~~

~~(1) A conference strategic plan;~~

~~(2) A conference constitution and bylaws;~~

~~(3) Documentation affirming the institutions in the conference satisfy the sports sponsorship requirement the year prior to the conference becoming an active conference and that conference will satisfy the sports sponsorship requirement in year it would become active conference;~~

~~(4) A business plan for conference office operations; and~~

~~(5) A student-athlete advisory committee development plan; and~~

~~(c) The conference commissioner must attend the NCAA Convention in the year immediately following the submission of the application.~~

~~3.4.1.4 Minimum Size for Active Conference Membership. A conference shall be composed of at least 10 active member institutions prior to its approval as an active member conference. All institutions shall be located in the same geographic area as specified in Constitution 4.13. Once the conference is approved by the Membership Committee, it shall be eligible for privileges of active member conferences, except for enhancement fund distribution [see Constitution 3.4.3.3-(b)] and automatic qualification [see Constitution 3.4.3.3-(c) and Bylaws 31.3.4.1, 31.3.4.2 and 31.3.4.4].~~

~~3.4.1.5 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Constitution 3.4.1.3-(a) and Constitution 3.4.1.4, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.~~

~~3.4.1.6 Grace Period — Application Fee. An active member conference whose membership falls below the minimum number of institutions required for active membership shall not be required to submit a fee per Constitution 3.4.1.3-(b) for four years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership.~~

~~3.4.2 Election to Active Membership—Conferences:~~

~~3.4.2.1 Application. An athletics conference desiring to become an active member conference shall make application on a form available from the national office. An application fee and the amount for annual dues (see Constitution 3.6.2) shall accompany the application. The fee and dues paid shall be refunded to the applicant conference should the Membership Committee not accept its application.~~

~~3.4.2.2 Election. Athletics conferences may be elected as active member conferences by a majority vote of the delegates present and voting at an annual Convention or by a two-thirds majority vote of the Membership Committee members present and voting.~~

~~3.4.2.3 Annual Limit on Conference Membership. The Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of applicant athletics conferences that will be invited to active conference membership.~~

~~3.4.3 Privileges:~~

~~3.4.3.1 Privileges of Active Member Conferences. Active member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.~~

~~3.4.3.2 Use of Association's Registered Marks. Active member conferences may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors.~~

~~3.4.3.3 Voting Rights and Other Conference Active Membership Privileges. Only those multi-sport member conferences that meet the criteria listed below shall be entitled to receipt of active conference membership privileges, under the following timetable:~~

(a) Immediate upon active membership:

(1) Conference grant distribution;

(2) A vote at the NCAA Convention; and

(3) Representation on the Management Council and Student-Athlete Advisory Committee.

(b) One year after active conference membership: Enhancement fund distribution; and

(c) Five years after active conference membership: Automatic qualification for championships. (see Bylaw 31.3.4).

3.4.3.3.1 ~~Competitive and Legislative Body.~~ An active member conference shall be both a competitive and a legislative body on the conference level (see Constitution 3.02.1 and 3.02.2).

3.4.3.3.2 ~~Minimum Size and Division Status.~~

3.4.3.3.2.1 ~~Full Voting Privileges.~~ An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

3.4.3.3.2.2 ~~Partial Voting Privileges.~~ Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all dominant or common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

3.4.3.3.3 ~~Sports Sponsorship Requirement.~~ A voting member conference shall conduct conference competition in at least five sports for men and five sports for women, or four sports for men and six sports for women. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

(a) The conference must conduct a conference championship (e.g., round robin or tournament play) and name a conference champion in the sport;

(b) In team sports only, the conference must conduct regular-season competition among the conference members sponsoring the sport; and

(c) At least six active conference member institutions must sponsor and compete in the sport.

3.4.3.3.3.1 ~~Three-Season Requirement.~~ A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.

~~3.4.3.3.3.2 Minimum Contests/Minimum Participant Requirements. An institution must satisfy the minimum contest and minimum participant requirements set forth in Bylaw 20.10.3.3 in a given sport in order for that sport to be considered when determining whether the conference has six member institutions that sponsor and compete in that sport.~~

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

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

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

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

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

~~3.4.4 Conditions and Obligations of Membership:~~

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

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

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

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

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

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

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

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

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

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

~~3.4.5 Loss of Member-Conference Status.~~

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

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

~~3.4.5.2.1 Appeal. The Division II Management Council shall review appeals of the Membership Committee's decision to suspend or terminate a member~~

~~conference for providing erroneous information during the membership application process.~~

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

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

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

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

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

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

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

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

~~3.5 Provisional Membership.~~

~~[3.5 unchanged.]~~

~~3.5.1 Eligibility.~~

~~3.5.1.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution) and duly elected to the membership process under the provisions of Constitution 3.5.3 and Bylaw 20.2.~~

~~3.5.2 Privileges and Voting Rights.~~

~~3.5.2.1 Publications and Convention Representation. Member institutions in the provisional period shall receive all publications and mailings received by active members of the Association, shall be entitled to be represented by one nonvoting~~

~~delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association.~~

~~3.5.2.2 Use of Association's Registered Marks. A provisional member in year three of the membership process set forth in Bylaw 20.2 may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors. Prior to the provisional year three designation, an institution in the membership process is limited to using Division II specific logos and a specially designed NCAA logo for provisional institutions.~~

~~3.5.3 Procedures for Election to the Provisional Period of the Membership Process.~~

~~3.5.3.1 Voting Requirement. Procedures for election to provisional membership under this subsection are federated provisions (see Constitution 5.02.1.3).~~

~~3.5.3.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 20.2.2.1):~~

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

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

~~(c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. In addition, a check in the appropriate amount for annual dues (see Constitution 3.6.2) shall also accompany the application. Should the applicant institution fail to be accepted into the membership process, the dues paid shall be refunded and the application fee will be refunded on a prorated basis, as determined by the Membership Committee.~~

~~3.5.3.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.~~

~~3.5.3.2.2 Membership Committee Authority. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.~~

~~3.5.3.3 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Constitution 3.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.~~

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

~~3.5.3.4 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant to the membership process set forth in Bylaw 20.2, effective the following September 1. When the vote of the Membership Committee has been completed, the applicant shall be notified.~~

~~3.5.4 Conditions and Obligations of Membership. The conditions and obligations applicable to member institutions in the provisional period of the membership process are set forth in Bylaw 20.2.~~

~~3.6 Dues of Members:~~

~~3.6.1 Determination of Dues. The annual dues of the various classes of membership shall be recommended to the membership by the Board of Governors.~~

~~3.6.2 Current Annual Dues. The annual dues for various classes of membership shall be:~~

~~Active Members: \$ 900~~

~~Member Conference \$ 450~~

~~*See Constitution 3.5.3.2 for institutions in the membership process.~~

~~3.6.3 Payment Deadline. Dues are payable September 1 of each year. A member shall not be permitted to vote at a Convention of the Association if its dues are not paid for that year. To be eligible to compete in NCAA championships, dues shall be paid in accordance with Bylaw 31.2.1.2. Membership is terminated if a member fails to pay dues for one year (see Constitution 3.3.5.3 and 3.4.5.5).~~

B. Constitution: Amend 4, as follows:

4 Organization

4.01 General Principles:

~~4.01.1 Structure. The Association's administrative structure shall include a Board of Governors comprised of institutional presidents or chancellors that oversees Association-wide issues and shall ensure that each division operates consistent with the basic purposes, fundamental policies and general principles of the Association (see Constitution 1 and 2). In addition, the administrative structure of each division shall empower a body of institutional presidents or chancellors to set forth the policies, rules and regulations for operating the division. Further, the administrative structure of each division shall empower a body of athletics administrators, student athletes and faculty athletics representatives (and in Division III, institutional presidents or chancellors and athletics direct reports) to make recommendations to the division's body of institutional presidents or chancellors and to handle responsibilities delegated to it.~~

~~4.01.2 Guarantees. The Association's overall governance structure guarantees its members the following:~~

~~4.01.2.1 Budget Allocations. Members are guaranteed revenue through allocations made to each division from the Association's general operating revenue. Division II shall receive at least 4.37 percent of the Association's annual general operating revenue. Division III shall receive at least 3.18 percent of the Association's annual general operating revenue.~~

~~4.01.2.1.1 General Operating Revenue. General operating revenue, as used in this section, shall include at least all sources of revenue existing as of January 9, 1996, including revenue from contracts for these existing sources and revenue from any modified, extended or successor contract for such sources.~~

~~4.01.2.3 Championships. Members are guaranteed access to national championships.~~

~~4.01.2.4 Membership Services. Members are guaranteed services provided through the Association's national office at least at the level provided as of January 9, 1996 (e.g., membership services, statistics, research).~~

~~4.01.2.5 Special Programs. Members are guaranteed the continuation of Association programs operating at the time of the adoption of this legislation (e.g., the catastrophic injury insurance program, the drug-testing program, the Division I institutional performance program). In addition, members are guaranteed the continuation of Association programs that were considered by the NCAA Council or Presidents Commission by the spring of 1995 and began operating after the adoption of this legislation.~~

~~4.02 Definitions and Applications.~~

~~4.02.1 Association. The "Association," as used in this Manual, refers to the National Collegiate Athletic Association, a diverse, voluntary, unincorporated Association of four-year colleges and universities, conferences and other educational institutions.~~

~~4.02.2 Faculty Athletics Representative. A faculty athletics representative is a member of an institution's faculty or administrative staff who is designated by the institution's president or chancellor or other appropriate entity to represent the institution and its faculty in the institution's relationships with the NCAA and its conference(s), if any (see also Constitution 6.1.4).~~

~~4.02.3 On The Staff. On the staff, as it applies to individuals from member institutions or conferences who are eligible to serve on committees or as officers or representatives of the Association, is defined as those individuals who receive a regular salary from a member institution or organization for the performance of a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference. An individual on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may be considered to be "on the staff" of an institution or organization. An individual on terminal leave or on leave in excess of 12 consecutive months shall not be considered to be "on the staff."~~

~~4.02.4 Independent Member of the Board of Governors. An independent member of the Board of Governors shall be an individual who is not salaried by an NCAA member institution or conference, and shall be verified as independent by the Board of Governors.~~

~~4.02.5 Senior Woman Administrator.~~

~~4.02.5.1 Institutional Senior Woman Administrator. An institutional senior woman administrator is the highest-ranking female involved with the management of an institution's intercollegiate athletics program. An institution with a female director of athletics may designate a different female involved with the management of the institution's program as a fifth representative to the NCAA governance system.~~

~~4.1 Board of Governors.~~

~~4.1.1 Composition. The Board of Governors shall consist of 25 members. The NCAA president and the chairs of the Division I Council and the Division II and Division III Management Councils shall be ex officio nonvoting members, except that the NCAA president is permitted to vote in the case of a tie among the voting members of the Board of Governors present and voting. The other 21 voting members of the Board of Governors shall include:~~

- ~~(a) Eight presidents or chancellors from the Division I Board of Directors from Football Bowl Subdivision institutions;~~

- ~~(b) Two presidents or chancellors from the Division I Board of Directors from Football Championship Subdivision institutions;~~
- ~~(c) Two presidents or chancellors from the Division I Board of Directors from institutions that do not sponsor football;~~
- ~~(d) Two Division II presidents or chancellors from the Division II Presidents Council;~~
- ~~(e) Two Division III presidents or chancellors from the Division III Presidents Council;~~
~~and~~
- ~~(f) Five independent members (see Constitution 4.02.4).~~

4.1.2 Duties and Responsibilities. The Board of Governors shall:

- ~~(a) Provide final approval and oversight of the Association's budget;~~
- ~~(b) Employ the NCAA president, who shall be administratively responsible to the Board of Governors and who shall be authorized to employ such other persons as may be necessary to conduct efficiently the business of the Association;~~
- ~~(c) Provide strategic planning for the Association as a whole;~~
- ~~(d) Identify core issues that affect the Association as a whole;~~
- ~~(e) Act on behalf of the Association by adopting and implementing policies to resolve core issues and other Association-wide matters;~~
- ~~(f) Initiate and settle litigation;~~
- ~~(g) Convene at least one combined meeting per year of the three divisional presidential governing bodies;~~
- ~~(h) Convene at least one same-site meeting per year of the Division I Council and the Division II and Division III Management Councils;~~
- ~~(i) Forward proposed amendments to Constitutions 1 and 2 and other dominant legislation to the entire membership for a vote;~~
- ~~(j) Call for a vote of the entire membership on the action of any division that it determines to be contrary to the basic purposes, fundamental policies and general principles set forth in the Association's constitution. This action may be overridden by the Association's entire membership by a two-thirds majority vote of those institutions voting;~~
- ~~(k) Call for an annual or special Convention of the Association;~~
- ~~(l) Review and coordinate the catastrophic injury and professional career insurance (disability injury/illness) programs;~~
- ~~(m) Compile the names of those individuals associated with intercollegiate athletics who died during the year immediately preceding the annual Convention;~~
- ~~(n) Issue a call for nominations when a vacancy for an independent member occurs on the Board of Governors; and~~
- ~~(o) Serve as the final authority for the selection of and additional duties assigned to independent members of the Board of Governors.~~

4.1.3 Election/Term of Office.

~~4.1.3.1 Election. Division I members of the Board of Governors shall be appointed by the Division I Board of Directors. Divisions II and III members of the Board of Governors shall be appointed by the Divisions II and III Presidents Councils, respectively.~~

~~4.1.3.2 Term of Office.~~

~~(a) President or Chancellor Members. The terms of office of president or chancellor members of the Board of Governors shall coincide with their service on the applicable divisional presidential governing body, unless otherwise specified by that governing body.~~

~~(b) Independent Members. An independent member of the Board of Governors shall be appointed to a three-year term that is renewable for an additional three-year term. An independent member who has served two terms shall not serve further on the Board of Governors.~~

~~4.1.3.3 Committee Chair. The Board of Governors shall elect one of its members to serve for a two-year period as chair.~~

~~4.3 Division II Presidents Council.~~

~~4.3.1 Composition. The composition of the Presidents Council shall be based on a weighted regional representation by institutions that shall include one president or chancellor per region for every 22 institutions in that region (see Constitution 4.13.1). In addition, two "at-large" positions shall exist to enhance efforts to achieve diversity of representation and to accommodate independent institutions.~~

~~4.3.1.1 Same Conference. To the extent possible, presidents or chancellors from the same conference shall not serve concurrently on the Presidents Council.~~

~~4.3.1.2 Same Institution. To the extent possible, members of the Presidents Council and the Management Council (see Constitution 4.7) shall not be employed at the same institution.~~

~~4.3.1.3 Eligibility for Membership. The Presidents Council shall be composed of presidents or chancellors representing Division II active member institutions.~~

~~4.3.2 Duties and Responsibilities. The Presidents Council shall:~~

~~(a) Implement policies adopted by the Association's Board of Governors;~~

~~(b) Establish and direct the general policy of Division II;~~

~~(c) Establish a strategic plan for Division II;~~

~~(d) Elect a chair and vice chair;~~

~~(e) Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;~~

~~(f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;~~

~~(g) Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;~~

- ~~(h) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention, within the provisions of Constitution 5.1.4.3.1;~~
- ~~(i) Call for a special Convention of Division II;~~
- ~~(j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;~~
- ~~(k) Approve recommendations of the Management Council (see Constitution 4.7);~~
- ~~(l) Ratify, amend or rescind the actions of the Management Council (see Constitution 4.7);~~
- ~~(m) Ensure that there is gender and ethnic diversity among its membership, the membership of the Management Council (see Constitution 4.7) and the membership of each of the other bodies in the Division II governance structure;~~
- ~~(n) Develop and approve the budget and the use of funds allotted to Division II (e.g., enhancement funds, funds for the operation of championships);~~
- ~~(o) Approve regulations providing for expenditures and income to Division II;~~
- ~~(p) Approve regulations providing for the administration of Division II championships;~~
- ~~(q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;~~
- ~~(r) Convene same-site meetings, as necessary, with the Management Council; and~~
- ~~(s) Appoint such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.~~

4.3.2.1 Duties of the Chair. The chair of the Presidents Council shall:

- ~~(a) Serve as a spokesperson for Division II;~~
- ~~(b) Preside at Presidents Council meetings;~~
- ~~(c) Preside at the Division II business session at the annual Convention;~~
- ~~(d) Serve as a member of the Association's Board of Governors;~~
- ~~(e) Serve as chair of the Division II Administrative Committee; and~~
- ~~(f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.~~

4.3.2.2 Duties of the Vice Chair. The vice chair of the Presidents Council shall:

- ~~(a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;~~
- ~~(b) Report to the Division II membership at each annual Convention on the financial affairs of the division;~~
- ~~(c) Serve as a member of the Association's Board of Governors;~~
- ~~(d) Serve as a member of the Division II Administrative Committee; and~~
- ~~(e) Serve as chair of the Division II Planning and Finance Committee.~~

4.3.3 Election/Term of Office:

~~4.3.3.1 Selection Process. When a vacancy on the Presidents Council occurs, a formal call for nominations shall be published on the NCAA website. In addition, an informational letter to solicit nominations will be mailed to institutions and conference offices in the region in which the vacancy exists. The members of the Council shall select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.~~

~~4.3.3.2 Term of Office. Members of the Presidents Council shall serve six-year terms, which shall conclude following the annual NCAA Convention. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.~~

~~4.3.3.2.1 Chair and Vice Chair. The chair and the vice chair of the Council shall each serve terms not to exceed three years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Presidents Council before serving as chair or vice chair.~~

~~4.3.3.3 Staggered Terms:~~

~~4.3.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.~~

~~4.3.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

4.3.4 Operating Rules:

~~4.3.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action, a simple majority of Presidents Council members present and voting shall be required unless otherwise specified.~~

~~4.3.4.2 Project Teams. The Presidents Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.~~

4.7 Division II Management Council:

~~4.7.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:~~

- ~~(a) At least four directors of athletics;~~
- ~~(b) At least four senior woman administrators;~~
- ~~(c) At least four faculty athletics representatives; and~~

(d) ~~At least one conference administrator.~~

[4.7.1 unchanged.]

~~4.7.1.1 Same Institution. To the extent possible, members of the Presidents Council (see Constitution 4.3) and the Management Council shall not be employed at the same institution.~~

~~4.7.1.2 Independent Institutions. The position reserved for a representative of independent institutions may not be filled by an individual from the same independent institution in successive terms. If the total number of independent institutions falls below eight, the position allocated for independent institutions shall become an at-large position as soon as the position becomes vacant.~~

[4.7.1.2 unchanged.]

~~4.7.1.3 Student-Athlete Advisory Committee Members. The two members of the Student-Athlete Advisory Committee shall have one combined vote on the Management Council.~~

~~4.7.2 Duties and Responsibilities. The Management Council shall:~~

- ~~(a) Implement policies adopted by the Association's Board of Governors and the Presidents Council;~~
- ~~(b) Make recommendations to the Presidents Council on matters it deems appropriate;~~
- ~~(c) Recommend the adoption of noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, subject to ratification by the Presidents Council;~~
- ~~(d) Take final action on matters delegated to it by the Presidents Council;~~
- ~~(e) Make interpretations of the bylaws of Division II;~~
- ~~(f) Review and act on the recommendations of the Division II committee structure and the recommendations of Division II representatives to committees with Association-wide functions;~~
- ~~(g) Appoint the members of the Division II committee structure and appoint the Division II representatives to committees with Association-wide functions;~~
- ~~(h) Elect a chair and vice chair;~~
- ~~(i) Organize and participate in an annual "summit" with the Division II Student-Athlete Advisory Committee;~~
- ~~(j) Hear and act on appeals by member institutions of decisions made by a Division II committee or the NCAA staff regarding the application of NCAA legislation (excluding actions of any committee that has final authority over issues subject to appeal); and~~
- ~~(k) Recommend the appointment of such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws, subject to ratification by the Presidents Council.~~

~~4.7.2.1 Duties of the Chair. The chair of the Management Council shall:~~

- ~~(a) Preside at Management Council meetings;~~
- ~~(b) Serve as an ex officio, nonvoting member of the Board of Governors;~~

- (c) Serve as a member of the Division II Administrative Committee;
- (d) Report to the Division II membership at the annual Convention the activities of the Management Council and Division II committees;
- (e) Serve as an ex officio, nonvoting member of any Division II committee that reports to the Division II Management Council; and
- (f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

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

- (a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;
- (b) Serve as a member of the Division II Administrative Committee;
- (c) Serve as a member of the Division II Planning and Finance Committee; and
- (d) Serve as an ex officio, nonvoting member of the Division II Championships Committee and all Division II sports committees.

4.7.2.3 Duties of the Management Council Subcommittee. The Management Council Subcommittee shall:

- (a) Hear and act on appeals regarding decisions of the Membership Committee involving the provisional membership status of Division II provisional member institutions or conferences;
- (b) Hear and act on appeals regarding decisions of the Academic Requirements Committee on waivers involving the Academic Performance Census and the Academic Success Rate;
- (c) Hear and act on appeals regarding decisions of the Legislative Review Subcommittee involving the amateur status of prospective student-athletes; and
- (d) Hear and act on appeals regarding decisions of the Championships Committee.

4.7.3 Election/Term of Office.

4.7.3.1 Selection Process. When a vacancy on the Management Council occurs, each conference shall propose a slate of nominees that includes a director of athletics, a senior woman administrator and a faculty athletics representative and may include a conference administrator. The members of the Management Council shall select individuals to fill vacancies from the slates of nominees. Individuals selected by the Management Council must be ratified by the Presidents Council.

4.7.3.1.1 President or Chancellor Signature. Each conference must designate a president or chancellor from a member institution within the conference who shall sign the conference's nomination form before the form is submitted.

4.7.3.2 Term of Office. Members of the Management Council shall serve four-year terms, which shall conclude following the annual NCAA Convention. Management Council members are not eligible for immediate re-election. A Management Council member may be elected to an additional term on the Management Council

~~after three years have elapsed. An individual who has served two terms on the Management Council may not serve further on the Management Council.~~

~~4.7.3.2.1 Chair and Vice Chair. The chair and the vice chair of the Council shall each serve terms not to exceed two years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the Council before serving as chair or vice chair.~~

~~4.7.3.3 Staggered Terms:~~

~~4.7.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Management Council shall expire on a staggered basis to provide for continuity.~~

~~4.7.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

~~4.7.4 Operating Rules:~~

~~4.7.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Management Council. For the Management Council to take action, a simple majority of Management Council members present and voting shall be required unless otherwise specified.~~

~~4.7.4.2 Project Teams. The Management Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.~~

~~4.9 Committees/Cabinets. The bylaws shall provide for the establishment of such a governance substructure (e.g., cabinets, committees) as each division considers necessary. The number of members and tenure of each division's governance substructure shall be stipulated in Bylaw 21.~~

~~4.10 Division II Administrative Committee.~~

~~4.10.1 Composition. The Administrative Committee shall consist of five members, including the chairs and vice chairs of the Presidents Council and Management Council. The fifth member shall be another member of the Presidents Council.~~

~~4.10.1.1 Chair. The chair of the Presidents Council shall serve as chair of the Administrative Committee.~~

~~4.10.2 Duties. The Administrative Committee shall transact items of business clearly necessary to promote the normal and orderly administration of Division II in the interim between meetings of the Presidents Council and Management Council. The Presidents Council representatives on the Administrative Committee shall have the authority to act alone to transact items of business that clearly fall within the sole jurisdiction of the Presidents Council. The Administrative Committee may authorize the vice president for Division II to act for it in approving routine waiver requests and sports committee recommendations, unless there is a question of interpretation or application, and these actions shall be subject to the approval of the Management Council and Presidents Council at their next regularly scheduled meetings.~~

~~4.10.3 Approval. All actions of the Administrative Committee shall be effective immediately and shall be reported to and subject to approval by the Division II Presidents Council and Management Council at their next regularly scheduled meetings.~~

4.12 Division II Planning and Finance Committee.

4.12.1 Composition. The Division II Planning and Finance Committee shall consist of seven members, including the vice chair of the Presidents Council, the vice chair of the Management Council, three additional members of the Presidents Council and two additional members of the Management Council. The chairs of the Presidents Council and the Management Council shall serve as ex officio, nonvoting members.

4.12.1.1 Chair. The vice chair of the Division II Presidents Council shall serve as chair of the Division II Planning and Finance Committee.

4.12.2 Duties. The Division II Planning and Finance Committee shall:

- (a) Review budgetary recommendations related to the annual Division II budget;*
- (b) Advise both the Division II Presidents Council and Management Council regarding the division's financial affairs;*
- (c) Monitor the Division II strategic plan, assess and report on its implementation and recommend updates of the plan, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Presidents Council; and*
- (d) Provide regular reports on the implementation of the strategic plan to the Division II Management Council and Presidents Council.*

4.13 Geographical Areas.

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

- (a) Region 1 — Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;*
- (b) Region 2 — Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;*
- (c) Region 3 — Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and*
- (d) Region 4 — Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.*

C. Constitution: Amend 5, as follows:

5 Legislative Authority and Process

5.01 General Principles.

5.01.1 Basis of Legislation. All legislation of the Association that governs the conduct of the intercollegiate athletics programs of its member institutions shall be adopted by the membership in Convention assembled, or by the divisional governance entities as set forth in Constitution 4, as determined by the constitution and bylaws governing each division, and shall be consistent with the purposes and fundamental policy set forth in Constitution 1, and shall be designed to advance one or more principles such as those set forth in Constitution 2.

~~5.01.2 Approaches to Legislative Process: The membership of the Association recognizes that certain fundamental policies, practices and principles have applicability to all members, while others are applicable to division groupings of members, based on a common philosophy shared among the individual members of the division and on special policies and concerns that are common to the nature and purposes of the institutions in the division.~~

~~5.02 Definitions and Applications:~~

~~5.02.1 Legislative (Constitution and Bylaw) Provisions:~~

~~5.02.1.1 Dominant: A dominant provision is a regulation that applies to all members of the Association and is of sufficient importance to the entire membership that it requires a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention. Dominant provisions are identified by an asterisk (*).~~

~~5.02.1.1.1 Division Dominant: A division dominant provision is a regulation that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by the diamond symbol (◆).~~

~~5.02.1.2 Common: A common provision is a regulation that applies to more than one of the divisions of the Association. A common provision shall be adopted by each of the applicable divisions, acting separately pursuant to the divisional legislative process described in Constitution 5.3, and must be approved by all applicable divisions to be effective. Common provisions are identified by the pound sign (#).~~

~~5.02.1.3 Federated: A federated provision is a regulation adopted by a majority vote of the delegates present and voting of one or more of the divisions or subdivisions of the Association, acting separately pursuant to the divisional legislative process described in Constitution 5.3. Such a provision applies only to the division(s) or subdivision(s) that adopts it.~~

~~5.1 Conventions and Meetings:~~

~~5.1.1 Authorization:~~

~~5.1.1.1 Annual Convention: There shall be an annual Convention of this Association during the second week of January or at such other time as may be prescribed by the Board of Governors.~~

~~5.1.1.2 Special Convention: A special Convention of the Association may be called by the Board of Governors.~~

~~5.1.2 Annual or Special Convention Programs:~~

~~5.1.2.1 Establishment of Program—Annual or Special Convention. The program of the business session of an annual or special Convention of the Association shall be established by the Board of Governors, acting as the Convention program committee.~~

~~5.1.2.1.1 Change in Program: Once adopted by a majority vote of the Convention, the order of business established in the program may be changed or suspended only by a two-thirds vote of the members present and voting.~~

~~5.1.2.2 Other Convention Arrangements: All other arrangements for a Convention of the Association or for division legislative meetings shall be made by the NCAA president, subject to the direction and approval of the Board of Governors, which shall serve as the Convention arrangements committee.~~

~~5.1.2.3 Business and Discussion Sessions:~~

~~5.1.2.3.1 General Business Session: When determined necessary by the Board of Governors, an annual or special Convention shall include a general business session to enable all three divisions, meeting in joint session, to act on the dominant legislation specified in Constitution 1 and 2 and elsewhere, and on the actions of any division determined to be contrary to the Association's basic purposes, fundamental policies and general principles.~~

~~5.1.2.3.2 Division Business Sessions: An annual or special Convention shall include separate division business sessions to:~~

- ~~(a) Enable a single division to act, in accordance with the constitution and bylaws, on federated legislation pertaining to that division;~~
- ~~(b) Discuss matters of interest to the members of each division; and~~
- ~~(c) Act upon division membership criteria waiver requests under the provisions of the bylaws.~~

~~5.1.2.3.3 Round-Table Discussions: In addition to the division business sessions, a general round-table discussion may be held to enable the membership to discuss matters of general interest.~~

~~5.1.3 Annual or Special Convention Delegates:~~

~~5.1.3.1 Institutional and Conference Delegates:~~

~~5.1.3.1.1 With Voting Privileges: Each active member and each member conference with voting privileges, as specified in Constitution 3.4.3.3, shall be entitled to one vote. Institutions and conferences designating both a male and a female as voting or alternate delegates on the Convention appointment form shall be allowed to appoint four official institutional delegates. In all other circumstances, institutions shall be limited to not more than three official delegates.~~

~~5.1.3.1.2 Without Voting Privileges: Each member conference without voting privileges shall be entitled to one accredited delegate without voting privilege.~~

~~5.1.3.2 Student-Athlete Advisory Committee: The Division II Student-Athlete Advisory Committee shall have one vote.~~

~~5.1.3.3 Provisional Delegates: Each provisional member shall be entitled to one accredited delegate without voting privilege.~~

~~5.1.3.4 Visiting Delegates: Member and nonmember institutions and organizations are authorized to send visiting delegates, who shall not have voting privileges.~~

~~5.1.3.5 Certification and Voting of Delegates: The certification and voting of delegates shall be conducted as follows:~~

- ~~(a) Delegates shall be certified to the NCAA national office as entitled to represent the member in question by the proper executive officers of their institutions or organizations;~~

- ~~(b) An active member or member conference represented by more than one delegate shall designate (on the proper form signed by the president or chancellor) the delegate entitled to cast its vote. Once the member has so designated its primary voting and alternate voting delegates, transferring the voting rights between or among them is a matter of institutional judgment, inasmuch as the voter and alternate(s) have been approved as voters;~~
- ~~(c) The same delegate may represent both an active member and a member conference;~~
- ~~(d) A delegate shall not represent any active member or member conference unless the delegate actually is identified with such member, and an institution's student may not serve as its voting or alternate voting delegate;~~
- ~~(e) Whenever the Association votes on any question by roll call, either written or via voice, on demand of any delegate, the names of delegates as they vote shall be checked by the Membership Committee in order to verify the authority of the voter; and~~
- ~~(f) Voting by proxy shall not be allowed.~~

~~5.1.3.6 Delegate Participation in Conventions and Meetings:~~

~~5.1.3.6.1 Active Delegate: Privileges of the floor and the right to active participation in the business proceedings of any annual or special Convention of the Association are accorded to the following:~~

- ~~(a) Any of the accredited delegates authorized in Constitution 5.1.3.1.1 to represent an active member or member conference with voting privileges;~~
- ~~(b) The single accredited delegate authorized in Constitution 5.1.3.1.2 to represent a member conference without voting privileges or in Constitution 5.1.3.3 to represent a provisional member;~~
- ~~(c) Any member of the Board of Governors, the governance entities per Constitution 4 and the chair (or a committee member designated to speak for the chair) of an NCAA committee listed in Bylaw 21; and~~
- ~~(d) Any member of a division's Student-Athlete Advisory Committee.~~

~~5.1.3.6.2 Visiting Delegate: Visiting delegates authorized in Constitution 5.1.3.4 shall not actively participate in the business proceedings.~~

~~5.1.4 Operational Procedures:~~

~~5.1.4.1 Quorum: One hundred (100) active members and member conferences represented as prescribed in this constitution shall constitute a quorum for the transaction of the Association's business. For purposes of voting by membership divisions, 40 members of each division shall constitute a quorum.~~

~~5.1.4.2 Parliamentary Rules: The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for the conduct of all meetings of the Association. Additionally, they shall be the deciding reference used in case of parliamentary challenge in all instances to which they apply and in which they are not superseded by this constitution, the bylaws or any special rule of order adopted by the Association in accordance with Constitution 5.4.3.~~

~~5.1.4.3 Consideration of Legislation: Legislation shall be acted on only at the Convention business sessions in accordance with the constitution and bylaws.~~

~~5.1.4.3.1 Order and Grouping of Legislation: In the consideration of groupings of related amendments or amendments to amendments, the Convention shall consider first the amendment that contemplates the greatest modification of the present circumstance, followed by the other amendments in the order of decreasing modification. Once an amendment in such a grouping is adopted, those that follow ordinarily will become moot.~~

~~5.1.4.3.2 Legislation at General Session: Dominant legislation per Constitution 1 and 2 and elsewhere, and federated legislation determined by the Board of Governors to be contrary to the Association's basic purposes, fundamental policies and general principles shall be acted on by the divisions meeting in joint session.~~

~~5.1.4.3.3 Legislation at Division Sessions: Legislation pertaining only to a single division of the Association may be acted on in a separate legislative session of that division. Federated legislation pertaining to more than a single division of the Association may be acted on by the appropriate divisions during the separate division business sessions.~~

~~5.1.4.3.4 Single-Gender Athletics Program: An active member or member conference with no men's athletics program shall not be permitted to vote on issues affecting only men's athletics, and an active member or member conference with no women's athletics program shall not be permitted to vote on issues affecting only women's athletics.~~

~~5.1.4.4 Voting Methods: The methods of voting at an NCAA Convention shall be by voice, paddle, roll call and/or secret ballot, in accordance with the following procedures:~~

- ~~(a) Voice Vote: The presiding officer shall determine whether to use voice voting. In the taking of a voice vote, if the presiding officer is in doubt, or on request for a division of the assembly by any member eligible to vote on the particular issue, the presiding officer shall retake the vote by a show of paddles.~~
- ~~(b) Paddle Vote: The presiding officer shall determine whether to use paddle voting, which may be accomplished through electronic collection. In the taking of a vote by show of paddles, if the presiding officer is in doubt, or on the request of any member eligible to vote on the particular issue, the presiding officer shall order the vote to be counted.~~
- ~~(c) Secret Ballot: Voting by secret ballot shall be conducted only when so ordered by a majority of the eligible delegates present and voting, after the making of an undebatable motion to vote in that manner.~~
- ~~(d) Roll Call: Voting by roll call, on issues other than those so designated by the Divisions II and III presidential administrative groups, shall be conducted only when so ordered by a majority of the eligible delegates present and voting, after the making of an undebatable motion to vote in that manner. If both a roll call vote and a secret ballot are moved on a particular issue, the vote shall be taken first on whether to vote by roll call. Any interim or following vote to amend, postpone, reconsider, refer or table a proposal that has been designated by the presidential administrative groups for a roll call vote during the Convention also must be conducted by roll call vote.~~

5.2 Elements of Legislation.

~~5.2.1 Constitution. The membership may adopt legislation to be included in the constitution of the Association, which sets forth basic purposes, fundamental policies and general principles that generally serve as the basis on which the legislation of the Association shall be derived and which includes information relevant to the purposes of the Association.~~

~~5.2.2 Operating Bylaws. Each division may adopt legislation to be included in the operating bylaws of the Association, which provide rules and regulations not inconsistent with the provisions of the constitution and which shall include, but not be limited to, the following particulars:~~

- ~~(a) The administration of intercollegiate athletics by members of the Association;~~
- ~~(b) The establishment and control of NCAA championships (games, matches, meets and tournaments) and other athletics events sponsored or sanctioned by the Association;~~
- ~~(c) The procedures for administering and enforcing the provisions of the constitution and bylaws; and~~
- ~~(d) The adoption of rules of play and competition in the various sports, and the delegation of authority in connection with such subjects to individuals, officers or committees.~~

~~5.2.3 Administrative Bylaws. The administrative bylaws of the Association (administrative regulations, executive regulations, enforcement policies and procedures, and institutional performance program policies and procedures) provide rules and regulations for the implementation of policy adopted by the membership as set forth in the constitution and operating bylaws. They are distinct from the operating bylaws in that, to provide greater flexibility and efficiency in the conduct of the affairs of the Association, they may be adopted or amended by the applicable division presidential administrative group, the Division I Council and the Division III Management Council.~~

~~5.2.3.1 Administrative Regulations. Each division is empowered to adopt or revise administrative regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the Divisions II and III membership, for the implementation of policy established by legislation governing the general activities of each division. The administrative bylaws may be adopted or amended by the applicable division presidential administrative group per Constitution 4.2, 4.3 and 4.4, the Division II Management Council per Constitution 4.7 or at any annual or special Convention by a majority vote of the delegates in Divisions II and III present and voting in accordance with the relevant sections of Constitution 5.3.4.~~

~~5.2.3.2 Executive Regulations. Each division is empowered to adopt or revise executive regulations consistent with the provisions of the constitution and bylaws, subject to amendment by the Divisions II and III membership. Executive regulations relate to the administration of the division's championships, the expenditure of the division's funds, the distribution of the income of the division and the general administration of the affairs of the division. The executive regulations may be adopted or amended by the applicable division presidential administrative group per Constitution 4.2, 4.3 and 4.4, the Division II Management Council per Constitution 4.7 or at any annual or special Convention by a majority vote of the delegates in Divisions II and III present and voting in accordance with the relevant sections of Constitution 5.3.8.~~

~~5.2.3.3 Enforcement Policies and Procedures. The Committee on Infractions is empowered to adopt, formulate and revise enforcement policies and procedures for the conduct of the Association's infractions program (See Bylaw 32 for Divisions II and III), and its internal operating procedures, and review and approve~~

~~the enforcement staff's internal operating procedures, subject to approval by the Board of Directors for Division I and by the applicable Management Council for Division II and Division III. These enforcement policies and procedures shall be developed by the Committee on Infractions, shall not be inconsistent with the provisions of the constitution and bylaws and shall be subject to amendment by the membership. The Infractions Appeals Committee may adopt or revise enforcement policies and procedures that relate directly to the infractions appeals process, subject to review and approval by the Board of Directors for Division I and by the applicable Management Council for Division II and Division III. Such policies and procedures shall not be inconsistent with the provisions of the constitution and bylaws and shall be subject to amendment by the membership.~~

~~5.2.4 Resolutions: Legislation of a temporary character effective only for a specified time period may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order (see Constitution 5.4.2).~~

~~5.2.5 Interpretations of Constitution and Bylaws: The governance entities per Constitution 4 and the divisional interpretative committee, in the interim between meetings of the management councils, are empowered to make interpretations of the constitution and bylaws (see Constitution 5.4.1).~~

~~5.2.6 Special Rules of Order: The Association may adopt special rules of order not inconsistent with the constitution and bylaws. These special rules, with Robert's Rules of Order, Newly Revised, this constitution, and the bylaws, shall be the parliamentary authority for the conduct of all meetings of the Association and, together, shall be the deciding reference used in case of parliamentary challenge in all instances to which they apply (see Constitution 5.4.3).~~

~~5.2.7 Statements of Division Philosophy: The membership of a division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division. Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division and for planning and implementation of programs by institutions and conferences (see Constitution 5.4.4).~~

~~5.3 Amendment Process:~~

~~5.3.1 Authorizing Legislation:~~

~~5.3.1.1 Amendment: The dominant provisions of Constitution 1 and 2 and elsewhere and the division dominant provisions may be amended only at an annual or special Convention. In Division I, federated provisions may be amended as specified in Constitution 5.3.2. In Divisions II and III, federated provisions may be amended at any annual or special Convention.~~

~~5.3.1.1.1 Noncontroversial Amendment: The Presidents Council, or an entity designated by the Presidents Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division's legislation. The Presidents Council, or an entity designated by the Presidents Council, shall sponsor legislation at the next annual Convention to confirm the adoption of such amendments.~~

~~5.3.1.1.2 Emergency Legislation: The Presidents Council may adopt "emergency" legislation that shall be effective immediately in situations when significant values or harm are at stake and the use of the regular legislative~~

~~cycle is likely to cause undue hardship to the Association or the Division II membership because of the delay in its effective date (e.g., immediate health and safety concerns or issues, situations when NCAA must respond to, or comply with, a court, alternative dispute resolution (ADR) or government order, to limit or avoid NCAA liability as a result of litigation, ADR or governmental proceedings). Such "emergency" legislation shall be adopted by at least a three-fourths majority of the members of the Presidents Council present and voting. Further, "emergency legislation" adopted by the Presidents Council must be ratified by the Division II membership at the next regularly scheduled NCAA Convention.~~

~~5.3.1.2 Amendment-to-Amendment — Dominant Provisions: A proposed amendment to the dominant provisions of Constitution 1 and 2 and elsewhere may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, amendments may be amended only if the amendment to the amendment does not increase the modification of the provision to be amended.~~

~~5.3.1.3 Amendment-to-Amendment — Division Dominant Provisions: A proposed amendment to a division dominant provision may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.~~

~~5.3.1.4 Amendment-to-Amendment — Federated Provisions: A proposed amendment to a federated provision of the bylaws may be amended at any annual or special Convention. From July 15 through September 15, sponsors of proposed amendments may refine and change the proposed amendments in any manner that is germane to the original. After September 15, proposed amendments may be amended only if the amendment to the proposed amendment does not increase the modification of the provision to be amended.~~

~~5.3.2 Sponsorship — Amendments to Dominant Provisions:~~

~~5.3.2.1 Amendment: An amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.3.2.2 Amendment-to-Amendment: An amendment-to-amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.3.2.3 Editorial Changes: The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.~~

~~5.3.3 Sponsorship — Amendments to Division Dominant Provisions:~~

~~5.3.3.1 Amendment: An amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.~~

~~5.3.3.2 Amendment-to-Amendment: An amendment-to-amendment to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.~~

~~5.3.3.3 Editorial Changes. The presiding officer may permit changes in the wording of a proposed amendment of a purely editorial nature or to correct typographical errors.~~

~~5.3.4 Sponsorship—Amendments to Legislation.~~

~~5.3.4.1 Amendment. An amendment to a provision of the bylaws may be sponsored by:~~

- ~~(a) The Presidents Council;~~
- ~~(b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or~~
- ~~(c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conferences' official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.~~

~~5.3.4.1.1 Amendment, Federated Provision. When legislation is applicable only to a particular division, only members of that division may submit amendments to that legislation.~~

~~5.3.4.1.2 Primary Contact Person. All amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.~~

~~5.3.4.2 Amendment to Amendment. An amendment to an amendment of a provision of the bylaws may be sponsored by:~~

- ~~(a) The Presidents Council;~~
- ~~(b) Eight or more active member institutions with voting privileges when submitted in writing by each institution's president or chancellor or the president or chancellor's designated representative; or~~
- ~~(c) At least one member conference with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of eight or more of their active member institutions, and signed by the chairs of the conference's official presidential administrative group or at least two presidents or chancellors of a conference's member institutions, if a conference has no presidential administrative group.~~

~~5.3.4.2.1 Primary Contact Person. All amendments to amendments to the constitution and bylaws proposed by member institutions shall designate a primary contact person.~~

~~5.3.4.3 Editorial Changes. The presiding officer may permit changes in the wording of proposed amendments of a purely editorial nature or to correct typographical errors.~~

~~5.3.5 Submission Deadline.~~

~~5.3.5.1 Dominant Provisions.~~

~~5.3.5.1.1 Amendments: Amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall be sponsored by the Board of Governors in accordance with the following deadlines:~~

~~(a) Annual Convention — September 1.~~

~~(b) Special Convention — Ninety days preceding a special Convention.~~

~~5.3.5.1.1.1 Exception: The Board of Governors, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1.~~

~~5.3.5.1.2 Amendments-to-Amendments: The Board of Governors must submit amendments to its original amendments in writing and such amendments-to-amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 60 days before a special Convention. The Board of Governors may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the amendment-to-amendment has been approved by two-thirds of the Board of Governors and copies are distributed before or during the business session.~~

~~5.3.5.2 Division-Dominant Provisions:~~

~~5.3.5.2.1 Amendments: Amendments to division dominant provisions shall be sponsored by the appropriate divisional presidential administrative group in accordance with the following deadlines:~~

~~(a) Annual Convention — September 1.~~

~~(b) Special Convention — Thirty days before a special Convention.~~

~~5.3.5.2.1.1 Exception: A divisional presidential administrative group, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1.~~

~~5.3.5.2.2 Amendments-to-Amendments: The appropriate divisional presidential administrative group must submit amendments to its original amendments in writing and such amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention. A divisional presidential administrative group may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the amendment-to-amendment has been approved by two-thirds of the divisional presidential administrative group and copies are distributed before or during the appropriate business session.~~

~~5.3.5.3 Legislation:~~

~~5.3.5.3.1 Amendment. Deadline dates for receipt at the national office of proposed amendments are as follows:~~

~~5.3.5.3.1.1 Amendment Proposed by Membership.~~

~~(a) Annual Convention — 5 p.m. Eastern time July 15 (conference-sponsored amendments must meet the July 15 deadline).~~

~~(b) Special Convention — Ninety days before a special Convention.~~

~~5.3.5.3.1.1.1 Exception. The Presidents Council, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after July 15.~~

~~5.3.5.3.1.2 Amendments Sponsored by Presidents Council.~~

~~(a) Annual Convention — September 1.~~

~~(b) Special Convention — Thirty days before a special Convention.~~

~~5.3.5.3.1.2.1 Exception — Annual Convention. The Presidents Council, by a three-fourths majority of its members present and voting, may submit amendments after September 1 when necessitated by action taken by Division I or Division III. In such instances, the Presidents Council shall submit amendments not later than November 1.~~

~~5.3.5.3.2 Amendment-to-Amendment. Sponsors of proposed amendments must submit amendments to their original amendments in writing and such amendments-to-amendments must be received at the Association's national office not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing and received at the Association's national office not later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention.~~

~~5.3.5.3.2.1 Exception — Presidents Council. The Presidents Council may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided that in each instance the proposed amendment-to-amendment has been approved by two-thirds of the Council and copies are distributed before or during the business sessions.~~

~~5.3.5.3.3 Cost Considerations. The Presidents Council may require the sponsors of each proposed amendment or amendment-to-amendment that, if adopted, would result in significant expenditures from the division's budget and/or by member institutions to provide written documentation of the estimated costs to the division and/or the members.~~

~~5.3.6 Notification to Membership.~~

~~5.3.6.1 Amendments to Dominant Provisions.~~

~~5.3.6.1.1 Initial Publication. Amendments to dominant provisions of Constitution 1 and 2 and elsewhere sponsored by the Board of Governors shall be published for the information of the membership as follows:~~

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

~~(b) Not later than 75 days before a special Convention.~~

~~5.3.6.1.2 Official Notice. A copy of the proposed amendments shall be mailed to all members of the Association not later than November 15 before an annual Convention or 45 days before a special Convention.~~

~~5.3.6.1.3 Delayed Date. If the Board of Governors establishes a date later than July 15 or September 1 for the submission of amendments to dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.~~

~~5.3.6.1.4 Amendments to Amendments. Copies of all amendments to amendments to dominant provisions submitted by the Board of Governors in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments to amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.~~

~~5.3.6.2 Amendments to Division Dominant Provisions.~~

~~5.3.6.2.1 Initial Publication. Amendments to division dominant provisions sponsored by a divisional presidential administrative group shall be published for the information of the membership as follows:~~

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

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

~~5.3.6.2.2 Official Notice. A copy of the proposed amendments shall be mailed to members of the appropriate division not later than November 15 before an annual Convention or 15 days before a special Convention.~~

~~5.3.6.2.3 Delayed Date. If a divisional presidential administrative group establishes a date later than July 15 or September 1 for the submission of amendments to division dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.~~

~~5.3.6.2.4 Amendments to Amendments. Copies of all amendments to amendments to division dominant provisions submitted by a divisional presidential administrative group in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments to amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.~~

~~5.3.6.3 Amendments to Legislation.~~

~~5.3.6.3.1 Initial Publication. Proposed amendments shall be published for the information of the appropriate division as follows:~~

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

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

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

~~5.3.6.3.2 Official Notice. A copy of the proposed amendments shall be mailed to members of the appropriate division not later than November 15 before an annual Convention or 15 days before a special Convention.~~

~~5.3.6.3.3 Delayed Date. If the Presidents Council establishes a date later than July 15 or September 1 for the submission of amendments for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.~~

~~5.3.6.3.4 Amendments-to-Amendments. Copies of all amendments-to-amendments submitted by the amendment's original sponsors in accordance with the September 15 deadline shall be published by September 23. Copies of all other amendments-to-amendments submitted by the November 1 deadline shall be published in the Official Notice of the Convention.~~

~~5.3.7 Committee Review—Legislation. All amendments submitted by the membership per Constitution 5.3.4 shall be evaluated by an appropriate NCAA committee before they can be included on the agenda for an NCAA Convention. Such evaluation may involve a position of support or opposition and/or a suggestion of an alternative amendment by the committee. The committee shall complete its evaluation not later than October 7. The committee position, if any, shall not prevent the membership from voting on the amendment at the next Convention, provided all appropriate submission deadlines have been met.~~

~~5.3.7.1 Committee Designation. The Presidents Council shall assign each amendment to the appropriate committee(s) for evaluation and shall designate a subcommittee of itself or the Management Council or a special committee when no appropriate committee exists.~~

~~5.3.7.2 Publication of Committee Position. The position of the appropriate committee shall be printed with the relevant amendment in the Official Notice of the Convention.~~

~~5.3.8 Adoption of Amendment, Voting Requirements.~~

~~5.3.8.1 Voting Requirement Determination. The Board of Governors shall be authorized to determine the voting requirement for an amendment when the voting requirement is not obvious from the content or context of the legislation.~~

~~5.3.8.2 Dominant Provision. Adoption of an amendment to a dominant provision of Constitution 1 and 2 and elsewhere shall require a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention of the Association.~~

~~5.3.8.3 Division Dominant Provision. Adoption of an amendment to a division dominant provision shall require a two-thirds majority vote of all delegates of the affected division present and voting at a division's annual or special Convention.~~

~~5.3.8.3.1 Amendment to Voting Line of Division Dominant Provision. Adoption of an amendment to the voting line of a division dominant provision shall require a majority vote of the delegates present and voting at the division's annual or special Convention.~~

~~5.3.8.4 Federated Provision: Adoption of an amendment to a federated provision shall require a majority vote of the delegates present and voting of one or more division(s) of the Association, acting separately, at an annual or special Convention or at a division legislative meeting of the Association. Such legislation shall apply only to the division(s) adopting it.~~

~~5.3.8.4.1 Amendment to Voting Line of Federated Provision: Adoption of an amendment to the voting line of a federated provision shall require a majority vote of the delegates present and voting at the division's annual or special Convention.~~

~~5.3.9 Adoption of Amendment to Amendment, Voting Requirements:~~

~~5.3.9.1 Dominant Provision: A proposed amendment to amendment of a dominant provision of Constitution 1 and 2 and elsewhere shall be approved by a majority vote of all delegates present and voting.~~

~~5.3.9.2 Division Dominant Provision: A proposed amendment to amendment of a division dominant provision shall be approved by a majority vote of the delegates of the affected division present and voting.~~

~~5.3.9.3 Federated Provision: A proposed amendment to amendment of a federated provision shall be approved by a majority vote of the delegates of the affected division present and voting.~~

~~5.3.10 Special Voting Requirements: The following topics are subject to special voting requirements:~~

~~5.3.10.1 National Collegiate Championship: A National Collegiate Championship per Bylaw 18.02.1.1 may be established by action of all three divisions acting through each division's governance structure, subject to all requirements, standards and conditions prescribed in Bylaw 18.2.~~

~~5.3.10.2 Division Championship: A division championship per Bylaw 18.02.1.2 may be established by a majority vote of all members present and voting at an annual Convention, subject to all requirements, standards and conditions prescribed in Bylaw 18.2.~~

~~5.3.10.3 Voting on Football Issues: An active member or voting member conference with no football program shall not be permitted to vote on issues affecting only football.~~

~~5.3.10.4 Challenged Action: The action of any specific division challenged by the Board of Governors as being contrary to the basic purposes, fundamental policies and general principles set forth in the Association's constitution may be overridden by the Association's entire membership by a two-thirds majority vote of those institutions voting.~~

~~5.3.11 Intent and Rationale:~~

~~5.3.11.1 Amendments to Dominant Provisions: All amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments to amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment to amendment also may include a statement of rationale that shall not exceed 50 words in length.~~

~~5.3.11.2 Amendments to Division Dominant Provisions: All amendments to division dominant provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments to amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.~~

~~5.3.11.3 Amendments to Federated Provisions: All amendments to federated provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.~~

~~5.3.12 Effective Date:~~

~~5.3.12.1 Dominant Provisions: All amendments to dominant provisions of Constitution 1 and 2 and elsewhere shall become effective not earlier than the first day of August after adoption by the Convention.~~

~~5.3.12.1.1 Alternative to August 1 Effective Date: If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.~~

~~5.3.12.2 Division Dominant Provisions: All amendments to division dominant provisions shall become effective not earlier than the first day of August after adoption by the Convention.~~

~~5.3.12.2.1 Alternative to August 1 Effective Date: If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.~~

~~5.3.12.3 Federated Provisions: All amendments to federated provisions shall become effective not earlier than the first day of August after adoption by the Convention.~~

~~5.3.12.3.1 Alternative to August 1 Effective Date: If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.~~

~~5.3.13 Reconsideration:~~

~~5.3.13.1 Vote on Dominant Provisions: Before the adjournment of any Convention, an affirmative or negative vote on an amendment to a provision of Constitution 1 and 2 and elsewhere may be subjected to one motion for reconsideration of that~~

~~action by any member that voted on the prevailing side in the original consideration.~~

~~5.3.13.2 Vote on Division Dominant Provisions: Before adjournment of any Convention, an affirmative or negative vote on an amendment to a division dominant provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.~~

~~5.3.13.3 Vote on Federated Provisions: Before adjournment of any Convention, an affirmative or negative vote on an amendment to a federated provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.~~

5.4 Other Legislative and Amendment Procedures:

5.4.1 Interpretations of Constitution and Bylaws:

~~5.4.1.1 Authorization: The Legislation Committee, in the interim between meetings of the Management Council, is empowered to make interpretations of the constitution and bylaws, except academic legislation (see Constitution 5.2.5). The Academic Requirements Committee is empowered to make interpretations of academic legislation.~~

~~5.4.1.1.1 Modification of Wording: In addition to its general authority to make binding interpretations of NCAA legislation, the Management Council, by a two-thirds majority of its members present and voting, may interpret legislation consistent with the intent of the membership in adopting the legislation if sufficient documentation and testimony are available to establish clearly that the wording of the legislation is inconsistent with that intent. The Management Council shall sponsor legislation at the next annual Convention to confirm any such interpretations.~~

5.4.1.2 Interpretation Process:

5.4.1.2.1 Division II Process:

~~5.4.1.2.1.1 Staff Interpretation (Determination): The academic and membership affairs staff shall respond to a request from a member institution for an interpretation of NCAA rules.~~

~~5.4.1.2.1.1.1 Appeal of Staff Interpretation: A member institution may appeal a staff interpretation to the Legislation Committee, except for those regarding academic legislation. The Academic Requirements Committee shall review appeals of academic interpretations. Such a request must be submitted in writing by the institution's conference or by one of the five individuals who are authorized to request such interpretations on behalf of the institution [i.e., president or chancellor, faculty athletics representative, athletics director, senior woman administrator, senior compliance administrator, or designated substitute(s) for the president or chancellor and/or athletics director, as specified in writing to the national office].~~

~~5.4.1.2.1.1.2 Review of Staff Interpretations: The Legislation Committee, or an entity designated by the Legislation Committee, shall review all staff interpretations, except for those regarding~~

academic legislation. The Academic Requirements Committee shall review all staff interpretations of academic legislation.

~~5.4.1.2.1.1.3 Publication and Notification. A staff interpretation shall be binding on the requesting institution on notification of the response to its interpretation request, unless the interpretation is modified or reversed on appeal or review by the Legislation Committee, or an entity designated by the Legislation Committee (or for academic interpretations, the Academic Requirements Committee). A staff interpretation that has been reviewed and approved by the Legislation Committee, or an entity designated by the Legislation Committee, or academic interpretation reviewed and approved by the Academic Requirements Committee shall be binding on all other institutions on publication to the membership (e.g., announced on the NCAA website or Legislative Services Database for the Internet).~~

~~5.4.1.2.1.2 Review of Legislation Committee or Academic Requirements Committee Decision. The Management Council shall review all interpretations issued by the Legislation Committee and Academic Requirements Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislation Committee or Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's president or chancellor, faculty athletics representative or athletics director. The Management Council shall establish the procedures for such an appeal.~~

~~5.4.1.2.1.3 Publication or Notification. Interpretations issued by the Legislation Committee or Academic Requirements Committee shall be binding on notification to affected institutions and on all member institutions after publication and circulation to the membership.~~

~~5.4.1.2.1.4 Revision. Interpretations approved by the Management Council may not be revised by the Legislation Committee or Academic Requirements Committee. The Legislation Committee or Academic Requirements Committee may only recommend to the Management Council revisions of such interpretations.~~

~~5.4.1.3 Application. An interpretation of the constitution or bylaws shall be applicable to the membership division(s) to which the provision applies.~~

~~5.4.1.4 Request for Convention Review. Any member of the Association to which an interpretation applies may request a review of the interpretation at the next annual Convention by making such a request in writing to the Association's Convention office before 1 p.m. on the day before the division business sessions of the Convention.~~

~~5.4.1.4.1 Affirmation of Interpretation. An interpretation of the constitution or bylaws submitted for review requires the same vote for affirmation that would be required for an amendment of the provisions to which the interpretation applies (e.g., majority vote of the delegates present and voting in the appropriate division for an interpretation of a federated provision). An interpretation that fails to receive the required vote for affirmation shall not be binding on the membership.~~

~~5.4.1.5 Amendment by Membership. A proposed amendment to an existing interpretation must be submitted in accordance with the requirements of Constitution 5.3.4.~~

~~5.4.1.6 Convention-Approved Interpretations. All interpretations approved by the Convention shall be incorporated into the constitution or bylaws.~~

~~5.4.1.7 Committee for Legislative Relief (formerly known as Administrative Review Subcommittee). An institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the committee when no other committee, subcommittee or conference has the authority to act. In reaching its decision, the committee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Management Council shall establish the process for such a review, shall monitor the actions taken under this authorization, and shall report annually to the membership the actions taken, in summary, aggregate form.~~

~~5.4.2 Resolutions:~~

~~5.4.2.1 Authorization. Legislation pertaining to one or more divisions may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order.~~

~~5.4.2.2 Scope and Application. Legislation enacted through resolutions shall be of a temporary nature, effective only for a limited time as specified in the resolution itself.~~

~~5.4.2.3 Dominant Provisions:~~

~~5.4.2.3.1 Sponsorship. A resolution related to the dominant provisions of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.4.2.3.2 Submission Deadline. A proposed resolution related to the dominant provisions of Constitution 1 and 2 and elsewhere must be submitted before November 1. The Board of Governors may sponsor resolutions at the time of the Convention without meeting this deadline, provided the proposed resolution has been approved by a two-thirds vote of the Board of Governors and copies are distributed during the business sessions.~~

~~5.4.2.3.3 Voting Requirements:~~

~~5.4.2.3.3.1 Adoption — Annual/Special Convention. Adoption of a resolution shall require a majority vote of the delegates present and voting at an annual or special Convention.~~

~~5.4.2.3.3.2 Mail Ballot. If a majority of the delegates present and voting so direct, a resolution shall be referred to the entire membership for a mail vote conducted under conditions approved by the Board of Governors. A two-thirds majority of members voting in any such mail vote shall be required for the enactment of the legislation proposed in the resolution.~~

~~5.4.2.4 Division Dominant Provisions:~~

~~5.4.2.4.1 Sponsorship. A resolution related to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.~~

~~5.4.2.4.2 Submission-Deadline-and-Voting-Requirement: A proposed resolution related to a division-dominant provision may be sponsored and adopted at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.~~

~~5.4.2.4.3 Ratification-Annual/Special Convention: Ratification of a resolution of a division-dominant provision shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special Convention.~~

~~5.4.2.4.3.1 Adoption -- Annual/Special Convention: Adoption of a resolution shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.~~

~~5.4.2.5 Federated Provisions:~~

~~5.4.2.5.1 Sponsorship: A resolution related to a federated provision may be sponsored by:~~

~~(a) The Presidents Council;~~

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

~~(c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conference's official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.~~

~~5.4.2.5.2 Submission-Deadline: A proposed resolution related to a federated provision must be submitted in writing to the national office before November 1.~~

~~5.4.2.5.2.1 Exception-and-Voting-Requirement: The applicable Presidents Council may sponsor and adopt resolutions at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.~~

~~5.4.2.5.3 Cost Considerations: The sponsors of each proposed resolution that, if adopted, would require significant expenditures from the division's budget and/or by member institutions shall provide, before the deadline set forth in this section, written documentation of the estimated costs to the Association and/or the members. The information shall be included with the copy of the proposed resolution distributed to the membership.~~

~~5.4.2.5.4 Ratification and Voting Requirements:~~

~~5.4.2.5.4.1 Ratification -- Annual/Special Convention: Ratification of a resolution of a federated provision shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special Convention.~~

~~5.4.2.5.4.2 Adoption of Membership Resolutions — Annual/Special Convention: Adoption of a resolution sponsored by fifteen or more active institutions with voting privileges or at least two member conferences on behalf of 15 or more active member institutions with voting privileges shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.~~

~~5.4.3 Special Rules of Order:~~

~~5.4.3.1 General Business Sessions: The Association may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates present and voting at any annual or special Convention.~~

~~5.4.3.2 Division Business Sessions: Each division may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates of the applicable division present and voting at any annual or special Convention.~~

~~5.4.3.2.1 Exception to Robert's Rules of Order, Newly Revised — Motion to Divide: A delegate in attendance at the annual Convention, or at a special Convention, may debate the merits of a "motion to divide the question" of a properly moved proposal.~~

~~5.4.3.3 Amendment Process: Proposed special rules of order and amendments to existing special rules of order shall be subject to the same procedural requirements for previous notice and amendments as prescribed in Constitution 5.3.~~

~~5.4.4 Statements of Division Philosophy:~~

~~5.4.4.1 Authorization: Each division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division or subdivision.~~

~~5.4.4.2 Scope and Application: Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division or subdivision and for planning and implementation of programs by institutions and conferences.~~

~~5.4.4.3 Adoption Process: A statement of division philosophy may be adopted at any annual or special Convention by a majority vote of the delegates of the appropriate division present and voting. If a statement of division philosophy is adopted, it shall be published in the NCAA Manual.~~

D. Constitution: Amend 6, as follows:

6 Institutional Control

6.01 General Principles:

~~6.01.1 Institutional Control: The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.~~

6.1 Institutional Governance:

~~6.1.1 President or Chancellor: A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. The term "president or chancellor" refers to the individual with primary executive authority for an institution and does not include an individual who has executive responsibility over a system of institutions.~~

~~6.1.2 Athletics Board: A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions:~~

~~6.1.2.1 Composition: Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the president or chancellor's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority.~~

~~6.1.2.1.1 Administrator Defined: An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's president or chancellor or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.~~

~~6.1.2.1.2 Board Subcommittee: If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Constitution 6.1.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority-control requirement.~~

~~6.1.2.1.3 Attendance: A parliamentary majority of administrators and faculty members of a board in control of athletics is not required to be present at any single meeting in order to conduct business.~~

~~6.1.2.2 Chair or Voting Delegate: Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.~~

~~6.1.3 Compliance Administrator: A member institution shall employ at least one individual who serves as a full-time compliance administrator with no coaching responsibilities (see Constitution 3.3.4.24).~~

~~6.1.4 Faculty Athletics Representative: A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who~~

~~holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.~~

~~6.1.5 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.~~

~~6.2 Budgetary Control.~~

~~6.2.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.~~

~~6.2.2 President or Chancellor Approval. The institution's president or chancellor or an institutional administrator designated by the president or chancellor from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action.~~

~~6.2.3 Financial Report.~~

~~6.2.3.1 Requirement. At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's president or chancellor or by an institutional administrator from outside the athletics department designated by the president or chancellor. If, within the last three years, the institution has conducted an overall institutional audit that includes a financial audit of all athletics department funds using the agreed-upon procedures, then the institution is not required to perform a separate financial audit of all athletics department expenditures. An institution is not required to use the agreed-upon procedures in years outside the once in every three year cycle.~~

~~6.2.3.1.1 Schedule. The report created pursuant to the approved procedures shall be completed and presented to the president or chancellor on or before January 15 after the end of the institution's fiscal year.~~

~~6.3 Self-Study and Evaluation.~~

~~6.3.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:~~

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

- ~~(1) Institutional oversight;~~
- ~~(2) Budgetary control;~~
- ~~(3) Ethical conduct;~~
- ~~(4) Recruiting;~~

- (5) Eligibility;
- (6) Financial aid;
- (7) Rules compliance;
- (8) Health and safety; and

(b) Strategic initiative related topics:

- (1) Philosophy statement;
- (2) Institutional control and responsibility;
- (3) Athletics operations;
- (4) Student-athlete well-being;
- (5) Health and safety;
- (6) Life in the balance/overall educational experience; and
- (7) Cultural diversity and gender equity.

~~6.3.1.1 Deadline. The Institutional Self-Study Guide must be postmarked by 5 p.m. Eastern time June 1 of the year it is due to the national office, based on the published schedule for Division II member institutions.~~

~~6.3.1.1.1 Extension. The Membership Committee may approve additional time for an institution to complete the required self-study and evaluation of its intercollegiate athletics program if extraordinary circumstances warrant such action (e.g., change in administration). Such requests must be received in the NCAA national office by March 1 of the year the self-study is due to the national office.~~

~~6.3.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 20.02.4 and shall not be eligible to receive Division II Enhancement Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 20.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the president or chancellor of an institution.~~

6.4 Responsibility for Actions of Outside Entities:

~~6.4.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency or organization, including corporate entities (e.g., apparel and equipment companies), when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency or organization is promoting the institution's intercollegiate athletics program.~~

~~6.4.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:~~

- ~~(a) Has participated in or is a member of an agency or organization, including corporate entities (e.g., apparel and equipment companies), as described in Constitution 6.4.1;~~
- ~~(b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;~~
- ~~(c) Has been requested by the athletics department staff to assist in the recruitment of prospective student athletes or is assisting in the recruitment of prospective student athletes;~~
- ~~(d) Has assisted or is assisting in providing benefits to enrolled student athletes; or~~
- ~~(e) Is otherwise involved in promoting the institution's athletics program.~~

~~6.4.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Constitution 6.4.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement.~~

~~6.4.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Constitution 6.4.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.~~

E. Bylaws: Amend 7, as follows:

7.01 NCAA Division II Membership and Institutional Control

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

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

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

7.01.4 Assignment to Geographical Areas. Active and conference members are assigned to geographical areas for the purpose of representation on the Presidents

Council and various committees, and to facilitate the work of the Association. Geographical districts and regions are defined in Bylaw 8.1.1.4.

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

7.01.6 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

7.02 Definitions and Applications.

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

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

7.02.3 Membership Categories.

7.02.3.1 Active Member. An active member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution) and duly elected to active membership under the provisions of this article (see Bylaw 7.3.3). Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association. (See Bylaw 7.3.2.1.1 regarding restrictions on the privileges of for-profit institutions.)

7.02.3.1.1 Athletics Consortium. An athletics consortium consists of one member institution and neighboring member or nonmember institutions (but not more than one nonmember institution), recognized and approved by a two-thirds vote of the Management Council. The student-athletes of the combined institutions are permitted to compete on the NCAA member institution's athletics teams, provided they meet the eligibility requirements of the NCAA and the member institution (see Bylaw 7.2.2).

7.02.3.2 Provisional Member. A provisional member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution) and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Bylaw 7.5.3). Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 20.2.

7.02.3.3 Member Conference. A member conference is a group of colleges and/or universities that conducts competition among its members and determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition), duly elected to conference membership under the provisions of this article (see Bylaw 7.4.2). A member conference is entitled to all of the privileges of active members except the right to compete in NCAA

championships (see Bylaw 7.4.3). Only those conferences that meet specific criteria as competitive and legislative bodies (see Bylaw 7.02.1 and 7.02.2) and minimum standards related to size and division status are permitted to vote on legislation or other issues before the Association.

7.02.3.4 Provisional Conference. A provisional conference consists of a group of at least 10 four-year colleges or universities or two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution), and that has applied for provisional conference membership in the Association. Provisional conference membership is a prerequisite for active conference membership in the Association. The conference shall be elected to provisional conference membership under the provisions of this article (see Bylaw 7.4.1) and shall follow the guiding principles of a model Division II conference, set forth in the "Division II Long-Range Financial Plan." Provisional conferences shall receive all publications and mailings received by voting member conferences in addition to other privileges designated in the constitution and bylaws of the Association.

7.1 Determination of Divisions.

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

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

7.1.1.2 Multidivision Classification. A member may request classification and eligibility in more than one division in accordance with provisions permitting multidivision classification, eligibility and voting (see Constitution 2(B)(8) and Bylaw 20.3).

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

7.2 Eligibility for Membership.

7.2.1 General. Membership is available to colleges, universities and athletics conferences; that have acceptable academic standards (as defined in Bylaw 7.3.3.1); and that are located in Canada, Mexico and the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association.

7.2.1.1 Membership of International Institutions. Institutions located in Canada and Mexico invited to explore Division II membership must accept or observe the policies and procedures as developed and approved by the Board of

Governors, in addition to the principles set forth in the constitution and bylaws of the Association.

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

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

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

7.2.2 Athletics Consortiums. The Management Council, by a two-thirds majority of its members present and voting, may approve an athletics consortium involving a member institution and neighboring member or nonmember institutions, but not more than one nonmember institution, to permit the student-athletes of the combined institutions to compete on the member institution's intercollegiate athletics teams, provided the student-athletes satisfy the eligibility requirements of the member institution and the NCAA. The Management Council shall develop and publish appropriate criteria to be applied to such consortiums.

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

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

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

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

7.2.2.5 Financial Assistance to Student-Athletes. Within a consortium:

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

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

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

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

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

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

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

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

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

7.3 Active Membership.

7.3.1 Eligibility Requirements.

7.3.1.1 Types of Institutions. Active membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and pursuant to Board of Governors policy and duly elected to active membership under the provisions of Bylaw 7.3.3.

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

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

7.3.1.4 Compliance Requirement. The institution shall be in compliance with Bylaws 7.3.1.2, 7.3.1.3 and 20.2 at the time it makes application for active membership.

7.3.2 Privileges.

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

7.3.2.1.1 Exception -- For-Profit Institutions. For-profit institutions shall be restricted, as follows:

- (a) A for-profit institution shall not have voting privileges at the annual NCAA Convention or any special Convention. The institution shall be entitled to three accredited delegates without voting privileges. Any of the accredited delegates shall be entitled to privileges of the floor and the right to active participation in the business proceedings;
- (b) Representatives of a for-profit institution shall not be permitted to serve as a voting institution representative on an NCAA committee; and
- (c) A for-profit institution shall not receive NCAA grants or financial distributions directly from the NCAA.

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

7.3.3 Election to Active Membership -- Institutions.

7.3.3.1 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.

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

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

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and
- (c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. An applicant institution that is not selected to enter the membership process shall receive a refund of the application fee on a prorated basis as determined by the Membership Committee.

7.3.3.2.1 Class Size Limitation. The Management Council, on recommendation of the Membership Committee, may establish an annual

limit on the number of eligible institutions that will be selected to begin the membership process.

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

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

7.3.3.4 Resignation and Re-election to Membership. If an institution resigns its membership following application to re-establish its membership, the institution first shall complete a membership process (see Bylaws 7.5 and 20.2) before such institution becomes eligible for re-election as an active member.

7.3.4 Conditions and Obligations of Membership.

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

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

7.3.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member institution is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.12). See Bylaw 14.13 for procedures regarding restoration of eligibility.

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

- (a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 20.10.3.1.1 or an emerging sport for women per Bylaw 20.03;
- (b) The sport officially shall have been accorded varsity status by the institution's president or chancellor or committee responsible for intercollegiate athletics;
- (c) The sport is administered by the department of intercollegiate athletics;

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Respond to the initial drug-testing notification from Drug Free Sport International by the date specified by the organization;
- (b) Complete and forward to Drug Free Sport International a current and accurate institutional eligibility list (see Bylaw 14.11.2) by the date specified by the organization;
- (c) Provide adequate and secure drug-testing facilities as specified by Drug Free Sport International;
- (d) Notify student-athletes who have been selected for drug testing according to the timeline specified by Drug Free Sport International; and
- (e) Respond to additional requests for assistance in administering the NCAA year-round drug-testing program as specified by Drug Free Sport International.

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

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

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

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

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

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

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

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

7.3.4.14 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event (see Bylaw 7.3.4.14.3): [D]

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

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

- (a) Parents' or guardians' insurance coverage;
- (b) Participant's personal insurance coverage; or
- (c) Institution's insurance program.

7.3.4.14.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event (see Bylaw 7.3.4.14.3). [D]

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

- (a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);
- (b) An NCAA-sanctioned competition in which the insured person (i.e., student-athlete or prospective student-athlete) is an official competitor; or
- (c) Practice and conditioning sessions that are authorized, organized or directly supervised by athletics department personnel at the member institution other than during the playing season. Such sessions must occur on campus or at approved off-campus facilities as part of an intercollegiate athletics activity. For insured student-athletes or prospective student-athletes who compete in individual sports, off-campus intercollegiate athletics activities must be authorized by athletics department personnel at the participating school and take place at approved locations.

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

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

7.3.4.15.1.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.4.15.1 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3-(b)] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

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

7.3.4.16.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.4.16 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3-(b)] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

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

- (a) An annual process that ensures student-athletes are educated about the signs and symptoms of concussions. Student-athletes must acknowledge that they have received information about the signs and symptoms of concussions and that they have a responsibility to report concussion-related injuries and illnesses to a medical staff member;
- (b) A process that ensures a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from athletics activities (e.g., competition, practice, conditioning sessions) and evaluated by a medical staff member (e.g., sports medicine staff, team physician) with experience in the evaluation and management of concussions;
- (c) A policy that precludes a student-athlete diagnosed with a concussion from returning to athletics activity (e.g., competition, practice, conditioning sessions) for at least the remainder of that calendar day; and
- (d) A policy that requires medical clearance for a student-athlete diagnosed with a concussion to return to athletics activity (e.g., competition, practice, conditioning sessions) as determined by a physician (e.g., team physician) or the physician's designee.

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

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

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

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

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

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

7.3.4.22.1 Failure to Submit Survey. An institution that fails to submit the student-athlete health and safety survey by the applicable deadline shall forfeit receipt of Division II institutional enhancement funds in the following academic year.

7.3.4.23 Athletics Diversity and Inclusion Designee. The president or chancellor of an active member institution shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

7.3.4.24 Responsibility of Compliance Administrator. A member institution shall certify annually that it employs at least one individual who serves as a full-time compliance administrator with no coaching responsibilities.

7.3.4.24.1 Failure to Meet Responsibility of Compliance Administrator.

7.3.4.24.1.1 One-Year Probationary Period. An institution that fails to meet the requirement regarding the responsibility of the compliance administrator shall be placed on probation for one year for its entire athletics program (both men's and women's sports) in the next academic year after noncompliance is discovered. A member institution shall be afforded the one-year probationary period for failure to meet the requirement only once in a five-year period. The five-year period shall begin September 1 after completion of the

academic year in which the membership criterion is not met (see Bylaw 20.02.4).

7.3.4.24.1.2 Application of Restricted Membership Status. If an institution fails to meet the requirement regarding the responsibility of the compliance administrator at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 20.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.

7.3.4.24.2 Waiver. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of division criteria. The Management Council, or a subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.

7.3.5 Loss of Active Membership.

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

- (a) A notice of intention to suspend or terminate membership, stating the grounds on which such a motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member institution; and
- (b) The Presidents Council approves the notification of intention to move for suspension or termination.

7.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of active membership.

7.3.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall forfeit immediately its membership in the Association.

7.3.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.

7.3.6 Discipline of Active Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

7.3.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good

standing at the annual Convention by vote of a majority of the members present and voting.

7.4 Member Conference.

7.4.1 Eligibility.

7.4.1.1 Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition. Voting rights and other membership privileges (e.g., Management Council representation) are available only to those multi-sport conferences that satisfy the requirements set forth in Bylaw 7.4.3.3.

7.4.1.2 Composition of Active Conferences. All of the members of the conference shall be active members of this Association. A conference with eight or more active NCAA members may accept an institution in the provisional period of the Division II membership process (see Bylaw 20.2.2) into active conference membership.

7.4.1.2.1 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.4.1.2, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.4.1.3 Conference Membership Requirements. A conference of at least 10 active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges must meet the following conditions:

- (a) At the time of application, be composed of at least 10 active member institutions and/or institutions in the provisional period of the Division II membership process (see Bylaw 20.2.2.3). All institutions shall be located in the same geographic area as specified in Bylaw 8.1.1.4;
- (b) Submit an application to the Membership Committee, to be received in the national office not later than December 1. A fee, as determined by the Membership Committee, shall accompany the application. The following information must be submitted at the time of application:
 - (1) A conference strategic plan;
 - (2) A conference constitution and bylaws;
 - (3) Documentation affirming the institutions in the conference satisfy the sports sponsorship requirement the year prior to the conference becoming an active conference and that conference will satisfy the sports sponsorship requirement in year it would become active conference;
 - (4) A business plan for conference office operations; and
 - (5) A student-athlete advisory committee development plan; and
- (c) The conference commissioner must attend the NCAA Convention in the year immediately following the submission of the application.

7.4.1.4 Minimum Size for Active Conference Membership. A conference shall be composed of at least 10 active member institutions prior to its approval as an active member conference. All institutions shall be located in the same geographic area as specified in Bylaw 8.1.1.4. Once the conference is approved by the Membership Committee, it shall be eligible for privileges of active member conferences, except for enhancement fund distribution [see Bylaw 7.4.3.3-(b)] and automatic qualification [see Bylaws 7.4.3.3-(c), 31.3.4.1, 31.3.4.2 and 31.3.4.4].

7.4.1.5 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaws 7.4.1.3-(a) and 7.4.1.4, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.4.1.6 Grace Period -- Application Fee. An active member conference whose membership falls below the minimum number of institutions required for active membership shall not be required to submit a fee per Bylaw 7.4.1.3-(b) for four years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership.

7.4.2 Election to Active Membership -- Conferences.

7.4.2.1 Application. An athletics conference desiring to become an active member conference shall make application on a form available from the national office. An application fee and the amount for annual dues see Constitution 3(C) shall accompany the application. The fee and dues paid shall be refunded to the applicant conference should the Membership Committee not accept its application.

7.4.2.2 Election. Athletics conferences may be elected as active member conferences by a majority vote of the delegates present and voting at an annual Convention or by a two-thirds majority vote of the Membership Committee members present and voting.

7.4.2.3 Annual Limit on Conference Membership. The Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of applicant athletics conferences that will be invited to active conference membership.

7.4.3 Privileges.

7.4.3.1 Privileges of Active Member Conferences. Active member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.

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

7.4.3.3 Voting Rights and Other Conference Active Membership Privileges. Only those multi-sport member conferences that meet the criteria listed below shall be entitled to receipt of active conference membership privileges, under the following timetable:

(a) Immediate upon active membership:

(b) A vote at the NCAA Convention; and

(c) Representation on the Management Council and Student-Athlete Advisory Committee.

One year after active conference membership: Enhancement fund distribution; and

Five years after active conference membership: Automatic qualification for championships. (see Bylaw 31.3.4).

7.4.3.3.1 Competitive and Legislative Body. An active member conference shall be both a competitive and a legislative body on the conference level (see Bylaw 7.02.1 and 7.02.2).

7.4.3.3.2 Minimum Size and Division Status.

7.4.3.3.2.1 Full Voting Privileges. An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

7.4.3.3.2.2 Partial Voting Privileges. Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all dominant or common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

7.4.3.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least five sports for men and five sports for women, or four sports for men and six sports for women. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

- (a) The conference must conduct a conference championship (e.g., round robin or tournament play) and name a conference champion in the sport;
- (b) In team sports only, the conference must conduct regular-season competition among the conference members sponsoring the sport; and
- (c) At least six active conference member institutions must sponsor and compete in the sport.

7.4.3.3.3.1 Three-Season Requirement. A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.

7.4.3.3.3.2 Minimum Contests/Minimum Participant Requirements. An institution must satisfy the minimum contest and minimum participant requirements set forth in Bylaw 20.10.3.3 in a given sport in order for that sport to be considered when determining whether

the conference has six member institutions that sponsor and compete in that sport.

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

7.4.3.3.3.4 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.4.3.3.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.

7.4.3.3.4 Football Issues. In addition to meeting the requirements of Bylaw 7.4.3.3.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

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

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

7.4.4 Conditions and Obligations of Membership.

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

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

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

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

7.4.4.4 Conference Student-Athlete Advisory Committee. Each active member conference shall establish a conference student-athlete advisory committee for

its member institutions' student-athletes. The composition and duties of the committee shall be determined by the conference.

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

7.4.4.4.1.1 Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting. If an active member conference fails to meet the conditions set forth in Bylaw 7.4.4.4.1 during a given year, the conference shall immediately be placed on probationary status during the following academic year and would not be eligible for all or any portion of the conference grant funds as determined by the Planning and Finance Committee. If the conference fails to meet the conditions set forth in Bylaw 7.4.4.4.1 during the probationary year, the conference may forfeit immediately its membership in the Association.

7.4.4.4.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of Bylaw 7.4.4.4.1 if it deems that unusual circumstances warrant such action.

7.4.4.5 Sports Sponsorship Audit Requirement. A voting member conference shall provide documentation, on request, to the Membership Committee to show evidence of compliance with sports sponsorship requirements set forth in Bylaw 7.4.3.3.3 for a given year.

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

7.4.5 Loss of Member-Conference Status.

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

7.4.5.2 Erroneous Information During Membership Application. A member conference that provides erroneous information during the membership application process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to elect the conference as an active member conference, may be terminated or suspended (see Bylaw 7.4.5.3).

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

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

- (a) Notice of intention to suspend or terminate membership, stating the grounds on which such motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member conference; and
- (b) The Presidents Council approves the notification of intention to move for suspension or termination.

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

7.4.5.4 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has satisfied Bylaw 7.4.3.3.2.

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

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

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

7.5 Provisional Membership.

7.5.1 Eligibility.

7.5.1.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution) and duly elected to the membership process under the provisions of Bylaws 7.5.3 and 20.2.

7.5.2 Privileges and Voting Rights.

7.5.2.1 Publications and Convention Representation. Member institutions in the provisional period shall receive all publications and mailings received by active members of the Association, shall be entitled to be represented by one

nonvoting delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association.

7.5.2.2 Use of Association's Registered Marks. A provisional member in year three of the membership process set forth in Bylaw 20.2 may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors. Prior to the provisional year three designation, an institution in the membership process is limited to using Division II specific logos and a specially designed NCAA logo for provisional institutions.

7.5.3 Procedures for Election to the Provisional Period of the Membership Process.

7.5.3.1 Voting Requirement. [#] Procedures for election to provisional membership under this subsection are federated provisions (see Bylaw 9.02.1.3).

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

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and
- (c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. In addition, a check in the appropriate amount for annual dues see Constitution 3(C) shall also accompany the application. Should the applicant institution fail to be accepted into the membership process, the dues paid shall be refunded and the application fee will be refunded on a prorated basis, as determined by the Membership Committee.

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

7.5.3.2.2 Membership Committee Authority. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.5.3.3 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.2.1.1.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.

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

7.5.3.4 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant to the membership process set forth in Bylaw 20.2, effective the following September 1. When the vote of the Membership Committee has been completed, the applicant shall be notified.

7.5.4 Conditions and Obligations of Membership. The conditions and obligations applicable to member institutions in the provisional period of the membership process are set forth in Bylaw 20.2.

7.6 Institutional Governance.

7.6.1 President or Chancellor. A member institution's president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. The term "president or chancellor" refers to the individual with primary executive authority for an institution and does not include an individual who has executive responsibility over a system of institutions.

7.6.2 Athletics Board. A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions.

7.6.2.1 Composition. Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the president or chancellor's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority.

7.6.2.1.1 Administrator Defined. An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's president or chancellor or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.

7.6.2.1.2 Board Subcommittee. If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Bylaw 7.6.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority-control requirement.

7.6.2.1.3 Attendance. A parliamentary majority of administrators and faculty members of a board in control of athletics is not required to be present at any single meeting in order to conduct business.

7.6.2.2 Chair or Voting Delegate. Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or

represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.

7.6.3 Compliance Administrator. A member institution shall employ at least one individual who serves as a full-time compliance administrator with no coaching responsibilities (see Bylaw 7.3.4.24).

7.6.4 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

7.6.5 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.

7.7 Budgetary Control.

7.7.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.

7.7.2 President or Chancellor Approval. The institution's president or chancellor or an institutional administrator designated by the president or chancellor from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action.

7.7.3 Financial Report.

7.7.3.1 Requirement. At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's president or chancellor or by an institutional administrator from outside the athletics department designated by the president or chancellor. If, within the last three years, the institution has conducted an overall institutional audit that includes a financial audit of all athletics department funds using the agreed upon procedures, then the institution is not required to perform a separate financial audit of all athletics department expenditures. An institution is not required to use the agreed upon procedures in years outside the once in every three-year cycle.

7.7.3.1.1 Schedule. The report created pursuant to the approved procedures shall be completed and presented to the president or chancellor on or before January 15 after the end of the institution's fiscal year.

7.8 Self-Study and Evaluation.

7.8.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years,

using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:

(a) Compliance-related topics:

- (1) Institutional oversight;**
- (2) Budgetary control;**
- (3) Ethical conduct;**
- (4) Recruiting;**
- (5) Eligibility;**
- (6) Financial aid;**
- (7) Rules compliance;**
- (8) Health and safety; and**

(b) Strategic-initiative related topics:

- (1) Philosophy statement;**
- (2) Institutional control and responsibility;**
- (3) Athletics operations;**
- (4) Student-athlete well-being;**
- (5) Health and safety;**
- (6) Life in the balance/overall educational experience; and**
- (7) Cultural diversity and gender equity.**

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

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

7.8.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 20.02.4 and shall not be eligible to receive Division II Enhancement Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 20.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership

Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the president or chancellor of an institution.

7.9 Responsibility for Actions of Outside Entities.

7.9.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency or organization, including corporate entities (e.g., apparel and equipment companies), when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency or organization is promoting the institution's intercollegiate athletics program.

7.9.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:

- (a) Has participated in or is a member of an agency or organization, including corporate entities (e.g., apparel and equipment companies), as described in Bylaw 7.9.1;
- (b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;
- (c) Has been requested by the athletics department staff to assist in the recruitment of prospective student-athletes or is assisting in the recruitment of prospective student-athletes;
- (d) Has assisted or is assisting in providing benefits to enrolled student-athletes; or
- (e) Is otherwise involved in promoting the institution's athletics program.

7.9.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Bylaw 7.9.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement.

7.9.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Bylaw 11.4.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.

F. Bylaws: Amend 8, as follows:

8 Division II Organizational Structure

8.02 Definitions and Applications.

8.02.1 Faculty Athletics Representative A faculty athletics representative is a member of an institution's faculty or administrative staff who is designated by the institution's president or chancellor or other appropriate entity to represent the institution and its faculty in the institution's relationships with the NCAA and its conference(s), if any (see also Bylaw 7.6.4).

8.02.2 On The Staff. On the staff, as it applies to individuals from member institutions or conferences who are eligible to serve on committees or as officers or representatives of the Association, is defined as those individuals who receive a regular salary from a member institution or organization for the performance of a regular staff function representing at least 50 percent of the normal workload for a staff member at that institution or conference. An individual on sabbatical or other temporary leave for a period not exceeding 12 consecutive months may be considered to be "on the staff" of an institution or organization. An individual on terminal leave or on leave in excess of 12 consecutive months shall not be considered to be "on the staff."

8.02.3 Senior Woman Administrator.

8.02.3.1 Institutional Senior Woman Administrator. [#] An institutional senior woman administrator is the highest-ranking female involved with the management of an institution's intercollegiate athletics program. An institution with a female director of athletics may designate a different female involved with the management of the institution's program as a fifth representative to the NCAA governance system.

8.1 Division II Presidents Council.

8.1.1 Composition. The composition of the Presidents Council shall be based on a weighted regional representation by institutions that shall include one president or chancellor per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1). In addition, two "at-large" positions shall exist to enhance efforts to achieve diversity of representation and to accommodate independent institutions.

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

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

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

8.1.1.4 Geographical Areas.

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

- (a) Region 1 -- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;
- (b) Region 2 -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;

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

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

8.1.2 Duties and Responsibilities. The Presidents Council shall:

(a) Implement policies adopted by the Association's Board of Governors;

(b) Establish and direct the general policy of Division II;

(c) Establish a strategic plan for Division II;

(d) Elect a chair and vice chair;

(e) Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;

(f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;

(g) Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;

(h) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;

(i) Call for a special Convention of Division II;

(j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;

(k) Approve recommendations of the Management Council (see Bylaw 8.2);

(l) Ratify, amend or rescind the actions of the Management Council (see Bylaw 8.2);

(m) Ensure that there is gender and ethnic diversity among its membership, the membership of the Management Council (see Bylaw 8.2) and the membership of each of the other bodies in the Division II governance structure;

(n) Develop and approve the budget and the use of funds allotted to Division II (e.g., enhancement funds, funds for the operation of championships);

(o) Approve regulations providing for expenditures and income to Division II;

(p) Approve regulations providing for the administration of Division II championships;

(q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;

(r) Convene same-site meetings, as necessary, with the Management Council; and

- (s) Appoint such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.

8.1.2.1 Duties of the Chair. The chair of the Presidents Council shall:

- (a) Serve as a spokesperson for Division II;
- (b) Preside at Presidents Council meetings;
- (c) Preside at the Division II business session at the annual Convention;
- (d) Serve as a member of the Association's Board of Governors;
- (e) Serve as chair of the Division II Administrative Committee; and
- (f) Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

8.1.2.2 Duties of the Vice Chair. The vice chair of the Presidents Council shall:

- (a) Take the chair's place and perform the chair's duties, if the chair is absent or incapacitated;
- (b) Report to the Division II membership at each annual Convention on the financial affairs of the division;
- (c) Serve as a member of the Association's Board of Governors;
- (d) Serve as a member of the Division II Administrative Committee; and
- (e) Serve as chair of the Division II Planning and Finance Committee.

8.1.3 Election/Term of Office.

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

8.1.3.2 Term of Office. Members of the Presidents Council shall serve six-year terms, which shall conclude following the annual NCAA Convention. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.

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

8.1.3.3 Staggered Terms.

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

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

8.1.4 Operating Rules.

8.1.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action, a simple majority of Presidents Council members present and voting shall be required unless otherwise specified.

8.1.4.2 Project Teams. The Presidents Council may establish project teams for a specified period of time to study and recommend courses of action on specific issues, and shall provide for a project team's appointment or election, tenure and duties, including the selection of the project team's chair.

8.2 Division II Management Council.

8.2.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least 10 Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:

- (a) At least four directors of athletics;
- (b) At least four senior woman administrators;
- (c) At least four faculty athletics representatives; and
- (d) At least one conference administrator.

8.2.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:

- (a) At least four directors of athletics;
- (b) At least four senior woman administrators;
- (c) At least four faculty athletics representatives; and
- (d) At least one conference administrator.

8.2.1.1 Same Institution. To the extent possible, members of the Presidents Council (see Bylaw 8.1) and the Management Council shall not be employed at the same institution.

8.2.1.2 Independent Institutions. The position reserved for a representative of independent institutions may not be filled by an individual from the same independent institution in successive terms. If the total number of independent

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.

[8.1.1.5 renumbered as 8.6.1.5, unchanged.]

G. Bylaws: Amend 9, as follows:

9 Legislative Process

9.02 Definitions and Applications.

9.02.1 Legislative Provisions.

9.02.1.1 Division Dominant. A division dominant provision is a regulation that applies to all members of a division and is of sufficient importance to the division that it requires a two-thirds majority vote of all delegates present and voting at a division's annual or special Convention. Division dominant provisions are identified by the diamond symbol (♦).

9.02.1.2 Common. A common provision is a regulation that applies to more than one of the divisions of the Association. A common provision shall be adopted by each of the applicable divisions, acting separately pursuant to the divisional legislative process described in Bylaw 9.3, and must be approved by all applicable divisions to be effective. Common provisions are identified by the pound sign (#).

9.02.1.3 Federated. A federated provision is a regulation adopted by a majority vote of the delegates present and voting of one or more of the divisions or subdivisions of the Association, acting separately pursuant to the divisional legislative process described in Bylaw 9.3. Such a provision applies only to the division(s) or subdivision(s) that adopts it.

9.1 Conventions and Meetings.

9.1.1 Operational Procedures.

9.1.1.1 Student-Athlete Advisory Committee. The Division II Student-Athlete Advisory Committee shall have one vote.

9.1.1.2 Provisional Delegates. Each provisional member shall be entitled to one accredited delegate without voting privilege.

9.1.1.3 Single-Gender Athletics Program. An active member or member conference with no men's athletics program shall not be permitted to vote on issues affecting only men's athletics, and an active member or member conference with no women's athletics program shall not be permitted to vote on issues affecting only women's athletics.

9.3 Amendment Process.

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

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

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

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

9.3.3 Sponsorship -- Amendments to Division Dominant Provisions.

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

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

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

9.3.4 Sponsorship -- Amendments to Legislation.

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

- (a) The Presidents Council;
- (b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or
- (c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conferences' official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.

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

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

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

- (a) The Presidents Council;
- (b) Eight or more active member institutions with voting privileges when submitted in writing by each institution's president or chancellor or the president or chancellor's designated representative; or
- (c) At least one member conference with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of eight or more of their active member institutions, and signed by the chairs of the conference's official presidential administrative group or at least two presidents or chancellors of a conference's member institutions, if a conference has no presidential administrative group.

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

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

9.3.5 Submission Deadline.

9.3.5.1 Division Dominant Provisions.

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

- (a) Annual Convention -- September 1.
- (b) Special Convention -- Thirty days before a special Convention.

9.3.5.1.1.1 Exception. A divisional presidential administrative group, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after September 1.

9.3.5.1.2 Amendments-to-Amendments. The appropriate divisional presidential administrative group must submit amendments to its original amendments in writing and such amendments must be submitted not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing not later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention. A divisional presidential administrative group may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided the amendment-to-amendment has been approved by two-thirds of the divisional presidential administrative group and copies are distributed before or during the appropriate business session.

9.3.5.2 Legislation.

9.3.5.2.1 Amendment. Deadline dates for receipt at the national office of proposed amendments are as follows:

9.3.5.2.1.1 Amendment Proposed by Membership.

- (a) Annual Convention -- 5 p.m. Eastern time July 15 (conference-sponsored amendments must meet the July 15 deadline).
- (b) Special Convention -- Thirty days before a special Convention.

9.3.5.2.1.1.1 Exception. The Presidents Council, by a two-thirds majority of its members present and voting, may establish a later date for the submission of amendments for an annual Convention when a special Convention is held after July 15.

9.3.5.2.1.2 Amendments Sponsored by Presidents Council.

- (a) Annual Convention -- September 1.
- (b) Special Convention -- Ninety days before a special Convention.

9.3.5.2.1.2.1 Exception -- Annual Convention. The Presidents Council, by a three-fourths majority of its members present and voting, may submit amendments after September 1 when necessitated by action taken by Division I or Division III. In such instances, the Presidents Council shall submit amendments not later than November 1.

9.3.5.2.2 Amendment-to-Amendment. Sponsors of proposed amendments must submit amendments to their original amendments in writing and such amendments-to-amendments must be received at the Association's national office not later than 5 p.m. Eastern time September 15, unless the amendment-to-amendment does not increase the modification specified in the original. Any amendment-to-amendment submitted after September 15 shall not increase the modification of the original and must be submitted in writing and received at the Association's national office not

later than 5 p.m. Eastern time November 1 before an annual Convention or 20 days before a special Convention.

9.3.5.2.2.1 Exception -- Presidents Council. The Presidents Council may propose amendments-to-amendments at the time of the Convention without meeting these procedural requirements, provided that in each instance the proposed amendment-to-amendment has been approved by two-thirds of the Council and copies are distributed before or during the business sessions.

9.3.5.2.3 Cost Considerations. The Presidents Council may require the sponsors of each proposed amendment or amendment-to-amendment that, if adopted, would result in significant expenditures from the division's budget and/or by member institutions to provide written documentation of the estimated costs to the division and/or the members.

9.3.6 Notification to Membership.

9.3.6.1 Amendments to Division Dominant Provisions.

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

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

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

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

9.3.6.1.3 Delayed Date. If a divisional presidential administrative group establishes a date later than July 15 or September 1 for the submission of amendments to division dominant provisions for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.

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

9.3.6.2 Amendments to Legislation.

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

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

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

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

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

9.3.6.2.3 Delayed Date. If the Presidents Council establishes a date later than July 15 or September 1 for the submission of amendments for an annual Convention, it, by a two-thirds majority of its members present and voting, may establish a later date for publishing copies of the proposed amendments for information of the membership.

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

9.3.7 Committee Review -- Legislation. All amendments submitted by the membership per Bylaw 9.3.4 shall be evaluated by an appropriate NCAA committee before they can be included on the agenda for an NCAA Convention. Such evaluation may involve a position of support or opposition and/or a suggestion of an alternative amendment by the committee. The committee shall complete its evaluation not later than October 7. The committee position, if any, shall not prevent the membership from voting on the amendment at the next Convention, provided all appropriate submission deadlines have been met.

9.3.7.1 Committee Designation. The Presidents Council shall assign each amendment to the appropriate committee(s) for evaluation and shall designate a subcommittee of itself or the Management Council or a special committee when no appropriate committee exists.

9.3.7.2 Publication of Committee Position. The position of the appropriate committee shall be printed with the relevant amendment in the Official Notice of the Convention.

9.3.8 Adoption of Amendment, Voting Requirements.

9.3.8.1 Division Dominant Provision. [✦] Adoption of an amendment to a division dominant provision shall require a two-thirds majority vote of all delegates of the affected division present and voting at a division's annual or special Convention.

9.3.8.1.1 Amendment to Voting Line of Division Dominant Provision. Adoption of an amendment to the voting line of a division dominant provision shall require a majority vote of the delegates present and voting at the division's annual or special Convention.

9.3.8.2 Federated Provision. Adoption of an amendment to a federated provision shall require a majority vote of the delegates present and voting of one or more division(s) of the Association, acting separately, at an annual or special Convention or at a division legislative meeting of the Association. Such legislation shall apply only to the division(s) adopting it.

9.3.8.2.1 Amendment to Voting Line of Federated Provision. Adoption of an amendment to the voting line of a federated provision shall require a

majority vote of the delegates present and voting at the division's annual or special Convention.

9.3.9 Adoption of Amendment-to-Amendment, Voting Requirements.

9.3.9.1 Division Dominant Provision. A proposed amendment-to-amendment of a division dominant provision shall be approved by a majority vote of the delegates of the affected division present and voting.

9.3.9.2 Federated Provision. A proposed amendment-to-amendment of a federated provision shall be approved by a majority vote of the delegates of the affected division present and voting.

9.3.10 Special Voting Requirements. The following topics are subject to special voting requirements.

9.3.10.1 Division Championship. A division championship per Bylaw 18.02.1.2 may be established by a majority vote of all members present and voting at an annual Convention, subject to all requirements, standards and conditions prescribed in Bylaw 18.2.

9.3.10.2 Voting on Football Issues. An active member or voting member conference with no football program shall not be permitted to vote on issues affecting only football.

9.3.11 Intent and Rationale.

9.3.11.1 Amendments to Division Dominant Provisions. All amendments to division dominant provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.

9.3.11.2 Amendments to Federated Provisions. All amendments to federated provisions shall include a statement of intent and a separate statement of rationale. The statement of rationale shall not exceed 200 words in length. All amendments-to-amendments shall include a statement of intent and, if applicable, a cost estimate. An amendment-to-amendment also may include a statement of rationale that shall not exceed 50 words in length.

9.3.12 Effective Date.

9.3.12.1 Division Dominant Provisions. All amendments to division dominant provisions shall become effective not earlier than the first day of August after adoption by the Convention.

9.3.12.1.1 Alternative to August 1 Effective Date. If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.

9.3.12.2 Federated Provisions. All amendments to federated provisions shall become effective not earlier than the first day of August after adoption by the Convention.

9.3.12.2.1 Alternative to August 1 Effective Date. If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date before the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those amendments specified as being effective immediately shall become effective on adjournment of the Convention.

9.3.13 Reconsideration.

9.3.13.1 Vote on Division Dominant Provisions. Before adjournment of any Convention, an affirmative or negative vote on an amendment to a division dominant provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.

9.3.13.2 Vote on Federated Provisions. Before adjournment of any Convention, an affirmative or negative vote on an amendment to a federated provision may be subjected to one motion for reconsideration of that action by any member that voted on the prevailing side in the original consideration. Reconsideration of the vote must occur in the appropriate division business session.

9.4 Other Legislative and Amendment Procedures.

9.4.1 Interpretations of Bylaws.

9.4.1.1 Authorization. The Legislation Committee, in the interim between meetings of the Management Council, is empowered to make interpretations of the constitution and bylaws, except academic legislation. The Academic Requirements Committee is empowered to make interpretations of academic legislation.

9.4.1.1.1 Modification of Wording. In addition to its general authority to make binding interpretations of NCAA legislation, the Management Council, by a two-thirds majority of its members present and voting, may interpret legislation consistent with the intent of the membership in adopting the legislation if sufficient documentation and testimony are available to establish clearly that the wording of the legislation is inconsistent with that intent. The Management Council shall sponsor legislation at the next annual Convention to confirm any such interpretations.

9.4.1.2 Interpretation Process.

9.4.1.2.1 Division II Process.

9.4.1.2.1.1 Staff Interpretation (Determination). The academic and membership affairs staff shall respond to a request from a member institution for an interpretation of NCAA rules.

9.4.1.2.1.1.1 Appeal of Staff Interpretation. A member institution may appeal a staff interpretation to the Legislation Committee, except for those regarding academic legislation. The Academic Requirements Committee shall review appeals of academic interpretations. Such a request must be submitted in writing by the institution's conference or by one of the five individuals who are authorized to request such interpretations on behalf of the institution [i.e., president or chancellor, faculty

athletics representative, athletics director, senior woman administrator, senior compliance administrator, or designated substitute(s) for the president or chancellor and/or athletics director, as specified in writing to the national office].

9.4.1.2.1.1.2 Review of Staff Interpretations. The Legislation Committee, or an entity designated by the Legislation Committee, shall review all staff interpretations, except for those regarding academic legislation. The Academic Requirements Committee shall review all staff interpretations of academic legislation.

9.4.1.2.1.1.3 Publication and Notification. A staff interpretation shall be binding on the requesting institution on notification of the response to its interpretation request, unless the interpretation is modified or reversed on appeal or review by the Legislation Committee, or an entity designated by the Legislation Committee (or for academic interpretations, the Academic Requirements Committee). A staff interpretation that has been reviewed and approved by the Legislation Committee, or an entity designated by the Legislation Committee, or academic interpretation reviewed and approved by the Academic Requirements Committee shall be binding on all other institutions on publication to the membership (e.g., announced on the NCAA website or Legislative Services Database for the Internet).

9.4.1.2.1.2 Review of Legislation Committee or Academic Requirements Committee Decision. The Management Council shall review all interpretations issued by the Legislation Committee and Academic Requirements Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislation Committee or Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's president or chancellor, faculty athletics representative or athletics director. The Management Council shall establish the procedures for such an appeal.

9.4.1.2.1.3 Publication or Notification. Interpretations issued by the Legislation Committee or Academic Requirements Committee shall be binding on notification to affected institutions and on all member institutions after publication and circulation to the membership.

9.4.1.2.1.4 Revision. Interpretations approved by the Management Council may not be revised by the Legislation Committee or Academic Requirements Committee. The Legislation Committee or Academic Requirements Committee may only recommend to the Management Council revisions of such interpretations.

9.4.1.3 Application. An interpretation of the constitution or bylaws shall be applicable to the membership division(s) to which the provision applies.

9.4.1.4 Request for Convention Review. Any member of the Association to which an interpretation applies may request a review of the interpretation at the next annual Convention by making such a request in writing to the Association's Convention office before 1 p.m. on the day before the division business sessions of the Convention.

9.4.1.4.1 Affirmation of Interpretation. An interpretation of the constitution or bylaws submitted for review requires the same vote for affirmation that would be required for an amendment of the provisions to which the interpretation applies (e.g., majority vote of the delegates present and voting in the appropriate division for an interpretation of a federated provision). An interpretation that fails to receive the required vote for affirmation shall not be binding on the membership.

9.4.1.5 Amendment by Membership. A proposed amendment to an existing interpretation must be submitted in accordance with the requirements of Bylaw 9.3.4.

9.4.1.6 Convention-Approved Interpretations. All interpretations approved by the Convention shall be incorporated into the constitution or bylaws.

9.4.1.7 Committee for Legislative Relief (formerly known as Administrative Review Subcommittee). An institution may appeal a decision of the NCAA staff regarding the application of NCAA legislation to a particular situation to the committee when no other committee, subcommittee or conference has the authority to act. In reaching its decision, the committee shall review the complete record in order to determine whether there is sufficient basis to grant relief from the application of the legislation. The Management Council shall establish the process for such a review, shall monitor the actions taken under this authorization, and shall report annually to the membership the actions taken, in summary, aggregate form.

9.4.2 Resolutions.

9.4.2.1 Division Dominant Provisions.

9.4.2.1.1 Sponsorship. A resolution related to a division dominant provision may be sponsored by the appropriate divisional presidential administrative group.

9.4.2.1.2 Submission Deadline and Voting Requirement. A proposed resolution related to a division dominant provision may be sponsored and adopted at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.

9.4.2.1.3 Ratification – Annual/Special Convention. Ratification of a resolution of a division dominant provision shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special convention.

9.4.2.2 Federated Provisions.

9.4.2.2.1 Sponsorship. A resolution related to a federated provision may be sponsored by:

- (a) The Presidents Council;
- (b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or
- (c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conference's official

presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.

9.4.2.2.2 Submission Deadline. A proposed resolution related to a federated provision must be submitted in writing to the national office before November 1.

9.4.2.2.2.1 Exception and Voting Requirement. The applicable Presidents Council may sponsor and adopt resolutions at any time provided the proposed resolution has been approved by a two-thirds majority vote of that presidential administrative group.

9.4.2.2.3 Cost Considerations. The sponsors of each proposed resolution that, if adopted, would require significant expenditures from the division's budget and/or by member institutions shall provide, before the deadline set forth in this section, written documentation of the estimated costs to the Association and/or the members. The information shall be included with the copy of the proposed resolution distributed to the membership.

9.4.2.2.4 Ratification and Voting Requirements.

9.4.2.2.4.1 Ratification – Annual/Special Convention. Ratification of a resolution of a federated provisions shall require a majority vote of the delegates of the applicable division present and voting at the next annual or special Convention.

9.4.2.2.4.2 Adoption of Membership Resolutions – Annual/Special Convention. Adoption of a resolution sponsored by fifteen or more active institutions with voting privileges or at least two member institutions with voting privileges shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.

9.4.3 Special Rules of Order.

9.4.3.1 Division Business Sessions. Each division may adopt special rules of order not inconsistent with the constitution and bylaws by a two-thirds majority of the delegates of the applicable division present and voting at any annual or special Convention.

9.4.3.1.1 Exception to Robert's Rules of Order, Newly Revised -- Motion to Divide. A delegate in attendance at the annual Convention, or at a special Convention, may debate the merits of a "motion to divide the question" of a properly moved proposal.

9.4.4 Statements of Division Philosophy.

9.4.4.1 Authorization. Each division or subdivision, through appropriate deliberative processes, may prepare a statement of division philosophy relating to the development and operation of an intercollegiate athletics program in the division or subdivision.

9.4.4.2 Scope and Application. Such a statement is not binding on member institutions but shall serve as a guide for the preparation of legislation by the division or subdivision and for planning and implementation of programs by institutions and conferences.

9.4.4.3 Adoption Process. A statement of division philosophy may be adopted at any annual or special Convention by a majority vote of the delegates of the appropriate division present and voting. If a statement of division philosophy is adopted, it shall be published in the NCAA Manual.

[9.1.1.1 renumbered as 9.5.1.1, unchanged.]

Source: NCAA Division II Management Council.

Effective Date: August 1, 2022

Additional Information:

This proposal is part of the second step to significantly change the NCAA constitution. The first step occurred with an Association-wide vote of BOG 2022-1 (new NCAA constitution) to establish a new constitution that includes only Association-wide provisions. The NCAA Constitution Committee also recommended that all division specific legislation be moved out of the constitution. This proposal would move current Division II specific legislation (including division dominant provisions) to the appropriate existing bylaws or to new bylaws (7 through 9) without changing the substance.

NO. NC-2023-3 ELIGIBILITY -- SEASON OF COMPETITION: 10-SEMESTER/15-QUARTER RULE -- HARDSHIP WAIVER -- CRITERIA FOR ADMINISTRATION OF HARDSHIP WAIVER -- FIRST-HALF-OF-SEASON CALCULATION -- ROUNDING OF FIRST-HALF-OF-SEASON CALCULATION

Intent: To specify that any computation of the first half of the season that results in a fractional portion of a contest or date of competition shall be rounded to the next whole number after the rounded value.

Bylaws: Amend 14.2, as follows:

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

[14.2.1 through 14.2.4 unchanged.]

14.2.5 Hardship Waiver. A student-athlete may be granted an additional year of competition by the conference or the Committee on Student-Athlete Reinstatement for reasons of "hardship." Hardship is defined as an incapacity resulting from an injury or illness that has occurred under all of the following conditions:

[14.2.5-(a) through 14.2.5-(c) unchanged.]

[14.2.5 unchanged.]

14.2.5.2 Criteria for Administration of Hardship Waiver. The following criteria are to be employed in the administration of the hardship waiver:

[14.2.5.2.1 through 14.2.5.2.2 unchanged.]

14.2.5.2.3 First-Half-of-Season Calculation. The first half of the season is measured by the maximum permissible number of contests or dates of competition set forth in Bylaw 17 in the sport. ~~In determining if an injury or illness occurs prior to the first competition of the second half of the season that concludes with the NCAA championship in a sport with an odd number~~

~~of contests or dates of competition, the injury or illness must have occurred prior to the beginning of the contest or date of competition that starts the second half of the season that concludes with the NCAA championship (e.g., an injury or illness occurring at any time after the beginning of the scheduled sixth game of an 11-game schedule would be considered to be after the first half of the institution's season and would not qualify the student-athlete for a hardship waiver).~~ **Any computation of the first half of the season that results in a fractional portion of a contest or date of competition shall be rounded to the next whole number after the rounded value (e.g., 50 percent of an 11-game football schedule -- 5.5 games -- shall be considered six games and any injury or illness must have occurred prior to the start of the seventh contest).**

[14.2.5.2.3.1 through 14.2.5.2.3.3 unchanged.]

[14.2.5.2.4 through 14.2.5.2.7 unchanged.]

[14.2.6 through 14.2.7 unchanged.]

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

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

Additional Information:

Under current legislation, in sports with an odd number of contests or dates of competition, an incapacitating injury or illness, must occur prior to the beginning of the contest or date of competition that starts the second half of the season that concludes with the NCAA championship. Therefore, an injury or illness, that occurs at any time after the beginning of the scheduled sixth game of an 11-game schedule, would be considered to be after the first half of the institution's season and would not qualify the student-athlete for a hardship waiver. While Bylaw 14.2.5.2.5.2 (fraction in percent calculation) is beneficial to the student-athlete, the first-half-of-season calculation legislation is detrimental since it removes the flexibility originally intended. Therefore, the NCAA Division II Committee on Student-Athlete Reinstatement believes a legislative change reflecting consistent application and flexibility, in both the first-half-of-season calculation and fraction in the percent computation, is appropriate and supports student-athlete well-being.

NO. NC-2023-4 EXECUTIVE REGULATIONS – ELIGIBILITY FOR CHAMPIONSHIPS – INELIGIBILITY FOR USE OF BANNED DRUGS -- MEDICAL EXCEPTIONS

Intent: To specify that exceptions to the prohibition on use of any substance in a banned-drug class may be provided to a student-athlete, as specified in the policies and procedures of the Committee on Competitive Safeguards and Medical Aspects of Sports.

Administrative: Amend 31.2, as follows:

31.2 Eligibility for Championships.

[31.2.1 through 31.2.2 unchanged.]

31.2.3 Ineligibility for Use of Banned Drugs. See Bylaw 18.4.1.4 for further details regarding ineligibility for use of banned drugs.

[31.2.3.1 unchanged.]

31.2.3.2 Medical Exceptions. Exceptions to the prohibition ~~of on~~ use of any substance in ~~thea~~ banned-drug classes ~~of stimulants, anabolic agents, alcohol and beta blockers (for rifle only), diuretics and other masking agents, peptide hormones and analogues, hormone and metabolic modulators, and beta-2 agonists~~ may be made by the Board of Governors for those student athletes with a documented medical history demonstrating the need for regular use of such a drug may be provided to a student-athlete, as specified in the policies and procedures of the Committee on Competitive Safeguards and Medical Aspects of Sports.

[31.2.3.3 through 31.2.3.5 unchanged.]

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

Effective Date: Immediate

Additional Information:

Current legislation does not adequately reflect the original intent or current application of the NCAA medical exemption policy, which was designed to ensure that evaluation of exception requests include consideration of emerging science and medical industry trends. Clarifying in the legislation that banned substance medical exceptions will be managed in accordance with CSMAS created policies and procedures will align the legislative language with the underlying intent and practice, similar to other administrative aspects of the NCAA Drug-Testing Program (e.g., drug-test appeals). This proposal is recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

NO. NC-2023-5 EXECUTIVE REGULATIONS – SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION – EARNED ACCESS – FOOTBALL – REQUIREMENTS – REQUIREMENTS FOR CONFERENCE TO QUALIFY FOR EARNED ACCESS

Intent: To amend the earned access legislation in football to align with the eligibility requirements for automatic qualification for any Division II championship.

Administrative: Amend 31.3.5, as follows:

31.3.5 Earned Access – Football. The Division II Football Committee shall award earned access to the NCAA Division II Football Championship to Division II football-playing conferences for which at least one member institution finishes no more than two spots lower than the super region bracket size in the final NCAA Division II football regional ranking. To be awarded earned access, the conference shall have a minimum of six active football-playing members. The earned access shall go to the conference's highest-ranked team in the final regional Top 10 poll.

31.3.5.1 Requirements. To be eligible for earned access to the football championship, a member conference must meet the following general requirements:

- (a) ~~Have b~~Been a multisport voting member conference of the Association for ~~two~~**five** consecutive academic years; ~~and~~
- (b) ~~Conducted competition in football for two consecutive years at the time of its application for earned access; and~~

- (e **b**) Have at least six **active** members that sponsor football at the varsity intercollegiate level **in which earned access is sought and** that are eligible for the NCAA championship, and have had at least six **active** members that are eligible for the NCAA championship participate in the process that determines possible earned access. Institutions that are affiliate members of a Division II football-playing conference may be used to satisfy the sponsorship requirement for earned access in football.

[Once a conference has satisfied the requirements for earned access set forth in Bylaw 31.3.5.1-(a) ~~through~~**and** Bylaw 31.3.5.1-(e)**(b)** the conference must also meet the following criteria:]

- (c) Conference Membership. All institutions may hold membership in only that conference in football in which earned access is sought and may participate in only that conference's process to determine if earned access is provided.**
- (d) Conference Compliance Requirement. The conference must maintain and actively enforce compliance with eligibility rules at least as stringent as those in Bylaw 14 applicable to its members.**
- (e) Impact of Nullification on Earned Access for Use of Ineligible Player(s). The Championships Committee may impose a penalty on an institution's team for permitting ineligible student-athlete(s) to compete in intercollegiate competition (see Bylaws 31.02.4 and 31.3.3 regarding nullification penalties for permitting an ineligible student-athlete to complete in intercollegiate competition). An institution that receives a nullification penalty may be denied the right to participate in the NCAA championship.**

~~[Once a conference has satisfied the requirements for earned access set forth in Bylaw 31.3.5.1-(a) through Bylaw 31.3.5.1-(e), the conference must also meet the following criteria:]~~

- ~~(d) Conference Membership. All institutions may hold membership in only that conference in football in which earned access is sought and may participate in only that conference's process to determine if earned access is provided.~~
- ~~(e) Conference Compliance Requirement. The conference must maintain and actively enforce compliance with eligibility rules at least as stringent as those in Bylaw 14 applicable to its members.~~
- ~~(f) Impact of Nullification on Automatic Qualification for Use of Ineligible Player(s). The Championships Committee may impose a penalty on an institution's team for permitting ineligible student-athlete(s) to compete in intercollegiate competition (see Bylaws 31.02.4 and 31.3.3 regarding nullification penalties for permitting an ineligible student-athlete to compete in intercollegiate competition). An institution that receives a nullification penalty may be denied the right to participate in the NCAA championship.~~

[31.3.5.2 unchanged.]

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

Effective Date: Immediate

Additional Information:

Under current legislation, a conference must conduct competition in football for two consecutive years at the time earned access is requested, and only requires the conference to have been an active member for two years. This change will align the

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

NO. NC-2023-6 MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ELIGIBILITY FOR CHAMPIONSHIPS -- ATTESTATION AND CERTIFICATION OF COMPLIANCE OBLIGATIONS -- ELIMINATION OF ATTESTATION OF COMPLIANCE REQUIREMENT

Intent: To eliminate legislation requiring an annual attestation of compliance.

A. Constitution: Amend 3.3, as follows:

3.3 Active Membership.

[3.3.1 through 3.3.3 unchanged.]

3.3.4 Conditions and Obligations of Membership.

[3.3.4.1 through 3.3.4.7 unchanged.]

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

[3.3.4.9 through 3.3.4.24 renumbered as 3.3.4.8 through 3.3.4.23, unchanged.]

[3.3.5 through 3.3.6 unchanged.]

B. Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

[18.4.1 unchanged.]

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition:

[18.4.2.1-(a) through 18.4.2.1-(c) unchanged.]

~~(d) The institution's president or chancellor shall attest, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance);~~

[18.4.2.1-(e) through 18.4.2.1-(h) relettered as 18.4.2.1-(d) through 18.4.2.1-(g), unchanged.]

[18.4.2.1.1 unchanged.]

~~18.4.2.1.1.2 Attestation of Compliance Obligations. The director of athletics has attested, annually by October 15, that they understand the institutional obligations and personal responsibilities imposed by Constitution 2.1 (Principle of Institutional Control and Responsibility)~~

~~and Constitution 2.8 (Principle of Rules Compliance) and that all athletics department staff members (full-time, part-time, clerical, volunteer) are aware of the institutional obligations and personal responsibilities imposed by Constitution 2.1 and Constitution 2.8.~~

[18.4.2.1.1.3 through 18.4.2.1.1.5 renumbered as 18.4.2.1.1.2 through 18.4.2.1.1.4, unchanged.]

[18.4.2.1.2 through 18.4.2.1.3 unchanged.]

[18.4.2.2 unchanged.]

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

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

Additional Information:

This change reduces an unnecessary administrative burden on institutions but does not remove an institutional commitment to compliance. Division II institutions inherently understand and value their commitment to complying with the operating bylaws and policies and do not need to sign a form declaring that intent. The responsibility to assure compliance is clearly articulated in the new constitution and in other bylaws, and the compliance module offered via the Division II University platform remains an excellent best practice in this regard.

NO. NC-2023-7 NCAA MEMBERSHIP -- INSTITUTIONAL CONTROL AND DIVISION MEMBERSHIP MERGING CONSTITUTION ARTICLES 3 AND 6 AND BYLAW 20

Intent: To merge all Division II legislation regarding NCAA membership and institutional control to a restructured Division II membership bylaw; further, to eliminate duplicative provisions.

Bylaws: Amend 7, as follows:

7.01 General Principles.

7.01.1 Membership in the Association. Eligibility for membership in the Association; conditions, obligations, and classes of Association membership; and procedures governing the termination, suspension and reinstatement of such membership are governed by Article 2-(C) and -(D) and this bylaw.

7.01.2 Classes of Membership. Division II offers three classes of membership: active, conference and provisional. Eligibility for and method of election to membership, obligations and conditions for continuing membership, voting rights, and other membership privileges for each class are defined in this bylaw.

7.01.3 Designation of Division II Membership Classification. Each active and provisional member institution and each member conference is designated as a member for certain legislative and competitive purposes.

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

7.01.3.2 Multidivision Classification. A member institution may request classification and eligibility in more than one division in accordance with provisions permitting multidivision classification, eligibility and voting (see Bylaw 7.6).

7.01.3.3 Designation of Division by Member Conference. Each member conference shall determine the membership division it desires for legislative and/or competitive purposes. When designating the division, at least 50 percent or a minimum of 25 of the conference's institutions must hold membership in that division.

7.01.4 Assignment to Geographical Areas. Active institution and conference members are assigned to geographical areas for the purpose of representation on the Presidents Council and various committees, and to facilitate the work of the Association. Geographical districts and regions are defined in Bylaw 8.1.1.4.

7.01.5 Applicable Legislation. A member institution shall observe the applicable legislation and requirements of its membership division. However, if the institution is eligible to participate in a sport in another division (see Bylaw 7.6 for multidivision-classification privileges), it shall apply the rules of the other division that govern the sport in question.

7.01.6 Compliance With NCAA Legislation. To be an active member, an institution shall be in compliance with all applicable provisions of the constitution and bylaws of the Association. An institution that fails to do so shall be subject to the enforcement procedures and penalties issued by the Division II Membership Committee (e.g., loss of enhancement funds; change to membership classification).

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

7.01.8 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control [see Article 1-(E)].

7.01.9 Division II Membership Process. Institutions seeking to become active members of Division II in all sports must successfully complete the requirements of the Division II membership process. The membership process requires a minimum of three provisional years and is monitored by the Membership Committee.

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

7.02 Definitions and Applications.

7.02.1 Division II Membership Categories.

7.02.1.1 Active Member Institution. An active member is a four-year college or university, or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution) and duly elected to active membership under the provisions of this article. Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association and division, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association. (See

Bylaw 7.3.1.3.1.1 regarding restrictions on the privileges of for-profit institutions.)

7.02.1.1.1 Athletics Consortium. An athletics consortium consists of one member institution and neighboring member or nonmember institutions (but not more than one nonmember institution), recognized and approved by a two-thirds vote of the Management Council. The student-athletes of the combined institutions are permitted to compete on the NCAA member institution's athletics teams, provided they meet the eligibility requirements of the NCAA and the member institution (see Bylaw 7.1.1.3).

7.02.1.2 Provisional Member Institution. A provisional member is a four-year college or university, or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution) and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Bylaw 7.4). Provisional membership is a prerequisite for active membership and shall last for a minimum of three years. During year one of the membership process, an institution shall administer its athletics programs in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety. During years two and three of the provisional period, an institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association. Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 7.4.

7.02.1.3 Active Member Conference. A member conference is a group of colleges and/or universities that conducts competition among its members and determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition), duly elected to conference membership under the provisions of this article (see Bylaw 7.4.2). A member conference is entitled to all of the privileges of active members except the right to compete in NCAA championships (see Bylaw 7.4.2). Only those conferences that meet specific criteria as competitive and legislative bodies (see Bylaws 7.02.1.3.1 and 7.02.1.3.2) and minimum standards related to size and division status are permitted to vote on legislation or other issues before the Association.

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

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

7.02.1.4 Provisional Member Conference. A provisional conference consists of a group of at least 10 four-year colleges or universities or two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution), and that has applied for provisional conference membership in the Association. Provisional conference membership is a prerequisite for active conference membership in the Association. The conference shall be elected to provisional conference membership under the provisions of this article (see

Bylaw 7.4.2) and shall follow the guiding principles of a model Division II conference, set forth in the "Division II Long-Range Financial Plan." Provisional conferences shall receive all publications and mailings received by voting member conferences in addition to other privileges designated in the constitution and bylaws of the Association.

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

(a) Team Sports: acrobatics and tumbling and rugby; and

(b) Individual Sports: equestrian, triathlon, and women's wrestling.

7.02.2.1 Removal of Emerging Sports. A sport shall no longer be considered an emerging sport once the sport has been established as a championship sport. Further, an emerging sport is limited to a 10-year time period to become a championship sport unless it can be demonstrated that steady growth has occurred during that time.

7.02.3 Mixed Team. A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes.

7.02.4 Multidivision Classification. Multidivision classification is the procedure in which a member institution may petition to have a certain sport or sports classified in a division other than the division in which it holds membership (see Bylaw 7.6).

7.02.5 Probation. Probation is a membership classification status assigned to an institution, which indicates that an institution's membership is not in good standing. The status of probation serves as warning that certain conditions and obligations of membership have not been satisfied and failure to correct such deficiencies shall result in the institution's reclassification to the category of restricted membership. An institution does not lose membership benefits as a result of being placed on probation.

7.02.6 Restricted Membership. Restricted membership is a membership classification status assigned to an institution that fails to comply with the minimum requirements of its division (e.g., sports sponsorship, minimum financial aid requirements). An institution placed in such status indicates the loss of any or all of the following benefits of membership: championships eligibility; voting privileges; enhancement funds (equal distribution part); and committee service. Further, an institution placed in restricted membership status will not count for the premium portion of the conference grant program. Failure to comply shall forfeit immediately the institution's membership in the Association.

[7.01.9 through 7.01.10 renumbered as 7.03.9 through 7.03.10, unchanged.]

7.1 Eligibility for Division II Membership.

7.1.1 General. Membership is available to colleges, universities, and athletics conferences; that have acceptable academic standards (as defined in Bylaw 7.1.5.1.2, and for international institutions see Bylaw 7.1.5.1.2.1); and that are located in Canada, Mexico and the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association.

7.1.2 Membership Requirements – Philosophy Statement. In addition to the constitution of the National Collegiate Athletic Association, members of Division II believe that a well-conducted intercollegiate athletics program, based on sound educational principles and practices, is a proper part of the educational mission of a university or college and that the educational well-being and academic success of

the participating student-athlete is of primary concern.

Higher education has lasting importance on an individual's future success. As such, Division II supports the educational mission of college athletics by fostering a balanced approach in which student-athletes learn and develop through their desired academic pursuits, in civic engagement with their communities and in athletics competition. Division II athletics programs also are committed to establishing an inclusive culture in which persons of all backgrounds are respected and given the opportunity to provide input and to participate.

Division II members abide by the following principles that help define and distinguish the division:

- (a) Division II colleges and universities are expected to operate their athletics programs with integrity and in a welcoming manner that complies with conference and NCAA rules and regulations. Institutional control is a fundamental principle that supports the institution's educational mission and assumes presidential involvement and oversight;
- (b) Division II members fund their athletics programs in a manner that aligns with the institution's budget and educational mission. This method of funding features a "partial scholarship" model that allows Division II schools to recognize student-athletes for their skills through athletics-based grants, but student-athletes can accept merit-based aid and academic scholarships as well;
- (c) Division II believes in a balanced approach that integrates athletics into the college experience and allows students to focus on their academic pursuits and participate in other campus and community activities. This "Life in the Balance" emphasis facilitates learning through:
 - (1) Academics. Division II offers exceptional teacher-student ratios that provide student-athletes with a quality education in the academic curriculum of their choice. The division structures its eligibility requirements to facilitate student-athletes earning their degrees, which is measured in part by an institution's student-athletes graduating at least at the same rate as the institution's student body;
 - (2) Athletics. Division II supports athletics achievement through highly competitive programs that strive to participate in the division's 25 national championships, which offer the best access ratio among the NCAA's three divisions. Division II also supports a regionalization model in scheduling that reduces time away from campus and keeps athletics participation in perspective within the educational mission;
 - (3) Community Engagement. Division II athletics programs actively engage with their communities to enhance relationships between student-athletes and community members and develop a shared civic experience. Division II promotes engagement at the local, conference and national levels, including at all Division II national championships; and
 - (4) Post-graduation Success. Division II supports a higher education model that shapes student-athletes who graduate with the skills and knowledge to be productive citizens. The balanced approach allows student-athletes to focus on their academic pursuits, their internships, and whatever else it takes to prepare them for life after graduation;
- (d) Division II members support the utmost in sportsmanship by committing to a "game environment" initiative that establishes an atmosphere at athletics contests that is both energetic and respectful; and

- (e) Division II promotes student-athlete involvement in decision-making through campus, conference and national Student-Athlete Advisory Committees that provide leadership opportunities and offer a representative voice in the division's governance structure.

7.1.3 Athletics Consortiums. The Management Council, by a two-thirds majority of its members present and voting, may approve an athletics consortium involving a member institution and neighboring member or nonmember institutions, but not more than one nonmember institution, to permit the student-athletes of the combined institutions to compete on the member institution's intercollegiate athletics teams, provided the student-athletes satisfy the eligibility requirements of the member institution and the NCAA. The Management Council shall develop and publish appropriate criteria to be applied to such consortiums.

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

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

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

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

7.1.3.5 Financial Assistance to Student-Athletes. Within a consortium:

- (a) Each institution shall be responsible for the financial assistance awarded to its student-athletes. The financial arrangement between or among the institutions for the exchange of funds to cover the academic costs of student-athletes who take part in the exchange program shall apply to student-athletes in the same manner as it applies to those students not participating in the intercollegiate athletics program;
- (b) One institution may not provide a scholarship or any other form of financial aid to a student-athlete enrolled in another institution or transmit a scholarship or grant-in-aid to another institution to be used by one or more of its student-athletes; and
- (c) Financial aid limitations as set forth in Bylaw 15 shall be applicable to the consortium as one entity and shall include all countable student-athletes, regardless of the institution in which they are enrolled.

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

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

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

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

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

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

7.1.4 Active Members.

7.1.4.1 Eligibility Requirements – Institutions.

7.1.4.1.1 Types of Institutions. Active membership is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency and pursuant to Board of Governors policy and duly elected to active membership under the provisions of Bylaw 7.1.3.

7.1.4.1.2 Accreditation. An institution shall meet the Division's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution).

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

7.1.4.1.2.1 Accreditation Standard for International Institutions. An institution located in Canada or Mexico must satisfy the Division's requirement of acceptable academic standards set forth in Bylaw 7.1.4.1.2 or is a candidate for accreditation with one of the six U.S. regional accrediting agencies* and is in good standing with its country's national, regional, or provincial accreditation agency to be elected to and maintain active membership in the Association.

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

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

7.1.4.1.5 Compliance Requirement. The institution shall be in compliance with Bylaws 7.1.4.1.3, 7.1.4.1.4 and 7.4 at the time it makes application for active membership.

7.1.4.2 Eligibility Requirement – Conferences – Conference Competition Requirement. Conference membership is available to duly elected athletics conferences of colleges and universities that conduct conference competition and determine a champion in one or more sports in which the Association conducts championships or for which it is responsible for providing playing rules for intercollegiate competition. Voting rights and other membership privileges (e.g., Management Council representation) are available only to those multi-sport conferences that satisfy the requirements set forth in Bylaw 7.3.6.

7.1.4.3 Dues of Members.

7.1.4.3.1 Determination of Annual Dues. The annual dues of the various classes of membership are governed by Article 3-(C).

7.1.4.3.2 Payment Deadline. Dues are payable September 1 of each year. A member shall not be permitted to vote at a Convention of the Association if its dues are not paid for that year. To be eligible to compete in NCAA championships, dues shall be paid in accordance with Bylaw 31.2.1.2. Membership is terminated if a member fails to pay dues for one year (see Bylaws 7.3.5.3 and 7.3.6.9.5).

7.2 Establishment of and Compliance with Division Criteria.

7.2.1 Adoption of Criteria. The members of each division, by majority vote, may establish division criteria for membership and competition by sport.

7.2.2 Effective Date and Compliance Period. In establishing criteria, the members of the division shall specify the effective date and compliance period, if any. Each institution (either as a member of that division or as an institution that competes in a sport in that division under the provisions of multidivision classification per Bylaw 7.6) shall conform to the requirements of the criteria by that effective date or by the end of the compliance period, whichever is later. Amendments to membership criteria shall be effective the September 1 after adoption or a future September 1.

7.2.3 Deadline for Meeting Performance Criterion. An institution must comply with any specific performance criterion adopted by the membership of its division (e.g., that the institution sponsor a minimum number of sports, schedule and play a specific percentage or number of contests against opponents of a certain division, or demonstrate a specific level of paid attendance) by the end of the academic year before the effective date of the legislation.

7.2.4 Continuation of Compliance. To retain division membership or approved multidivision classification (per Bylaw 7.6), each active member institution shall continue to meet division criteria when any grace period expires. If an institution fails to remain in compliance with its division's criteria, the institution's membership (or its sport per Bylaw 7.6) shall be reassigned to a division for which it qualifies. If the member (or its sport per Bylaw 7.6) does not qualify for any division, the institution shall be reclassified in accordance with Bylaw 7.2.7 and also shall be subject to the Association's enforcement procedures.

7.2.5 Failure to Conform by Effective Date. If an active member institution has not conformed to the adopted criteria of its division by the effective date or the end of the prescribed compliance period, the institution's membership (or its sport per Bylaw 7.6) shall be reassigned to a division for which it qualifies. If the member (or its sport per Bylaw 7.6) does not qualify for any division, the institution (or its sport per Bylaw 7.6) shall be reclassified in accordance with Bylaw 7.2.7.

7.2.6 Noncompliance With Membership Requirements and the Enforcement Process -- Authority of the Membership Committee. The Membership Committee shall review issues regarding membership requirements (e.g., sports sponsorship, financial aid) that are discovered during the enforcement process and shall impose, when necessary, penalties for noncompliance.

7.2.7 Noncompliance and Waivers of Division Criteria.

7.2.7.1 Restricted Membership.

7.2.7.1.1 Minimum One-Year Compliance Period. If an institution (or its sport per Bylaw 7.6) does not meet its division's criteria for membership, the institution (or its sport per Bylaw 7.6) may be placed in a restricted membership category for a minimum of one year (see Bylaw 7.02.6). If the member institution does not meet its division's criteria for membership at the end of the restricted membership period, the member shall forfeit immediately its membership in the Association.

7.2.7.1.2 Voting Privileges and Eligibility for Championships. During the period of restricted membership, an institution shall be (see Bylaw 7.02.6):

- (a) In compliance to the greatest extent possible with that division's scheduling criteria;
- (b) Bound by all other applicable rules of the Association;
- (c) Permitted to vote only on dominant issues; and
- (d) Ineligible for NCAA championships and postseason football contests.

7.2.7.1.3 No Voluntary Selection of "Restricted Membership" Category. "Restricted membership" status is imposed only when an institution has failed to comply with division membership criteria. (See Bylaw 7.02.6.) An institution is not permitted to select voluntarily or to request that it be placed in the "restricted membership" category.

7.2.7.2 Waivers of Division Membership Criteria. The following institutions may request a waiver from the appropriate divisional committee that has oversight of membership criteria:

- (a) An institution applying for multidivision classification;
- (b) An institution applying for a change of division membership;
- (c) An institution placed in the restricted membership category (see Bylaw 7.02.6);
- (d) An active member institution that does not meet the applicable membership criteria of its division; or
- (e) An active member institution that does not meet (or does not expect to meet within the applicable compliance period, if any) new criteria adopted by the membership of its division. The institution's request for a waiver shall be signed by the institution's chancellor or president. The Membership Committee shall determine the deadline for submission and the effective date of such waiver requests.

7.2.7.2.1 Voting Requirement. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of the division's criteria. The Management Council, or a

subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.

7.3 Active Membership.

7.3.1 Institutions.

7.3.1.1 Institutional Governance.

7.3.1.1.1 Chancellor or President. A member institution's chancellor or president has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program. The term "chancellor or president" refers to the individual with primary executive authority for an institution and does not include an individual who has executive responsibility over a system of institutions.

7.3.1.1.2 Athletics Board. A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions.

7.3.1.1.2.1 Composition. Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the chancellor or president's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. If the board has a parliamentary requirement necessitating more than a simple majority in order to transact some or all of its business, then the administrative and faculty members shall be of sufficient number to constitute at least that majority.

7.3.1.1.2.1.1 Administrator Defined. An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's chancellor or president or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.

7.3.1.1.2.1.2 Board Subcommittee. If a board subcommittee is appointed, it is not necessary for the subcommittee to have majority control by administration and/or faculty members (see Bylaw 7.1.3.1.1.2.1), provided all actions of the subcommittee are approved by the entire board before becoming effective. However, if the subcommittee's actions are effective permanently or become effective immediately and remain in effect until reviewed by the entire board at a later date, the subcommittee's membership must satisfy the majority control requirement.

7.3.1.1.2.1.3 Attendance. A parliamentary majority of administrators and faculty members of a board in control of

athletics is not required to be present at any single meeting in order to conduct business.

7.3.1.1.2.2 Chair or Voting Delegate. Only an administrator or faculty member (as opposed to a student, alumnus or governing board member) may serve as chair of a member institution's board in control of intercollegiate athletics or represent the board as the institution's voting delegate at Conventions. Institutional representatives in these positions have responsibility for advising or establishing athletics policies and making policy decisions that require administrative and/or faculty control.

7.3.1.1.3 Compliance Administrator. A member institution shall employ at least one individual who serves as a full-time compliance administrator with no coaching responsibilities (see Bylaw 7.3.1.5.23).

7.3.1.1.4 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

7.3.1.1.5 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.

7.3.1.2 Budgetary Control.

7.3.1.2.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics programs shall be controlled by the institution and subject to its normal budgeting procedures.

7.3.1.2.2 Chancellor or President Approval. The institution's chancellor or president or an institutional administrator designated by the chancellor or president from outside the athletics department shall approve the annual budget in the event that the institution's normal budgeting procedures do not require such action.

7.3.1.3 Privileges.

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

7.3.1.3.1.1 Exception -- For-Profit Institutions. For-profit institutions shall be restricted, as follows:

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

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

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

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

7.3.1.5 Conditions and Obligations of Active Membership.

7.3.1.5.1 General. An active member shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

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

7.3.1.5.3 Certification of Eligibility/Declaration of Ineligibility. An active member institution is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the chancellor or president, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.12). See Bylaw 14.13 for procedures regarding restoration of eligibility.

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

- (a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 7.3.1.7 or an emerging sport for women per Bylaw 7.02.2;
- (b) The sport officially shall have been accorded varsity status by the institution's chancellor or president or committee responsible for intercollegiate athletics;
- (c) The sport is administered by the department of intercollegiate athletics; and
- (d) Qualified participants in the sport shall receive the institution's official varsity awards.

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

7.3.1.5.4.2 Regular-Season Eligibility. A member shall conduct its regular-season competition under eligibility rules at least as stringent as those provisions of Bylaw 14 applicable to members (see Bylaw 14.1.1).

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

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

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

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

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

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

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

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

- (a) Respond to the initial drug-testing notification from Drug Free Sport International by the date specified by the organization;
- (b) Complete and forward to Drug Free Sport International a current and accurate institutional eligibility list (see Bylaw 14.11.2) by the date specified by the organization;
- (c) Provide adequate and secure drug-testing facilities as specified by Drug Free Sport International;

- (d) Notify student-athletes who have been selected for drug testing according to the timeline specified by Drug Free Sport International; and
- (e) Respond to additional requests for assistance in administering the NCAA year-round drug testing program as specified by Drug Free Sport International.

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

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

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

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

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

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

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

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

7.3.1.5.12 Certification of Insurance Coverage. An active member institution must certify insurance coverage for medical expenses resulting from athletically related injuries sustained by the following individuals while participating in a covered event (see Bylaw 7.3.1.5.12.3): [D]

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

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

- (a) Parents' or guardians' insurance coverage;
- (b) Participant's personal insurance coverage; or
- (c) Institution's insurance program.

7.3.1.5.12.2 Athletically Related Injuries. For purposes of this bylaw, athletically related injuries are injuries that are a direct result of participation in a covered event (see Bylaw 7.3.1.5.12.3). [D]

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

- (a) Any intercollegiate sports activity, including team travel, competition, practices and conditioning sessions during the playing season (as defined in Bylaw 17.1.1);
- (b) An NCAA-sanctioned competition in which the insured person (i.e., student-athlete or prospective student-athlete) is an official competitor; or
- (c) Practice and conditioning sessions that are authorized, organized or directly supervised by athletics department personnel at the member institution other than during the playing season. Such sessions must occur on campus or at approved off-campus facilities as part of an intercollegiate athletics activity. For insured student-athletes or prospective student-athletes who compete in individual sports, off-campus intercollegiate athletics activities must be authorized by athletics department personnel at the participating school and take place at approved locations.

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

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

7.3.1.5.13.1.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.1.5.13.1 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

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

7.3.1.5.14.1 Waiver. The Academic Requirements Committee may grant waivers of Bylaw 7.3.1.5.14 if it deems that unusual circumstances warrant such action. The Management Council Subcommittee [see Bylaw 8.2.2.3] shall hear and act on an institution's appeal of a decision made by the Academic Requirements Committee.

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

- (a) An annual process that ensures student-athletes are educated about the signs and symptoms of concussions. Student-athletes must acknowledge that they have received information about the signs and symptoms of concussions and that they have a responsibility to report concussion-related injuries and illnesses to a medical staff member;
- (b) A process that ensures a student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from athletics activities (e.g., competition, practice, conditioning sessions) and evaluated by a medical staff member (e.g., sports medicine staff, team physician) with experience in the evaluation and management of concussions;
- (c) A policy that precludes a student-athlete diagnosed with a concussion from returning to athletics activity (e.g., competition, practice, conditioning sessions) for at least the remainder of that calendar day; and
- (d) A policy that requires medical clearance for a student-athlete diagnosed with a concussion to return to athletics activity (e.g., competition, practice, conditioning sessions) as determined by a physician (e.g., team physician) or the physician's designee.

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

7.3.1.5.16 Concussion Reporting. An active member institution shall report all instances of diagnosed sport-related concussions in student-athletes and their resolutions to the NCAA on an annual basis pursuant to

policies and procedures maintained by the Committee on Competitive Safeguards and Medical Aspects of Sports. [D]

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

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

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

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

7.3.1.5.21 Athletics Diversity and Inclusion Designee. The chancellor or president of an active member institution shall designate an athletics diversity and inclusion designee to be the primary contact and conduit for diversity and inclusion-related information.

7.3.1.5.22 Responsibility of Compliance Administrator. A member institution shall certify annually that it employs at least one individual who serves as a full-time compliance administrator with no coaching responsibilities.

7.3.1.5.22.1 Failure to Meet Responsibility of Compliance Administrator.

7.3.1.5.22.1.1 One-Year Probationary Period. An institution that fails to meet the requirement regarding the responsibility of the compliance administrator shall be placed on probation for one year for its entire athletics program (both men's and women's sports) in the next academic year after noncompliance is discovered. A member institution shall be afforded the one-year probationary period for failure to meet the requirement only once in a five-year period. The five-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met (see Bylaw 7.02.5).

7.3.1.5.22.1.2 Application of Restricted Membership Status. If an institution fails to meet the requirement regarding the responsibility of the compliance administrator at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 7.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.

7.3.1.5.22.2 Waiver. The Membership Committee, by a majority of its members present and voting, shall hear and act on an institution's waiver of division criteria. The Management Council, or a subcommittee designated by the Management Council, shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the division's criteria.

7.3.1.5.23 Financial Report.

7.3.1.5.23.1 Requirement. At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership (in addition to any regular financial reporting policies and procedures of the institution) conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's chancellor or president or by an institutional administrator from outside the athletics department designated by the chancellor or president. If, within the last three years, the institution has conducted an overall institutional audit that includes a financial audit of all athletics department funds using the agreed upon procedures, then the institution is not required to perform a separate financial audit of all athletics department expenditures. An institution is not required to use the agreed upon procedures in years outside the once in every three-year cycle.

7.3.1.5.23.1.1 Schedule. The report created pursuant to the approved procedures shall be completed and presented to the chancellor or president on or before January 15 after the end of the institution's fiscal year.

7.3.1.5.24 Self-Study and Evaluation.

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

(a) Compliance-related topics:

(1) Institutional oversight;

(2) Budgetary control;

- (3) Ethical conduct;
- (4) Recruiting;
- (5) Eligibility;
- (6) Financial aid;
- (7) Rules compliance;
- (8) Health and safety; and

(b) Strategic-initiative related topics:

- (1) Philosophy statement;
- (2) Institutional control and responsibility;
- (3) Athletics operations;
- (4) Student-athlete well-being;
- (5) Health and safety;
- (6) Life in the balance/overall educational experience; and
- (7) Cultural diversity and gender equity.

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

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

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

7.3.1.6 Financial Aid Requirements.

7.3.1.6.1 Minimum Awards. A member of Division II shall annually provide financial assistance that equals one of the following:

- (a) 50 percent of the maximum allowable equivalencies in four separate sports, at least two of which must be women's sports;
- (b) 20 total full equivalency grants with at least 10 total full equivalency grants in women's sports; or
- (c) A total expenditure of \$250,000 in athletically related financial aid with at least \$125,000 in women's sports.

7.3.1.6.1.1 Counting Financial Aid Awards to Satisfy Minimum Requirement. In counting financial aid awarded to student-athletes to determine if the requirements set forth in Bylaw 7.3.1.6.1-(a) and -(b) have been satisfied, the institution must satisfy the following:

- (a) Only countable financial aid, as set forth on the NCAA financial aid form, may be used to meet the appropriate minimum;
- (b) Countable financial aid awarded to a student-athlete who has exhausted eligibility or awarded to a medically exempt student-athlete may be used to meet the appropriate minimum;
- (c) To be included in reaching the appropriate minimum, the financial aid actually must be awarded; and
- (d) Countable aid awarded in emerging sports for women and non-NCAA sports may not be used to meet the appropriate minimum.

7.3.1.6.1.2 Counting Sports Classified as Division I. For purposes of counting financial aid awarded to student-athletes, an institution may use a sport classified as a Division I sport in order to satisfy the minimum financial aid requirements for Division II membership set forth in Bylaw 7.1.3.1.6.1.

7.3.1.6.1.3 Single-Gender Programs. Institutions that sponsor and conduct athletics programs for only one gender must award at least one half of the minimum requirements set forth in Bylaw 7.3.1.6.1-(a)-(c).

7.3.1.6.1.4 Failure to Meet Minimum Financial Aid Requirement.

7.3.1.6.1.4.1 One-Year Probationary Period. An institution that fails to meet the minimum financial aid requirement shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance is discovered. An institution shall be afforded the one-year probationary period for failure to comply with minimum financial aid criteria only once in every five-year period. The five-year period shall begin September 1 after completion of the academic year in which the membership criterion is not met (see Bylaw 7.02.5).

7.3.1.6.1.4.1.2 Application of Restricted Membership Status. If an institution fails to meet the minimum financial aid requirement at the end of the probationary year or is

ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership (see Bylaw 7.02.6). If the institution still cannot certify compliance with the division criteria at the end of that year, it shall forfeit immediately its membership in the Association.

7.3.1.6.1.5 Waiver of Minimum Financial Aid Requirement. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the minimum financial aid requirement for Division II membership based on objective evidence that demonstrates circumstances that warrant the waiver of the normal application of the legislation. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum financial aid awards.

7.3.1.7 Sports Sponsorship. A member of Division II shall sponsor in Division II a minimum of:

- (a) Five Men's and Five Women's Varsity Sports. Five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all-male teams or mixed teams of males and females; and five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all-female teams;
- (b) Four Men's and Six Women's Varsity Sports. Four varsity intercollegiate sports, including at least two team sports, based on the minimum requirement of Bylaw 7.3.1.7.1.3 and involving all-male teams or mixed teams of males and females; and six varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all-female teams; or
- (c) Single-Gender Programs. Institutions that sponsor and conduct athletics programs for only one gender must sponsor a minimum of five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3, for that gender.

7.3.1.7.1 Acceptable Sports. The sports designated to meet the sports sponsorship criteria shall:

- (a) Be among those in which the Association sponsors a championship, except as provided in Bylaw 7.3.1.7.1.1 or an emerging sport for women per Bylaw 7.02.2;
- (b) Be recognized by the institution as varsity intercollegiate sports (see Bylaw 7.3.1.5.4);
- (c) Involve all-male teams, mixed teams of males and females or all-female teams;
- (d) One men's and one women's sport required in Bylaw 7.3.1.7-(a) or one men's and one women's sport required in Bylaw 7.3.1.7-(b) may be sponsored in Division I; and
- (e) Be among those in which the institution opts to participate only in the NCAA championship (i.e., an institution may not participate in a national championship sponsored by a non-NCAA organization).

7.3.1.7.1.1 Waiver. The Management Council, by a two-thirds majority of its members present and voting, may approve a request to designate one sport involving all-male teams or mixed teams of males and females and one sport involving all-female teams other than those set forth in Bylaw 7.3.1.7-(a).

7.3.1.7.1.2 Waiver of Minimum Women's Sports Sponsorship Criteria. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the Division II minimum women's sports sponsorship requirement in accordance with the procedure listed below:

- (a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and it shall be received in the national office not later than October 1;
- (b) The institution shall provide data demonstrating that the ratio of male to female enrollment prohibits the offering of the required number of sports for women; or
- (c) The institution shall provide data demonstrating insufficient student interest in establishing or maintaining the requisite number of teams.

7.3.1.7.1.2.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02.6.

7.3.1.7.1.2.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum women's sports sponsorship requirement.

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

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

<u>Team Sports</u>	<u>Minimum Contests</u>	<u>Minimum Participants</u>	<u>Individual Sports</u>	<u>Minimum Contests</u>	<u>Minimum Participants</u>
<u>Acrobatics and Tumbling</u>	<u>6</u>	<u>18</u>	<u>Women's Bowling</u>	<u>8</u>	<u>5</u>
<u>Baseball</u>	<u>24</u>		<u>Cross Country</u>	<u>4</u>	
<u>Basketball</u>	<u>22</u>		<u>Equestrian</u>	<u>6</u>	<u>12</u>

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

(Note: The minimum-contest requirements set forth in Bylaws 7.3.1.7.1.3.1 through 7.3.1.7.1.3.10 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)

7.3.1.7.1.3.1 Completion of Contest. To count as a contest, the institution's team actually shall participate in and complete the contest. Scheduled contests that are canceled or not completed (in accordance with the playing rules of the sport) may not be counted.

7.3.1.7.1.3.2 Counting Multicontest Events in Team Sports. In team sports, each game in a double-header, triple-header or tournament shall be counted as one contest.

7.3.1.7.1.3.3 Meets With No Team Scoring. In individual sports, a meet at which no team scoring is kept counts as a contest for the purpose of meeting the minimum-contest requirement,

provided that at least the minimum number of participants per Bylaw 7.3.1.7.1.3 participate on the institution's team.

7.3.1.7.1.3.4 Individual Sports -- One or More Sites. In individual sports, if the minimum number of student-athletes participating on one or more teams, at one or more sites, on behalf of the institution on the same day equals or exceeds the minimum number of participants per Bylaw 7.3.1.7.1.3, an institution may use the competition as a contest in meeting the minimum-contest requirements.

7.3.1.7.1.3.4.1 Exception -- Multiday Events -- Track and Field. In track and field, if the number of student-athletes participating in a multiday meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants per Bylaw 7.3.1.7.1.3 and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contests requirements.

7.3.1.7.1.3.5 Contests in Two Seasons. If an institution sponsors the same sport in two different seasons of the same academic year, it may count contests in both seasons, provided regular varsity competition is sponsored in both seasons and is so listed on the institution's official schedule in that sport.

7.3.1.7.1.3.6 Contests Versus Club Teams. A contest against a collegiate institution's club team may not be counted toward meeting minimum-contest requirements. However, a member is not precluded from scheduling club teams.

7.3.1.7.1.3.6.1 Exception -- Women's Rugby. In women's rugby, an institution may count up to two contests per year against collegiate club teams toward meeting minimum-contests requirements.

7.3.1.7.1.3.7 Indoor and Outdoor Track and Field. Institutions may receive credit for sponsoring both indoor and outdoor track and field provided each team participates in the minimum number of contests with at least the minimum number of participants set forth in Bylaw 7.3.1.7.1.3. An institution also may receive credit for sponsoring both indoor and outdoor track and field, provided its team participates in a total of eight indoor and outdoor meets during the year, including at least three indoor and three outdoor meets.

7.3.1.7.1.3.8 Beach Volleyball. A member institution shall meet minimum sports sponsorship in beach volleyball by applying the following:

- (a) Not less than three of the eight contests shall be dual, one-day competitions where all five two-person teams compete (e.g., institution versus institution on a single day). Only one contest per day shall count toward meeting this requirement;
- (b) The remaining number of contests shall be achieved by satisfying Bylaw 7.3.1.7.1.3.8-(a) or multi-opponent competitions. For a tournament to qualify for sports

sponsorship purposes, all five two-person teams must be in competition with all other participating institutions and one institution shall be crowned champion of the tournament based on the performance of its five, two-person teams;

(c) All other competition formats will constitute the use of a date of competition but not count towards the minimum sports sponsorship requirement; and

(d) Contests against a collegiate institution's club team may not be counted toward meeting the minimum-contest requirements, except for the following:

(1) During each intercollegiate season, one contest against a collegiate institution's club team may be used in meeting the minimum-contest requirements provided the contest is a dual, one-day competition in which all five two-person teams compete.

7.3.1.7.1.3.9 Women's Rugby. In women's rugby, 15-a-side and seven-a-side competition may count toward the required minimum number of contests.

7.3.1.7.1.3.10 Acrobatics and Tumbling. In acrobatics and tumbling, dual meets and tri-meets may count toward the minimum number of contests. Tri-meets are counted as two contests for each competing team. No more than two tri-meets may be counted toward the minimum number of contests by a member institution.

7.3.1.7.1.3.11 Failure to Meet Minimum Sports Sponsorship Criteria.

7.3.1.7.1.3.11.1 One-Year Probationary Period. An institution that fails to meet either the minimum men's or women's sports sponsorship criterion for its division shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance with sports sponsorship requirements is discovered. An institution shall be afforded the one-year probationary period for failure to comply with sports sponsorship criteria only once in every five-year period. The five-year period shall begin the September 1 after completion of the academic year in which the membership criterion is not met.

7.3.1.7.1.3.11.2 Application of Restricted Membership Status. If an institution fails to meet the sports sponsorship criteria at the end of the probationary year or is ineligible for the once-in-five-year probationary period, it shall be placed in restricted membership and shall not be eligible for NCAA championship competition in all sports (both men's and women's) in the first academic year after the probationary year (or the first academic year after failure to meet the requirements if the institution is ineligible for the once-in-five-year probationary period). (See Bylaw 7.02.5.) If the institution still cannot certify compliance with the division criteria at the end of that

year, it shall forfeit immediately its membership to the Association.

7.3.1.7.1.3.11.3 Waivers.

7.3.1.7.1.3.11.3.1 Minimum Contests or Participants. The Membership Committee, by a two-thirds majority of its members present and voting, may approve waivers of the minimum number of intercollegiate contests or the minimum number of participants in a contest in situations beyond the control of the institution (e.g., weather conditions or disaster preventing completion of a scheduled competition, or verified injury or illness at the site of competition preventing the participation of the required minimum number of individuals). The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum number of intercollegiate contests or the minimum number of participants in a contest.

7.3.1.8 Three-Season Requirement.

7.3.1.8.1 Five-Sport/Three-Season Requirement. A member institution shall conduct or sponsor at least one sport involving an all-male team or a mixed team of males and females and at least one sport involving an all-female team in every sport season. An institution may use a sport to meet the three-season requirement only if the institution has met the minimum contest and participants requirements for sports sponsorship in that sport as set forth in Bylaw 7.3.1.7.1.3.

7.3.1.8.1.1 Five-Sport/Three-Season Requirement.

7.3.1.8.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.1.8.1 due to circumstances beyond an institution's control. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the five-sport/three-season requirement.

7.3.1.8.2 Counting Multiseason Sports. If an institution sponsors the same sport in two different seasons, it may count the sport only in the season in which its team participates in the most contests. To be counted as a fall sport, the majority of an institution's contests or dates of competition would have to occur from September through December; to be counted as a winter sport, December through March; to be counted as spring sport, February through May.

7.3.1.8.3 Male-Female Enrollment Ratio Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the sports sponsorship requirement for men or women in accordance with the procedure listed below:

- (a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and shall be received in the national office not

later than October 1; and

- (b) The institution shall provide data demonstrating that the male-female enrollment ratio prohibits the offering of the required number of sports for one or the other gender.

7.3.1.8.3.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02.6.

7.3.1.8.3.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's waiver appeal of a decision made by the Membership Committee in regard to an institution's waiver of the male-female enrollment ratio.

7.3.1.8.4 Three-Season Sport Waiver. The Management Council, by a two-thirds majority of its members present and voting, may waive the requirement that an active member shall conduct at least one sport in every sport season if the institution is precluded by its academic calendar and climatic conditions from conducting a sport in a particular season.

7.3.1.9 Audit of Membership Requirements.

7.3.1.9.1 Minimum Financial Aid and Sports-Sponsorship Reports. The Membership Committee shall have the authority to conduct an audit of the information contained in a member institution's minimum financial aid report and minimum sports-sponsorship report (see Bylaw 21.8.5.7.2).

7.3.1.9.2 Failure to Fulfill Membership Requirements -- Institution on Probation. If a member institution is placed on probation for failure to fulfill more than one membership requirement during a five-year period, the Membership Committee shall have the authority to conduct an audit of the institution's fulfillment of membership requirements (see Bylaw 21.8.5.7.2). The committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation. The committee may impose conditions or penalties that an institution must satisfy during the probationary period.

7.3.2 Eligibility for National Collegiate and Division Championships.

7.3.2.1 Eligibility for National Collegiate Championships. [#] An active member institution in good standing, regardless of division, is eligible for the National Collegiate Championships, if a division championship in the respective sport is not offered in its division. Such an institution is required to meet only the institutional and individual eligibility requirements of its division that govern the sport in question. Separate championships in each division are not sponsored in the following sports:

<u>Women's beach volleyball</u>	<u>Women's ice hockey</u>
<u>Women's bowling</u>	<u>Men's and women's rifle</u>
<u>Men's and women's fencing</u>	<u>Men's and women's skiing</u>
<u>Men's gymnastics</u>	<u>Men's volleyball</u>
<u>Women's gymnastics</u>	<u>Men's and women's water polo</u>

7.3.2.1.1 Maximum Awards Exception. An institution may exceed the maximum awards limitation of its division in a sport in which only a National Collegiate Championship is conducted and remain eligible for that NCAA event (see Bylaw 15.4.2 for financial aid equivalency limits).

7.3.2.1.1.1 Declaration of Intent to Be Exempt. A member institution that desires to exceed the maximum awards limitation in a given sport (or sports) shall file a declaration of its intent to be exempt from that limitation with the appropriate divisional Membership Committee. The declaration shall be received at the national office not later than the June 1 before the academic year for which it seeks the exemption. The institution then shall be governed by the appropriate Division I legislation governing maximum awards for that year.

7.3.2.1.2 Options When No Division II Championship Is Conducted. An active member institution that holds membership in Division II is eligible to compete in the Division I championship in those sports for which no Division II championship is conducted. The institution shall declare its intention with the Championships Committee to compete by June 1. This declaration of intent shall be effective for a minimum of three years.

7.3.2.1.2.1 Participation in Division I Championship. To be eligible for the Division I championship in such a sport, the member institution is required to meet all Division I institutional and individual eligibility requirements and may use Division I financial aid limitations in that sport as permitted under Bylaw 7.3.1.10.1.1.

7.3.2.1.2.2 Exception for Maximum Number of Contests or Dates of Competition A member institution that is eligible for a championship in Division I because there is no championship in that sport in Division II shall apply the maximum number of contests or dates of competition in the sport involved that applies in Division I.

7.3.3 Responsibility for Actions of Outside Entities.

7.3.3.1 Independent Agencies or Organizations. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of an independent agency or organization, including corporate entities (e.g., apparel and equipment companies), when a member of the institution's executive or athletics administration, or an athletics department staff member, has knowledge that such agency or organization is promoting the institution's intercollegiate athletics program.

7.3.3.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:

- (a) Has participated in or is a member of an agency or organization, including corporate entities (e.g., apparel and equipment companies), as described in Bylaw 7.3.3.1;
- (b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;

- (c) Has been requested by the athletics department staff to assist in the recruitment of prospective student-athletes or is assisting in the recruitment of prospective student-athletes;
- (d) Has assisted or is assisting in providing benefits to enrolled student-athletes; or
- (e) Is otherwise involved in promoting the institution's athletics program.

7.3.3.2.1 Agreement to Provide Benefit or Privilege. Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Bylaw 7.3.3.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution's athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement.

7.3.3.2.2 Retention of Identity as "Representative." Any individual participating in the activities set forth in Bylaw 7.3.3.2 shall be considered a "representative of the institution's athletics interests," and once so identified as a representative, it is presumed the person retains that identity.

7.3.4 Discipline of Active Institutions. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)

7.3.4.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention by vote of a majority of the members present and voting.

7.3.5 Loss of Active Membership.

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

- (a) A notice of intention to suspend or terminate membership, stating the grounds on which such a motion will be based, is given in writing to the chair of the Presidents Council and to the president or chancellor of the member institution; and
- (b) The Presidents Council approves the notification of intention to move for suspension or termination.

7.3.5.1.1 Cessation of Rights and Privileges. All rights and privileges of the member shall cease on any termination or suspension of active membership.

7.3.5.2 Removal of Accreditation. If an active member's accreditation is removed by its regional accrediting agency, it shall forfeit immediately its membership in the Association.

7.3.5.3 Failure to Pay Dues. If an active member fails to pay its annual dues for one year, its membership shall be automatically terminated.

7.3.6 Conferences.

7.3.6.1 Privileges.

7.3.6.1.1 Privileges of Active Member Conferences. Active member conferences shall be entitled to all of the privileges of active members except the right to compete as such in NCAA championships.

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

7.3.6.1.3 Voting Rights and Other Conference Active Membership Privileges. Only those multisport member conferences that meet the criteria listed below shall be entitled to receipt of active conference membership privileges, under the following timetable:

(a) Immediate upon active membership:

(1) Conference grant distribution;

(2) A vote at the NCAA Convention; and

(3) Representation on the Management Council and Student-Athlete Advisory Committee.

(b) One year after active conference membership: Enhancement fund distribution; and

(c) Five years after active conference membership: Automatic qualification for championships. (see Bylaw 31.3.4).

7.3.6.1.3.1 Competitive and Legislative Body. An active member conference shall be both a competitive and a legislative body on the conference level (see Bylaws 7.02.1.3.1 and 7.02.1.3.2).

7.3.6.1.3.2 Minimum Size and Division Status.

7.3.6.1.3.2.1 Full Voting Privileges. An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

7.3.6.1.3.2.2 Partial Voting Privileges. Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all common provisions (those

provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

7.3.6.1.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least five sports for men and five sports for women, or four sports for men and six sports for women. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

- (a) The conference must conduct a conference championship (e.g., round robin or tournament play) and name a conference champion in the sport;
- (b) In team sports only, the conference must conduct regular-season competition among the conference members sponsoring the sport; and
- (c) At least six active conference member institutions must sponsor and compete in the sport.

7.3.6.1.3.3.1 Three-Season Requirement. A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.

7.3.6.1.3.3.2 Minimum Contests/Minimum Participant Requirements. An institution must satisfy the minimum contest and minimum participant requirements set forth in Bylaw 7.3.1.7.1.3 in a given sport in order for that sport to be considered when determining whether the conference has six member institutions that sponsor and compete in that sport.

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

7.3.6.1.3.3.4 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.6.1.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.

7.3.6.1.3.4 Football Issues. In addition to meeting the requirements of Bylaw 7.3.2.1.3.3 for men's and/or women's sports, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

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

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

7.3.6.2 Conditions and Obligations of Active Membership.

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

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

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

7.3.6.2.3.1 Exception for Composition of Conference. A conference with eight or more active NCAA member institutions may accept an institution in the provisional period of the Division II membership process (see Bylaw 7.01.9) into active conference membership.

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

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

7.3.6.2.4.1.1 Failure to Conduct a Conference Student-Athlete Advisory Committee Annual Meeting. If an active member conference fails to meet the conditions set forth in Bylaw 7.3.6.2.4.1 during a given year, the conference shall immediately be placed on probationary status during the following academic year and would not be eligible for all or any portion of the conference grant funds as determined by the Planning and Finance Committee. If the conference fails to meet the conditions set forth in Bylaw 7.3.6.2.4.1 during the probationary year, the conference may forfeit immediately its membership in the Association.

7.3.6.2.4.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant

waivers of Bylaw 7.3.6.2.4.1 if it deems that unusual circumstances warrant such action.

7.3.6.2.5 Sports Sponsorship Audit Requirement. A voting member conference shall provide documentation, on request, to the Membership Committee to show evidence of compliance with sports sponsorship requirements set forth in Bylaw 7.3.6.1.3.3 for a given year.

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

7.3.6.3 Composition of Active Conferences. All of the members of the conference shall be active members of this Association. A conference with eight or more active NCAA members may accept an institution in the provisional period of the Division II membership process (see Bylaw 7.01.9) into active conference membership.

7.3.6.3.1 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.6.3, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.3.6.4 Conference Membership Requirements. A conference of at least 10 active member institutions desiring to attain voting conference status and gain access to voting conference membership privileges must meet the following conditions:

- (a) At the time of application, be composed of at least 10 active member institutions and/or institutions in the provisional period of the Division II membership process (see Bylaw 7.4.1.5.3). All institutions shall be located in the same geographic area as specified in Bylaw 8.1.1.4;
- (b) Submit an application to the Membership Committee, to be received in the national office not later than December 1. A fee, as determined by the Membership Committee, shall accompany the application. The following information must be submitted at the time of application:
 - (1) A conference strategic plan;
 - (2) A conference constitution and bylaws;
 - (3) Documentation affirming the institutions in the conference satisfy the sports sponsorship requirement the year prior to the conference becoming an active conference and that conference will satisfy the sports sponsorship requirement in year it would become active conference;
 - (4) A business plan for conference office operations; and
 - (5) A student-athlete advisory committee development plan; and
- (c) The conference commissioner must attend the NCAA Convention in the year immediately following the submission of the application.

7.3.6.5 Minimum Size for Active Conferences. A conference shall be composed of at least 10 active member institutions prior to its approval as an active member conference. All institutions shall be located in the same geographic

area as specified in Bylaw 8.1.1.4. Once the conference is approved by the Membership Committee, it shall be eligible for privileges of active member conferences, except for enhancement fund distribution [see Bylaw 7.3.6.1.3-(b)] and automatic qualification [see Bylaws 7.3.6.1.3-(c), 31.3.4.1, 31.3.4.2 and 31.3.4.4].

7.3.6.6 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaws 7.3.6.4-(a) and 7.3.6.5, if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee.

7.3.6.7 Grace Period -- Application Fee. An active member conference whose membership falls below the minimum number of institutions required for active membership shall not be required to submit a fee per Bylaw 7.3.6.4-(b) for four years following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership.

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

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

7.3.6.9 Loss of Active Member-Conference Status.

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

7.3.6.9.2 Erroneous Information During Membership Application. A member conference that provides erroneous information during the membership application process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to elect the conference as an active member conference, may be terminated or suspended (see Bylaw 7.3.2.9.3).

7.3.6.9.2.1 Appeal. The Division II Management Council shall review appeals of the Membership Committee's decision to suspend or

terminate a member conference for providing erroneous information during the membership application process.

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

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

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

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

7.3.6.9.4 Ineligible Conference Member Institution. If any member of an athletics conference is found to be ineligible for active membership in this Association, such conference shall be ineligible for conference membership and its membership terminated, unless the conference has satisfied Bylaw 7.3.6.3.2.

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

7.4 Provisional Membership.

7.4.1 Institutions – Change of Division Membership (All Sports).

7.4.1.1 Reclassification Process. An institution that is currently an active member of Division I and seeks to reclassify its divisional membership in all sports to Division II must successfully complete all requirements of the membership process as determined by the Membership Committee to obtain active member status in Division II. An institution that is currently an active member of Division III and seeks to reclassify its divisional membership in all sports to Division II must successfully complete the membership process specified in Bylaw 7.4.1.5 to obtain active member status in Division II.

7.4.1.2 Eligibility.

7.4.1.2.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution) and duly elected to the membership process under the provisions of Bylaws 7.4.1.4 and 7.4.1.2.

7.4.1.2.2 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 7. The application shall be

reviewed by the Membership Committee.

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

7.4.1.2.3 Drug-Testing Program and Consent Form. An institution in the provisional period of the membership process shall administer annually, on a form prescribed by Management Council, a signed drug-testing consent form for each student-athlete (per Bylaw 12.02.7) in accordance with Bylaw 14.1.4 and shall ensure compliance with the requirements of the NCAA Drug-Testing Program outlined in Bylaw 7.3.1.5.10.

7.4.1.2.4 Conditions and Obligations of Membership in the Provisional Period of the Membership Process. During year one of the membership process, an institution shall administer its athletics programs in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety. An institution in the second and third years of the provisional period of the membership process shall administer its athletics program in accordance with the constitution, bylaws and other legislation of the Association.

7.4.1.3 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements (see Bylaw 7.4.1.9.2):

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and
- (c) An application fee shall accompany the application form. The amount of the fee will be determined annually by the Membership Committee based on a continual analysis of expenses associated with the membership process. In addition, a check in the appropriate amount for annual dues [see Article 3-(C)] shall also accompany the application. Should the applicant institution fail to be accepted into the membership process, the dues paid shall be refunded and the application fee will be refunded on a prorated basis, as determined by the Membership Committee.

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

7.4.1.3.2 Membership Committee Authority. The Management Council, on recommendation of the Membership Committee, may establish an annual limit on the number of eligible institutions that will be selected to begin the membership process.

7.4.1.4 Procedures for Election to the Provisional Period of the Membership Process – Voting Requirement. Procedures for election to provisional membership under this subsection are federated provisions (see Bylaw 9.02.1.3).

7.4.1.5 Division II Membership Process. Institutions seeking to become active members of Division II in all sports must successfully complete all requirements of the Division II membership process, as specified in Bylaw 7.4.

7.4.1.5.1 Administrative Requirements for Application.

7.4.1.5.1.1 Deadline for Submission of Application. An institution applying for Division II membership shall complete an application, signed by the president or chancellor, and received in the national office not later than February 1.

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

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

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

7.4.1.5.2 Administrative Requirement for Active Membership – Conference Membership. An institution must receive a bona fide invitation for membership from an active Division II conference before applying for Division II membership and shall maintain conference affiliation during the Division II membership process.

7.4.1.5.3 Provisional Period. Once an institution receives notice that it has been accepted to begin the Division II membership process, the institution shall enter the provisional period of the membership process on September 1, the beginning of practice in any sport for the fall term or the first day of classes for that fall term, whichever occurs first, following the acceptance of the application. The provisional period shall be a minimum of three years. At the completion of the three-year period, the institution shall receive a determination of its readiness to proceed to active membership.

7.4.1.5.3.1 Assessment Program. Institutions are required to satisfy the following requirements during the provisional period:

(a) Year One:

- (1) Demonstrated administration of its athletics program in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety;
- (2) A comprehensive self-study and evaluation of its intercollegiate athletics program using the Division II Institutional Self-Study Guide (ISSG);

- (3) Demonstrated involvement and commitment of the president or chancellor at the institution, as determined by the Membership Committee;
- (4) An on-campus assessment conducted by an outside group selected by the Membership Committee. NCAA staff and a representative of the Membership Committee will also participate to review the readiness of the institution to become an active member, as measured against a Division II active member's athletics program;
- (5) An annual report submitted by June 1, which shall include an updated athletics department strategic plan. See the Membership Committee's policies and procedures manual for more clarification regarding the content of an annual report;
- (6) A visit paid by the institution to an active member institution's campus, as selected by the Membership Committee;
- (7) Attendance at an orientation session conducted by the national office staff related to basic Division II operating rules and membership requirements. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and any additional individual to whom athletics reports;
- (8) Attendance at the NCAA Division II Convention Business and Membership Committee Sessions. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative and a compliance administrator; and
- (9) Attendance at the Regional Rules Seminar conducted by the NCAA. Institutional representatives required to attend are the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and a liaison from financial aid and the registrar's office.

(b) Year Two:

- (1) Demonstrated administration of its athletics program in accordance with the constitution, bylaws and other legislation of the Association;
- (2) Demonstrated involvement and commitment of the president or chancellor at the institution in the membership process, as determined by the Membership Committee;
- (3) An on-campus assessment conducted by an outside group selected by the Membership Committee. The assessment

shall include completion of the NCAA Compliance Blueprint Review;

- (4) An annual report submitted by June 1, which shall include an updated athletics department strategic plan. See the Membership Committee's policies and procedures manual for more clarification regarding the content of an annual report;
- (5) Attendance at the NCAA Division II Convention Business and Membership Committee Sessions. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative and a compliance administrator; and
- (6) Attendance at the Regional Rules Seminar conducted by the NCAA. Institutional representatives required to attend are the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and a liaison from financial aid and the registrar's office.

(c) Year Three:

- (1) Demonstrated administration of its athletics program in accordance with the constitution, bylaws and other legislation of the Association;
- (2) Demonstrated involvement and commitment of the president or chancellor at the institution, as determined by the Membership Committee;
- (3) An on-campus assessment conducted by an outside group selected by the Membership Committee to review the readiness of the institution to become an active member;
- (4) An annual report submitted by June 1, which shall include an updated athletics department strategic plan. See the Membership Committee's policies and procedures manual for more clarification regarding the content of an annual report;
- (5) Attendance at the NCAA Division II Convention business and Membership Committee sessions. Institutional representatives required to attend are the chancellor or president, the director of athletics, the senior woman administrator, the faculty athletics representative and a compliance administrator; and
- (6) Attendance at the Regional Rules Seminar conducted by the NCAA. Institutional representatives required to attend are the director of athletics, the senior woman administrator, the faculty athletics representative, a compliance administrator and a liaison from financial aid and the registrar's office.

(d) Additional Requirements for Active Membership. An institution must satisfy the following requirements at least once during the three-year membership process:

- (1) Attendance at the NCAA Inclusion Forum. Institutional representatives required to attend are the senior woman administrator and a senior level administrator outside of athletics;
- (2) Attendance by the faculty athletics representative at the Faculty Athletics Representative Association National Convention; and
- (3) Attendance by the senior woman administrator at a professional development event (e.g., Women Leaders in College Sports Convention, Administrative Enhancement Institute, NACDA Convention).

7.4.1.5.3.2 Provisional Period – Year Three Fee. A nonrefundable fee will be assessed if an institution is invited to year three of provisional membership. The amount of the fee will be determined annually by the Membership Committee, based on a continual analysis of expenses associated with the new member process. Additionally, a check in the appropriate amount for annual dues [see the annual dues requirement for active members per Article 3-(C)] also shall accompany the notice.

7.4.1.5.4 Determination of Standing in the Membership Process.

7.4.1.5.4.1 Failure to Meet Membership Requirements. An institution in the membership process failing to meet and maintain the conditions set forth in Bylaw 7.4 and its subsections may be required to complete an additional year of the provisional period or may be removed from the membership process, by a two-thirds vote of the Membership Committee members present and voting. A notice of intention to remove an institution from the membership process, stating the grounds on which such an action will be based, shall be given in writing to the president or chancellor of the institution in the membership process.

7.4.1.5.4.2 Waiver of Membership Process Requirements. The Membership Committee has the authority to waive the requirements of the membership process due to circumstances outside the control of the institution.

7.4.1.5.4.2.1 Authority of Management Council. The Management Council shall hear and act on an institution's or conference's appeal of a decision made by the Membership Committee in regard to an institution's or conference's standing as a provisional member.

7.4.1.5.4.3 Termination and Cessation of Rights and Privileges. All rights and privileges of an institution in the membership process shall cease on any termination of membership in the provisional period. Any institution in the membership process whose membership in the provisional period is terminated may reapply to enter the membership process after a period of one year.

7.4.1.6 Restricted Membership Status – Institution Providing Erroneous Information During Membership Process. An institution that provides erroneous information during the membership process that is material, intentional and fallacious, and would have impacted the Membership Committee's decision to move the institution forward in the membership process, shall be subject to restricted-membership status for one academic year for the entire athletics program (both men's and women's sports) following the time of discovery.

7.4.1.6.1 Appeal – Restricted-Membership Status. Appeals of the Membership Committee decision to place an institution in restricted membership status for providing erroneous information during the membership process shall be reviewed by the Division II Management Council.

7.4.1.7 Privileges and Voting Rights.

7.4.1.7.1 Publications and Convention Representation. Member institutions in the provisional period shall receive all publications and mailings received by active members of the Association, shall be entitled to be represented by one nonvoting delegate at any Convention of the Association and shall have such other privileges as may be accorded by the bylaws of the Association.

7.4.1.7.2 Use of Association's Registered Marks. A provisional member in year three of the membership process set forth in Bylaw 7.4 may use the registered marks of the Association (i.e., the Association's name, logo or other insignia) only in accordance with guidelines established by the Board of Governors. Prior to the provisional year three designation, an institution in the membership process is limited to using Division II specific logos and a specially designed NCAA logo for provisional institutions.

7.4.1.8 Election to Active Membership.

7.4.1.8.1 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Bylaw 7.1.4.1.2.1 for the accreditation standard for an international institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 7. The application shall be reviewed by the Membership Committee.

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

7.4.1.8.2 Administrative Requirements for Application. An institution applying for Division II membership shall complete the following requirements:

- (a) An application signed by the institution's president or chancellor, and received in the national office not later than February 1;
- (b) Sponsorship by an active member institution or conference; and

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

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

7.4.1.8.2.2 Membership Committee Authority. The Membership Committee has the authority to accept or not accept an institution's application to enter the membership process.

7.4.1.8.3 Election. A favorable vote by two-thirds of the Membership Committee members present and voting shall elect the applicant institution to membership effective the following September 1, the beginning of practice in any sport for that fall term or the first day of classes for that fall term, whichever occurs first. When the vote of the Membership Committee has been completed, the applicant institution shall be notified.

7.4.1.8.4 Resignation and Re-Election to Membership. If an institution resigns its membership following application to re-establish its membership, the institution first shall complete a membership process (see Bylaw 7.4) before such institution becomes eligible for re-election as an active member.

7.4.1.8.5 Championships Eligibility – Reclassification to Division II. To be eligible for NCAA championships in Division II on September 1 following successful completion of the membership process, the institution shall comply with all championships eligibility requirements, as prescribed by Bylaw 31, and otherwise shall be eligible for participation in those championships. In addition, a member of Division II shall comply with the provisions of Bylaw 18.4.

7.4.1.8.5.1 Waivers – New Division or Subdivision. When the institution's reclassification was the direct result of the creation of a new division or subdivision, the Board of Governors, by a two-thirds majority of its members present and voting, may grant waivers of the two-year requirement of Bylaw 7.6.2.2 if it deems that unusual circumstances warrant such action.

7.4.2 Conferences.

7.4.2.1 Application. An athletics conference desiring to become an active member conference shall make application on a form available from the national office. An application fee and the amount for annual dues [see Constitution 3-(C)] shall accompany the application. The fee and dues paid shall be refunded to the applicant conference should the Membership Committee not accept its application.

7.4.2.2 Election. Athletics conferences may be elected as active member conferences by a majority vote of the delegates present and voting at an annual

Convention or by a two-thirds majority vote of the Membership Committee members present and voting.

7.4.2.3 Annual Limit on Conference Membership. The Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of applicant athletics conferences that will be invited to active conference membership.

7.5 Active Division II Membership Following Reclassification.

7.5.1 Championships Eligibility – Reclassification to Division II. To be eligible for NCAA championships in Division II on September 1 following successful completion of the membership process, the institution shall comply with all championships eligibility requirements, as prescribed by Bylaw 31, and otherwise shall be eligible for participation in those championships. In addition, a member of Division II shall comply with the provisions of Bylaw 18.4.

7.6 Multidivision Classification.

7.6.1 Multidivision-Classification Options. A member institution may have a sport classified in a division other than the one in which it is a member only in the following circumstances:

7.6.1.1 Classification of a Sport in Division I. A member may have a sport classified in Division I, provided the sport was classified during the 2010-11 academic year.

7.6.1.1.1 Reclassification of a Sport of the Opposite Gender. A member that had one sport classified in Division I during the 2010-11 academic year may petition to have one sport of the opposite gender, other than football or basketball, classified in Division I, provided the original sport remains classified in Division I. Once a sport begins the first academic year of classification in Division I, the sport shall no longer be eligible to participate in Division II championships. The sport remains ineligible for Division II championships for the duration of the multidivision classification.

7.6.1.2 Women's Multidivision-Classification Limitation. A member institution that has its women's program classified in a division other than its membership division (per Bylaw 7) shall not be eligible to petition for the multidivision-classification opportunities available to a women's program that is classified in the same division as the institution's men's program.

7.6.2 Requesting Reclassification of a Single Sport from Division I to Division II. A member institution that has a single sport classified as Division I per Bylaw 7.6.1 may petition to reclassify that single sport back to Division II.

7.6.2.1 Notification Requirement. When petitioning for reclassification of a single sport from Division I to Division II, the institution shall submit a written request to the Division II Membership Committee. The request must be received in the national office not later than June 1 preceding the year in which the institution will begin complying with the applicable division criteria.

7.6.2.2 Reclassification Period. A member reclassifying a single sport from Division I to Division II shall complete a two-year reclassification period. At the end of the two-year period (unless an institution is required to repeat a year), a member reclassifying a single sport from Division I to Division II shall be eligible for participation in Division II in the sport effective the September 1

immediately following the successful completion of the two-year reclassification period.

7.6.2.2.1 Rules Compliance Requirements. A member institution reclassifying a single sport from Division I to Division II shall administer its athletics program in that sport in accordance with the Division II constitution, bylaws and other legislation of the Association for the entire two-year reclassification period.

7.6.2.2.2 Annual Review. A member institution reclassifying a single sport from Division I to Division II shall provide, on an annual basis, a written report to be reviewed by the Membership Committee describing the institution's progress in meeting the application of the Division II constitution, bylaws and other legislation of the Association to its reclassifying single sport.

7.6.2.3 Waiver. The Membership Committee may waive any of the requirements in Bylaw 7.6.2. An institution reclassifying a single sport from Division I to Division II that requests a waiver of the two-year reclassification period (see Bylaw 7.6.2.2) must provide written documentation to the Membership Committee demonstrating that the institution will satisfy Division II legislation in the sport during the two-year period (e.g., eligibility lists, schedules, financial aid equivalency information, verification of student-athlete eligibility from the NCAA Eligibility Center).

7.6.2.3.1 Authority of Management Council. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's standing as a reclassified single sport.

7.6.3 Applicable Legislation. A member institution shall observe the applicable legislation and requirements of its membership division. However, if the institution is eligible to participate in a sport in another division (see Bylaw 7.6 for multidivision-classification privileges), it shall apply the rules of the other division that govern the sport in question.

7.7 Reclassification from Division II to Division I or Division III. A member of Division II that is reclassifying to Division I or Division III shall no longer be eligible for the following benefits once it officially begins the reclassification process:

- (a) Participation in any Division II NCAA championships;
- (b) Receipt of Division II Enhancement Fund proceeds; and
- (c) Voting at the annual NCAA Convention.

An institution reclassifying to Division III remains eligible for Division II championships and/or committee service during the Division III exploratory period, provided the institution continues to comply with all Division II regulations. However, such eligibility shall terminate once the exploratory period ends and the reclassification period to Division III has officially begun.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Following the adoption of a new Association-wide constitution at the 2022 NCAA Convention, the Division II Management Council adopted noncontroversial legislation to move all Division II legislative provisions out of the NCAA constitution to new bylaws. This proposal is a continuation of a review of legislation to determine the alignment with the new constitution and structure of the Division II manual. This change merges Constitution Articles 3 and 6 with Bylaw 20 into new Bylaw 7 for one membership bylaw. The proposal also eliminates duplicative language in the legislation. This change will reorganize and streamline the membership legislation for ease of reference.

NO. NC-2023-8 ENFORCEMENT POLICIES AND PROCEDURES -- RESPONSIBILITY TO COOPERATE -- TOOLS TO FACILITATE COOPERATION

Intent: To amend enforcement policies and procedures related to cooperation, as follows: (a) To further define full cooperation in the infractions process; (b) To confirm that the Committee on Infractions may infer that failure or refusal to produce requested materials supports an alleged violation; (c) To confirm that the Committee on Infractions may view the failure or refusal to interview as an admission that an alleged violation occurred; (d) To protect a "whistleblower" who voluntarily reports information about a potential violation; and (e) To confirm that information upon which the Committee on Infractions bases its decision could be information that both directly and circumstantially supports an alleged violation.

A. Administrative: Amend 32.1.3, as follows:

32.1.3 Cooperative Principle. The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information to determine whether a possible violation of NCAA legislation has occurred and the details of the infraction. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of the investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution.

32.1.3.1 Full Cooperation. Full cooperation pursuant to the cooperative principle and responsibility to cooperate set forth in Bylaw 19.01.3 includes, but is not limited to:

- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;**
- (b) Timely participation in interviews and providing complete and truthful responses;**
- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;**
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;**
- (e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;**
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and**

(g) Instructing legal counsel and/or other representatives to also cooperate fully.

B. Administrative: Amend 32.3, as follows:

32.3 Investigative Procedures.

[32.3.1 through 32.3.10 unchanged.]

32.3.11 Failure to Cooperate. In the event that a representative of an institution ~~refuses to submit relevant information to the Committee on Infractions or the enforcement staff on request~~ **fails to satisfy the responsibility to cooperate**, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws and enforcement policies and procedures. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.

32.3.11.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5 (see Bylaw 32.9.8.3.2).

32.3.11.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and he or she is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred (see Bylaw 32.9.8.3.3).

32.3.12 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to his or her conference, member institution and/or the Association.

[32.3.12 renumbered as 32.3.13, unchanged.]

C. Administrative: Amend 32.9.8.3, as follows:

32.9.8.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. **The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.**

32.9.8.3.2 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5.

32.9.8.3.3 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

This change will help assure that investigators and adjudicators have the necessary tools and authority to effectively investigate and adjudicate violations, that the failure to promptly respond to investigators' requests have significant consequences, and that whistleblowers be protected. Enhancing the tools available to the enforcement staff through defining full cooperation, extending the authority in decision making available to the Committee on Infractions (COI), and protecting whistleblowers will create efficiency in the investigation and adjudication of cases and strengthen the process. For instance, defining full cooperation educates parties on the membership's expectations during an investigation. Expressly stating the COI may make inferences based on a party's noncooperation is intended to promote cooperation. Clarifying that the committee may rely on both direct and circumstantial information provides transparency. Finally, protecting individuals with information about potential violations may prompt them to come forward. The whistleblower protection will only make institutions answer to the NCAA for retaliating against whistleblowers and does not protect individuals from actions that may be taken by an institution against them, nor does it supersede any state or federal regulations regarding whistleblowers.

NO. NC-2023-9 ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRINGEMENTS HEARINGS -- BASIS OF DECISION -- IMPORTATION OF FACTS

Intent: To amend the legislation regarding the basis of a Committee on Infractions decision, as follows: (1) To specify that acts established by a decision or judgment of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees, may be accepted as true in concluding whether an institution or individual violated NCAA legislation; and (2) To specify that evidence submitted and positions taken in such a matter may be considered in the infractions process.

Administrative: Amend 32.9.8.3, as follows:

32.9.8.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. **The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.**

32.9.8.3.1 Importation of Facts. Facts established by a decision or judgment of a court, agency, accrediting body, or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees and regardless of whether the facts are accepted by the institution or the institution's university system's board of trustees, may be accepted as true in the infractions process in concluding whether an institution or individual participating in the previous matter violated NCAA legislation. Evidence submitted and positions taken in such a matter may be considered in the infractions process.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Current NCAA legislation does not expressly permit the Committee on Infractions to accept as true facts established by decisions or judgments from courts, agencies, accrediting bodies or other administrative tribunals, or by a commission, or similar review of comparable independence, authorized by an institution or the institution's university system's board of trustees. Likewise, the legislation does not expressly permit the COI to consider evidence submitted and positions taken in such matters. Investigators and adjudicators should be able to rely on such facts and information in their review of an infractions case. This change will expressly state the COI may import adjudicated facts, or consider evidence submitted and positions taken in judicial and other administrative proceedings. Further, these modifications will clarify the acceptable use of such information and increase efficiency in the infractions process by saving time and resources. Finally, the modifications will help process violations that are known to the enforcement staff but may not otherwise be processed.

NO. NC-2023-10 INFACTIONS PROGRAM -- MISSION OF THE INFACTIONS PROGRAM, PRINCIPLE OF ACCOUNTABILITY AND PRINCIPLE OF SHARED RESPONSIBILITY

Intent: To clarify the mission of the NCAA infractions program as follows: (1) To uphold integrity and fair play among the NCAA membership and to prescribe appropriate and fair penalties if violations occur; (2) To ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance; (3) To be committed to the fairness of procedures and the timely resolution of infractions cases; (4) The membership's responsibility to self-report violations; and (5) The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values; further, to specify that: (a) The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels; (b) Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the constitution and bylaws of the Association; and (c) Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

Bylaws: Amend 19, as follows:

19 Infractions Program

19.01 General Principles.

19.01.1 Mission of NCAA Infractions Program. ~~It shall be the mission of the NCAA infractions program to eliminate violations of NCAA rules and prescribe appropriate penalties should violations occur. The program is committed to fairness of procedures and the timely and equitable resolution of infractions cases. The achievement of these objectives is essential to the conduct of a viable and effective infractions program. Further, an important consideration in prescribing penalties is to provide fairness to uninvolved student-athletes, coaches, administrators, competitors and other institutions.~~ **It is the mission of the NCAA infractions program to uphold the integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. Member institutions are responsive to self-report violations. The ability to investigate allegations and penalize infractions is critical to the common**

interests of the Association's membership and the preservation of its enduring values.

19.01.2 Accountability. The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels.

[19.01.2 renumbered as 19.01.3, unchanged.]

19.01.4 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the constitution and bylaws of the Association.

19.01.5 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

[19.01.3 through 19.01.5 renumbered as 19.01.6 through 19.01.8, unchanged.]

[19.02 through 19.7 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Modifying the mission of the infractions program better reflects the values of Division II. The fundamental principle of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA legislation are not disadvantaged by their commitment to compliance. The mission should reflect the membership's commitment to promoting an atmosphere of compliance by actively educating and monitoring its institutional staff, prospective and current student-athletes and representatives of athletics interests. The legislation should be updated to reflect that "eliminating" violations is not a realistic expectation, but rather, each institution is responsible to self-report violations. There should be fairness and transparency in procedures and a timely resolution of violations, and the mission should include a statement to uphold integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur.

NO. NC-2023-11 INFRACTIONS PROGRAM AND ENFORCEMENT POLICIES AND PROCEDURES – PUBLIC DISCLOSURE ABOUT A PENDING CASE DURING INVESTIGATION, TEMPORARY SUBSTITUTES, REPRESENTATION BY LEGAL COUNSEL, PRESENCE OF INSTITUTIONAL REPRESENTATIVES DURING INTERVIEW AND INSTITUTIONAL HEARING REPRESENTATIVES

Intent: To amend the infractions program and enforcement policies and procedures, as follows: (1) To specify if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public; (2) To specify that if it appears that one or more members of the Committee on Infractions will be unable to participate in the hearing of a case, the chair may request the Division II Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of the case; (3) To clarify that, when an enforcement staff member conducts an interview, the individual questioned may be represented by personal legal counsel; (4) To specify that if an interview with an enrolled student-athlete or athletics department staff member is conducted, an institutional representative (as

designated by the institution) may be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution; further, to specify that if the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or the staff member is employed, and would not reasonably affect the student's eligibility or the staff member's employment at that institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject institution or any involved individual; and (5) To specify that the senior compliance administrator be required to be present at institutional hearings.

A. Bylaws: Amend 19, as follows: (*Immediate*)

19 Infractions Program

[19.01 through 19.02 unchanged.]

19.1 Committee on Infractions. The Management Council shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA infractions program.

[19.1.1 through 19.1.2 unchanged.]

19.1.2.3 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case.

[19.1.2.4 renumbered as 19.1.2.5, unchanged.]

[19.1.3 unchanged.]

[19.2 through 19.7 unchanged.]

B. Administrative: Amend 32, as follows: (*August 1, 2022*)

32 Enforcement Policies and Procedures

[32.1 through 32.2 unchanged.]

32.3 Investigative Procedures.

[32.3.1 through 32.3.4 unchanged.]

32.3.4.1 Presence of Institutional Representative During Interview. If ~~an~~ interviewing ~~with~~ an enrolled student-athlete or ~~current~~ athletics department staff member ~~is conducted on the campus of an institution~~, an institutional representative(s) (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the ~~investigator~~**enforcement staff** wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student-athlete's eligibility or the staff member's employment **at the institution**, ~~the institutional representative shall not be present~~

~~during that portion of the interview. In such a situation (after the institutional representative has departed), any information inadvertently reported by the student-athlete or the staff member that is related to their own institution shall not be used against the student-athlete, staff member or that institution.~~**institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject, institution or any involved individual.**

[32.3.4.2 unchanged.]

[32.3.5 unchanged.]

32.3.6 Representation by Legal Counsel. When an enforcement staff member conducts an interview ~~that may develop information detrimental to the interests of the individual being questioned, that individual~~ may be represented by personal legal counsel.

[32.3.7 through 32.3.12 unchanged.]

32.3.13 Public Announcements. ~~The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.~~

[32.4 through 32.8 unchanged.]

32.9 Committee on Infractions Hearings.

[32.9.1 through 32.9.6 unchanged.]

32.9.6.2 Attendance at Hearings. **Except as otherwise ordered by the chair,** ~~At the time the~~**an** institution appears before the ~~Committee on Infractions~~**committee**, its representatives should include the institution's president or chancellor, the head coach of the sport(s) in question, the institution's director of athletics **and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator,** legal counsel **(if any),** enrolled student-athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the committee. Additional individuals may be included among the institution's party only if specifically approved ~~to be present by the Committee on Infractions. An individual who appears before the Committee on Infractions may appear with personal legal counsel.~~

[32.9.6.3 through 32.9.6.6 unchanged.]

[32.9.7 through 32.9.8 unchanged.]

[32.10 through 32.12 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date:

Section A: Immediate

Section B: August 1, 2022

Additional Information:

Modifying legislation to specify the Committee on Infractions may request the Management Council designate a former member of the committee as a temporary substitute will codify current practices. This proposal provides clarity by expressly stating any individual interviewed by the enforcement staff may be represented by personal legal counsel. This proposal would permit an institutional representative to be present for interviews related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed, provided the representative's presence does not compromise the integrity of the investigation. For Committee on Infractions hearings, current legislation does not require the attendance of senior compliance administrators. The Committee on Infractions could benefit from the information and perspective of senior compliance administrators at hearings.

NO. NC-2023-12 ENFORCEMENT POLICIES AND PROCEDURES -- INVESTIGATE PROCEDURES AND NOTICE OF INQUIRY -- NOTICE OF ENFORCEMENT INTERVIEWS AND STATUS OF INFRACTIONS CASES

Intent: To amend the enforcement policies and procedures, as follows: (1) To reflect the current practice of the enforcement staff notifying an institution of interviews of current institutional staff members and/or enrolled student-athletes; (2) To eliminate the references to interviews being conducted "on campus"; and (3) To eliminate the legislative requirement that the enforcement staff must provide infractions case status updates every six months.

A. Administrative: Amend 32.3, as follows:

32.3 Investigative Procedures.

[32.3.1 through 32.3.3 unchanged.]

32.3.4 Interviews With Member Institution. The director of athletics or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews ~~on the institution's campus~~ with enrolled student-athletes, coaching staff members or other institutional staff members with athletically related responsibilities or oversight ~~who are involved in~~ **who are believed to have knowledge of** possible violations ~~at the institution~~.

[32.3.4.1 through 32.3.4.2 unchanged.]

[32.3.5 through 32.3.12 unchanged.]

B. Administrative: Amend 32.5, as follows:

32.5.1 Notice to Institution. Before the enforcement staff conducts an inquiry ~~on an institution's campus~~ **with current institutional staff and/or enrolled student-athletes**, the enforcement staff shall notify the institution's president or chancellor (or their designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations pursuant to Bylaw 32.7.3. The institution shall be informed of its obligation to cooperate pursuant to Bylaw 32.1.3 and of the confidential nature of the inquiry pursuant to Bylaw 32.1.1. The institution shall be notified that if the inquiry develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 32.7, ~~or, if,~~ **or, if,** In the alternative, the institution will be notified that the matter has been concluded.

32.5.1.1 Status Notification Within Six Months. The enforcement staff shall inform the involved institution of the general status of the inquiry within six months of the date after the president or chancellor receives the notice of inquiry from the enforcement staff. If the investigation continues, additional status reports shall be

provided to the institution at least every six months thereafter, until the matter is concluded.

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

Currently, Division II NCAA Bylaws 32.3.4 (interviews with member institution) and 32.5.1 (notice to institution) require the enforcement staff to notify the institution when the enforcement staff will conduct an interview on the institution's campus. To expedite the enforcement staff's investigations of potential NCAA violations, it has become common practice to conduct interviews through various methods (e.g., virtual, telephone) that do not occur on the institution's campus. The legislation should be updated to reflect that the enforcement staff's notification is not predicated on where the interview takes place but rather who is being interviewed (i.e., current institutional staff and/or enrolled student-athletes). Additionally, Division II NCAA Bylaw 32.5.1.1 (status notification within six months) requires the enforcement staff inform the involved institution of the general status of an infractions case every six months after the president or chancellor receives the notice of inquiry, with additional status reports at least every six months thereafter, until the matter is concluded. Bylaw 32.5.1.1 should be eliminated as a legislated requirement because current Enforcement Internal Operating Procedures (IOPs) require the enforcement staff be available as needed to discuss the status of an infractions case with the president, chancellor or designated representative of the institution. The IOPs also require that the enforcement staff notify the institution of the projected duration of an infractions case so that all parties can work to satisfy the proposed timeline of resolving an infractions case. The IOPs' stated expectations exceed the legislated requirements of Bylaw 32.5.1.1.

NO. NC-2023-13 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II
PRESIDENTS COUNCIL COMPOSITION -- STUDENT-ATHLETE
REPRESENTATION

Intent: To increase the composition of the Division II Presidents Council by adding two members of the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports); further, to specify that the two student-athletes appointed to the Presidents Council shall: (1) each have a vote on the Presidents Council; (2) serve a one-year term that is renewable for one-year; and (3) be elected by the Division II Student-Athlete Advisory Committee.

A. Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

8.1.1 Composition. The composition of the Presidents Council shall be based on a weighted regional representation by institutions that shall include one chancellor or president per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1). In addition, two "at-large" positions shall exist to enhance efforts to achieve diversity of representation and to accommodate independent institutions. **The Presidents Council shall also include two members of the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports) (see Bylaw 21.8.5.9.5).**

[8.1.1.1 through 8.1.1.4 unchanged.]

8.1.1.5 Student-Athlete Advisory Committee Members. The two members of the Division II Student-Athlete Advisory Committee shall each have a vote on the Presidents Council.

[8.1.2 unchanged.]

8.1.3 Election/Term of Office.

[8.1.3.1 unchanged.]

8.1.3.2 Term of Office. Members of the Presidents Council shall serve six-year terms, which shall conclude following the annual NCAA Convention. Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.

[8.1.3.2.1 unchanged.]

8.1.3.2.2 Student-Athletes. The two student-athletes appointed to the Presidents Council shall each serve a one-year term that is renewable for an additional one-year term.

[8.1.3.3 unchanged.]

[8.1.4 unchanged.]

B. Bylaws: Amend 21.8.5.9, as follows:

21.8.5.9 Student-Athlete Advisory Committee.

[21.8.5.9.1 through 21.8.5.9.4 unchanged.]

21.8.5.9.5 Presidents Council Service. The committee shall elect two members (one representing male sports and one representing female sports) to serve on the Presidents Council.

[21.8.5.9.5 renumbered as 21.8.5.9.6, unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2022

Additional Information:

The new NCAA Constitution Article 2-(E) adopted in January and effective August 1, 2022, requires that student-athletes shall have voting representation on the Division II Presidents Council. Currently, the Division II Management Council includes two student-athletes who are chosen by and serving on the Division II Student-Athlete Advisory Committee. The process for choosing the student-athletes and having two student-athletes on the Management Council has been successful in ensuring the student-athlete voice is captured during the council's decision-making process. Such student-athlete representation will produce similar positive results for the Presidents Council. Further, each student-athlete will have one vote on the Presidents Council.

Intent: To amend the duties of the Division II Presidents Council, as follows: (a) Appoint a Division II Presidents Council member to the NCAA Board of Governors; (b) Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote; and (c) Provide comments and input to the NCAA Board of Governors on matters that impact Division II and the Association.

Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 unchanged.]

8.1.2 Duties and Responsibilities. The Presidents Council shall:

[8.1.2-(a) through 8.1.2-(e) unchanged.]

(f) Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote;

[8.1.2-(f) through 8.1.2-(q) relettered as 8.1.2-(g) through 8.1.2-(r), unchanged.]

(s) Appoint a Division II Presidents Council member to the NCAA Board of Governors;

(t) Provide comments and input to the NCAA Board of Governors on matters that impact Division II and the Association;

[8.1.2-(r) through 8.1.2-(s) relettered as 8.1.2-(u) through 8.1.2-(v), unchanged.]

[8.1.2.1 through 8.1.2.2 unchanged.]

[8.1.3 through 8.1.4 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2022

Additional Information:

The new constitution adopted in January and effective August 1, 2022, added new duties to the Division II Presidents Council. These revisions capture those new duties.

NO. NC-2023-15 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL -- DUTIES AND RESPONSIBILITIES -- VICE CHAIR -- ELIMINATION OF DUTY TO SERVE ON THE NCAA BOARD OF GOVERNORS

Intent: To eliminate the requirement that the vice chair of the Division II Presidents Council serve as a member of the NCAA Board of Governors.

Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 unchanged.]

8.1.2 Duties and Responsibilities. The Presidents Council shall:

[8.1.2-(a) through 8.1.2-(s) unchanged.]

[8.1.2.1 unchanged.]

8.1.2.2 Duties of the Vice Chair. The vice chair of the Presidents Council shall:

[8.1.2.2-(a) through 8.1.2.2-(b) unchanged.]

~~(c) Serve as a member of the Association's Board of Governors;~~

[8.1.2.2-(d) through 8.1.2.2-(e) relettered as 8.1.2.2-(c) through 8.1.2.2-(d), unchanged.]

[8.1.3 through 8.1.4 unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Implementation Committee)].

Effective Date: August 1, 2022

Additional Information:

The new constitution [Article 2-(A)] adopted in January and effective August 1, 2022, requires the Board of Governors to include one member from the Division II Presidents Council and be appointed by the council. The Division II representation on the Board of Governors is no longer a duty of the chair and vice chair as the Board of Governors member can be any member of the Presidents Council; however, allowing the chair of the Division II Presidents Council to remain serving in the leadership role for the Association, has been successful for the division and is current practice in Division II.

NO. NC-2023-16 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II
MANAGEMENT COUNCIL -- COMPOSITION -- STUDENT-ATHLETE
ADVISORY COMMITTEE MEMBERS -- STUDENT-ATHLETE
VOTING

Intent: To specify that the two members of the Division II Student-Athlete Advisory Committee shall serve as voting members on the Division II Management Council.

Bylaws: Amend 8.2, as follows:

8.2 Division II Management Council.

8.2.1 Composition. The Management Council shall be comprised of one administrator or representative from each of the Division II multisport voting conferences; one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two "at-large" positions to enhance efforts to achieve diversity of representation; and two members of the Student-Athlete Advisory Committee per Bylaw 21.8.5.9.4. The members shall be representatives of Division II active member institutions. The members of the Council shall include:

[8.2.1-(a) through 8.2.1-(d) unchanged.]

[8.2.1.1 through 8.2.1.2 unchanged.]

8.2.1.3 Student-Athlete Advisory Committee Members. The two members of the Student-Athlete Advisory Committee shall serve as voting members ~~have one combined vote~~ on the Management Council.

[8.2.2 through 8.2.4 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Currently, the two members from the Division II Student-Athlete Advisory Committee have one combined vote on the Division II Management Council. Given the recommendation for two voting SAAC members to serve on the Presidents Council and based on feedback from the membership on the concept to revise the Division II Management Council composition, this change is also necessary for the Management Council.

NO. NC-2023-17 ENFORCEMENT AND INFRACTIONS PROCESS – MOVING SPECIFIED BYLAWS TO INTERNAL OPERATING PROCEDURES.

Intent: To eliminate legislation in Bylaws 19 and 32, as specified.

A. Bylaws: Amend 19.3, as follows:

19.3 Establishment and Revision of Enforcement Policies and Procedures.

[19.3.1 unchanged.]

~~19.3.1.1 Notification to Membership. To the extent that the committee's or the enforcement staff's internal operating procedures and the enforcement policies and procedures are revised, any member institution involved in the processing of an infractions case shall be notified immediately of the change and the general membership shall be advised through the NCAA website.~~

B. Administrative: Amend 32, as follows:

32 Enforcement Policies and Procedures

[32.1 unchanged.]

32.2 Preliminary Review of Information.

[32.2.1 unchanged.]

~~32.2.1.1 Staff Initiation of Investigation. The enforcement staff may initiate an investigation on its own motion when it receives information that an institution is, has been, or may have been in violation of NCAA legislation.~~

[32.2.1.2 renumbered as 32.2.1.1, unchanged.]

[32.2.2 unchanged.]

~~32.2.2.1.3 Matters Handled by Correspondence. Matters that clearly are secondary in nature should be handled through the online reporting system.~~

32.3 Investigative Procedures.

[32.3.1 unchanged.]

~~32.3.2 Timely Process. The enforcement staff shall make reasonable efforts to process infractions matters in a timely manner.~~

[32.3.3 through 32.3.4 renumbered as 32.3.2 through 32.3.3, unchanged.]

~~32.3.4.2 Conflict With Academic Schedule. If possible, interviews should be conducted without disrupting the normally scheduled academic activities of the student-athlete.~~

~~32.3.5 Proper Identification of NCAA Staff Member. In no case shall an enforcement staff member misrepresent the staff member's identity or title.~~

[32.3.6 through 32.3.9 renumbered as 32.3.4 through 32.3.7, unchanged.]

~~32.3.9.1 Recordings. It is preferable that an interview conducted by the enforcement staff be recorded through the use of a mechanical device. If an interviewee objects to being recorded, however, or the enforcement staff believes the use of a recording device would have an inhibiting effect on the interviewee, a summary of the information reported shall be prepared per Bylaw 32.3.9.2.~~

~~32.3.9.1.1 Access to Recordings and Transcripts. Both the enforcement staff and the interviewee may record the interview or the interviewee may receive a copy of the recording and if prepared by the enforcement staff, the interview transcript, subject to the confidentiality provisions of Bylaws 32.3.9.1.4 and 32.3.9.2.1. Recorded interview summaries and any report prepared by the enforcement staff are confidential and shall only be provided to interviewees (and their institutions), except as set forth in Bylaws 32.3.9.2 and 32.7.4.~~

~~32.3.9.1.2 Institutional Recording of an Interview — Access to Recordings and Transcripts. Interviews conducted in accordance with Bylaw 32.3.4.1 or jointly with the enforcement staff at any location, may be recorded by the institution under inquiry. If the institution is unable or chooses not to record such an interview, the institution may receive a copy of the enforcement staff's recording of the interview and/or a copy of the interview transcript if prepared by the enforcement staff. Institutional recordings of NCAA interviews under any other circumstances must be approved by the Committee on Infractions.~~

~~32.3.9.1.2.1 Access to Recordings and Transcripts by Conference. For interviews conducted in accordance with Bylaw 32.3.4.1 or jointly by the institution and enforcement staff, and upon consent of the institution, a conference may receive a copy of the interview recording and/or transcript, if prepared by the enforcement staff or institution.~~

[32.3.9.1.3 through 32.3.9.1.4 renumbered as 32.3.7.0.1 through 32.3.7.0.2, unchanged.]

~~32.3.9.2 Non-Recorded Interviews. When an interview is not recorded or if the recording device malfunctions, the enforcement staff shall prepare a written summary of the information and attempt to obtain a signed affirmation of its accuracy from the interviewee. The interviewee shall be permitted to make additions or corrections to the memorandum before affirming its accuracy. In order to obtain the interviewee's signature, the enforcement staff may provide a copy of the unsigned summary to the interviewee and their counsel. After the summary is signed, the interviewee and their counsel may receive a signed copy. However, testimony as to the substance of an unrecorded interview for which a signed affirmation was not obtained may nevertheless be considered by the Committee on Infractions to the extent the committee determines the testimony to be reliable.~~

~~32.3.9.2.1 Confidentiality of Non-Recorded Interview Documents. Copies of non-recorded interview summaries and any report prepared by the enforcement staff are confidential and shall not be provided to individuals (or their institutions) who may be involved in reporting information during the process of an infractions case, except as set forth in Bylaws 32.3.9.2, 32.3.10 and 32.7.4.~~

~~32.3.9.3 Handwritten Notes. It shall be permissible for all individuals involved in interviews conducted by the enforcement staff to take handwritten notes of the proceedings.~~

[32.3.10 renumbered as 32.3.8, unchanged.]

~~32.3.10.1 Case File. The enforcement staff is responsible for maintaining factual information involved with an infractions case, including recorded interviews, interview summaries and/or interview transcripts and other evidentiary information. Such materials shall be retained at the national office.~~

[32.3.10.2 renumbered as 32.3.8.1, unchanged.]

[32.3.11 renumbered as 32.3.9, unchanged.]

~~32.3.12 Meeting With President or Chancellor. The enforcement staff may meet with the president or chancellor or a designated representative of the involved institution to discuss the allegations investigated and information developed by the NCAA in a case that has been terminated.~~

[32.4 through 32.6 unchanged.]

32.7 Notice of Allegations.

[32.7.1 through 32.7.4 unchanged.]

~~32.7.4.1 Additions to Secure Website. Additions made to a secure website more than 30 days after the notice of allegations is provided to the member institution and involved individuals shall be limited to exculpatory information and/or new information that could not be reasonably ascertained prior to the date the notice of allegations was provided. The enforcement staff shall notify the institution and involved individuals of the availability of the additional information.~~

[32.7.5 through 32.7.9 unchanged.]

32.8 Summary Disposition and Expedited Hearing.

[32.8.1 unchanged.]

~~32.8.1.4 Committee on Infractions Review. The Committee on Infractions shall consider the case at a subsequent meeting.~~

[32.8.1.4.1 through 32.8.1.4.5 unchanged.]

32.9 Committee on Infractions Hearings.

[32.9.1 through 32.9.2 unchanged.]

~~32.9.3 Limitations on Presentation of Staff Factual Information. In major cases requiring an institutional hearing before the Committee on Infractions or when processing a case through means of a summary disposition, specific information and factual information developed by the staff related to alleged violations of NCAA legislation shall not be presented to the committee prior to the institution's appearance, except as provided in these procedures.~~

[32.9.4 renumbered as 32.9.3, unchanged.]

~~32.9.5 Notification of Hearing Procedures. An institution and involved individuals shall be advised in writing prior to an appearance before the Committee on Infractions of the general procedures to be followed during the hearing. Such notification shall contain a specific reference to Bylaw 32.9 and shall indicate that, as a general rule, the discussion during the hearing will follow the numbering of the allegations in the notice of allegations.~~

[32.9.6 renumbered as 32.9.4, unchanged.]

~~32.9.6.6 Designation of Presentation Coordinators. The chair shall request each institution appearing before the Committee on Infractions to select one person to coordinate institutional responses during the hearing. In addition, one individual from the enforcement staff will be responsible for coordinating the presentation of the enforcement staff.~~

[32.9.7 renumbered as 32.9.5, unchanged.]

~~32.9.7.1 Opening and Closing Statements. At the outset of the hearing, a representative of the institution shall make an opening statement, followed by an opening statement from any involved individual and by a representative of the enforcement staff. The contents of such a statement should not relate to the substance of the specific items contained in the notice of allegations. Statements concerning the nature or theory of the case are encouraged. An institutional representative and involved individuals also may make a closing statement at the conclusion of the hearing, followed by a closing statement by a representative of the enforcement staff.~~

~~32.9.7.2 Staff Presentation. During the hearing, the enforcement staff first shall present the information that its investigation has developed.~~

~~32.9.7.3 Institutional or Involved Individual's Presentation. The institution and involved individual then will present their explanation of the alleged violations and any other arguments or information deemed appropriate in the Committee on Infractions' consideration of the case.~~

~~32.9.7.4 Type of Information. Any oral or documentary information may be received, but the Committee on Infractions may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.~~

~~[32.9.7.4.1 through 32.9.7.4.2 renumbered as 32.9.5.0.1 through 32.9.5.0.2, unchanged.]~~

[32.9.7.5 renumbered as 32.9.5.1, unchanged.]

~~32.9.7.6 Committee Questioning. The Committee on Infractions, at the discretion of any of its members, shall question representatives of the institution or the enforcement staff, as well as any involved individuals or other persons appearing before it, in order to determine the facts of the case.~~

[32.9.7.7 renumbered as 32.9.5.2, unchanged.]

[32.9.8 renumbered as 32.9.6, unchanged.]

~~32.9.8.5 Voting Requirements. The conclusion of a violation or the prescription of a penalty or recommended action shall be by majority vote of the members of the committee present and voting. If fewer than five members are present, any committee action requires a favorable vote of at least three committee members.~~

[32.10 through 32.12 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

The elimination of the specified bylaws regard processes that are more appropriately and efficiently handled as internal operating procedures.

NO. NC-2023-18 ADMINISTRATION OF CHAMPIONSHIPS -- AUTHORITY OF CHAMPIONSHIPS AND SPORT COMMITTEES -- APPEAL OF NULLIFICATION DECISIONS OF CHAMPIONSHIPS COMMITTEE -- 72-HOUR WINDOW

Intent: To specify that the 72-hour window to appeal a nullification decision shall be 72 business hours (8 a.m.-5 p.m. in all time zones).

Administrative: Amend 31.1, as follows:

31.1 Administration of NCAA Championships.

[31.1.1 unchanged.]

31.1.1.2 Appeal of Nullification Decisions of Championships Committee. An appeal of a nullification will be considered by the Championship Committee, or a subcommittee designated by it, within 72 **business** hours (**8 a.m.-5 p.m. in all time zones**) of a nullification decision. During such period, the Championships Committee, or a subcommittee designated by it, shall be the final authority acting on appeals concerning nullification decisions.

[31.1.1.3 unchanged.]

[31.1.2 through 31.1.12 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Currently, an institution may appeal the application of nullification; however, the appeal must be submitted within 72 hours of the nullification decision. This change will provide institutions more flexibility regarding the timing of when an institution needs to appeal the application of nullification while still maintaining an expedient process.

NO. NC-2023-19 CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- ELIGIBILITY FOR CHAMPIONSHIPS -- STUDENT-ATHLETE ELIGIBILITY -- INELIGIBILITY FOR USE OF BANNED DRUGS -- PENALTY -- CANNABINOIDS OR NARCOTICS -- POSITIVE TEST RESULTS IN BANNED DRUG CLASS CANNABINOIDS

Intent: To specify that a student-athlete who, as result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug class cannabinoids shall be subject to various penalties.

Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

18.4.1 Student-Athlete Eligibility. To be eligible for NCAA championships, a student-athlete shall meet all applicable individual-eligibility requirements set forth in NCAA legislation. The general and academic eligibility requirements are set forth in detail in Bylaw 14.

[18.4.1.1 through 18.4.1.3 unchanged.]

18.4.1.4 Ineligibility for Use of Banned Drugs. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in a banned drug class, as set forth in Bylaw 31.2.3.1, shall be declared ineligible for

further participation in postseason and regular-season competition in accordance with the ineligibility provisions in this bylaw.

[18.4.1.4.1 unchanged.]

18.4.1.4.1.1 Second Positive Test. If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive a second time for the use of a substance in a banned drug class other than cannabinoids and narcotics, they shall lose all remaining regular-season and postseason eligibility in all sports. If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive for the use of a substance in the banned drug class cannabinoids, **they shall engage, along with the institution, in an education and management plan for substance misuse as developed and facilitated by the institution (e.g., engagement with campus counseling services, participation in identified programs to address the substance misuse, enrollment in evidence-based educational sessions).** ~~and~~**If a student-athlete who previously tested positive for the use of a substance in a banned drug class other than cannabinoids and narcotics tests positive for the use of a substance in the banned drug class** narcotics, they shall be ineligible for competition for 50 percent of a season in all sports (the first 50 percent of regular-season contests or dates of competition in the season following the positive test). The student-athlete shall remain ineligible until the prescribed penalty is fulfilled and they test negative pursuant to the policies and procedures of the NCAA Drug-Testing Program.

18.4.1.4.2 Penalty -- ~~Cannabinoids or~~ Narcotics. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics (in accordance with the testing methods authorized by the Board of Governors) shall be ineligible for competition during 50 percent of a season of competition in all sports (i.e., 50 percent of all contests or dates of competition in the season following the positive test). The student-athlete shall remain ineligible until the prescribed penalty is fulfilled and they test negative pursuant to the policies and procedures of the NCAA Drug-Testing Program.

18.4.1.4.2.1 Second Positive Test. If a student-athlete who previously tested positive for the use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics tests positive a second time for the use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics or if a student-athlete who previously tested positive for the use of a substance in the banned drug classes ~~cannabinoids or~~ narcotics tests positive for use of a substance in a banned drug classes other than cannabinoids or narcotics **or tests positive for use of a substance in the banned drug class cannabinoids**, they shall be subject to **the** penalties set forth in Bylaws ~~18.4.1.4.1 or 18.4.1.4.3~~.

18.4.1.4.3 Penalty -- Cannabinoids. A student-athlete who, as a result of a drug test administered by the NCAA, tests positive for use of a substance in the banned drug class cannabinoids (in accordance with the testing methods authorized by the Board of Governors) shall engage, along with the institution, in an education and management plan for substance misuse as developed or facilitated by the institution (e.g., engagement with campus counseling services, participation in identified programs to

address the substance misuse, enrollment in evidence-based educational sessions). If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive for use of a substance other than cannabinoids (substance in a banned drug classes other than cannabinoids or narcotics, substance in the banned drug class narcotics), they shall be subject to the penalties set forth in Bylaws 18.4.1.4.1 or 18.4.1.4.2.

18.4.1.4.3.1 Second Positive Test. If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive a second time for the use of a substance in the banned drug class cannabinoids, the institution must attest that the student-athlete was compliant with the education and management plan required following the student-athlete's first positive test, as specified by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports' policies and procedures, and has agreed to continue to engage in an education and management plan for substance misuse as developed or facilitated by their institution and designed to mitigate any identified at-risk behavior (e.g., engagement with campus counseling services, participation in identified programs to address substance misuse, enrollment in evidence-based educational sessions). If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive for use of a substance other than cannabinoids (substance in a banned drug classes other than cannabinoids or narcotics, substance in the banned drug class narcotics), they shall be subject to the penalties set forth in Bylaws 18.4.1.4.1 or 18.4.1.4.2.

18.4.1.4.3.1.1 Failure to Attest. If an institution cannot or does not attest, the student-athlete shall be considered ineligible for competition during 25-percent of a season in all sports (25-percent of the NCAA Bylaw 17 maximum regular-season contests or dates of competition).

18.4.1.4.3.2 Third Positive Test and Beyond. If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive a third time or more for the use of a substance in the banned drug class cannabinoids, the institution must attest that the student-athlete was compliant with the education and management plan required following the student-athlete's first positive test, as specified by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports' policies and procedures, and has agreed to continue to engage in an education and management plan for substance misuse as developed or facilitated by their institution and designed to mitigate any identified at-risk behavior (e.g., engagement with campus counseling services, participation in identified programs to address substance misuse, enrollment in evidence-based educational sessions). If a student-athlete who previously tested positive for the use of a substance in the banned drug class cannabinoids tests positive for use of a substance other than cannabinoids (substance in a banned drug classes other than cannabinoids or narcotics, substance in the banned drug class narcotics), they shall be subject to the penalties set forth in Bylaws 18.4.1.4.1 or 18.4.1.4.2.

18.4.1.4.3.2.1 Failure to Attest. If the institution cannot or does not attest, the student-athlete shall be considered ineligible for competition during 50-percent of a season in all sports (50-percent of the NCAA Bylaw 17 maximum regular-season contests or dates of competition).

18.4.1.4.34 Breach of NCAA Drug-Testing Program Protocol. A student-athlete who is in breach of the NCAA drug-testing program protocol (e.g., no show) shall be considered to have tested positive for the use of any drug other than a cannabinoid or narcotic.

18.4.1.4.34.1 Tampering With a Drug-Test Sample. A student-athlete who is involved in a case of clearly observed tampering with an NCAA drug test sample (e.g., urine substitution and related methods), as documented per NCAA drug-testing protocol by a drug-testing crew member, shall be subject to the following:

[18.4.1.4.3.1-(a) through 18.4.1.4.3.1-(c) renumbered as 18.4.1.4.4.1-(a) through 18.4.1.4.4.1-(c) unchanged.]

[18.4.1.4.4 through 18.4.1.4.7 renumbered as 18.4.1.4.5 through 18.4.1.4.8, unchanged.]

[18.4.2 unchanged.]

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Effective Date: August 1, 2022, for penalties served August 1, 2022, or later.

Additional Information:

This recommendation acknowledges the changing landscape surrounding cannabis use and recognizes a growing need to re-center student-athlete health and well-being as a primary focus within cannabinoid policy. The change prioritizes: (1) identification and deterrence of problematic cannabis use; (2) treatment and education over sanction; and (3) consideration of the fragmented nature of state laws as well as changing social opinions about cannabis. In its discussions about the existing penalties, the CSMAS noted that application of existing penalties may result in a student-athlete discontinuing enrollment rather than seeking help for problematic behavior. Importantly, this proposed change is intended to create a pathway for student-athletes to maintain eligibility and enrollment while participating in education and management plans specific to their needs, as developed or facilitated by their institution and the flexibility for member institutions to determine appropriate treatment parameters based on available resources, philosophy and student-athlete need. Institutions would not be required to submit the locally developed or facilitated education and management plan to the NCAA. Lastly, through a survey administered in winter 2021, the membership indicated Association-wide support for reconsideration of existing cannabinoid policy.

NO. NC-2023-20 COMMITTEES -- ASSOCIATION-WIDE COMMITTEES -- GENERAL COMMITTEES -- COMMITTEE ON COMPETITIVE SAFEGUARDS AND MEDICAL ASPECTS OF SPORTS -- COMPOSITION

Intent: To revise the composition of the Committee on Competitive Safeguards and Medical Aspects of Sports, as specified.

Bylaws: Amend 21.2.2, as follows:

21.2.2 Committee on Competitive Safeguards and Medical Aspects of Sports.

21.2.2.1 Composition. The Committee on Competitive Safeguards and Medical Aspects of Sports shall consist of ~~23~~**25** members, including ~~six~~**seven** positions allocated for men, ~~six~~**seven** allocated for women and ~~11~~**10** unallocated. The membership of the committee shall be constituted as follows:

[21.2.2.1-(a) through 21.2.2.1-(c) unchanged.]

(d) ~~Three~~**Five** members from the field of medicine, of whom at least ~~one~~**two** shall be a woman. One shall be a primary-care physician who is board certified in family practice, internal medicine or emergency medicine, and shall have a current Certificate of Added Qualifications in Sports Medicine. One shall be a board-certified orthopedic surgeon. **One shall be a physician with expertise in endocrinology. One shall be a physician with expertise in drug-testing.** ~~The third~~**One** member shall be a physician who is a member of the general public;

[21.2.2.1-(e) through 21.2.2.1-(i) unchanged.]

(j) One member with expertise in drug testing;

[21.2.2.1-(k) through 21.2.2.1-(l) relettered as 21.2.2.1-(j) through 21.2.2.1-(k), unchanged.]

*(m) One***Two** licensed ~~clinical sports psychologist~~**mental health practitioners, one man and one woman;**

[21.2.2.1-(n) through 21.2.2.1-(q) relettered as 21.2.2.1-(m) through 21.2.2.1-(p), unchanged.]

[21.2.2.1.1 unchanged.]

[21.2.2.2 through 21.2.2.3 unchanged.]

Source: NCAA Division II Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports).

Effective Date: Immediate

Additional Information:

In recent years the committee substructure and related committee operations have changed significantly to address evolving Association needs and expanding membership expectations for committee responsiveness, while reflecting the Association's commitment to diversity. The recent adoption of a new NCAA constitution, which highlights the importance of student-athlete physical and mental health and specifically assigns some responsibility to CSMAS, reinforces the timeliness of these composition considerations in support of the operational well-being of the committee going forward. Formalizing a committee position for a physician with expertise in endocrinology is a logical extension of the specialized consulting from which the committee has historically benefited and is responsive to anticipated support related to, among other things, the Association's Transgender Student-Athlete Participation Policy. Updating terminology and adding a second licensed mental health practitioner addresses the membership's rapidly expanding needs related to student-athlete mental health. Finally, requiring the designated drug-testing expert to be a physician formalizes historical practice (the last three drug-testing experts have been physicians) while securing physician expertise in certain areas that have been identified as likely benefiting from that specific type of input (e.g., medical exception review).

NO. NC-2023-21 NCAA MEMBERSHIP -- GENERAL PRINCIPLES -- RESPONSIBILITY OF INSTITUTIONS -- INSTITUTIONAL CONTROL AND MONITORING AN INTERCOLLEGIATE ATHLETICS PROGRAM

Intent: To confirm an institution's responsibility to control and monitor its intercollegiate athletics program, as specified; further, to remove references related to enforcing or regulating the NCAA Constitution set forth in Bylaws 19 and 32.

A. Bylaws: Amend 7.01, as follows:

7.01 General Principles.

[7.01.1 through 7.01.8 unchanged.]

7.01.9 Responsibility for Control. It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program.

7.01.10 Responsibility to Monitor and Report. Each institution shall comply with all applicable rules and regulations of the Association, its division, and conference and in the conduct of its intercollegiate athletics programs. It shall monitor its programs to ensure compliance and to identify and report to its division and conference instances in which compliance has not been achieved. The institution shall cooperate fully with any enforcement efforts and shall take appropriate corrective actions as necessary. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, including rules requiring cooperation with enforcement efforts, and the member institution shall be responsible for such compliance.

[7.01.9 through 7.01.10 renumbered as 7.01.11 through 7.01.12, unchanged.]

B. Bylaws: Amend 19.01.4, as follows:

19.01.4 Violations by Institutional Staff Members. Institutional staff members found in violation of the NCAA ~~constitution and/or~~ bylaws shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

C. Bylaws: Amend 19.02.1, as follows:

19.02.1 Show-Cause Order. A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests identified by the committee as having been involved in a violation of the NCAA ~~constitution and/or~~ bylaws that has been found by the committee.

D. Bylaws: Amend 19.1.3, as follows:

19.1.3 Duties. The committee shall:

[19.1.3(a) through 19.1.3(c) unchanged.]

(d) Find facts related to alleged violations and conclude whether the facts constitute one or more violations of the NCAA ~~constitution and/or~~ bylaws;

[19.1.3-(e) through 19.1.3-(g) unchanged.]

E. Bylaws: Amend 19.5.2.2, as follows:

19.5.2.2 Show-Cause Order. If a determination is made by the committee that an institution has not taken appropriate disciplinary or corrective actions regarding an individual found in violation of the NCAA ~~constitution and/or~~ bylaws, the committee may issue an order that the institution take additional disciplinary or corrective action, including but not limited to restriction of some or all athletically related duties unless the institution appears before the committee to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions.

[19.5.2.2.1 unchanged.]

F. Bylaws: Amend 19.6.4.1, as follows:

19.6.4.1 Obligation of Institution to Take Appropriate Action. When the committee (or the Infractions Appeals Committee per Bylaw 19.2) concludes that there has been a violation of the NCAA ~~constitution and/or~~ bylaws affecting the eligibility of an individual student-athlete or student-athletes, the institution involved and its conference(s), if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved, it being understood that if the institution fails to take appropriate action, the involved institution shall be cited to show cause under the Association's enforcement policies and procedures why it should not be disciplined for a failure to abide by the conditions and obligations of membership (declaration of ineligibility) if it permits the student-athletes to compete.

G. Bylaws: Amend 19.7, as follows:

19.7 Restitution. If a student-athlete who is ineligible under the terms of the ~~constitution~~, bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:

[19.7-(a) through 19.7-(i) unchanged.]

H. Administrative: Amend 32.1.1, as follows:

32.1.1 Public Disclosure. Except as provided in Bylaw 19 and Bylaw 32, the Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall not make public disclosures about a pending case, until the case has been announced in accordance with the prescribed procedures. An institution and any individual subject to the NCAA ~~constitution and~~ bylaws involved in a case, including any representative or counsel, shall not make public disclosure about the case until a final decision has been announced in accordance with prescribed procedures.

I. Administrative: Amend 32.11.2, as follows:

32.11.2 Committee on Infractions' Response to an Appeal. The Committee on Infractions shall submit a response to the Infraction Appeals Committee on each case that has been appealed. This response shall include:

[32.11.2-(a) unchanged.]

(b) The violations of the NCAA ~~constitution and/or~~ bylaws, as determined by the Committee on Infractions;

[32.11.2-(c) through 32.11.2-(g) unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

The Division II infractions process has historically considered and cited Constitution 2.1.1, 2.8.1 and 6.01.1 in cases involving an institution's failure to monitor and/or control its athletics programs. With the membership's adoption of the new constitution and specifically new language regarding institutional control and rules, compliance and accountability, the legislated responsibilities for member institutions to monitor and control its athletics programs should be relocated to the bylaws and updated for consistency. Additionally, references to enforcing or regulating the NCAA constitution in Bylaws 19 and 32 should be removed as the NCAA infractions process is not the appropriate authority/process to enforce the NCAA constitution.

NO. NC-2023-22 ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRINGEMENTS HEARINGS -- ACCELERATED HEARING

Intent: To specify that an institution or involved individual(s) may petition the Committee on Infractions for an accelerated hearing during major infractions cases, as specified.

A. Bylaws: Amend 19.1.2.2, as follows:

19.1.2.2 Authority of Committee Chair. In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. For each hearing, the committee chair or chair's designee shall serve as the committee's appeals advocate for any appeal of a decision of the committee. If scheduling or availability issues prevent the appeal advocate from serving, the chair may designate another committee member to serve as a substitute. **In major cases, the chair may consider and decide requests by an institution or involved individual for an accelerated hearing.**

B. Administrative: Amend 32.9, as follows:

32.9 Committee on Infractions Hearings.

[32.9.1 unchanged.]

32.9.2 Accelerated Hearing Docket. In major cases, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule.

[32.9.2 through 32.9.8 renumbered as 32.9.3 through 32.9.9, unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

Currently, in major cases in which the parties decide to have the case reviewed via a hearing with the Committee on Infractions, the institution and involved individuals have 90 days to respond to a notice of allegations. However, with the accelerated hearing process, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule. This proposal provides a quicker processing option for hearings.

NO. NC-2023-23 ENFORCEMENT POLICIES AND PROCEDURES -- APPEAL PROCEDURE -- NOTICE OF INTENT TO APPEAL -- STAY OF PENALTIES

Intent: To clarify that when an appeal is properly filed with the Infractions Appeals Committee, penalties prescribed by the Committee on Infractions shall be stayed.

Administrative: Amend 32.11, as follows:

32.11 Appeal Procedure.

32.11.1 Notice of Intent to Appeal. A notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date of the public release of the Committee on Infractions' public infractions decision. The notice of intent to appeal shall contain a statement identifying the date of the public release of the Committee on Infractions' decision and a statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument before the Infractions Appeals Committee.

[32.11.1.1 through 32.11.1.2 unchanged.]

32.11.1.3 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal.

[32.11.2 through 32.11.6 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2022

Additional Information:

If a notice of intent to appeal the Committee on Infractions' decision is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal. The intent of this proposal is to provide transparency to current practices.

NO. NC-2023-24 PLAYING AND PRACTICE SEASONS -- FOOTBALL -- OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- SPRING PRACTICE -- CONTACT RESTRICTIONS

Intent: In football, to specify that during spring practice: (1) An institution shall not conduct more than two consecutive days of full contact (tackling to the ground) practices; and (b) An institution shall not conduct more than a total of 75 minutes

of full contact (tackling to the ground) within any one on-field practice session other than the three tackling sessions devoted primarily to 11-on-11 scrimmages.

Bylaws: Amend 17.11, as follows:

17.11 Football.

Regulations for computing the football playing season are set forth in Bylaw 17.1, General Playing Season Regulations. (See Figure 17-1 and Figure 17-2.)

[17.11.1 through 17.11.8 unchanged.]

17.11.9 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the playing season, except for the following:

[17.11.9-(a) unchanged.]

(b) Spring Practice. Fifteen postseason practice sessions (including intrasquad scrimmages) and the spring game are permissible. An institution is not required to count as one of its 15 designated days any day during which countable athletically related activities are limited solely to required conditioning activities and/or review of game film. Practice sessions must meet the following conditions:

[17.11.9-(b)-(1) through 17.11.9-(b)-(5) unchanged.]

(6) An institution shall not conduct more than two consecutive days of full contact (tackling to the ground) practices.

(7) An institution shall not conduct more than a total of 75 minutes of full contact (tackling to the ground) within any one on-field practice session other than the three tackling sessions devoted primarily to 11-on-11 scrimmages.

[17.11.9-(b)-(6) through 17.11.9-(b)-(9) renumbered as 17.11.9-(b)-(8) through 17.11.9-(b)-(11), unchanged.]

[17.11.9.1 unchanged.]

[17.11.10 unchanged.]

Source: NCAA Division II Management Council (Championships Committee).

Effective Date: Immediate

Additional Information:

The proposed revisions to football's spring practice model aligns with changes Division I recently adopted for the spring practice period to enhance student-athlete well-being and are consistent with modifications to the preseason practice period being implemented beginning with the 2022-23 season. The NCAA Division II Football Committee and football coaches via the Division II Coaches Connection program support these changes and agree they are noncontroversial in nature.

NO. NC-2023-25 DIVISION II ORGANIZATIONAL STRUCTURE -- DIVISION II PRESIDENTS COUNCIL AND DIVISION II MANAGEMENT COUNCIL -- ELECTION/TERM OF OFFICE -- ELIMINATION OF STAGGERED TERMS -- CHAIR AND VICE CHAIR

Intent: To specify that the chair and vice chair terms for the NCAA Division II Presidents Council and Management Council shall not expire on staggered terms.

A. Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 through 8.1.2 unchanged.]

8.1.3 Election/Term of Office.

[8.1.3.1 through 8.1.3.2 unchanged.]

~~8.1.3.3 Staggered Terms:~~

~~8.1.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.~~

~~8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

[8.1.4 unchanged.]

B. Bylaws: Amend 8.2, as follows:

8.2 Division II Management Council.

[8.2.1 through 8.2.2 unchanged.]

8.2.3 Election/Term of Office.

[8.2.3.1 through 8.2.3.2 unchanged.]

~~8.2.3.3 Staggered Terms:~~

~~8.2.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Management Council shall expire on a staggered basis to provide for continuity.~~

~~8.2.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

[8.2.4 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

In practice, the terms of service of the chair and vice chair of the Presidents Council and Management Council have not always been staggered and the councils have had to elect and re-elect the vice chair to ensure the legislation is followed. Further, this legislation is more appropriate as policy and thus should be removed from legislation

and placed in the NCAA Division II Presidents Council and Management Council policies and procedures.

NO. NC-2023-26 DIVISION II ORGANIZATIONAL STRUCTURE -- PRESIDENTS COUNCIL -- MANAGEMENT COUNCIL -- ELECTION/TERM OF OFFICE AND OPERATING RULES -- ELIMINATION OF STAGGERED TERMS OF MEMBERS AND QUORUM REQUIREMENTS

Intent: To eliminate the requirement of staggered terms of members serving on the Division II Presidents Council and Division II Management Council; further, to eliminate the requirement for a quorum of the Division II Presidents Council and Division II Management Council for the transaction of business.

A. Bylaws: Amend 8.1, as follows:

8.1 Division II Presidents Council.

[8.1.1 through 8.1.2 unchanged.]

8.1.3 Election/Term of Office.

[8.1.3.1 through 8.1.3.2 unchanged.]

8.1.3.3 Staggered Terms.

[8.1.3.3.1 unchanged.]

~~8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

8.1.4 Operating Rules.

~~8.1.4.1 Quorum. For the transaction of business, a quorum shall consist of a majority of the members of the Presidents Council. For the Presidents Council to take action, a simple majority of Presidents Council members present and voting shall be required unless otherwise specified.~~

[8.1.4.2 renumbered as 8.1.4.1, unchanged.]

B. Bylaws: Amend 8.2, as follows:

8.2 Division II Management Council.

[8.2.1 through 8.2.2 unchanged.]

8.2.3 Election/Term of Office.

[8.2.3.1 through 8.2.3.2 unchanged.]

8.2.3.3 Staggered Terms.

[8.2.3.3.1 unchanged.]

~~8.2.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Management Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

8.2.4 Operating Rules.

~~8.2.4.1 Quorum: For the transaction of business, a quorum shall consist of a majority of the members of the Management Council. For the Management Council to take action, a simple majority of Management Council members present and voting shall be required unless otherwise specified.~~

[8.2.4.2 renumbered as 8.2.4.1, unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

These items are more appropriate as policy and thus should be removed from the legislation. Doing so is noncontroversial, as there are no substantive changes to the language of the legislation or its intent. Language related to terms of members and quorum requirements will be added to the Division II Presidents Council and Management Council policies and procedures.

NO. NC-2023-27 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL – ACTIVE MEMBERSHIP – INSTITUTIONS AND CONFERENCES – SPORTS SPONSORSHIP AND THREE-SEASON REQUIREMENT – REQUIREMENTS FOR ACTIVE MEMBER INSTITUTIONS AND CONFERENCES – MINIMUM OF 10 SPORTS – ELIMINATION OF FIVE-SPORT/THREE-SEASON REQUIREMENT

Intent: To specify that an active member institution or conference in Division II shall sponsor a minimum of 10 sports; further, to eliminate the five-sport/three-season requirement, as specified.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.6 unchanged.]

7.3.1.7 Sports Sponsorship. A member of Division II shall sponsor in Division II a minimum of:

(a) ~~Five Men's and Five Women's Varsity Sports~~ **Ten** varsity intercollegiate sports, ~~including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all male teams or mixed teams of males and females; and five varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all female teams; or~~

(b) ~~Four Men's and Six Women's Varsity Sports. Four varsity intercollegiate sports, including at least two team sports, based on the minimum requirement of Bylaw 7.3.1.7.1.3 and involving all male teams or mixed teams of males and females; and six varsity intercollegiate sports, including at least two team sports, based on the minimum requirements of Bylaw 7.3.1.7.1.3 and involving all female teams; or~~

(e **b**) Institutions that sponsor and conduct athletics programs for only one gender must sponsor a minimum of five varsity intercollegiate sports, ~~including at least two team sports,~~ based on the minimum requirements of Bylaw 7.3.1.7.1.3, for that gender.

7.3.1.7.1 Acceptable Sports. The sports designated to meet the sports sponsorship criteria shall:

[7.3.1.7.1-(a) through 7.3.1.7.1-(c) unchanged.]

- (d) ~~One men's and one women's sport~~ **Two sports** required in Bylaw 7.3.1.7-
(a) ~~or one men's and one women's sport required in Bylaw 7.3.1.7-(b)~~
may be sponsored in Division I; and

[7.3.1.7.1-(e) unchanged.]

~~7.3.1.7.1.1 Waiver. The Management Council, by a two-thirds majority of its members present and voting, may approve a request to designate one sport involving all male teams or mixed teams of males and females and one sport involving all female teams other than those set forth in Bylaw 7.3.1.7-(a).~~

~~7.3.1.7.1.2 Waiver of Minimum Women's Sports Sponsorship Criteria. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the Division II minimum women's sports sponsorship requirement in accordance with the procedure listed below:~~

- (a) ~~The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and it shall be received in the national office not later than October 1;~~
- (b) ~~The institution shall provide data demonstrating that the ratio of male to female enrollment prohibits the offering of the required number of sports for women; or~~
- (c) ~~The institution shall provide data demonstrating insufficient student interest in establishing or maintaining the requisite number of teams.~~

~~7.3.1.7.1.2.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02-6.~~

~~7.3.1.7.1.2.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the minimum women's sports sponsorship requirement.~~

[7.3.1.7.1.3 renumbered as 7.3.1.7.1.1, unchanged.]

7.3.1.7.1.31.11 Failure to Meet Minimum Sports Sponsorship Criteria.

7.3.1.7.1.31.11.1 One-Year Probationary Period. An institution that fails to meet ~~either~~ the minimum ~~men's or women's~~ sports sponsorship criterion for its division shall be placed on probation for one year for its entire program (both men's and women's sports) in the next academic year after noncompliance with sports sponsorship requirements

is discovered. An institution shall be afforded the one-year probationary period for failure to comply with sports sponsorship criteria only once in every five-year period. The five-year period shall begin the September 1 after completion of the academic year in which the membership criterion is not met.

[7.3.1.7.1.3.11.2 through 7.3.1.7.1.3.11.3 renumbered as 7.3.1.7.1.1.11.2 through 7.3.1.7.1.1.11.3, unchanged.]

7.3.1.8 Three-Season Requirement.

~~7.3.1.8.1 Five-Sport/Three-Season Requirement. A member institution shall conduct or sponsor at least one sport involving an all-male team or a mixed team of males and females and at least one sport involving an all-female team in every sport season. An institution may use a sport to meet the three-season requirement only if the institution has met the minimum contest and participants requirements for sports sponsorship in that sport as set forth in Bylaw 7.3.1.7.1.3.~~

~~7.3.1.8.1.1 Five-Sport/Three-Season Requirement.~~

~~7.3.1.8.1.2 Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.1.8.1 due to circumstances beyond an institution's control. The Management Council shall hear and act on an institution's appeal of a decision made by the Membership Committee in regard to an institution's waiver of the five-sport/three-season requirement.~~

~~7.3.1.8.2 Counting Multiseason Sports. If an institution sponsors the same sport in two different seasons, it may count the sport only in the season in which its team participates in the most contests. To be counted as a fall sport, the majority of an institution's contests or dates of competition would have to occur from September through December; to be counted as a winter sport, December through March; to be counted as spring sport, February through May.~~

~~7.3.1.8.3 Male-Female Enrollment Ratio Waiver. The Membership Committee, by a two-thirds majority of its members present and voting, may grant waivers of the sports sponsorship requirement for men or women in accordance with the procedure listed below:~~

- ~~(a) The institution shall submit its request for a waiver, signed by the institution's chancellor or president, to the Membership Committee. The request shall include pertinent information supporting the institution's request, and shall be received in the national office not later than October 1; and~~
- ~~(b) The institution shall provide data demonstrating that the male-female enrollment ratio prohibits the offering of the required number of sports for one or the other gender.~~

~~7.3.1.8.3.1 New Division or Restricted Membership Status. If the Membership Committee votes to reject the institution's waiver request, the institution shall be placed in a division for which it qualifies or in restricted membership in accordance with the provisions of Bylaw 7.02.6.~~

~~7.3.1.8.3.1.1 Authority of Management Council. The Management Council shall hear and act on an institution's waiver appeal of a decision made by the Membership Committee in regard to an institution's waiver of the male-female enrollment ratio.~~

~~7.3.1.8.4 Three-Season Sport Waiver. The Management Council, by a two-thirds majority of its members present and voting, may waive the requirement that an active member shall conduct at least one sport in every sport season if the institution is precluded by its academic calendar and climatic conditions from conducting a sport in a particular season.~~

[7.3.2 through 7.3.4 unchanged.]

7.3.5 Conferences.

7.3.5.1 Privileges.

[7.3.5.1.1 through 7.3.5.1.3 unchanged.]

7.3.5.1.3.1 Competitive and Legislative Body. An active member conference shall be both a competitive and a legislative body on the conference level (see Bylaws 7.02.1.3.1 and 7.02.1.3.2).

7.3.5.1.3.2 Minimum Size and Division Status.

7.3.5.1.3.2.1 Full Voting Privileges. An active member conference shall be composed of at least eight active member institutions in a single division in order to be eligible for full voting privileges, including voting on federated bylaws (those bylaws that may be amended by one or more divisions acting separately).

7.3.5.1.3.2.2 Partial Voting Privileges. Those member conferences with at least eight active member institutions but without a minimum of eight members in a single division shall be permitted to vote on all common provisions (those provisions that apply to all three divisions of the Association). On these common provisions, the conference shall vote in the division in which the majority of its membership is classified. In the event that its membership is divided evenly between two divisions, the Board of Governors shall determine its voting division. Such conferences shall not vote on federated provisions (those provisions that may be amended by one or more divisions acting separately).

7.3.5.1.3.3 Sports Sponsorship Requirement. A voting member conference shall conduct conference competition in at least ~~five sports for men and five sports for women, or four sports for men and six sports for women~~ **10 sports**. For a sport to count toward the minimum sports sponsorship requirement, the following criteria must be satisfied:

[7.3.5.1.3.3(a) through 7.3.5.1.3.3(c) unchanged.]

~~7.3.5.1.3.3.1 Three-Season Requirement. A voting member conference shall conduct competition in at least one sport for men in each season and at least one sport for women in each season.~~

[7.3.5.1.3.3.2 renumbered as 7.3.5.1.3.3.1, unchanged.]

7.3.5.1.3.3.32 Conference Member in Selected Sports. An active member institution that is a member of a voting conference in only selected sports (e.g., an affiliated conference member only in football) may not be considered when determining whether the conference has six member institutions that sponsor and compete in the sport.

7.3.5.1.3.3.43 Waiver. The Membership Committee, by two-thirds majority of its members present and voting, may waive the requirements of Bylaw 7.3.5.1.3.3 if it deems that unusual circumstances warrant such action. The Management Council shall hear and act on a conference's appeal of a decision made by the Membership Committee in regard to a conference's waiver of the sports sponsorship requirement.

7.3.5.1.3.4 Football Issues. In addition to meeting the requirements of Bylaw 7.3.1.7 ~~for men's and/or women's sports~~, conference championship competition shall be conducted in football in order for the conference to vote on issues pertaining only to football.

[7.3.5.1.3.5 through 7.3.5.1.3.6 unchanged.]

[7.3.5.2 through 7.3.5.8 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2023

Additional Information:

Current legislation specifies that an active member institution or conference in Division II shall sponsor a minimum of 10 sports, with a certain number of sports required by gender and sport season. This change will maintain the minimum sports sponsorship requirement of 10 sports but eliminates the requirements by gender and sport season. This will provide institutions and conferences more flexibility in determining their sport offerings. In addition, institutions and conferences will likely work together to provide student-athletes with a variety of sport options, thereby, creating meaningful participation opportunities. The delayed effective date will permit necessary changes to occur for the sports sponsorship form required by schools to complete following each academic year and for the changes to occur at the start of an academic year.

NO. NC-2023-28 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL
– ACTIVE MEMBERSHIP – INSTITUTIONS – ELIMINATION OF
AUDIT OF MEMBERSHIP REQUIREMENTS

Intent: To eliminate the audit of membership requirements legislation.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.8 unchanged.]

~~7.3.1.9 Audit of Membership Requirements.~~

~~7.3.1.9.1 Minimum Financial Aid and Sports Sponsorship Reports. The Membership Committee shall have the authority to conduct an audit of the~~

information contained in a member institution's minimum financial aid report and minimum sports sponsorship report (see Bylaw 21.8.5.7.2).

7.3.1.9.2 Failure to Fulfill Membership Requirements -- Institution on Probation: If a member institution is placed on probation for failure to fulfill more than one membership requirement during a five-year period, the Membership Committee shall have the authority to conduct an audit of the institution's fulfillment of membership requirements (see Bylaw 21.8.5.7.2). The committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation. The committee may impose conditions or penalties that an institution must satisfy during the probationary period.

[7.3.2 through 7.3.6 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

Currently, the audit of membership requirements is outlined in the legislation. These items are more appropriate as policy and thus should be eliminated from the legislation.

NO. NC-2023-29 LEGISLATIVE PROCESS -- OTHER LEGISLATIVE AND AMENDMENT PROCEDURES -- INTERPRETATIONS OF BYLAWS -- DIVISION II INTERPRETATIONS PROCESS -- REVIEW OF LEGISLATION COMMITTEE OR ACADEMIC REQUIREMENTS COMMITTEE DECISION -- DECISION FINAL

Intent: To amend the appeals of interpretations process to specify that the Division II Legislation Committee and the Division II Academic Requirements Committee shall be the final authority of appealed interpretations.

Bylaws: Amend 9.4.1.2, as follows:

9.4.1.2 Interpretation Process.

9.4.1.2.1 Division II Process.

[9.4.1.2.1.1 unchanged.]

9.4.1.2.1.2 **Decision Final.**~~Review of Legislation Committee or Academic Requirements Committee Decision.~~ **Appeals of a staff interpretation reviewed and approved by the Legislation Committee, or an entity designated by the Legislation Committee, or the Academic Requirements Committee, shall be considered final.**~~The Management Council shall review all interpretations issued by the Legislation Committee and Academic Requirements Committee and may approve, reverse or modify such interpretations. A member institution may appeal a decision of the Legislation Committee or Academic Requirements Committee to the Management Council meeting immediately after the decision of the committee. The appeal must be submitted in writing by the institution's chancellor or president, faculty athletics representative or athletics director. The Management Council shall establish the procedures for such an appeal.~~

[9.4.1.2.1.3 through 9.4.1.2.1.4 unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

The Division II Legislation Committee and Division II Academic Requirements Committee are comprised of individuals who are subject matter experts in the respective areas. In addition, the appeals of interpretations process to the Division II Management Council has not been used in some time. The immediate effective date will permit the respective committees to exercise their authority in the appeal process sooner rather than later.

NO. NC-2023-30 AMATEURISM AND FINANCIAL AID -- VARIOUS BYLAWS -- STUDENT-ATHLETE NAME, IMAGE AND LIKENESS ACTIVITIES

Intent: To amend the amateurism and financial aid legislation to align with and address the goals of the NCAA Interim Name, Image and Likeness (NIL) Policy, as follows: (1) Remove duplicative language; (2) Define a professional service provider; (3) Eliminate regulations regarding activities prior to initial full-time collegiate enrollment; (4) Codify the NCAA Interim NIL Policy; (5) Amend permissible and impermissible activities following initial full-time collegiate enrollment, as specified; (6) Specify that an employer may not use a student-athlete's reputation to promote a product or service unless the student-athlete has entered into an NIL agreement with the employer; and (7) Eliminate the promotional activities legislation.

A. Bylaws: Amend 12, as follows:

12 Amateurism

12.01 General Principles.

12.01.1 Eligibility for Intercollegiate Athletics. Only ~~an amateur~~ student-athlete who satisfies all eligibility requirements may participate in ~~is eligible for~~ intercollegiate athletics ~~participation~~ in a particular sport.

[12.01.2 unchanged.]

12.01.3 "Individual" Versus "Student-Athlete." NCAA ~~amateur~~ eligibility status may be lost as a result of activities before enrollment in college. If NCAA rules specify that an "individual" may or may not participate in certain activities, this term refers to a person before and after enrollment in a member institution. If NCAA rules specify a "student-athlete," the legislation applies only to that person's activities after enrollment.

[12.01.4 unchanged.]

12.02 Definitions and Applications.

[12.02.1 through 12.02.2 unchanged.]

12.02.3 Professional Service Provider. A professional service provider is an individual who provides third party services to an individual regarding their name, image and likeness. A professional service provider includes, but shall not be limited to, an agent, tax advisor, marketing consultant, attorney or anyone who is employed or associated with such persons.

[12.02.3 through 12.02.9 renumbered as 12.02.4 through 12.02.10, unchanged.]

12.1 General Regulations. An individual's (prospective student-athlete or enrolled student-athlete) ~~amateur-status~~ eligibility for participation in athletics shall be determined using the following provisions. (See Bylaw 14.2.4.2 regarding participation

in organized competition prior to initial collegiate enrollment and Bylaw 14.13 regarding the eligibility restoration process.)

12.1.1 Validity of Amateur Status. As a condition and obligation of membership, it is the responsibility of an institution to determine the validity of the information on which the ~~amateur~~**eligibility** status of a prospective student-athlete (e.g., including a two-year and four-year college transfer initially enrolling at an NCAA Division II institution) and student-athlete is based. (See Bylaw 14.01.3.)

12.1.1.1 Amateurism Certification Process. An institution shall use an eligibility center approved by the Board of Governors to determine the validity of the information on which the ~~amateur~~**eligibility** status of a student-athlete is based.

12.1.1.1.1 Scope. The certification of ~~amateur~~**eligibility** status issued by the NCAA Eligibility Center is limited to activities that occur prior to a prospective student-athlete requesting a final ~~amateurism~~**eligibility** certification or their initial full-time collegiate enrollment at an NCAA Division II institution, whichever occurs earlier.

[12.1.1.1.2 unchanged.]

12.1.1.1.2.1 ~~Amateur~~**Eligibility** Status After Certification. An institution is responsible for certifying the ~~amateur~~**eligibility** status of a prospective student-athlete from the time they request a final certification be issued by the NCAA Eligibility Center or they initially enroll as a full-time student at an NCAA Division I or II institution (whichever occurs earlier).

12.1.1.1.2.2 Sharing Information and Reporting Discrepancies. An institution is responsible for notifying the NCAA Eligibility Center when it receives additional information, or otherwise has cause to believe, that a previously certified prospective student-athlete's ~~amateur~~**eligibility** status has been jeopardized. Further, an institution is responsible for promptly reporting all discrepancies in information related to a student-athlete's ~~amateurism~~ certification to the NCAA Eligibility Center.

12.1.1.1.3 Eligibility for Practice and Competition. Prior to engaging in practice or competition, a student-athlete shall receive a certification of ~~amateur~~**eligibility** status for activities that occur prior to the certification or initial full-time enrollment at an NCAA Division II institution (whichever occurs earlier).

12.1.1.1.3.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the student-athlete's ~~amateur~~**eligibility** status has been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have established minimum requirements as ~~an amateur~~**eligible for participation in athletics** (as certified by the NCAA Eligibility Center) to continue practicing or to compete.

12.1.1.1.3.1.1 Effect of Violation. A violation of Bylaw 12.1.1.1.3.1 in which the student-athlete is subsequently certified without conditions shall be considered an institutional violation

per ~~Bylaw 7.01.7~~**Constitution Article 1-E** but shall not affect the student-athlete's eligibility.

~~12.1.2 Activities Prior to Initial Full-Time Collegiate Enrollment. An individual loses amateur status and thus shall not be eligible for intercollegiate participation in a particular sport if the individual enters into an agreement with or receives benefits from an agent (See Bylaws 12.02.1 and 12.3 for additional information regarding agents.)~~

12.1.2 Name, Image and Likeness.

12.1.2.1 Application. NCAA Bylaws, including prohibitions on pay-for-play and improper recruiting inducements, remain in effect, subject to the following:

- (a) For institutions in states without name, image and likeness laws or executive actions or with name, image and likeness laws or executive actions that have not yet taken effect, if an individual elects to engage in a name, image and likeness activity, the individual's eligibility for intercollegiate athletics will not be impacted by the application of Bylaw 12.**
- (b) For institutions in states with name, image and likeness laws or executive actions with the force of law in effect, if an individual or member institution elects to engage in a name, image and likeness activity that is protected by law or executive order, the individual's eligibility for and/or the membership institution's full participation in NCAA athletics will not be impacted by the application of NCAA Bylaws unless the state law is invalidated or rendered unenforceable by operation of law.**
- (c) Use of a professional services provider is also permissible for name, image and likeness activities, except as otherwise prohibited by state law or executive action with the force of law that has not been invalidated or rendered unenforceable by operation of law.**

12.1.2.2 Name, Image and Likeness Activities Related to Enrollment Decisions. A name, image and likeness agreement or the payments associated with such an agreement may not be guaranteed or promised contingent on initial or continuing enrollment at a particular institution (e.g., recruiting inducement).

12.1.2.3 Monitoring for Compliance. The NCAA will continue its normal regulatory operations but will not monitor name, image and likeness activities for compliance with state law.

12.1.2.4 Reporting Requirements. Individuals should report name, image and likeness activities consistent with state law and/or institutional requirements.

12.1.3 Permissible -- Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, participation in the following activities and receipt of the following benefits will not jeopardize the ~~amateur~~**athletics eligibility** status of an individual:

~~(a) Educational Expenses. Receipt of educational expenses awarded by the following sources:~~

- ~~(1) The U.S. Olympic and Paralympic Committee or the U.S. national governing body (or, for international individuals, expenses awarded by the equivalent organization of a foreign country), in accordance with the applicable conditions set forth in Bylaw 15.2.2.4;~~
- ~~(2) A professional team or league, in accordance with the applicable conditions set forth in Bylaw 15.2.2.5; or~~

(3) An outside sports team, in accordance with the applicable conditions set forth in Bylaw 15.2.2-3.

- (b a) Actual and Necessary Expenses **for Participation on**~~From~~ an Outside Amateur Sports Team or Organization. Receipt of actual and necessary expenses from an outside amateur sports team or organization **or outside sponsor (e.g., neighbor, business), other than an agent, professional service provider, representative of an institution's athletics interests or professional sports organization,** for competition and practice held in preparation for such competition. Practice must be conducted in a continuous time period preceding the competition except for practice sessions conducted by a national team, which occasionally may be interrupted for specific periods of time before the competition;

(1) Donations From Outside Sponsors. An individual who participates in a sport as a member of a team may receive actual and necessary expenses for competition and practice held in preparation for such competition (directly related to the competition and conducted during a continuous time period preceding the competition) from an outside sponsor (e.g., neighbor, business) other than an agent, representative of an institution's athletics interests or professional sports organization. An individual who participates in a sport as an individual (not a member of a team) may receive actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from an outside sponsor (e.g., neighbor, business) other than an agent, representative of an institution's athletics interests or professional sports organization.

- (e b) Actual and Necessary Expenses for Participation in a Collegiate All-Star Contest. A student-athlete may receive actual and necessary expenses from an outside sponsor (e.g., neighbor, business), **other than an agent, professional service provider, representative of an institution's athletics interests or professional sports organization,** for participation in a collegiate all-star contest, provided the student-athlete has exhausted eligibility in the sport.

[12.1.3-(d) through 12.1.3-(f) relettered as 12.1.3-(c) through 12.1.3-(e), unchanged.]

- (g) Participation in Institutional, Charitable or Educational Promotions or Fundraising Activities. Participation in institutional, charitable or educational promotions or fundraising activities that involve the use of athletics ability by an individual to obtain funds (e.g., "swim-a-thons") are permitted only if:*

- (1) The money is contributed directly to the institution, conference, or the charitable, educational or nonprofit agency;*
- (2) The individual receives no compensation or prizes for their participation; and*
- (3) The provisions of Bylaw 12.5.1 are satisfied.*

[12.1.3-(h) relettered as 12.1.3-(f), unchanged.]

12.1.4 Impermissible – Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, an individual's participation in the following activities or receipt of the following benefits will jeopardize the individual's *amateur status***athletics eligibility** and eligibility for intercollegiate participation in a particular sport:

- (a) Use of Athletics Skill for Pay. Use of athletics skills for pay in any form in that sport **from any source (e.g., a professional team), including a promise of pay, receipt of direct or indirect salary, gratuity or comparable compensation or preferential treatment, benefits or services.**

~~(b) Acceptance of a Promise of Pay. Acceptance of a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation.~~

(b) Name, Image and Likeness Agreements Based on Athletics Participation or Achievement. Receipt of compensation or incentives for enrollment decisions (e.g., signing a letter of intent or transferring), athletic performance (e.g., points scored, minutes played, winning a contest), achievement (e.g., starting position, award winner), or membership on a team (e.g., being on roster).

~~(c) Receipt of a Salary, Gratuity or Compensation. Receipt of any direct or indirect salary, gratuity or comparable compensation for participation in athletics.~~

[12.1.4-(d) relettered as 12.1.4-(c), unchanged.]

(d) Payment Based on Place Finish. Any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance or given on an incentive basis, or receipt of expenses in excess of the same reasonable amount for permissible expenses given to all individuals or team members involved in the competition.

~~(e) Contract to Play Professional Athletics. Signing a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received.~~

~~(f) Receipt of Funds From a Professional Team. Receipt, directly or indirectly, of a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletics skill or participation, except as permitted by NCAA rules and regulations.~~

~~(g) Competition on a Professional Team. Competition on any professional athletics team (per Bylaw 12.02.6), even if no pay or remuneration for expenses was received.~~

~~(h) Agreement With or Benefits From an Agent. Entrance into an agreement with or receipt of benefits from an agent.~~

~~(i) Educational Expenses. Receipt of educational expenses not permitted by the governing legislation of this Association (see Bylaw 15 regarding permissible financial aid to enrolled student athletes).~~

[12.1.4-(j) relettered as 12.1.4-(e), unchanged.]

~~(1) Exception — Prize Money Based on Place Finish — Individual Sports. In individual sports, a student athlete may receive prize money based on place finish or performance in an open athletics event. The competition must occur outside the institution's declared playing season during the institution's official summer vacation period. In addition, such prize money shall not exceed the student athlete's actual and necessary expenses and may be provided only by the sponsor of the event. Actual and necessary expenses shall not include the expenses or fees of anyone other than the student athlete.~~

[12.1.4-(k) relettered as 12.1.4-(f), unchanged.]

~~(f) Expenses Above Actual and Necessary Expenses From Outside Amateur Sports Team or Organization. Receipt of expenses from an outside amateur sports team or organization in excess of actual and necessary travel, room and board expenses, and apparel and equipment (for individual and team use only from teams or organizations not affiliated with member institutions, including local sports clubs as set forth in Bylaw 13.11.2.4) for competition and practice held in~~

~~preparation for such competition. Practice must be conducted in a continuous time period preceding the competition except for practice sessions conducted by a national team, which occasionally may be interrupted for specific periods of time before the competition.~~

- ~~(m) Expenses From Nonpermissible Entities. Receipt of any expenses, including actual and necessary expenses or any other form of compensation, to participate in athletics competition (while not representing an educational institution) from an agent, representative of an institution's athletics interests or professional sports organization.~~

[12.1.4-(n) relettered as 12.1.4-(g), unchanged.]

- ~~(o) Payment Based on Place Finish. Any payment, including actual and necessary expenses, conditioned on the individual's or team's place finish or performance or given on an incentive basis, or receipt of expenses in excess of the same reasonable amount for permissible expenses given to all individuals or team members involved in the competition.~~

- ~~(1) Exception — Prize Money Based on Place Finish — Individual Sports. In individual sports, a student-athlete may receive prize money based on place finish or performance in an open athletics event. The competition must occur outside the institution's declared playing season during the institution's official summer vacation period. In addition, such prize money shall not exceed the student-athlete's actual and necessary expenses and may be provided only by the sponsor of the event. Actual and necessary expenses shall not include the expenses or fees of anyone other than the student-athlete.~~

- ~~(p) Prize for Participation in Institutional Promotional Activity. Receipt of a prize for participation (involving the use of athletics ability) in a member institution's promotional activity that is inconsistent with the provisions of Bylaw 12.5.~~

- ~~(q) Pay for Competition Involving Use of Overall Athletics Skill. Participation for pay in competition that involves the use of overall athletics skill (e.g., "superstars" competition). (See Bylaw 12.5.2.3.3 for exception related to promotional contests.).~~

- ~~(r) Preferential Treatment, Benefits or Services. Receipt of preferential treatment, benefits or services because of the individual's athletics reputation, skill or pay-back potential as a professional athlete, unless such treatment, benefits or services are specifically permitted under NCAA legislation. [R]~~

12.1.5 Amateur Athletics Eligibility Status if Professional in Another Sport. A professional athlete in one sport may represent a member institution in a different sport. The institution may award institutional financial aid to a student-athlete, provided the student-athlete is not professional in the sport in which the student-athlete will participate at the certifying institution. However, a student-athlete who currently is receiving institutional financial aid and signs a contract in the same sport or receives compensation from an agent or a professional-sport organization may continue to receive such aid for the remainder of the term of the award, provided the student-athlete has completed their four seasons of competition. (See Bylaw 15.1.1.4.)

[12.1.5.1 unchanged.]

12.2 Involvement With Professional Teams.

[12.2.1 unchanged.]

12.2.2 Practice Without Competition. Following initial full-time collegiate enrollment, an individual may participate in practice sessions conducted by a professional team, provided such participation meets the requirements of NCAA legislation governing tryouts with professional athletics teams (see Bylaw 12.2.1) and the individual does not: **receive any compensation or enter into a contract or agreement to practice or participate as a member of the professional athletics team. Such contracts or agreements would be separate from those that the individual may enter into with the professional team for name, image and likeness activities, as set forth in Bylaw 12.1.2.**

~~(a) Receive any compensation for participation in the practice sessions;~~

~~(b) Enter into any contract or agreement with a professional team or sports organization; or~~

~~(c) Take part in any outside competition (games or scrimmages) as a representative of a professional team.~~

[12.2.3 unchanged.]

12.2.4 Draft and Inquiry.

12.2.4.1 Inquiry. An individual may inquire of a professional sports organization about eligibility for a professional-league player draft or request information about the individual's market value without affecting their **amateureligibility** status.

12.2.4.2 Draft List. An enrolled student-athlete may enter a professional league's draft an unlimited number of times during their collegiate career and be drafted by any team in the league without jeopardizing eligibility in that sport, provided the student-athlete does not ever agree (orally or in writing) to be represented by an agent for the purposes of marketing their athletics ability or reputation in that sport, sign a professional sport contract or otherwise jeopardize their **amateureligibility** status.

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting their **amateureligibility** status. Further, the individual, their relatives or legal guardians, the institution's professional sports counseling panel or head coach may enter into negotiations with a professional sports organization without the loss of the individual's **amateureligibility** status. An individual who retains an agent **in order to secure a professional sports opportunity** shall lose **amateureligibility** status.

[12.2.5 unchanged.]

[12.3 unchanged.]

12.4 Employment.

12.4.1 Criteria Governing Compensation to Student-Athletes. All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete: [R]

[12.4.1-(a) through 12.4.1-(b) unchanged.]

(c) **In instances where the student-athlete does not have a contract or agreement (oral or written) for name, image and likeness activities,** An employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's product or services.

[12.4.2 unchanged.]

12.5 Promotional Activities.

12.5.1 Permissible.

12.5.1.1 Institutional, Charitable, Educational or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational, nonprofit or government agency (e.g., the armed services) may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:

- (a) The specific activity or project in which the student-athlete participates does not involve cosponsorship, advertisement or promotion by a commercial agency except as follows:
 - (1) Identification (e.g., graphics, voice over, on-screen test) of the commercial entity must explain the commercial entity's affiliation with the permissible entity (e.g., entity is the official sponsor of the institution/event);
 - (2) The appearance or description of the commercial product(s)/service(s) and/or the commercial entity's logo(s) may be included, but may not exceed 25 percent of the total promotional activity. Further, language or action included in the promotion may not directly encourage the use or purchase of the commercial product or service (e.g., "drink this product") with which the commercial entity is associated;
 - (3) An advertisement on an institution's wallet-size playing schedule that includes the name or picture of a student-athlete may include language other than the commercial product's name, trademark or logo, provided the commercial language does not appear on the same page as the picture of the student-athlete;
- (b) The student-athlete does not miss class;
- (c) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational, nonprofit or government agency related to participation in such activity;
- (d) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;
- (e) Any commercial items with names or pictures of student-athletes (other than items specified per Bylaws 12.5.1.6 and 12.5.1.7) may be sold only by the member institution, member conference or NCAA, through outlets controlled by the member institution, member conference or the NCAA or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event);
- (f) The student-athlete signs a release statement authorizing the use of their name, image or appearance in a manner consistent with the requirements of this section; and

- (g) ~~The institution provides educational material(s) to a representative of the charitable, educational, nonprofit or government agency regarding restrictions on the use of a student-athlete's name, image or appearance.~~

~~12.5.1.1.1 Exception – Promotional Activities Not Sponsored or Organized by a Member Institution's Athletics Department or Member Conference. The promotional activity conditions apply to activities sponsored or organized by an institution's athletics department or a conference office. Promotional activities in which a student-athlete participates independent of their status as a student-athlete (e.g., institutional community service requirement) are not subject to the legislation.~~

~~12.5.1.1.2 Signed Prospective Student-Athlete's Participation in Institutional Fundraisers or Promotional Activities. A prospective student-athlete may participate in institutional fundraisers or promotional activities prior to their initial collegiate enrollment, provided the prospective student-athlete has graduated from high school and has signed a National Letter of Intent or a written offer of admission and/or financial aid or the institution has received their financial deposit in response to its offer of admission.~~

~~12.5.1.1.3 Promotions Involving NCAA Championships, Events, Activities or Programs. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of an enrolled student-athlete to generally promote NCAA championships or other NCAA events, activities or programs.~~

~~12.5.1.1.4 Promotions Involving Commercial Locations/Sponsors. A member institution or a charitable, educational, nonprofit or government agency may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a cosponsor, if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.~~

~~12.5.1.1.5 Distribution of Institutional Noncommercial Items through Commercial Outlets. A member institution may distribute noncommercial items (items not for sale) at commercial establishments, provided the institution generally distributes such items to other commercial establishments in the community and the distribution of the items does not require the recipient to make a purchase at the commercial establishment.~~

~~12.5.1.1.5.1 Exception — Olympic, Paralympic or National Team. A national governing body may sell player/trading cards that bear the name or picture of a student-athlete who is a member of the Olympic, Paralympic or national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic, Paralympic or national team.~~

~~12.5.1.1.6 Player/Trading Cards. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational, nonprofit or government agency may distribute but may not sell player/trading cards that bear a student-athlete's name or picture.~~

~~12.5.1.1.7 Effect of Violations: The following violations of Bylaw 12.5.1.1 shall be considered institutional violations per Bylaw 7.01.7; however, the student-athlete's eligibility shall not be affected:~~

- ~~(a) An institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.1.1;~~
- ~~(b) A student-athlete participates in an impermissible institutional promotional activity and receives not more than actual and necessary expenses;~~
- ~~(c) A violation in which the only condition of the legislation not satisfied is the requirement that the student-athlete sign a release statement and the institution provide educational material(s) to an authorized representative of the charitable, educational or nonprofit agency, provided the release statement would have been signed if such a request had been made.~~

~~12.5.1.2 Modeling and Other Nonathletically Related Promotional Activities: An individual may accept remuneration for or permit the use of their name or picture to advertise or promote the sale or use of a commercial product or service without jeopardizing their eligibility to participate in intercollegiate athletics only if all of the following conditions apply:~~

- ~~(a) The individual became involved in such activities for reasons independent of athletics ability;~~
- ~~(b) No reference is made in these activities to the individual's involvement in intercollegiate athletics;~~
- ~~(c) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way on the individual's athletics ability or reputation.~~

~~12.5.1.3 Congratulatory Advertisement: It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:~~

- ~~(a) The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team;~~
- ~~(b) The advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;~~
- ~~(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;~~
- ~~(d) The student-athlete has not signed a consent or release granting permission to use the student-athlete's name or picture in a manner inconsistent with the requirements of this section; and~~
- ~~(e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a member institution's promotional activities~~

and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3.

~~12.5.1.4 Educational Products Related to Sport Skill Instruction. It is permissible for a student athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport skill demonstration, analysis or instruction, provided:~~

- ~~(a) Such print and electronic media productions are for educational purposes;~~
- ~~(b) There is no indication that the student athlete expressly or implicitly endorses a commercial product or service;~~
- ~~(c) The student athlete does not receive remuneration for such participation; however, the student athlete may receive actual and necessary expenses related to their participation;~~
- ~~(d) The student athlete does not miss class time to participate in the activity; and~~
- ~~(e) The student athlete has signed a release statement ensuring that the student athlete's name or image is used in a manner consistent with the requirements of this section and a copy of the statement is kept on file and shall be available for examination on request by an authorized representative of the NCAA.~~

~~12.5.1.5 Camps.~~

~~12.5.1.5.1 Institutionally Sponsored Camps. A member institution's camp may use the name or picture of any student athlete employed as a counselor or any student athlete from the member institution to publicize or promote the camp, including the use of the student athlete's name or picture in camp brochures or other advertising. [D]~~

~~12.5.1.5.2 Privately Owned Camps. A privately owned camp may use the name or picture of any student athlete employed as a counselor to publicize or promote the camp, including the use of the student athlete's name or picture in camp brochures or other advertising. [D]~~

~~12.5.1.6 Promotion by Third Party of Highlight Film, Videotape, Media Guide or Photographs. Any party other than the institution or a student athlete (e.g., a distribution company) or any party hired by the institution, conference or NCAA may sell and distribute an institutional highlight film or videotape or an institutional or conference highlight film, videotape or media guide that contains the names and pictures of enrolled student athletes or a picture of a student athlete only if:~~

- ~~(a) The institution, conference or NCAA specifically designates any agency that is authorized to receive orders for the film, videotape, media guide or photograph;~~
- ~~(b) The distribution company, retail store or a third party is precluded from using the name or picture of an enrolled student athlete in any poster or other advertisement to promote the sale or distribution of the film, videotape, media guide or photograph; and~~
- ~~(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution, conference or NCAA endorses the product or services of the advertiser or third party.~~

~~12.5.1.7 Promotion of NCAA and Conference Championships: The NCAA [or third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of a student-athlete to generally promote NCAA championships. A student-athlete's name or picture may appear in a poster that promotes a conference championship, provided the poster is produced by a member institution that hosts a portion of the championship or by the conference.~~

~~12.5.1.8 Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) and World University Championships: A student-athlete's name or picture may be used to promote Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) or World University Championships as specified in this section.~~

~~12.5.1.8.1 Sale and Distribution of Promotional Items: Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete's name or picture. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item.~~

~~12.5.1.8.1.1 Corporate Sponsors: A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete.~~

~~12.5.2 Nonpermissible:~~

~~12.5.2.1 Advertisements and Promotions Following Enrollment: After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics, if the individual:~~

- ~~(a) Accepts any remuneration for or permits the use of their name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or~~
- ~~(b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.~~

~~12.5.2.1.1 Exceptions: The individual's eligibility will not be affected, provided the individual:~~

- ~~(a) Meets the conditions set forth in Bylaw 12.5.1.2; or~~
- ~~(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of their name or picture and ceases receipt of any remuneration for such an arrangement.~~

~~12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture: If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected.~~

~~12.5.2.2 Use of a Student-Athlete's Name or Picture Without Knowledge or Permission: If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters, photographs) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain their eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.~~

~~12.5.2.3 Specifically Restricted Activities: A student-athlete's involvement in promotional activities specified in this section is prohibited.~~

~~12.5.2.3.1 Name-the-Player Contest: A student-athlete may not permit use of their name or picture in a "name-the-player" contest conducted by a commercial business for the purpose of promoting that business.~~

~~12.5.2.3.2 Athletics Equipment Advertisement: A student-athlete's name or picture may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's team uses its equipment.~~

~~12.5.2.3.3 Promotional Contests: Receipt of a prize for winning an institutional or noninstitutional promotional activity (e.g., making a half-court basketball shot, being involved in a money scramble) by a prospective or enrolled student-athlete (or a member of their family) does not affect their eligibility, provided the prize is won through a random drawing in which all members of the general public or the student body are eligible to participate.~~

~~12.5.3 Media Activities: A student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such an appearance or participation is related in any way to athletics ability or prestige provided:~~

- ~~(a) The student-athlete is eligible academically to represent the institution at the time of appearance or participation;~~
- ~~(b) The student-athlete does not receive any remuneration for the appearance or participation in the activity;~~
- ~~(c) The student-athlete does not make any endorsement, expressed or implied, of any commercial product or service. The institution or the entity sponsoring the activity may pay the actual and necessary expenses directly related to the appearance or participation by the student-athlete in the activity; and~~
- ~~(d) The student-athlete does not miss class to participate in the activity, except for class time missed in conjunction with away-from-home competition or to participate in NCAA or conference-sponsored media activity.~~

~~12.5.3.1 Writing Activities for a Commercial Entity: It is permissible for a student-athlete to write a column in a newsletter produced by a commercial company provided the individual meets the conditions set forth in Bylaw 12.5.1.2.~~

~~12.5.4 Use of Logos on Equipment, Uniforms and Apparel: A student-athlete may use athletics equipment or wear athletics apparel that bears the trademark or logo of an athletics equipment or apparel manufacturer or distributor in athletics competition and pre- and postgame activities (e.g., celebrations on the court, pre- or postgame press conferences), provided the applicable sports playing rules are satisfied and the following criteria are met: [D]~~

- (a) ~~Athletics equipment (e.g., shoes, helmets, baseball bats and gloves, batting or golf gloves, hockey and lacrosse sticks, goggles and skis) shall bear only the manufacturer's normal label or trademark, as it is used on all such items for sale to the general public; and~~
- (b) ~~The student-athlete's institution's official uniform (including numbered racing bibs and warm-ups) and all other items of apparel (e.g., socks, head bands, T-shirts, wrist bands, visors or hats, swim caps and towels) shall bear only a single manufacturer's or distributor's normal label or trademark (regardless of the visibility of the label or trademark), not to exceed 2 1/4 square inches in area (i.e., rectangle, square, parallelogram) including any additional material (e.g., patch) surrounding the normal trademark or logo.~~

~~12.5.4.1 Laundry Label. If an institution's uniform or any item of apparel worn by a student-athlete in competition contains washing instructions on the outside of the apparel on a patch that also includes the manufacturer's or distributor's logo or trademark, the entire patch must be contained within a four-sided geometrical figure (i.e., rectangle, square, parallelogram) that does not exceed 2 1/4 square inches. [D]~~

~~12.5.4.2 Pre or Postgame Activities. The restriction on the size of a manufacturer's or distributor's logo is applicable to all apparel worn by student-athletes during the conduct of the institution's competition, which includes any pre or postgame activities (e.g., postgame celebrations on the court, pre or postgame press conferences) involving student-athletes. [D]~~

~~12.5.4.3 Outside Team Uniforms and Apparel. The provisions of Bylaw 12.5.4(b) do not apply to the official uniforms and apparel worn by outside teams.~~

~~12.5.4.4 Title Sponsor Recognition. Racing bibs and similar competition identification materials (e.g., bowl game patches) worn by participants may include the name of the corporate sponsor of the competition, provided the involved commercial company is the sole title sponsor of the competition. [D]~~

[12.6 renumbered as 12.5, unchanged.]

B. Bylaws: Amend 15.2, as follows:

15.2 Permissible Sources of Financial Aid.

[15.2.1 through 15.2.2 unchanged.]

15.2.3 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

[15.2.3(a) through 15.2.3(b) unchanged.]

- (c) **In instances where the student-athlete does not have a contract or agreement (oral or written) for name, image and likeness activities,** The employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's products or services. (See Bylaw 12.4.)

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

Aligning the legislation with the NCAA Interim Name, Image and Likeness (NIL) Policy and removing any legislation that directly conflicts with it will better assist the membership with managing the NIL environment. In addition, codifying the NCAA Interim NIL Policy will provide ease of reference to the membership when analyzing NIL issues.

NO. NC-2023-31 INFRACTIONS PROGRAM AND ENFORCEMENT POLICIES AND PROCEDURES – MERGE, REORGANIZE AND UPDATE BYLAWS 19 AND 32

Intent: To merge, update and reorganize Bylaws 19 and 32 into Bylaw 19; further, to remove duplicative provisions.

A. Bylaws: Amend 11, as follows:

11 Conduct and Employment of Athletics Personnel

11.01 General Principles.

11.01.1 Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.

[11.02 through 11.6 renumbered as 11.03 through 11.7, unchanged.]

B. Bylaws: Amend 14.12, as follows:

14.12 Ineligibility.

[14.12.1 unchanged.]

14.12.2 Ineligible Participation.

[14.12.2.1 unchanged.]

14.12.2.2 Restitution. If a student-athlete who is ineligible under the terms of the bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:

- (a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;
- (b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;
- (c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;

- (d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;
- (e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;
- (f) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;
- (g) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-athlete participates in the contest(s) selected for such telecast, or if the Management Council concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and
- (h) Require that the institution that has been represented in an NCAA championship by such a student-athlete be assessed a financial penalty as determined by the appropriate divisional Committee on Infractions in that division.

C. Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

[18.4.1 unchanged.]

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition:

[18.4.2.1-(a) through 18.4.2.1-(g) unchanged.]

18.4.2.1.1 Certification of Compliance -- Requirements. The institution's director of athletics shall certify that the following conditions have been satisfied. (See Bylaw 7.3.1.5.7.)

[18.4.2.1.1.1 unchanged.]

18.4.2.1.1.2 Coaching Staff Disciplinary Actions. At the time of such certification, and as a result of involvement in a violation of the Association's legislation as determined by the Committee on Infractions or the Management Council, no current member of the institution's coaching staff:

[18.4.2.1.1.2-(a) through 18.4.2.1.1.2-(b) unchanged.]

- (c) Shall have been permitted within the last two years to perform any coaching-related activities for the certifying institution that were prohibited after determination by the Committee on Infractions of an "appropriate disciplinary action" for the individual in

accordance with the show-cause provision of Bylaw 19.5.2.2 of ~~the NCAA enforcement procedures~~**19.12.2.1**.

[18.4.2.1.1.2.1 through 18.4.2.1.1.2.2 unchanged.]

[18.4.2.1.1.3 through 18.4.2.1.1.4 unchanged.]

[18.4.2.1.2 through 18.4.2.1.3 unchanged.]

[18.4.2.2 unchanged.]

D. Bylaws: Amend 19, as follows:

19 Infractions Program.

19 Infractions Program

19.01 General Principles:

~~19.01.1 Mission of NCAA Infractions Program. It is the mission of the NCAA infractions program to uphold the integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. Member institutions are responsive to self-report violations. The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values.~~

~~19.01.2 Accountability. The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels.~~

~~19.01.3 Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.~~

~~19.01.4 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the bylaws of the Association.~~

~~19.01.5 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.~~

~~19.01.6 Responsibility to Cooperate. All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Management Council to further the objectives of the Association and its infractions program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry.~~

19.01.7 Violations by Institutional Staff Members: Institutional staff members found in violation of the NCAA bylaws shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

19.01.8 Nature of Penalty Structure: As a guiding principle, a penalty prescribed under NCAA enforcement policies and procedures should be broad and severe if the violation or violations reflect a general disregard for the governing rules; in those instances in which the violation or violations are isolated and of relative insignificance, then the NCAA penalty shall be specific and limited. Previous violations of NCAA legislation shall be a contributing factor in determining the degree of penalty.

19.02 Definitions and Applications:

19.02.1 Show-Cause Order: A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests identified by the committee as having been involved in a violation of the NCAA bylaws that has been found by the committee.

19.02.2 Types of Violations:

19.02.2.1 Violation, Secondary: A secondary violation is a violation that is isolated or inadvertent in nature; provides or is intended to provide only a minimal recruiting, competitive or other advantage; and does not include any significant impermissible benefit (including, but not limited to, an extra benefit, recruiting inducement, preferential treatment, financial aid). Multiple secondary violations by a member institution may be collectively considered as a major violation.

19.02.2.2 Violation, Major: All violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage.

19.02.3 New Information: New information is information that could not reasonably be ascertained before the Committee on Infractions hearing.

19.1 Committee on Infractions: The Management Council shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA infractions program.

19.1.1 Composition: The Division II Committee on Infractions shall consist of seven members, including one member of the Division II Management Council, and one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity. One of the members shall serve as chair and one member shall serve as vice chair.

19.1.1.1 Term of Office: A member shall serve a three-year term, which shall commence on the first day of September following the member's election and shall be eligible for immediate re-election. A member shall not serve more than nine years on the committee.

19.1.1.2 Quorum: Four members present and voting shall constitute a quorum for conduct of committee business, it being understood that the chair will make a special effort to have full committee attendance when major infractions cases are to be considered.

~~19.1.2 Authority of Committee: Disciplinary or corrective actions other than suspension or termination of membership may be effected by members of the Committee on Infractions present and voting at any duly called meeting, provided the call of such a meeting shall have contained notice of the situation presenting the disciplinary problem. Actions of the committee in cases involving major violations, however, shall be subject to review by the Infractions Appeals Committee per Bylaw 19.2, on appeal.~~

~~19.1.2.1 Authority of Vice President of Enforcement: On review of information developed by the enforcement staff or as self-reported by the member institution, the vice president of enforcement or their designee shall identify the case as involving alleged major or secondary violations, or multiple secondary violations that should be viewed as a major violation. Disciplinary or corrective actions in the case of secondary violations may be prescribed by the vice president of enforcement or their designee. Said actions shall be taken in accordance with the provisions of the enforcement policies and procedures and shall be subject to review by the Committee on Infractions.~~

~~19.1.2.2 Authority of Committee Chair: In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. For each hearing, the committee chair or chair's designee shall serve as the committee's appeals advocate for any appeal of a decision of the committee. If scheduling or availability issues prevent the appeal advocate from serving, the chair may designate another committee member to serve as a substitute. In major cases, the chair may consider and decide requests by an institution or involved individual for an accelerated hearing.~~

~~19.1.2.3 Temporary Substitutes: If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case.~~

~~19.1.2.4 Authority of Infractions Appeals Committee: The Infractions Appeals Committee per Bylaw 19.2 shall hear and act on an institution's or involved individual's appeal of the conclusions and/or penalties of major violations by the committee.~~

~~19.1.3 Duties: The committee shall:~~

- ~~(a) Consider complaints that may be filed with the Association charging the failure of any Division II member to maintain the academic or athletics standards required for membership or the failure of any Division II member to meet the conditions and obligations of membership in the Association;~~
- ~~(b) Adopt, formulate and revise in accordance with the requirements of Bylaw 19.3, a statement of its established internal operating procedures and enforcement policies and procedures, including investigative guidelines (see Bylaw 32);~~
- ~~(c) Review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to the procedures;~~
- ~~(d) Find facts related to alleged violations and conclude whether the facts constitute one or more violations of the NCAA bylaws;~~
- ~~(e) Upon concluding that one or more violations occurred, prescribe an appropriate penalty or "show-cause" requirement on a Division II member found to be involved in a major violation (or on appeal on a Division II member found to be involved in a~~

~~secondary violation) or recommend to the Division II Presidents Council suspension or termination of membership;~~

~~(f) Review negotiated resolutions (see Bylaw 32.6); and~~

~~(g) Carry out any other duties directly related to the administration of the Association's infractions program.~~

~~19.2 Appeals Committee.~~

~~19.2.1 Infractions Appeals Committee. The Division II Infractions Appeals Committee shall hear and act on an institution's or involved individual's appeal of the conclusions and/or penalties of major violations by the Division II Committee on Infractions. The committee may establish or amend enforcement policies and procedures set forth in Bylaws 32.11 and 32.12 that relate directly to the infractions appeals process, subject to review and approval by Management Council. The Infractions Appeals Committee shall report to the Management Council.~~

~~19.2.1.1 Composition. The Infractions Appeals Committee shall consist of five members, including one member of the Division II Management Council, one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity, and three additional individuals selected "at-large" from the membership.~~

~~19.2.1.2 Term of Office. A member shall serve a three-year term. A member may be reappointed but shall not serve more than nine years on the committee. For the individual serving as the representative from the Management Council, service shall coincide with their service on the Council.~~

~~19.3 Establishment and Revision of Enforcement Policies and Procedures.~~

~~19.3 Establishment and Revision of Enforcement Policies and Procedures.~~

~~19.3.1 Amendment by Committee and Approval by Management Council. The Committee on Infractions may formulate and revise its internal operating procedures and the enforcement policies and procedures (see Bylaw 32), and review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to the procedures, in regard to issues other than those concerning institutional penalties, restitution, and committee duties and structure. Amendments to the committee's and enforcement staff's internal operating procedures shall be immediately effective when approved by the committee, but are subject to review and approval by the Division II Management Council. A member institution shall be provided notice of alleged NCAA rules violations for which it is charged before any penalty is prescribed, as well as the opportunity to appear before the committee and the opportunity to appeal the committee's conclusions of major violations or penalties (see Bylaws 19.4 and 19.5). The committee's and enforcement staff's internal operating procedures and enforcement policies and procedures governing the administration of the Association's infractions program, as set forth in Bylaw 32, are subject to review and approval by the Management Council.~~

~~19.3.1 Amendment by Committee and Approval by Management Council. The Committee on Infractions may formulate and revise its internal operating procedures and the enforcement policies and procedures (see Bylaw 32), and review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to the procedures, in regard to issues other than those concerning institutional penalties, restitution, and committee duties and structure. Amendments to the committee's and enforcement staff's internal operating procedures shall be immediately effective when approved by the committee, but are subject to review and~~

~~approval by the Division II Management Council. A member institution shall be provided notice of alleged NCAA rules violations for which it is charged before any penalty is prescribed, as well as the opportunity to appear before the committee and the opportunity to appeal the committee's conclusions of major violations or penalties (see Bylaws 19.4 and 19.5). The committee's and enforcement staff's internal operating procedures and enforcement policies and procedures governing the administration of the Association's infractions program, as set forth in Bylaw 32, are subject to review and approval by the Management Council.~~

~~19.4 Notice of Allegations and Opportunity to Appear.~~

~~19.4 Notice of Allegations and Opportunity to Appear.~~

~~19.4.1 For Major Violations: A member under investigation for major violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts upon which such allegations are based; and~~
- ~~(b) An opportunity to appear before the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.1 For Major Violations: A member under investigation for major violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts upon which such allegations are based; and~~
- ~~(b) An opportunity to appear before the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.2 For Secondary Violations: A member under investigation for secondary violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts on which such allegations are based; and~~
- ~~(b) An opportunity to provide a written response to the vice president of enforcement or their designee (or to appear before the Committee on Infractions on appeal) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.2 For Secondary Violations: A member under investigation for secondary violations shall be given the following:~~

- ~~(a) Notice of any specific allegations against it and the facts on which such allegations are based; and~~
- ~~(b) An opportunity to provide a written response to the vice president of enforcement or their designee (or to appear before the Committee on Infractions on appeal) to answer such allegations by the production of factual information (see Bylaw 19.6).~~

~~19.4.3 New Findings: When an institution and involved individual appear before the committee to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the committee from concluding a violation(s) occurred resulting from information developed or discussed during the hearing.~~

~~19.4.3 New Findings: When an institution and involved individual appear before the committee to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the committee from concluding a violation(s) occurred resulting from information developed or discussed during the hearing.~~

~~19.5 Penalties, Disciplinary Measures and Corrective Actions: Penalties, disciplinary measures and corrective actions shall be specific and limited if the violation(s) are of relative insignificance and isolated or inadvertent. Penalties, disciplinary measures and corrective actions shall be broad and severe if the violation(s) are numerous, significant or intentional, or reflect a general disregard for the division's bylaws, institutional responsibilities as an active member of the Association or an institutional staff member's obligation to be in compliance with the legislation. Penalties, disciplinary measures and corrective actions for a major violation(s) shall be significantly more severe than those for a secondary violation(s). A previous violation(s) shall be a contributing factor in determining the number, type, scope and degree of penalties, disciplinary measures and corrective actions that may be prescribed.~~

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~~19.5.1 Penalties, Disciplinary Measures and Corrective Actions for Secondary Violations: Pursuant to the authority provided by the Committee on Infractions, the vice president of enforcement and the enforcement staff are responsible for administering secondary violations and prescribing penalties. Determination of applicable penalties includes the authority to accept an institutional or conference-imposed penalty as satisfactory or, if appropriate, prescribe a penalty. Penalties, disciplinary measures and corrective actions for secondary violations may include but are not limited to any and all of the following:~~

- ~~(a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, permanent ineligibility to represent the institution in intercollegiate competition (unless eligibility is restored by the Committee on Student-Athlete Reinstatement on appeal);~~
- ~~(b) Forfeit/vacate contests in which an ineligible student-athlete participated. Per Bylaw 18.1 and Administrative Bylaw 31.3.3, the Championships Committee shall nullify each contest in which a student-athlete competes while ineligible regardless of whether forfeiture is required;~~
- ~~(c) Prohibition of the head coach or other staff members in the involved sport from participating in any recruiting activities for up to one year;~~
- ~~(d) An institutional fine for each violation, with the monetary penalty up to \$5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition in which case the \$5,000 limit shall not apply;~~

- (e) ~~A limited reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;~~
- (f) ~~Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA regulations;~~
- (g) ~~Suspension of the head coach or other staff members for one or more competitions;~~
- (h) ~~Public reprimand (to be invoked only in situations where the Committee on Infractions or the vice president of enforcement, on approval by the committee, determines that a penalty, in addition to any institutional or conference-determined penalty, is warranted);~~
- (i) ~~Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why a penalty or an additional penalty should not be prescribed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee, if the circumstances warrant, or representatives of the institution's athletics interests;~~
- (j) ~~Other penalties, disciplinary measures and corrective actions, as appropriate.~~

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~~19.5.2 Penalties, Disciplinary Measures and Corrective Actions for Major Violations. The Committee on Infractions has the authority to determine the penalties, disciplinary measures and corrective actions that are prescribed for an institution for major violations. The Infractions Appeals Committee shall hear and act on an institution's appeal per Bylaw 19.2. The committee(s) may consider institutional or conference-imposed penalties and, where appropriate, include those in the penalties. Institutional or conference-imposed penalties shall not displace or substitute for the committee's judgment regarding penalties. Penalties, disciplinary measures and corrective actions for major violations shall include those penalties, disciplinary measures and corrective actions prescribed for secondary violations (see Bylaw 19.5.1), and may include any and all of the following:~~

- (a) ~~Public reprimand and censure;~~
- (b) ~~Probation for up to five years. Conditions of probation shall be determined on a case-by-case basis. A failure to satisfy the conditions of probation may result in additional conclusions of violation(s), including the failure to cooperate, lack of institutional control and/or violations of conditions for membership, and shall result in a reconsideration of the initial penalties prescribed, including an extension of the probationary period and prescription of additional penalties. Conditions of probation shall include, but are not limited to, the following:~~
 - (1) ~~Information regarding the violation(s) committed, the term of probation and penalties must be noted on the home page of the institution's athletics website, in the media guide for the involved sport(s) and in recruiting materials provided to prospective student-athletes in the involved sport(s). Such information must be displayed and provided to prospective student-athletes for the full term of probation. Information to prospective student-athletes must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see Bylaw 13.3.1.2);~~
 - (2) ~~Annual written reports shall be submitted to the Office of the Committees on Infractions for review. These reports shall detail compliance with probationary conditions; and~~
 - (3) ~~At the conclusion of probation, the institution's president or chancellor shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied (see Bylaw 19.5.2.4.2).~~
- (c) ~~A reduction in the number of financial aid awards (as defined in Bylaw 15.2.1) that may be awarded during a specified period;~~

- (d) ~~Ineligibility for postseason competition in the involved sport(s), particularly in situations when:~~
- ~~(1) Individual(s) involved in the violation(s) remain active in the sport program;~~
 - ~~(2) A significant competitive advantage resulted from the violation(s);~~
 - ~~(3) The violation(s) indicate a lack of institutional control or failure to monitor the involved sport(s) or athletics program;~~
 - ~~(4) The violation(s) include academic misconduct; or~~
 - ~~(5) The institution is a repeat violator (see Bylaw 19.5.2.3);~~
- (e) ~~A recommendation to the Committee for Legislative Relief that it waive the one-year residence requirement and permit full athletics participation in a sport for a student-athlete who transfers to another member institution when the Committee on Infractions renders the student-athlete's previous institution or team in that sport ineligible for postseason competition during all of the remaining seasons of the student-athlete's eligibility [see Bylaw 14.8.2.1 (c)];~~
- (f) ~~Ineligibility for participation in or hosting outside, invitational and/or NCAA championship competition in the involved sport(s);~~
- (g) ~~Vacation of records when a student-athlete(s) has competed while ineligible, particularly when a case involved academic misconduct, serious intentional violations, a large number of violations, direct or knowing involvement of a coach or high-ranking administrator, competition while academically ineligible, ineligible competition when there is a finding or failure to monitor or lack of institutional control or when vacation or a similar penalty would be prescribed if the underlying violation(s) were secondary. The penalties may include one or more of the following, as applicable:~~
- ~~(1) Vacation of individual records and performances in individual sports, including reconfiguration of the institution's team point totals after vacation of individual records and performances;~~
 - ~~(2) Vacation of relay, doubles and similar team records in individual sports when one or more team members compete while ineligible, including reconfiguration of the institution's team point totals after vacation of relay, doubles or similar results;~~
 - ~~(3) Vacation of team records and performances in individual or team sports;~~
 - ~~(4) Vacation of records of head coaches; and~~
 - ~~(5) Return of individual or team awards to the Association.~~
- (h) ~~A financial penalty;~~
- (i) ~~Ineligibility for selection involving discretionary Division II network and/or broadband television broadcasts during the regular season for the involved sport(s);~~
- (j) ~~A reduction in the number of expense-paid recruiting visits in the involved sport(s);~~
- (k) ~~A restriction on activities and benefits provided during unofficial visits;~~
- (l) ~~Limiting or prohibiting the recruiting activities of some or all coaching staff members in the involved sport(s);~~

- ~~(m) An outside audit or review of the institution's athletics policies and procedures (including, but not limited to, compliance policies and procedures);~~
- ~~(n) A requirement that the institution must provide a copy of the infractions decision to the institution's regional accrediting agency when the violation(s) involves academic misconduct or reflects questionable academic conduct or procedures;~~
- ~~(o) Ineligibility of institutional staff members to serve on the Division II Presidents Council, Management Council or other standing or special committees, councils or task forces of the Association, including as representatives of their institution or conference;~~
- ~~(p) Requirement that the institution take disciplinary action against an institutional staff member(s) who knowingly committed or condoned a major violation, including suspension of the head coach or the staff member(s) for one or more competition(s), and other disciplinary action(s) approved by the Committee on Infractions;~~
- ~~(q) Issuance of a show cause order per Bylaw 19.5.2.2 against an institutional staff member if that staff member has committed unethical conduct (see Bylaw 10.1) or other serious violations;~~
- ~~(r) Exclusion of the individual or entity, including disassociation of a representative of an institution's athletics interests, from involvement in an institution's athletics program on a permanent basis or for a specified period of time. An institution may be required to take any action(s) within its authority to eliminate involvement, including:

 - ~~(1) Refraining from accepting financial or other assistance for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and~~
 - ~~(2) Prohibition of providing to the individual or entity an athletics benefit(s) or privilege(s) not generally available to the public at large or on a basis different from that provided to the public at large; and~~~~
- ~~(s) Other penalties, corrective actions and disciplinary measures, as appropriate.~~

~~19.5.2 Penalties, Disciplinary Measures and Corrective Actions for Major Violations. The Committee on Infractions has the authority to determine the penalties, disciplinary measures and corrective actions that are prescribed for an institution for major violations. The Infractions Appeals Committee shall hear and act on an institution's appeal per Bylaw 19.2. The committee(s) may consider institutional or conference-imposed penalties and, where appropriate, include those in the penalties. Institutional or conference-imposed penalties shall not displace or substitute for the committee's judgment regarding penalties. Penalties, disciplinary measures and corrective actions for major violations shall include those penalties, disciplinary measures and corrective actions prescribed for secondary violations (see Bylaw 19.5.1), and may include any and all of the following:~~

- ~~(a) Public reprimand and censure;~~
- ~~(b) Probation for up to five years. Conditions of probation shall be determined on a case-by-case basis. A failure to satisfy the conditions of probation may result in additional conclusions of violation(s), including the failure to cooperate, lack of institutional control and/or violations of conditions for membership, and shall result in a reconsideration of the initial penalties prescribed, including an extension of the probationary period and prescription of additional penalties. Conditions of probation shall include, but are not limited to, the following:~~

- (1) ~~Information regarding the violation(s) committed, the term of probation and penalties must be noted on the home page of the institution's athletics website, in the media guide for the involved sport(s) and in recruiting materials provided to prospective student-athletes in the involved sport(s). Such information must be displayed and provided to prospective student-athletes for the full term of probation. Information to prospective student-athletes must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see Bylaw 13.3.1.2);~~
 - (2) ~~Annual written reports shall be submitted to the Office of the Committees on Infractions for review. These reports shall detail compliance with probationary conditions; and~~
 - (3) ~~At the conclusion of probation, the institution's president or chancellor shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied (see Bylaw 19.5.2.4.2).~~
- (c) ~~A reduction in the number of financial aid awards (as defined in Bylaw 15.2.1) that may be awarded during a specified period;~~
 - (d) ~~Ineligibility for postseason competition in the involved sport(s), particularly in situations when:~~
 - (1) ~~Individual(s) involved in the violation(s) remain active in the sport program;~~
 - (2) ~~A significant competitive advantage resulted from the violation(s);~~
 - (3) ~~The violation(s) indicate a lack of institutional control or failure to monitor the involved sport(s) or athletics program;~~
 - (4) ~~The violation(s) include academic misconduct; or~~
 - (5) ~~The institution is a repeat violator (see Bylaw 19.5.2.3);~~
 - (e) ~~A recommendation to the Committee for Legislative Relief that it waive the one-year residence requirement and permit full athletics participation in a sport for a student-athlete who transfers to another member institution when the Committee on Infractions renders the student-athlete's previous institution or team in that sport ineligible for postseason competition during all of the remaining seasons of the student-athlete's eligibility [see Bylaw 14.8.2.1 (e)];~~
 - (f) ~~Ineligibility for participation in or hosting outside, invitational and/or NCAA championship competition in the involved sport(s);~~
 - (g) ~~Vacation of records when a student-athlete(s) has competed while ineligible, particularly when a case involved academic misconduct, serious intentional violations, a large number of violations, direct or knowing involvement of a coach or high-ranking administrator, competition while academically ineligible, ineligible competition when there is a finding or failure to monitor or lack of institutional control or when vacation or a similar penalty would be prescribed if the underlying violation(s) were secondary. The penalties may include one or more of the following, as applicable:~~
 - (1) ~~Vacation of individual records and performances in individual sports, including reconfiguration of the institution's team point totals after vacation of individual records and performances;~~

- (2) ~~Vacation of relay, doubles and similar team records in individual sports when one or more team members compete while ineligible, including reconfiguration of the institution's team point totals after vacation of relay, doubles or similar results;~~
- (3) ~~Vacation of team records and performances in individual or team sports;~~
- (4) ~~Vacation of records of head coaches; and~~
- (5) ~~Return of individual or team awards to the Association.~~
- (h) A financial penalty;
- (i) ~~Ineligibility for selection involving discretionary Division II network and/or broadband television broadcasts during the regular season for the involved sport(s);~~
- (j) ~~A reduction in the number of expense-paid recruiting visits in the involved sport(s);~~
- (k) ~~A restriction on activities and benefits provided during unofficial visits;~~
- (l) ~~Limiting or prohibiting the recruiting activities of some or all coaching staff members in the involved sport(s);~~
- (m) ~~An outside audit or review of the institution's athletics policies and procedures (including, but not limited to, compliance policies and procedures);~~
- (n) ~~A requirement that the institution must provide a copy of the infractions decision to the institution's regional accrediting agency when the violation(s) involves academic misconduct or reflects questionable academic conduct or procedures;~~
- (o) ~~Ineligibility of institutional staff members to serve on the Division II Presidents Council, Management Council or other standing or special committees, councils or task forces of the Association, including as representatives of their institution or conference;~~
- (p) ~~Requirement that the institution take disciplinary action against an institutional staff member(s) who knowingly committed or condoned a major violation, including suspension of the head coach or the staff member(s) for one or more competition(s), and other disciplinary action(s) approved by the Committee on Infractions;~~
- (q) ~~Issuance of a show cause order per Bylaw 19.5.2.2 against an institutional staff member if that staff member has committed unethical conduct (see Bylaw 10.1) or other serious violations;~~
- (r) ~~Exclusion of the individual or entity, including disassociation of a representative of an institution's athletics interests, from involvement in an institution's athletics program on a permanent basis or for a specified period of time. An institution may be required to take any action(s) within its authority to eliminate involvement, including:~~
 - (1) ~~Refraining from accepting financial or other assistance for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and~~
 - (2) ~~Prohibition of providing to the individual or entity an athletics benefit(s) or privilege(s) not generally available to the public at large or on a basis different from that provided to the public at large; and~~
- (s) ~~Other penalties, corrective actions and disciplinary measures, as appropriate.~~

~~19.5.2.1 Opportunity to Appear. In the event the committee considers additional penalties to be prescribed on an institution in accordance with Bylaw 19.5.2-(p) above, the involved institution shall be provided the opportunity to appear before the committee; further, the institution shall be provided the opportunity to appeal (per Bylaw 19.6.2) any additional penalty prescribed by the committee.~~

~~19.5.2.1 Opportunity to Appear. In the event the committee considers additional penalties to be prescribed on an institution in accordance with Bylaw 19.5.2-(p) above, the involved institution shall be provided the opportunity to appear before the committee; further, the institution shall be provided the opportunity to appeal (per Bylaw 19.6.2) any additional penalty prescribed by the committee.~~

~~19.5.2.2 Show-Cause Order. If a determination is made by the committee that an institution has not taken appropriate disciplinary or corrective actions regarding an individual found in violation of the NCAA bylaws, the committee may issue an order that the institution take additional disciplinary or corrective action, including but not limited to restriction of some or all athletically related duties unless the institution appears before the committee to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions.~~

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~~19.5.2.2.1 Obligation to Comply. If an institutional staff member who is subject to a show-cause order is employed by an institution other than the institution at which the violation(s) occurred, that institution must comply with the penalties prescribed unless and until it can show cause to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.2) why it need not comply. Failure to comply with the penalties may subject the institution to conclusions of violations, including failure to cooperate and lack of institutional control, as well as other penalties, corrective actions and disciplinary measures, as appropriate.~~

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~~19.5.2.2.1.1 Opportunity to Be Heard. If the individual is employed by another institution, the institution may show cause why it need not comply with an order either by written submission or in an appearance before the Committee on Infractions.~~

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~~19.5.2.3 Repeat Violator Penalties. Previous violations of NCAA legislation are a contributing factor in determining the degree of penalties. Repeat violator status demonstrates a significant failure of an institution to comply with NCAA legislation. A repeat violator is subject to substantial enhancement of the penalties set forth in Bylaw 19.5.2 that would be prescribed for similar violations in a case not involving a repeat violator. In addition, a repeat violator may be subject to any or all of the following penalties:~~

- ~~(a) The prohibition of all outside competition in the sport(s) involved in the latest major violation for one or two sport seasons and the prohibition of all coaching staff members in that sport(s) from involvement directly or indirectly in any coaching activities at the institution during that period;~~
- ~~(b) The elimination of all recruiting activities in the sport(s) involved in the latest major violation(s) in question for up to a two-year period;~~
- ~~(c) The requirement that all institutional staff members serving on the Division II Presidents Council, Management Council or other standing or special cabinets, committees or task forces of the Association resign those positions, it being understood that all institutional representatives shall be ineligible to serve on any NCAA committee for a period of up to four years; and~~
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~~19.5.2.3.1 Time Period. An institution shall be considered a "repeat" violator, if the Committee on Infractions concludes that a major violation has~~

occurred within five years of the starting date of a major penalty. For this provision to apply, at least one major violation must have occurred within five years after the starting date of the penalties in the previous case. It shall not be necessary that the Committee on Infractions' hearing be conducted or its report issued within the five-year period.

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19.5.2.4 Probationary Periods:

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19.5.2.4.1 Conditions of Probation: The committee (or the Infractions Appeals Committee per Bylaw 19.2) may identify possible conditions that an institution must satisfy during a probationary period. Such conditions shall be designed on a case-by-case basis to focus on the institution's administrative weaknesses detected in the case and shall include, but not be limited to, written reports from the institution pertaining to areas of concern to the committee (or the Infractions Appeals Committee per Bylaw 19.2); implementation of educational or deterrent programs, and audits for specific programs or teams. If the institution fails to satisfy such conditions, the committee (or the Infractions Appeals Committee per Bylaw 19.2) may reconsider the penalties in the case and may extend the probationary period and/or prescribe additional penalties.

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19.5.2.4.2 Review Prior to Restoration of Membership Rights and Privileges: In the event the committee prescribes a penalty involving a probationary period, at the end of the probationary period, the institution's president or chancellor shall affirm in writing to the NCAA Office of the Committees on Infractions that the institution's athletics policies and practices are in full compliance with NCAA rules. The NCAA Office of the Committees on Infractions shall review the written affirmation and will coordinate with the committee to restore the institution to full rights and privileges of membership in the Association.

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~~19.5.2.5 Review of Penalty.~~

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~~19.5.2.5.1 New Information or Prejudicial Error. When a penalty has been prescribed and publicly announced and the appeal opportunity has been exhausted, there shall be no review of the penalty except on a showing of new information (per Bylaw 19.02.3) that is directly related to the findings or conclusions in the case or that there was a prejudicial error in the procedure that was followed in the processing of the case by the committee. Any new information must be submitted no later than one year following the issuance of the committee decision to the parties, or for a party that appeals a decision, the issuance of the Infractions Appeals Committee decision to the appealing party.~~

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~~19.5.2.5.1.1 Review Process. Any institution that initiates such a review shall be required to submit a brief of its appeal to the committee. The committee shall review the brief and decide by majority vote whether it shall grant a hearing of the appeal.~~

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~~19.5.2.5.1.2 Institution or Conference Discipline as New Information. Disciplinary measures prescribed by the institution or its conference, after the NCAA action, may not be considered "new information" for the purposes of this section.~~

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19.5.2.5.2 Reconsideration of Penalty. The institution shall be notified that should any portion of the penalty in the case be set aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by the NCAA. In such cases, any extension or adjustment of a penalty shall be proposed by the Committee on Infractions after notice to the institution and hearing. Any such action by the committee shall be subject to appeal.

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19.6 Rights of Member to Appeal.

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19.6.1 Appeal of Secondary Violations. A member institution or involved individual subject to a show-cause order shall have the right to appeal to the Committee on Infractions penalties prescribed by the vice president of enforcement or their designee in reference to secondary violations. To appeal, the member institution must submit a notice of appeal through the online reporting system for secondary violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An involved individual subject to a show cause order must submit a written notice of appeal to the vice president of enforcement or their designee within 15 days after receipt of the enforcement staff's decision. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. The committee shall not deny an involved individual's request to appear in person if a show-cause order was prescribed.

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19.6.1.1 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by

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~~19.6.2 Appeal of Major Violations. A member shall have the right to give written notice of appeal of the committee's conclusions of major violations (subject to Bylaw 32.11.1), the penalty, or both to the Infractions Appeals Committee per Bylaw 19.2.~~

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~~19.6.3 Appeal by an Institutional Staff Member. If any current or former institutional staff member participates in a hearing before the Committee on Infractions and is involved in a conclusion of a violation against that individual, the individual shall be given the opportunity to appeal any of the findings of fact, conclusions in question (subject to the conditions of Bylaw 32) or the committee's decision to prescribe a show-cause order (subject to the conditions of Bylaw 32) to the Infractions Appeals Committee. Under such circumstances, the individual and personal legal counsel may appear before the appeals committee at the time it considers the pertinent findings of fact, conclusions or prescribed penalties.~~

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~~19.6.4 Student-Athlete Appeal. If an institution concludes that continued application of the rule(s) would work an injustice on any student-athlete, an appeal shall be submitted to the Committee on Student-Athlete Reinstatement and promptly reviewed.~~

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~~19.6.4.1 Obligation of Institution to Take Appropriate Action. When the committee (or the Infractions Appeals Committee per Bylaw 19.2) concludes that there has been a violation of the NCAA bylaws affecting the eligibility of an individual student-athlete or student-athletes, the institution involved and its conference(s), if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved, it being understood that if the institution fails to take appropriate action, the involved institution shall be cited to show cause under the Association's enforcement policies and procedures why it should not be disciplined for a failure to abide by the conditions and obligations of membership (declaration of ineligibility) if it permits the student-athletes to compete.~~

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~~19.7 Restitution. If a student-athlete who is ineligible under the terms of the bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Management Council may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:~~

- ~~(a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;~~
- ~~(b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;~~
- ~~(c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;~~
- ~~(d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;~~
- ~~(e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;~~
- ~~(f) Determine that the institution is ineligible for one or more NCAA championships in the sports and in the seasons in which such ineligible student-athlete participated;~~
- ~~(g) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;~~
- ~~(h) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-athlete participates in the contest(s) selected for such telecast, or if the Management Council concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and~~
- ~~(i) Require that the institution that has been represented in an NCAA championship by such a student-athlete be assessed a financial penalty as determined by the appropriate divisional Committee on Infractions in that division.~~

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19.01 General Principles.

19.01.1 Mission of NCAA Infractions Program. It is the mission of the NCAA infractions program to uphold the integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. Member institutions are responsible to self-report violations. The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values.

19.01.2 Accountability. The infractions program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA bylaws accountable for their conduct, both at the individual and institutional levels.

19.01.3 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

19.02 Definitions and Applications.

19.02.1 Involved Individual. Involved individuals are former or current student-athletes and former or current institutional staff members who have received notice of significant involvement in alleged violations.

19.02.2 New Information. New information is information that could not reasonably be ascertained before the Committee on Infractions hearing.

19.02.3 Show-Cause Order. A show-cause order is one that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions (or the Infractions Appeals Committee per Bylaw 19.5) why it should not be subject to a penalty (or additional penalty) for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests found by the committee as having been involved in a violation of the NCAA bylaws.

19.1 Violation Structure.

19.1.1 Violation, Secondary. A secondary violation is a violation that is isolated or inadvertent in nature; provides or is intended to provide only a minimal recruiting, competitive or other advantage; and does not include any significant impermissible benefit (including, but not limited to, an extra benefit, recruiting inducement, preferential treatment, financial aid). Multiple secondary violations by a member institution may be collectively considered as a major violation.

19.1.2 Violation, Major. All violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage.

19.2 Responsibility to Cooperate and Expectations.

19.2.1 Responsibility to Cooperate. Current and former institutional staff members, and prospective and enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. Full cooperation includes, but is not limited to:

- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;
- (b) Timely participation in interviews and providing complete and truthful responses;
- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;
- (e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and

(g) Instructing legal counsel and/or other representatives to also cooperate fully.

19.2.1.1 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to their conference, member institution and/or the Association.

19.2.2 Failure to Cooperate. In the event that a representative of an institution fails to satisfy the responsibility to cooperate, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.

19.2.2.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.12.

19.2.2.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and the individual is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.12.

19.2.3 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to ensure compliance with the bylaws of the Association.

19.2.4 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

19.3 Public Disclosure. Except as provided in this article, the Committee on Infractions, Infractions Appeals Committee and enforcement staff shall not make public disclosures about a pending case until the case has been announced in accordance with prescribed procedures. An institution and any individual subject to the NCAA bylaws involved in a case, including any representative or counsel, shall not make public disclosures about the case until a final decision has been announced in accordance with prescribed procedures.

19.3.1 Public Announcements. The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.

19.4 Committee on Infractions.

19.4.1 Composition of Committee. The Division II Management Council shall appoint a Committee on Infractions, which shall be responsible for administration of the NCAA infractions program. The committee shall consist of seven members, including one member of the Division II Management Council, and one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity. One of the members shall serve as chair and one member

shall serve as vice chair. Four members present and voting shall constitute a quorum for conducting committee business.

19.4.2 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the hearing of a case, the chair may request the Management Council to designate a former member or members of the committee to rejoin the committee for purposes of the consideration and disposition of that case.

19.4.3 Conflict of Interest. No member of a committee shall participate in a case if the member is directly connected with an institution under investigation or if the member has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the committee member to determine if a conflict exists. Objections to the participation of a committee member in a particular case should be raised as soon as recognized but will not be considered unless raised at least one week in advance of the committee's review of the case. Objections will be decided by the committee chair.

19.4.4 Term of Office. A member shall serve a three-year term, which shall commence on the first day of September following the member's election and shall be eligible for immediate re-election. A member shall not serve more than nine years on the committee.

19.4.5 Authority and Duties of Committee. Disciplinary or corrective actions other than suspension or termination of membership may be effected by members of the Committee on Infractions present and voting at any duly called meeting, provided the call of such a meeting shall have contained notice of the situation presenting the disciplinary problem. Actions of the committee in cases involving major violations, however, shall be subject to review by the Infractions Appeals Committee. The Committee on Infractions shall:

- (a) Find facts related to alleged bylaw violations;
- (b) Conclude whether the facts constitute one or more violations of the NCAA bylaws;
- (c) Upon concluding that one or more violations occurred, prescribe an appropriate penalty consistent with the provisions of this article;
- (d) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to implementation of the committee's decisions;
- (e) Consider complaints alleging the failure of any member to maintain the academic or athletics standards required for membership or the failure of any member to meet the conditions and obligations of membership in the Association;
- (f) Formulate and revise internal operating procedures and revise investigative guidelines. Committee amendments to the procedures and guidelines shall be effective immediately and subject to review and approval by the Management Council;
- (g) Review negotiated resolutions (See Bylaw 19.10);
- (h) Set the dates and times for all hearings before the committee and notify all relevant parties of the hearing date and site; and

- (i) Carry out any other duties directly related to the administration of the Association's infractions program.

19.4.6 Duties of Committee Chair. The duties of the committee chair (or a designee) shall be as follows:

- (a) Consider and decide scheduling requests and extensions of time regarding hearing-related deadlines;
- (b) In the interim between meetings of the committee, the chair shall be empowered to act on behalf of the committee, subject to committee approval at its next meeting. If at any time, at a meeting or between meetings, the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair;
- (c) For each hearing, the committee chair or chair's designee shall serve as the committee's appeals advocate for any appeal of a decision of the committee. If scheduling or availability issues prevent the appeals advocate from serving, the chair may designate another committee member to serve as a substitute;
- (d) At the request of the enforcement staff, determine whether to grant limited immunity to a current or former institutional employee with responsibilities related to athletics based on information that the employee reports when such an employee otherwise would be subject to disciplinary action as described in Bylaws 19.12.1-(i) and Bylaw 19.12.2.2 based on the information that individual reports. Such immunity shall not apply to the employee's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the employee or to action taken by an institution;
- (e) At the request of the enforcement staff, determine whether to grant limited immunity to a student-athlete or prospective student-athlete when such an individual otherwise might be declared ineligible for intercollegiate competition based on information reported to the enforcement staff by the student-athlete or a prospective student-athlete or a third party associated with the student-athlete or prospective student-athlete. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the individual or to any action taken by an institution;
- (f) Resolve or appoint another committee member to resolve procedural or other matters which may arise prior to the infractions hearing;
- (g) In major cases, consider and decide requests by an institution or involved individual for an accelerated hearing; and
- (h) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support.

19.5 Infractions Appeals Committee.

19.5.1 Composition of Committee. The Infractions Appeals Committee shall consist of five members, including one member of the Division II Management Council, one individual from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity, and three additional individuals selected "at-large" from the membership.

19.5.2 Conflict of Interest. No member of the Infractions Appeals Committee shall participate in a case if the member is directly connected with an institution under investigation or has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the committee member to determine if a conflict exists. Objections to the participation of a committee member in a particular case should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the committee's review of the case.

19.5.3 Term of Office. A member shall serve a three-year term. A member may be reappointed but shall not serve more than nine years on the committee. For the individual serving as the representative from the Management Council, service shall coincide with their service on the Council.

19.5.4 Authority and Duties of Committee. The Division II Infractions Appeals Committee shall hear and act on an institution's or involved individual's appeal of the conclusions and/or penalties of major violations by the Division II Committee on Infractions. The committee may formulate and revise internal operating procedures that relate directly to the infractions appeals process, subject to review and approval by Management Council. The Infractions Appeals Committee shall report to the Management Council.

19.6 Enforcement Staff Review and Investigation of Alleged Violations.

19.6.1 Enforcement Staff to Receive Information and Conduct Investigations. It is the responsibility of the enforcement staff to conduct investigations relative to an institution's failure to comply with NCAA legislation or to meet the conditions and obligations of membership. Information that an institution failed to meet these obligations shall be provided to the enforcement staff and, if received by the Committee on Infractions or NCAA president, will be channeled to the enforcement staff.

19.6.1.1 Conflict of Interest. Any enforcement staff member who has or had a personal relationship or institutional affiliation that reasonably would result in the appearance of prejudice should refrain from participating in any manner in the processing of the involved institution's or individual's infractions case.

19.6.1.2 Initial Determination. The enforcement staff shall identify information developed by it or as self-reported by the institution as alleged major or secondary violations (as defined in Bylaw 19.1). The enforcement staff shall have the discretion to submit information to the Committee on Infractions, or a designated member of the committee, for an initial determination of how that information should be processed.

19.6.2 Notice of Inquiry to Institution. Before the enforcement staff conducts an inquiry with current institutional staff and/or enrolled student-athletes, the enforcement staff shall notify the institution's president or chancellor (or their designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations pursuant to Bylaw 19.7.1.1. The institution shall be informed of its obligation to cooperate pursuant and of the confidential nature of the inquiry pursuant to Bylaw 19.2.1. The institution shall be notified that if the inquiry develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 19.8. In the alternative, the institution will be notified that the matter has been concluded.

19.6.3 Interviews.

19.6.3.1 Interviews with Member Institution. The director of athletics or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews with enrolled student-athletes, coaching staff members or other institutional staff members with athletically related responsibilities or oversight who are believed to have knowledge of possible violations at the institution.

19.6.3.2 Presence of Institutional Representative During Interview. If interviewing an enrolled student-athlete or current athletics department staff member, an institutional representative (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student-athlete's eligibility or the staff member's employment at the institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject, institution or any involved individual.

19.6.3.3 Interview Notices.

19.6.3.3.1 Representation by Legal Counsel. When an enforcement staff member conducts an interview, the individual being questioned may be represented by personal legal counsel.

19.6.3.3.2 Disclosure of Purpose of Interview. The enforcement staff shall advise an interviewee that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly in any violations of NCAA bylaws.

19.6.3.3.3 Responsibility to Provide Truthful Information. The enforcement staff shall advise a prospective or enrolled student-athlete or a current or former institution staff member that refusing to furnish information may result in an allegation that the interviewee violated NCAA ethical conduct legislation.

19.6.3.4 Use of Transcriptionist During an Interview. For interviews involving the enforcement staff, institutional representatives or individuals may use a transcriptionist during an interview subject to the following conditions. The institution or individual shall:

- (a) Pay the transcriptionist's fee;
- (b) Provide a copy of the transcript to the enforcement staff at no charge; and
- (c) Submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview.

19.6.3.5 Statement of Confidentiality. Individuals and institutional representatives shall be required to agree not to release recording(s) or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to enter into such an agreement would preclude the individual and institutional representative from recording or transcribing the interview.

19.6.4 Access to Information. For all cases to be considered by the Committee on Infractions, the enforcement staff shall make available to the institution and participating involved individuals recorded interviews, interview summaries and/or interview transcripts, and other factual information pertinent to the case. The institution and involved individuals may review such information through a secure website or at the NCAA national office.

19.6.5 Termination of Investigation. The enforcement staff shall terminate the investigation related to any notice of inquiry in which information is developed that does not appear to be of sufficient substance or reliability to warrant a notice of allegations.

19.7 Standards of Review and Resolution Methods (Major Cases).

19.7.1 Enforcement Allegation Standard. The enforcement staff shall make formal allegations if it determines there is credible and sufficient information (direct or circumstantial) that reasonably demonstrates a violation of one or more NCAA bylaws occurred.

19.7.1.1 Statute of Limitations. The enforcement staff shall limit allegations to possible violations occurring not earlier than four years before the date the notice of inquiry is provided to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation:

- (a) Allegations involving violations affecting the eligibility of a current student-athlete;
- (b) Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period; and
- (c) Allegations that indicate a blatant disregard for the Association's fundamental recruiting, extra-benefit, academic or ethical-conduct regulations or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have a one-year period after the date information concerning the matter becomes available to the NCAA to investigate and submit to the institution a notice of allegations concerning the matter.

19.7.2 Committee on Infractions Decision Standard. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.

19.7.3 Importation.

19.7.3.1 Importation of Facts. The Committee on Infractions may consider and accept as true facts established through proceedings outside the NCAA infractions process if those facts are in the record, not under appeal and are established by:

- (a) A decision or judgement of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction; or
- (b) A Commission or similar review of comparable independence authorized by a member institution or university system board of trustees (regardless of

whether the facts are accepted by the institution or university system board of trustees).

19.7.3.2 Importation of Evidence and Positions. Evidence submitted to any court, agency, accrediting body or other administrative tribunal of competent jurisdiction, regardless of whether the matter is finally resolved and regardless of who offered the evidence, may be considered when alleging and/or concluding whether a violation occurred. Positions taken by a party in such a matter may be considered in the infractions process when determining whether to allege or conclude that the same party violated NCAA bylaws.

19.7.4 Inference for Failing to Produce Materials or Participate in the Infractions Process.

19.7.4.1 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.12.

19.7.4.2 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.12, occurred.

19.7.5 Information from Confidential Sources. In presenting information for consideration by the Committee on Infractions, the enforcement staff shall present only information that can be attributed to individuals who are willing to be identified. Information obtained from individuals not wishing to be identified shall not be relied on by the Committee on Infractions in making conclusions of violations. Such confidential sources shall not be identified to the Committee on Infractions, the institution or an involved individual.

19.7.6 Methods of Resolution (Major Cases). Cases involving allegations of major violations will be presented to and resolved by the Committee on Infractions. The Committee on Infractions shall resolve major allegations through a hearing pursuant to Bylaw 19.8, summary disposition pursuant to Bylaw 19.9 and/or negotiated resolution pursuant to Bylaw 19.10.

19.8 Hearing.

19.8.1 Notice of Allegations. The enforcement staff shall issue a cover letter and notice of allegations to the president or chancellor of the institution involved (with copies to the faculty athletics representative and the director of athletics and to the executive officer of the conference of which the institution is a member) and/ or any involved individuals participating in the hearing. The notice of allegations shall:

- (a) Inform the president or chancellor of the matter under inquiry and request the cooperation of the institution in obtaining all the pertinent facts.
- (b) Request the president or chancellor to respond to the allegations and to provide all relevant information which the institution has or may reasonably obtain, including information uncovered related to new violations. The responsibility to provide information continues until the case has been concluded.
- (c) Request the president or chancellor and other institutional staff to appear before the Committee on Infractions at a time and place determined by the committee.

- (d) Inform the president or chancellor that if the institution fails to appear after having been requested to do so, it may not appeal the Committee on Infractions' findings of fact and conclusions of violations, or the prescribed penalty.
- (e) Direct the institution to provide any involved individual the opportunity to submit in writing any information the individual desires that is relevant to the allegation in question.
- (f) Inform the president or chancellor that the enforcement staff's primary investigator in the case will be available to discuss the development of its response and assist in locating various individuals who have, or may have, important information regarding the allegations.
- (g) A copy of the notification shall also be forwarded to the president or chancellor of the current institution of the involved individual.

19.8.2 Submission Deadlines.

19.8.2.1 Responses by Institution or Involved Individuals. Any response to the notice of allegations shall be submitted electronically to the Committee on Infractions, the institution, all involved individuals and the enforcement staff not later than 90 days from the date of the notice of allegations, unless the committee grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. An institution or involved individual may not submit additional documentary information (in addition to its initial response) without prior authorization from the Committee on Infractions (see Bylaw 19.8.3 for additional instructions regarding information submitted to the Committee on Infractions). Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred.

19.8.2.2 Prehearing Conference. Within 60 days after the institution and involved individuals, if any, submits a written response to a notice of allegations, the enforcement staff shall consult with the participating parties in order to clarify the issues to be discussed in the case during the hearing, make suggestions regarding additional investigation or interviews that should be conducted by the institution to supplement its response and identify allegations that the staff intends to withdraw. The enforcement staff shall conduct independent prehearing conferences with the institution and/or any involved individuals, unless mutually agreed by all parties to do otherwise. The Committee on Infractions may approve additional time for representatives of the involved individuals, institution and the enforcement staff to conduct such prehearing conferences.

19.8.2.3 Enforcement Staff Case Summary. The enforcement staff shall prepare a summary of the case that indicates the status of each allegation and identifies the individuals on whom and the information on which the staff will rely in presenting the case. Within 60 days after the institution and involved individuals, if any, submit written responses to the notice of allegations, the enforcement staff shall submit a case summary to the Committee on Infractions and the institution. Involved individuals will be provided those portions of the summary in which they are identified as at risk.

19.8.2.4 Submission of Written Material. Unless specifically approved by the Committee on Infractions for good cause shown, all written material to be considered by the Committee on Infractions hearing must be received by the committee, the enforcement staff, the institution and any involved individuals attending the hearing not later than 30 days prior to the date of the hearing.

Information may be submitted at the hearing, but subject to the limitations set forth in Bylaw 19.8.3.

19.8.2.5 Accelerated Hearing Docket. In major cases, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule.

19.8.3 Information Presented at Hearings.

19.8.3.1 Obligation to Present All Relevant Information. At a hearing, the parties or their legal counsel have the obligation to present, to the extent reasonably possible, material, relevant information necessary for the committee to reach an informed decision, including information that corroborates or refutes an allegation. Subject to procedures of the Committee on Infractions, the parties or their legal counsel may deliver opening and closing statements, present factual information, make arguments, explain the alleged violations and answer questions from committee members. Any oral or documentary information may be received, but the committee may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.

19.8.3.2 Information Relevant to Possible Penalties. Institutional, conference and enforcement staff representatives and any involved individuals are encouraged to present all relevant information concerning mitigating or other factors that should be considered in arriving at appropriate penalties.

19.8.3.3 Scope of Inquiry. When an institution and/or involved individual appears before the Committee on Infractions to discuss a response to the notice of allegations, the hearing shall be directed toward the allegations set forth in the notice of allegations but shall not preclude the committee from concluding that any violation occurred resulting from information developed or discussed during the hearing.

19.8.4 Appearance of Individuals at Hearings. Except as otherwise provided herein or as ordered by the chair, hearing attendees shall be limited to institutional representatives, involved individuals, NCAA staff representatives, committee members, representatives from the office of the Committees on Infractions, the audio recorder, transcriptionist and other technical/support staff as permitted by chair. An individual who appears before the committee may appear with personal legal counsel or representative. The chair may exclude an individual and the individual's counsel from those portions of the hearing concerning matters in which the individual is not involved.

19.8.4.1 Representatives of Institution. Except as otherwise ordered by the chair, at the time an institution appears before the Committee on Infractions, its representatives should include the institution's president or chancellor, the head coach of the sport(s) in question, the institution's director of athletic and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator, legal counsel (if any), enrolled student-athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the committee. Additional individuals may be included among the institution's party only if specifically approved.

19.8.4.1.1 Prohibited Attendance by Conflicted Committee Members. A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under the provisions of Bylaws 19.4.3 or 19.5.2 from participating in any NCAA proceedings may not attend a Committee on Infractions hearing involving the committee member's institution unless specifically requested by the committee to be present as a witness.

19.8.4.2 Representatives of Member Conference. The executive officer or other representative of a conference's executive office may attend an institutional hearing involving a conference member.

19.8.4.3 Request for Specific Individuals. Institutional representatives or enrolled student-athletes who are specifically requested to appear before the Committee on Infractions at a hearing are normally expected to appear and may be accompanied by personal legal counsel or representative. The Committee on Infractions also may request that former institutional staff members appear at a hearing. Such individuals also are normally expected to appear and may be accompanied by personal legal counsel or representative. In cases that involve a small number of contested issues or cases in which the contested issues are relatively uncomplicated, the institution and/or the involved individual may make a written request to appear before the committee by videoconference or other mode of distance communication as the Committee on Infractions may deem appropriate. The decision regarding the use of videoconferencing (or another mode of communication) rests with the Committee on Infractions. Failure to appear before the committee may result in a violation of this bylaw and a show-cause action by the Committee on Infractions.

19.8.5 Recordings of Proceedings. The proceedings of hearings shall be recorded by a transcriptionist (unless otherwise agreed) and shall be recorded by the Committee on Infractions. No additional verbatim recording of these proceedings will be permitted by the Committee on Infractions. The Committee on Infractions shall maintain custody of the recordings and any transcriptions. In the event of an appeal, a transcript of the hearing proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review at the NCAA national office or through the secure website. [Note: Involved individuals will receive only those portions of the hearing transcriptions in which they were in attendance at the hearing.]

19.8.6 Posthearing Committee Deliberations. After all presentations have been made and the hearing has been concluded, the Committee on Infractions shall excuse all others from the hearing, and deliberate in private.

19.8.6.1 Request for New Information. In arriving at its decision, the Committee on Infractions may request additional information from any source, including the institution, the enforcement staff, or an involved individual. In the event that new information is requested from the institution, the enforcement staff, or an involved individual to assist the Committee on Infractions, all parties shall be afforded an opportunity to respond at the time such information is provided to the committee.

19.8.6.2 Request for Interpretation. The Committee on Infractions may request that the NCAA academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted by the committee. If an interpretation is requested, the institution, involved individuals and the NCAA enforcement staff will be notified in writing of the interpretation request and the response. The institution may appeal the interpretation in accordance with Bylaw 9.4.1.2.

19.9 Summary Disposition.

19.9.1 Summary Disposition Election. In major infractions cases, institutions, involved individuals and the enforcement staff may elect to process the case through the summary disposition procedures specified below. The enforcement staff, involved individuals, if participating, and the institution must agree to use the summary disposition process. The institution, involved individuals or the enforcement staff may require, as a condition of agreement, that the parties jointly submit the proposed findings to the chair of the Committee on Infractions or their designee for a preliminary assessment of the appropriateness of the use of the summary disposition process.

19.9.2 Written Report. The institution, involved individuals and the NCAA enforcement staff shall submit a written report setting forth:

- (a) The proposed findings of fact;
- (b) A summary of information on which the proposed findings are based;
- (c) A stipulation that the proposed findings are substantially correct and complete;
- (d) The proposed findings that are violations of NCAA legislation; and
- (e) A statement of unresolved issues that are not considered substantial enough to affect the outcome of the case.

19.9.3 Proposed Penalties. The institution and involved individuals shall submit proposed penalties within the guidelines set forth in the penalty structure for major violations specified in Bylaw 19.12.2. The institution and involved individuals also may submit a statement regarding mitigating factors.

19.9.4 Committee on Infractions Review.

19.9.4.1 Review of Investigation. The Committee on Infractions shall determine that a thorough investigation of possible violations of NCAA legislation has been conducted. The investigation may be conducted by the enforcement staff and/or the institution, but the enforcement staff must agree that a complete and thorough investigation has been conducted and that the institution fully cooperated in the process.

19.9.4.2 Additional Information or Clarification. The Committee on Infractions may contact jointly the institution, enforcement staff and involved individuals for additional information or clarification prior to accepting or rejecting the proposed findings.

19.9.4.3 Acceptance of Proposed Findings and Penalties. If the proposed findings of fact and proposed penalties are accepted, the Committee on Infractions shall prepare a report of its decision, forward it to the institution and involved individuals, and publicly announce the resolution of the case under the provisions of Bylaw 19.11. The Committee on Infractions has the authority to make editorial or nonsubstantive changes in the proposed findings as long as these changes do not affect the substance of the findings.

19.9.4.4 Proposed Findings Not Accepted. If the Committee on Infractions does not accept the proposed findings, the hearing process set forth in Bylaw 19.8 shall be followed.

19.9.4.5 Proposed Penalties Not Accepted. If the Committee on Infractions accepts the proposed findings but proposes penalties in addition to those set forth in the summary disposition report, the institution and/or involved

individuals may challenge the proposed penalties. The institution and/or involved individuals may appear before the committee in person, by videoconference or other mode of distance communication, as the committee deems appropriate, to discuss the proposed additional penalties. The committee shall only consider information relevant to the prescription of penalties during the expedited hearing. At the conclusion of the expedited hearing or written review, the committee shall prepare an infractions decision and provide notification of the committee's actions consistent with Bylaw 19.11. The institution and/or any involved individuals may appeal the additional penalties to the Infractions Appeals Committee in accordance with Bylaw 19.12.

19.10 Negotiated Resolution.

19.10.1 Scope. At any time from the beginning of the enforcement staff investigation until Committee on Infractions' review of a summary disposition report pursuant to Bylaw 19.9 or an infractions hearing held pursuant to Bylaw 19.8, the enforcement staff may negotiate a resolution with an institution or involved individual about alleged violations and proposed penalties. The negotiated resolution is subject to approval by the Committee on Infractions and must resolve all known violations for which the party or parties included in the negotiated resolution may be subject to penalty pursuant to Bylaw 19.12.

19.10.2 Involvement of Parties in a Negotiated Resolution.

19.10.2.1 All Participating Parties Agree on Resolution. If all parties participating in the case agree on a resolution of the case, they shall submit the written agreement of negotiated resolution to the chair for Committee on Infractions review and approval. The enforcement staff shall include the violations by and penalties related to any party not participating in the case in the written agreement. The Committee on Infractions shall review the negotiated resolution if the parties submit the written agreement prior to issuance of the summary disposition report or notice of allegations.

19.10.2.2 Not All Participating Parties Agree on Resolution. If some, but not all, parties participating in the case agree on resolution of the case, the enforcement staff shall include the written agreement of negotiated resolution in the summary disposition report or notice of allegations submitted in connection with parties who are not included in the negotiated resolution, or amended summary disposition report or notice of allegations if the agreement is reached after issuance of the summary disposition report or notice of allegations.

19.10.3 Written Agreement. Any negotiated resolution shall contain the following:

- (a) A brief description of the case, including the involvement of the parties included in the negotiated resolution;
- (b) The agreed-upon violation(s);
- (c) Other violations the enforcement staff considered and agreed or opted not to allege;
- (d) The agreed-upon type of agreed-upon violation(s) (major or secondary);
- (e) The agreed-upon penalties;
- (f) The nature of any participation or cooperation provided by a party pursuant to the negotiated resolution, and consequences for a party's failure or refusal to strictly adhere to the agreed-upon participation and cooperation conditions;

(g) Waiver of appellate opportunities; and

(h) Other material terms of the agreement.

19.10.4 Scope of Review. The Committee on Infractions shall only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12.

19.10.5 Preliminary Assessment of Penalties. Prior to submission of a written agreement of negotiated resolution, parties included in the negotiated resolution may request the Committee on Infractions to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12. The preliminary assessment is not binding.

19.10.5.1 Approval in Conjunction with Preliminary Assessment. If all parties participating in the case request a preliminary assessment of penalties in accordance with Bylaw 19.10.5 and the parties submit all required elements of an agreement of negotiated resolution set forth in Bylaw 19.10.3, the Committee on Infractions may approve the negotiated resolution in conjunction with its preliminary assessment unless the parties instruct otherwise in their request for preliminary assessment.

19.10.6 Negotiated Resolution Approved. If the Committee on Infractions approves the negotiated resolution, the committee shall forward the approval to the enforcement staff and the other parties, and publicly announce the resolution of the case. The approval shall be final and have no precedential value.

19.10.6.1 Approval When Not All Participating Parties Agree on Resolution. If some, but not all parties participating in the case agree on resolution of the case, the Committee on Infractions shall not approve the negotiated resolution until the committee resolves the remainder of the case.

19.10.7 Negotiated Resolution Not Approved. If the Committee on Infractions does not approve the negotiated resolution, the committee may return the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues identified by the committee that preclude approval of the negotiated resolution, and request that the parties submit an amended written agreement of negotiated resolution in response. In the alternative, the committee may reject the negotiated resolution and issue instructions for processing of the case pursuant to Bylaw 19.8 or Bylaw 19.9.

19.11 Committee on Infractions Decisions.

19.11.1 Infractions Decision. After resolution of all allegations pursuant to Bylaws 19.8, 19.9 and/or 19.10, the Committee on Infractions shall prepare and approve the final written infractions decision, which shall contain a statement of the findings of fact, conclusions of violations, penalties, corrective actions, requirements and (for institutions) any other conditions and obligations of membership. The decision shall be sent to the chancellor or president of the involved institution (or a designee), any involved individuals and the vice president of enforcement.

19.11.2 Public Infractions Decision. Once the infractions decision has been provided to the institution and involved individuals, the public infractions decision, with names of individuals deleted, shall be released. The Committee on Infractions shall forward a copy of the infractions decision, with names of individuals deleted, to the Infractions Appeals Committee at the time of the public announcement.

19.11.3 Public Announcement. Once the public infractions decision has been released, the chair or a member of the Committee on Infractions may make a public announcement related to the infractions case. The institution and/or any involved individuals shall not comment publicly concerning the case prior to the time the NCAA's public announcement is released.

19.11.4 Reconsideration by the Committee on Infractions. Once the decision has been publicly announced by the Committee on Infractions, and the appeal opportunity has been exhausted, there shall be no reconsideration of the decision except as follows.

19.11.4.1 New Information or Prejudicial Error. When a penalty has been prescribed and publicly announced and the appeal opportunity has been exhausted, there shall be no review of the penalty except on a showing of new information (per Bylaw 19.02.2) that is directly related to the findings or conclusions in the case or that there was a prejudicial error in the procedure that was followed in the processing of the case by the committee. Any new information must be submitted no later than one year following the issuance of the committee decision to the parties, or for a party that appeals a decision, the issuance of the Infractions Appeals Committee decision to the appealing party.

19.11.4.1.1 Review Process. Any institution that initiates such a review shall be required to submit a brief of its appeal to the committee. The committee shall review the brief and decide by majority vote whether it shall grant a hearing of the appeal.

19.11.4.1.2 No Calculation of New Penalty. If a hearing of the appeal is granted, the committee may reduce or eliminate any penalty but may not prescribe any new penalty. The committee's decision with respect to the penalty shall be final and conclusive for all purposes.

19.11.4.2 Penalty Modified or Set Aside Outside the Association. The institution shall be notified that should any portion of the penalty in the case be set aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by the NCAA. In such cases, any extension or adjustment of a penalty shall be proposed by the Committee on Infractions after notice to the institution and hearing. Any such action by the committee shall be subject to appeal.

19.11.5 Finality of Decisions. Any decision by the Committee on Infractions that is not appealed or reconsidered pursuant to Bylaw 19.11.4 shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.12 Penalties.

19.12.1 Calculation of Penalty. If the Committee on Infractions concludes that a violation occurred, it shall prescribe an appropriate penalty; or it may recommend to the Management Council suspension or termination of membership in an appropriate case. Failure to fully implement the adopted and/or prescribed penalty may subject the institution, and/or involved individual under a show-cause order, to further disciplinary action by the Committee on Infractions.

19.12.2 Penalties, Disciplinary Measures and Corrective Actions. Penalties, disciplinary measures and corrective actions shall be specific and limited if the violation(s) are of relative insignificance and isolated or inadvertent. Penalties, disciplinary measures and corrective actions shall be broad and severe if the violation(s) are numerous, significant or intentional, or reflect a general disregard for the division's bylaws, institutional responsibilities as an active member of the

Association or an institutional staff member's obligation to be in compliance with the legislation. Penalties, disciplinary measures and corrective actions for a major violation(s) shall be significantly more severe than those for a secondary violation(s). A previous violation(s) shall be a contributing factor in determining the number, type, scope and degree of penalties, disciplinary measures and corrective actions that may be prescribed. Self-disclosure may be considered in prescribing penalties, and, if an institution uncovers a violation before its being reported to the NCAA and/or its conference, such disclosure shall be considered as a mitigating factor in prescribing the penalty.

19.12.3 Penalties, Disciplinary Measures and Corrective Actions for Secondary Violations. Pursuant to the authority provided by the Committee on Infractions, the vice president of enforcement and the enforcement staff are responsible for administering secondary violations and prescribing penalties. Determination of applicable penalties includes the authority to accept an institutional- or conference-imposed penalty as satisfactory or, if appropriate, prescribe a penalty. Penalties, disciplinary measures and corrective actions for secondary violations may include but are not limited to any and all of the following:

- (a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, permanent ineligibility to represent the institution in intercollegiate competition (unless eligibility is restored by the Committee on Student-Athlete Reinstatement on appeal);
- (b) Forfeit/vacate contests in which an ineligible student-athlete participated. Per Bylaw 18.1 and Administrative Bylaw 31.3.3, the Championships Committee shall nullify each contest in which a student-athlete competes while ineligible regardless of whether forfeiture is required;
- (c) Prohibition of the head coach or other staff members in the involved sport from participating in any recruiting activities for up to one year;
- (d) An institutional fine for each violation, with the monetary penalty up to \$5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition in which case the \$5,000 limit shall not apply;
- (e) A limited reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;
- (f) Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA regulations;
- (g) Suspension of the head coach or other staff members for one or more competitions;
- (h) Public reprimand (to be invoked only in situations where the Committee on Infractions or the vice president of enforcement, on approval by the committee, determines that a penalty, in addition to any institutional- or conference-determined penalty, is warranted);
- (i) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the provisions of NCAA legislation while representing another institution, show cause why a penalty or an additional penalty should not be prescribed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee, if the

circumstances warrant, or representatives of the institution's athletics interests; and

(j) Other penalties, disciplinary measures and corrective actions, as appropriate.

19.12.4 Penalties, Disciplinary Measures and Corrective Actions for Major Violations. The Committee on Infractions has the authority to determine the penalties, disciplinary measures and corrective actions that are prescribed for an institution for major violations. The Infractions Appeals Committee shall hear and act on an institution's appeal per Bylaw 19.5. The committee(s) may consider institutional- or conference-imposed penalties and, where appropriate, include those in the penalties. Institutional- or conference-imposed penalties shall not displace or substitute for the committee's judgment regarding penalties. Penalties, disciplinary measures and corrective actions for major violations shall include those penalties, disciplinary measures and corrective actions prescribed for secondary violations (see Bylaw 19.12.3), and may include any and all of the following:

(a) Public reprimand and censure;

(b) Probation for up to five years. Conditions of probation shall be determined on a case-by-case basis. A failure to satisfy the conditions of probation may result in additional conclusions of violation(s), including the failure to cooperate, lack of institutional control and/or violations of conditions for membership, and shall result in a reconsideration of the initial penalties prescribed, including an extension of the probationary period and prescription of additional penalties. Conditions of probation shall include, but are not limited to, the following:

(1) Information regarding the violation(s) committed, the term of probation and penalties must be noted on the home page of the institution's athletics website, in the media guide for the involved sport(s) and in recruiting materials provided to prospective student-athletes in the involved sport(s). Such information must be displayed and provided to prospective student-athletes for the full term of probation. Information to prospective student-athletes must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see Bylaw 13.3.1.2);

(2) Annual written reports shall be submitted to the Office of the Committees on Infractions for review. These reports shall detail compliance with probationary conditions; and

(3) At the conclusion of probation, the institution's president or chancellor shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied.

(c) A reduction in the number of financial aid awards (as defined in Bylaw 15.2.1) that may be awarded during a specified period;

(d) Ineligibility for postseason competition in the involved sport(s), particularly in situations when:

(1) Individual(s) involved in the violation(s) remain active in the sport program;

(2) A significant competitive advantage resulted from the violation(s);

(3) The violation(s) indicate a lack of institutional control or failure to monitor the involved sport(s) or athletics program;

- (4) The violation(s) include academic misconduct; or
- (5) The institution is a repeat violator (see Bylaw 19.12.4.3);
- (e) A recommendation to the Committee for Legislative Relief that it waive the one-year residence requirement and permit full athletics participation in a sport for a student-athlete who transfers to another member institution when the Committee on Infractions renders the student-athlete's previous institution or team in that sport ineligible for postseason competition during all of the remaining seasons of the student-athlete's eligibility [see Bylaw 14.8.2.1-(c)];
- (f) Ineligibility for participation in or hosting outside, invitational and/or NCAA championship competition in the involved sport(s);
- (g) Vacation of records when a student-athlete(s) has competed while ineligible, particularly when a case involved academic misconduct, serious intentional violations, a large number of violations, direct or knowing involvement of a coach or high-ranking administrator, competition while academically ineligible, ineligible competition when there is a finding or failure to monitor or lack of institutional control or when vacation or a similar penalty would be prescribed if the underlying violation(s) were secondary. The penalties may include one or more of the following, as applicable:
 - (1) Vacation of individual records and performances in individual sports, including reconfiguration of the institution's team point totals after vacation of individual records and performances;
 - (2) Vacation of relay, doubles and similar team records in individual sports when one or more team members compete while ineligible, including reconfiguration of the institution's team point totals after vacation of relay, doubles or similar results;
 - (3) Vacation of team records and performances in individual or team sports;
 - (4) Vacation of records of head coaches; and
 - (5) Return of individual or team awards to the Association.
- (h) A financial penalty;
- (i) Ineligibility for selection involving discretionary Division II network and/or broadband television broadcasts during the regular season for the involved sport(s);
- (j) A reduction in the number of expense-paid recruiting visits in the involved sport(s);
- (k) A restriction on activities and benefits provided during unofficial visits;
- (l) Limiting or prohibiting the recruiting activities of some or all coaching staff members in the involved sport(s);
- (m) An outside audit or review of the institution's athletics policies and procedures (including, but not limited to, compliance policies and procedures);
- (n) A requirement that the institution must provide a copy of the infractions decision to the institution's regional accrediting agency when the violation(s) involves academic misconduct or reflects questionable academic conduct or procedures;

- (o) Ineligibility of institutional staff members to serve on the Division II Presidents Council, Management Council or other standing or special committees, councils or task forces of the Association, including as representatives of their institution or conference;
- (p) Requirement that the institution take disciplinary action against an institutional staff member(s) who knowingly committed or condoned a major violation, including suspension of the head coach or the staff member(s) for one or more competition(s), and other disciplinary action(s) approved by the Committee on Infractions;
- (q) Issuance of a show cause order per Bylaw 19.12.4.2 against an institutional staff member if that staff member has committed unethical conduct (see Bylaw 10.1) or other serious violations;
- (r) Exclusion of the individual or entity, including disassociation of a representative of an institution's athletics interests, from involvement in an institution's athletics program on a permanent basis or for a specified period of time. An institution may be required to take any action(s) within its authority to eliminate involvement, including:
 - (1) Refraining from accepting financial or other assistance for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and
 - (2) Prohibition of providing to the individual or entity an athletics benefit(s) or privilege(s) not generally available to the public at large or on a basis different from that provided to the public at large; and
- (s) Other penalties, corrective actions and disciplinary measures, as appropriate.

19.12.4.1 Show-Cause Order. If a determination is made by the committee that an institution has not taken appropriate disciplinary or corrective actions regarding an individual found in violation of the NCAA bylaws, the committee may issue an order that the institution take additional disciplinary or corrective action, including but not limited to restriction of some or all athletically related duties unless the institution appears before the committee to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions.

19.12.4.2 Show-Cause Penalties. If the committee prescribes additional penalties for an institution for major violations pursuant to Bylaw 19.12.4-(p), the institution shall be provided the opportunity to appear before the committee. Further, for show-cause penalties prescribed by the Committee on Infractions, the institution shall be provided the opportunity to appeal any additional penalty prescribed by the committee.

19.12.4.3 Repeat Violator Penalties. Previous violations of NCAA legislation are a contributing factor in determining the degree of penalties. Repeat violator status demonstrates a significant failure of an institution to comply with NCAA legislation. A repeat violator is subject to substantial enhancement of the penalties set forth in Bylaw 19.12.4 that would be prescribed for similar violations in a case not involving a repeat violator. In addition, a repeat violator may be subject to any or all of the following penalties:

- (a) The prohibition of all outside competition in the sport(s) involved in the latest major violation for one or two sport seasons and the prohibition of all coaching staff members in that sport(s) from involvement directly or indirectly in any coaching activities at the institution during that period;
- (b) The elimination of all recruiting activities in the sport(s) involved in the latest major violation(s) in question for up to a two-year period;
- (c) The requirement that all institutional staff members serving on the Division II Presidents Council, Management Council or other standing or special cabinets, committees or task forces of the Association resign those positions, it being understood that all institutional representatives shall be ineligible to serve on any NCAA committee for a period of up to four years; and
- (d) The requirement that the institution relinquish its voting privileges in the Association for a period of up to four years.

19.12.4.3.1 Time Period. An institution shall be considered a "repeat" violator, if the Committee on Infractions concludes that a major violation has occurred within five years of the starting date of a major penalty. For this provision to apply, at least one major violation must have occurred within five years after the starting date of the penalties in the previous case. It shall not be necessary that the Committee on Infractions' hearing be conducted or its report issued within the five-year period.

19.12.4.4 Probationary Periods.

19.12.4.4.1 Conditions of Probation. The committee (or the Infractions Appeals Committee per Bylaw 19.5) may identify possible conditions that an institution must satisfy during a probationary period. Such conditions shall be designed on a case-by-case basis to focus on the institution's administrative weaknesses detected in the case and shall include, but not be limited to, written reports from the institution pertaining to areas of concern to the committee (or the Infractions Appeals Committee per Bylaw 19.5), implementation of educational or deterrent programs, and audits for specific programs or teams. If the institution fails to satisfy such conditions, the committee (or the Infractions Appeals Committee per Bylaw 19.5) may reconsider the penalties in the case and may extend the probationary period and/or prescribe additional penalties.

19.12.4.4.2 Review Prior to Restoration of Membership Rights and Privileges. In the event the committee prescribes a penalty involving a probationary period, at the end of the probationary period, the institution's president or chancellor shall affirm in writing to the NCAA Office of the Committees on Infractions that the institution's athletics policies and practices are in full compliance with NCAA rules. The NCAA Office of the Committees on Infractions shall review the written affirmation and will coordinate with the committee to restore the institution to full rights and privileges of membership in the Association.

19.12.4.5 Obligation of Institution to Take Appropriate Action. If a violation has been found that affects the eligibility of one or more student-athletes, the institution and its conference, if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved. If the institution fails to take appropriate action by declaring the student-athlete(s) ineligible, the institution shall be required to show cause to the Committee on Infractions why additional penalties should not be prescribed for a failure

to abide by the conditions and obligations of membership if it permits the student-athlete(s) to compete in intercollegiate athletics.

19.13 Appeal of Committee on Infractions Decisions.

19.13.1 Basis for Granting an Appeal.

19.13.1.1 Penalties. A penalty prescribed by the Committee on Infractions shall not be set aside on appeal except on a showing by the appealing party that the penalty is excessive such that it constitutes an abuse of discretion.

19.13.1.2 Findings and Conclusions. Factual findings and conclusions of violations made by the Committee on Infractions shall not be set aside on appeal, except on a showing by the appealing party that:

- (a) A factual finding is clearly contrary to the information presented to the Committee on Infractions;
- (b) The facts found by the Committee on Infractions do not constitute a violation of the Association's rules; or
- (c) There was a procedural error and but for the error, the Committee on Infractions would not have made the conclusion of a violation.

19.13.2 Appeal by Institution or Involved Individual. A member institution may appeal the Committee on Infractions' findings, conclusions, penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed for the institution for violations of the NCAA bylaws. An involved individual participating in the proceedings of the Committee on Infractions and who the committee concluded committed a violation may appeal the committee's findings, conclusions and/or prescribed penalties regarding that individual for violations in which the individual is named. The notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date the Committee on Infractions releases the public infractions decision.

19.13.2.1 Contents of Notice to Appeal. The notice of intent to appeal shall include the following, unless otherwise ordered by the Infractions Appeals Committee:

- (a) The date on which the Committee on Infractions decision was released to the public;
- (b) A statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument. An appealing party may not request an in-person oral argument unless that party made an appearance before the Committee on Infractions; and
- (c) If the appealing party is an involved individual, a statement indicating whether the individual is employed at an NCAA institution. If the involved individual's employment status changes during the course of the appeal, the statement shall be amended promptly to reflect the change and the identity of the new employer.

19.13.2.2 Stay of Penalties. If a notice of intent to appeal is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal.

19.13.3 Deadline for Submission of Appeal Documents. A deadline for the submission of a document shall be met if the document is submitted electronically to the Infractions Appeals Committees Office by 5 p.m. Eastern time on the due date. At the earliest opportunity after a document is submitted electronically, the submitting party shall provide a hard copy of the document directly to all members of the committee.

19.13.3.1 Initial Submission by Institution or Involved Individual. Within 30 days after receipt of the Infractions Appeals Committee's acknowledgement of the receipt of a timely notice of intent to appeal, an appealing institution or individual shall provide its initial submission in support of its appeal to the Infractions Appeals Committee.

19.13.3.2 Response by Committee Appeals Advocate. Within 30 days after acknowledgement of receipt of an initial submission by an institution or involved individual in support of its appeal, the committee appeals advocate shall submit a response to the Infractions Appeals Committee. The response shall include the issues raised in the appeal and the responses to the issues raised by the appealing parties.

19.13.3.3 Rebuttal by Institution or Involved Individual. Within 14 days after receipt of the committee appeals advocate's response, an institution or involved individual may submit a rebuttal to the Infractions Appeals Committee. The rebuttal may only address issues contained in the initial submission or the committee appeals advocate's response.

19.13.3.4 Enforcement Staff Statement. Within 10 days after the deadline for submission of all rebuttals, the enforcement staff may provide a written statement to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the initial submission(s), the committee appeals advocate's response and/or rebuttal documents.

19.13.4 Information Considered on Appeal. The Infractions Appeals Committee shall consider only the information contained in the record of proceedings before the Committee on Infractions, the record on appeal and arguments presented during the appeal oral argument, if any, unless otherwise ordered by the Infractions Appeals Committee. If an institution or involved individual seeks to introduce new information during the appeal process, the Infractions Appeals Committee shall determine whether it meets the threshold definition of new information per Bylaw 19.02.2 and, if so, may stay the appeal and remand the matter to the Committee on Infractions to conduct further proceedings as may be necessary to address whether the information affects the Committee on Infractions' decision and to amend the decision, if necessary.

19.13.5 Appeal Arguments. If one or more of the appealing parties request an appeal oral argument, an appeal oral argument may be conducted as set forth below, subject to procedures promulgated by the Infractions Appeals Committee or as otherwise directed by the committee.

- (a) Only those individuals identified in Bylaw 19.8.4 may attend the appeal oral argument;
- (b) The parties may be represented by legal counsel and shall be permitted a reasonable time to make an oral presentation to supplement the initial submission;

- (c) The Infractions Appeals Committee may question representatives of appealing parties (institution or involved individual), the Committee on Infractions or enforcement staff, as well as any other persons appearing before it, in order to determine the issues related to the appeal;
- (d) Representatives from the enforcement staff may participate during the appeal oral argument but such participation shall be limited to the opportunity to provide information regarding perceived new information, errors, misstatements and omissions;
- (e) If an institution or involved individual appeared before the Committee on Infractions but waived the right to appeal, the institution or involved individual may elect to be present in person and/or by counsel as a silent observer during the appeal oral argument; and
- (f) If the institution or involved individual elects to appeal in writing only, the committee appeals advocate's written response specific to that written appeal shall be considered without any in-person appearance.

19.13.6 Decision of the Infractions Appeals Committee. After considering the appeal and deliberating privately, the Infractions Appeals Committee shall prepare a written decision and provide a copy to any appealing party (including the president or chancellor of an institution currently employing an involved individual), the chair of the Committee on Infractions, the committee appeals advocate and the vice president of enforcement, unless otherwise ordered by the committee. Once the decision has been provided to the parties, the committee shall release a public appeal decision. The public appeal decision will not include names of individuals.

19.13.7 Final Decision not Subject to Further Review. Any decision of the Infractions Appeals Committee shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.14 Notice of Allegations, Opportunity to Respond and Penalties (Secondary Cases).

19.14.1 General Process for Alleged Violations. A secondary case is a case presenting secondary violations that do not collectively constitute a major violation. An institution or involved individual subject to a show-cause order in a secondary case may be represented by legal counsel or representative and shall be provided the following:

- (a) Notice of any specific allegations and the facts upon which such allegations are based; and
- (b) An opportunity to provide a written response to the vice president of enforcement (or a designee) to answer such allegations by the production of factual information and to appeal to the Committee on Infractions.

19.14.2 Determination by Enforcement Staff. After reviewing relevant information and consulting with the institution or involved individual, the enforcement staff shall conclude whether one or more secondary violations occurred. If the enforcement staff concludes that the alleged violation(s) should not be processed as a secondary case, it may process the case as a major case, as appropriate, or determine that no further action is required.

19.14.3 Authority to Prescribe Penalties. As authorized by the Committee on Infractions, upon a conclusion that one or more secondary violations occurred, the vice president of enforcement (or a designee) may determine whether a penalty is warranted and, if so, prescribe and announce an appropriate penalty.

pursuant to Bylaw 19.12.3. Failure to fully implement the penalty may be considered a violation and/or may subject the institution to further disciplinary action by the NCAA. Failure to fully implement self-imposed actions may also subject the institution to further disciplinary action by the NCAA.

19.14.4 Appeal to Committee on Infractions. A member institution or involved individual subject to a show-cause order shall have the right to appeal to the Committee on Infractions penalties prescribed by the vice president of enforcement or their designee in reference to secondary violations. To appeal, the member institution must submit a notice of appeal through the online reporting system for secondary violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An involved individual subject to a show cause order must submit a written notice of appeal to the vice president of enforcement or their designee within 15 days after receipt of the enforcement staff's decision. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. The committee shall not deny an involved individual's request to appear in person if a show-cause order was prescribed.

19.14.4.1 Stay of Penalties. If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by the enforcement staff that have been appealed shall be stayed during the pendency of the appeal.

E. Administrative: Amend 31.2, as follows:

31.2 Eligibility for Championships.

[31.2.1 unchanged.]

31.2.2 Student-Athlete Eligibility. To be eligible to enter teams or individual student-athletes in an NCAA championship, an institution shall recognize the sport involved as a varsity intercollegiate sport (see Bylaws 7.3.1.5.4 and 17.02.16) and shall meet the institutional requirements in Bylaw 18.4.2 applicable to the division in which the institution is a member or for which it is petitioning for eligibility in a sport, as well as any additional requirements specified in the applicable championships handbooks. All student-athletes must satisfy all general eligibility requirements established for NCAA championships participation. The general and academic eligibility requirements are set forth in detail in Bylaw 14. Other specific requirements for eligibility for NCAA championships are included in other bylaws in this Manual and are applicable and binding for championships participation.

[31.2.2.1 through 31.2.2.3 unchanged.]

31.2.2.4 Participation While Ineligible. When a student-athlete competing as an individual or representing the institution in a team championship is declared ineligible after the competition, or a penalty has been prescribed or action taken as set forth in Bylaw ~~19.12.4-(g)~~~~19.5.2-(g)~~ *or 19.7 of the NCAA enforcement program*, the Committee on Infractions may require the following:

[31.2.2.4-(a) through 31.2.2.4-(b) unchanged.]

[31.2.2.5 unchanged.]

[31.2.3 unchanged.]

F. Administrative: Amend 32, as follows:

32 Enforcement Policies and Procedures

32.1 Committee on Infractions—Special Operating Rules.

~~32.1.1 Public Disclosure. Except as provided in Bylaw 19 and Bylaw 32, the Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall not make public disclosures about a pending case, until the case has been announced in accordance with the prescribed procedures. An institution and any individual subject to the NCAA bylaws involved in a case, including any representative or counsel, shall not make public disclosure about the case until a final decision has been announced in accordance with prescribed procedures.~~

~~32.1.2 Conflict of Interest. Any member of the Committee on Infractions or the Infractions Appeals Committee shall neither appear at the hearing or oral argument nor participate on the committee when the member is directly connected with an institution under investigation or has a personal, professional or institutional affiliation that reasonably would result in the appearance of prejudice. It is the responsibility of the committee member or members of the Infractions Appeals Committee (per Bylaw 19.2) to remove themselves if a conflict exists. Objections to the participation of a committee member or the Infractions Appeals Committee member (per Bylaw 19.2) should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the affected hearing or oral argument.~~

~~32.1.3 Cooperative Principle. The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information to determine whether a possible violation of NCAA legislation has occurred and the details of the infraction. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of the investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution.~~

~~32.1.3.1 Full Cooperation. Full cooperation pursuant to the cooperative principle and responsibility to cooperate set forth in Bylaw 19.01.3 includes, but is not limited to:~~

- ~~(a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;~~
- ~~(b) Timely participation in interviews and providing complete and truthful responses;~~
- ~~(c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;~~
- ~~(d) Disclosing and providing access to all electronic devices used in any way for business purposes;~~
- ~~(e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;~~
- ~~(f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and~~
- ~~(g) Instructing legal counsel and/or other representatives to also cooperate fully.~~

~~32.1.4 Definition of Involved Individual. Involved individuals are former or current student-athletes and former or current institutional staff members who have received notice of significant involvement in alleged violations.~~

~~32.2 Preliminary Review of Information.~~

~~32.2.1 Enforcement Staff to Receive Information and Conduct Investigations. It is the responsibility of the enforcement staff to conduct investigations relative to an institution's failure to comply with NCAA legislation or to meet the conditions and obligations of membership. Information that an institution failed to meet these obligations shall be provided to the enforcement staff and, if received by the Committee on Infractions or NCAA president, will be channeled to the enforcement staff.~~

~~32.2.1.1 Self-Disclosure by an Institution. Self-disclosure shall be considered in prescribing penalties, and, if an institution uncovers a violation before its being reported to the NCAA and/or its conference, such disclosure shall be considered as a mitigating factor in prescribing the penalty.~~

~~32.2.2 Investigative Procedures. The Committee on Infractions shall provide general guidance to the enforcement staff through approved and established investigative and administrative procedures.~~

~~32.2.2.1 Initial Enforcement Staff Responsibilities. The enforcement staff is responsible for evaluating information reported to the NCAA staff to determine whether the possible violation should be handled by correspondence with the involved institution or its conference, or whether the enforcement staff should conduct its own in-person inquiries.~~

~~32.2.2.1.1 Basic Information Gathering. The enforcement staff has a responsibility to gather basic information regarding possible violations and, in doing so, may contact individuals to solicit information. If information indicating a potential NCAA violation believed to be reliable is developed, the procedures provided in Bylaw 32.5 (notice of inquiry) are undertaken.~~

~~32.2.2.1.2 Identification of Major/Secondary Violation. The enforcement staff shall identify information developed by it or as self-reported by the institution as alleged major or secondary violations (as defined in Bylaw 19.02.2). The staff shall have the discretion to submit information to the Committee on Infractions, or a designated member of the committee, for an initial determination of how that information should be processed.~~

~~32.3 Investigative Procedures.~~

~~32.3.1 Conformance With Procedures. Investigations by the enforcement staff shall be conducted in accordance with the operating policies, procedures and investigative guidelines established by the Committee on Infractions, Management Council and membership in accordance with Bylaw 19.~~

~~32.3.1.1 Consultation With Committee. If questions arise concerning investigative procedures during the course of an investigation, the chair (or the full Committee on Infractions, if necessary) may be consulted by the enforcement staff.~~

~~32.3.2 Conflict of Interest. Any enforcement staff member who has or had a personal relationship or institutional affiliation that reasonably would result in the appearance of prejudice should refrain from participating in any manner in the processing of the involved institution's or individual's infractions case.~~

~~32.3.3 Interviews With Member Institution. The director of athletics or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews with enrolled student-athletes, coaching staff members or other institutional~~

staff members with athletically related responsibilities or oversight who are believed to have knowledge of possible violations.

~~32.3.3.1 Presence of Institutional Representative During Interview. If interviewing an enrolled student-athlete or current athletics department staff member, an institutional representative (as designated by the institution) will be permitted to be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or staff member is employed and would not reasonably affect the student-athlete's eligibility or the staff member's employment at the institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject, institution or any involved individual.~~

~~32.3.4 Notice of Requirements.~~

~~32.3.4.1 Disclosure of Purpose of Interview. When an enforcement staff representative requests information that could be detrimental to the interests of the student-athlete or institutional employee being interviewed, that individual shall be advised that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly or indirectly in any violation of NCAA legislation.~~

~~32.3.4.2 Responsibility to Cooperate. At the beginning of an interview arranged or initiated by the enforcement staff, a prospective or enrolled student-athlete or current or former institutional staff member shall be advised that refusing to furnish information or providing false or misleading information to the NCAA, conference or institution may result in an allegation that the individual has violated NCAA ethical conduct legislation.~~

~~32.3.5 Use of Court Reporters. Institutional representatives or individuals being interviewed may use a court reporter to transcribe an interview subject to the following conditions. The institution or individual shall:~~

- ~~(a) Pay the court reporter's fee;~~
- ~~(b) Provide a copy of the transcript to the enforcement staff at no charge; and~~
- ~~(c) Agree that confidentiality standards of Bylaw 32.3.8 apply. An institutional representative or individual who chooses to use a court reporter shall submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview.~~
- ~~(d) If the enforcement staff chooses to use a court reporter, the NCAA will pay all costs of the reporter. A copy of the transcript prepared by the court reporter for the enforcement staff shall be made available to the institution and the involved individuals.~~

~~32.3.6 Representation by Legal Counsel. When an enforcement staff member conducts an interview the individual being questioned, may be represented by personal legal counsel.~~

~~32.3.7 Statement of Confidentiality. Individuals and institutional representatives shall be required to agree not to release recording(s) or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to~~

enter into such an agreement would preclude the individual and institutional representative from recording or transcribing the interview.

~~32.3.8 Limited Immunity.~~

~~32.3.8.1 Athletics Personnel. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to a current or former institutional employee with responsibilities related to athletics based on information that the employee reports when such an employee otherwise would be subject to disciplinary action as described in Bylaws 19.5.1 (i) and Bylaw 19.5.2.2 based on the information that individual reports. Such immunity shall not apply to the employee's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the employee or to action taken by an institution.~~

~~32.3.8.2 Student-Athlete or Prospective Student-Athlete. At the request of the enforcement staff, the Committee on Infractions may grant limited immunity to a student-athlete or prospective student-athlete when such an individual otherwise might be declared ineligible for intercollegiate competition based on information reported to the enforcement staff by the student-athlete or a prospective student-athlete or a third party associated with the student-athlete or prospective student-athlete. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported or to future involvement in violations of NCAA legislation by the individual or to any action taken by an institution.~~

~~32.3.9 Enforcement Staff's Responsibility to Maintain Case Information.~~

~~32.3.9.1 Access to Information. The enforcement staff shall make available recorded interviews, interview summaries and/or interview transcripts and other factual information pertinent to an infractions case. The institution and participating involved individuals may review such information in the national office or through a secure website in accordance with the provisions of Bylaw 32.7.4.~~

~~32.3.10 Failure to Cooperate. In the event that a representative of an institution fails to satisfy the responsibility to cooperate, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws and enforcement policies and procedures. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.~~

~~32.3.10.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5 (see Bylaw 32.9.7.3.2).~~

~~32.3.10.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and he or she is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred (see Bylaw 32.9.7.3.3).~~

~~32.3.11 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to his or her conference, member institution and/or the Association.~~

32.3.12 Public Announcements: The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.

32.4 Processing Information for Secondary Violations:

32.4.1 Review of Institutional or Conference Actions or Penalties In Secondary Cases: If the Committee on Infractions or the enforcement staff, after review of institutional or conference action imposed in secondary cases, concludes that the corrective or punitive measures imposed by the institution or conference are sufficient, the committee or the enforcement staff, may accept the self-imposed measures and take no further action. Failure to fully implement the self-imposed measures may subject the institution to further disciplinary action by the NCAA.

32.4.1.1 Insufficient Actions: If the institutional or conference actions appear to be insufficient, the enforcement staff shall notify the institution of additional penalties in a secondary case.

32.4.2 Action Taken by Enforcement Staff (Not Institution or Conference): If the enforcement staff, after reviewing the information that has been developed and after consulting with the institution involved, determines that a secondary violation has occurred, the enforcement staff may conclude that no penalty is warranted or prescribe an appropriate penalty (see Bylaw 19.5.1). Failure to fully implement the self-imposed measures may subject the institution to further disciplinary action by the NCAA.

32.4.3 Appeal of Secondary Violations: A member institution or involved individual may appeal to the Committee on Infractions penalties prescribed by the enforcement staff for secondary violations by submitting a notice of appeal through the online reporting system for secondary violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An involved individual subject to a show cause order must submit a written notice of appeal to the vice president of enforcement or their designee within 15 days after receipt of the enforcement staff's decision. An institution or involved individual subject to a show cause order may request the opportunity to appear in person or by video or by telephone conference. If no such request is made, or if the request is denied, the Committee on Infractions will review the institution's appeal on the basis of the written record. The committee shall not deny a involved individual's request to appear in person if a show cause order was prescribed.

32.4.3.1 Stay of Penalties: If a notice of appeal is filed within the deadline, unless ordered otherwise by the Committee on Infractions, any penalties prescribed by the enforcement staff that have been appealed shall be stayed during the pendency of the appeal.

32.5 Notice of Inquiry:

32.5.1 Notice to Institution: Before the enforcement staff conducts an inquiry with current institutional staff and/or enrolled student-athletes, the enforcement staff shall notify the institution's president or chancellor (or their designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations pursuant to Bylaw 32.7.3. The institution shall be informed of its obligation to cooperate pursuant to Bylaw 32.1.3 and of the confidential nature of the inquiry pursuant to Bylaw 32.1.1. The institution shall be notified that if the inquiry develops significant information of a possible major violation, a notice of allegations will be produced in accordance with the provisions of Bylaw 32.7. In the alternative, the institution will be notified that the matter has been concluded.

~~32.5.2 Termination of Investigation. The enforcement staff shall terminate the investigation related to any notice of inquiry in which information is developed that does not appear to be of sufficient substance or reliability to warrant a notice of allegations.~~

~~32.6 Negotiated Resolution.~~

~~32.6.1 Scope. At any time from the beginning of the enforcement staff investigation until Committee on Infractions review of a summary disposition report pursuant to Bylaw 32.8.1.4 or an infractions hearing held pursuant to Bylaw 32.9.6, the enforcement staff may negotiate a resolution with an institution or involved individual about alleged violations and proposed penalties. The negotiated resolution is subject to approval by the Committee on Infractions and must resolve all known violations for which the party or parties included in the negotiated resolution may be subject to penalty pursuant to Bylaw 19.5.~~

~~32.6.2 Written Agreement.~~

~~32.6.2.1 All Participating Parties Agree on Resolution. If all parties participating in the case agree on a resolution of the case, they shall submit the written agreement of negotiated resolution to the chair of the Committee on Infractions for Committee on Infractions review and approval. The enforcement staff shall include the violations by and penalties related to any party not participating in the case in the written agreement. The Committee on Infractions shall review the negotiated resolution if the parties submit the written agreement prior to issuance of the summary disposition report or notice of allegations.~~

~~32.6.2.2 Not All Participating Parties Agree on Resolution. If some, but not all, parties participating in the case agree on resolution of the case, the enforcement staff shall include the written agreement of negotiated resolution in the summary disposition report or notice of allegations submitted in connection with parties who are not included in the negotiated resolution, or amended summary disposition report or notice of allegations if the agreement is reached after issuance of the summary disposition report or notice of allegations.~~

~~32.6.2.3 Elements of Written Agreement. Any written agreement of a negotiated resolution shall contain the following:~~

- ~~(a) A brief description of the case, including the involvement of the parties included in the negotiated resolution;~~
- ~~(b) The agreed-upon violation(s);~~
- ~~(c) Other violations the enforcement staff considered and agreed or opted not to allege;~~
- ~~(d) The agreed-upon type of agreed-upon violation(s) (major or secondary);~~
- ~~(e) The agreed-upon penalties;~~
- ~~(f) The nature of any participation or cooperation provided by a party pursuant to the negotiated resolution, and consequences for a party's failure or refusal to strictly adhere to the agreed-upon participation and cooperation conditions;~~
- ~~(g) Waiver of appellate opportunities; and~~
- ~~(h) Other material terms of the agreement.~~

~~32.6.3 Scope of Review. The Committee on Infractions shall only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.5.~~

~~32.6.4 Preliminary Assessment of Penalties: Prior to submission of a written agreement of negotiated resolution, parties included in the negotiated resolution may request the Committee on Infractions to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.5. The preliminary assessment is not binding.~~

~~32.6.5 Negotiated Resolution Approved: If the Committee on Infractions approves the negotiated resolution, the committee shall forward the approval to the enforcement staff and the other parties, and publicly announce the resolution of the case. The approval shall be final and have no precedential value.~~

~~32.6.5.1 Approval When Not All Participating Parties Agree on Resolution: If some, but not all parties participating in the case agree on resolution of the case, the Committee on Infractions shall not approve the negotiated resolution until the committee resolves the remainder of the case.~~

~~32.6.5.2 Approval in Conjunction with Preliminary Assessment: If all parties participating in the case request a preliminary assessment of penalties in accordance with Bylaw 32.6.4 and the parties submit all required elements of an agreement of negotiated resolution set forth in Bylaw 32.6.2.3, the Committee on Infractions may approve the negotiated resolution in conjunction with its preliminary assessment unless the parties instruct otherwise in their request for preliminary assessment.~~

~~32.6.6 Negotiated Resolution Not Approved: If the Committee on Infractions does not approve the negotiated resolution, the committee may return the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues identified by the committee that preclude approval of the negotiated resolution, and request that the parties submit an amended written agreement of negotiated resolution in response. In the alternative, the committee may reject the negotiated resolution and issue instructions for processing of the case pursuant to Bylaw 32.8 or Bylaw 32.9.~~

~~32.7 Notice of Allegations:~~

~~32.7.1 Notice to President or Chancellor: If the enforcement staff determines that there is sufficient information to warrant an allegation, it shall issue a cover letter and notice of allegations to the president or chancellor of the institution involved (with copies to the faculty athletics representative and the director of athletics and to the executive officer of the conference of which the institution is a member).~~

~~32.7.1.1 Contents of the Notice of Allegations Cover Letter: The cover letter accompanying each notice of allegations shall:~~

- ~~(a) Inform the president or chancellor of the matter under inquiry and request the cooperation of the institution in obtaining all the pertinent facts and provide specific information on how to investigate the allegation.~~
- ~~(b) Request the president or chancellor to respond to the allegations and to provide all relevant information which the institution has or may reasonably obtain, including information uncovered related to new violations. The responsibility to provide information continues until the case has been concluded.~~
- ~~(c) Request the president or chancellor and other institutional staff to appear before the Committee on Infractions at a time and place determined by the committee.~~

- (d) ~~Inform the president or chancellor that if the institution fails to appear after having been requested to do so, it may not appeal the Committee on Infractions' findings of fact and conclusions of violations, or the prescribed penalty.~~
- (e) ~~Direct the institution to provide any involved individual the opportunity to submit in writing any information the individual desires that is relevant to the allegation in question.~~
- (f) ~~Inform the president or chancellor that the enforcement staff's primary investigator in the case will be available to discuss the development of its response and assist in locating various individuals who have, or may have, important information regarding the allegations.~~

~~32.7.1.1.1 Enforcement Staff Basis for Allegation. The enforcement staff shall allege a violation when it believes there is sufficient information to conclude that the Committee on Infractions could make a conclusion of a violation.~~

~~32.7.1.2 Contents of Notice of Allegations. The notice of allegations shall list the NCAA legislation alleged to have been violated, as well as the details of each allegation.~~

~~32.7.2 Notice to Involved Individuals. The enforcement staff shall notify involved individuals (as defined in Bylaw 32.1.4) of the allegations in a notice of allegations in which they are named. A copy of the notification shall also be forwarded to the president or chancellor of the current institution of the involved individual. All involved individuals shall submit responses to the Committee on Infractions, and the institution under inquiry shall provide a copy of pertinent portions of its response to each involved individual in the case. Involved individuals who have submitted a response must also share their response with the involved institutions or other involved individuals. Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred. The enforcement staff shall notify those involved individuals named in the notice of allegations who may be subject to the show-cause requirements as outlined in Bylaw 19.5.2.2.~~

~~32.7.3 Statute of Limitations. Allegations included in a notice of allegations shall be limited to possible violations occurring not earlier than four years before the date the notice of inquiry is provided to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation:~~

- ~~(a) Allegations involving violations affecting the eligibility of a current student-athlete;~~
- ~~(b) Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period; and~~
- ~~(c) Allegations that indicate a blatant disregard for the Association's fundamental recruiting, extra-benefit, academic or ethical conduct regulations or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have a one-year period after the date information concerning the matter becomes available to the NCAA to investigate and submit to the institution a notice of allegations concerning the matter.~~

~~32.7.4 Access to Information Through Secure Website. The institution and participating involved individuals shall have reasonable access to all pertinent factual information as described in Bylaw 32.3.9.1. Such information shall be made available within 30 days~~

from the date the notice of allegations is provided by the enforcement staff to the institution and participating involved individuals.

~~32.7.5 Deadline for Responses. Any response to the notice of allegations shall be submitted electronically to the Committee on Infractions, the institution, all involved individuals and the enforcement staff not later than 90 days from the date of the notice of allegations, unless the committee grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. An institution or involved individual may not submit additional documentary information (in addition to its initial response) without prior authorization from the Committee on Infractions (see Bylaw 32.7.8 for additional instructions regarding information submitted to the Committee on Infractions).~~

~~32.7.6 Prehearing Conference. Within 60 days after the institution and involved individuals, if any, submits a written response to a notice of allegations, the enforcement staff shall consult with institutional representatives and other involved individuals who will attend the hearing in order to clarify the issues to be discussed in the case during the hearing, make suggestions regarding additional investigation or interviews that should be conducted by the institution to supplement its response and identify allegations that the staff intends to withdraw. The enforcement staff shall conduct independent prehearings with the institution and/or any involved individuals, unless mutually agreed by all parties to do otherwise.~~

~~32.7.6.1 Extension. The Committee on Infractions may approve additional time for representatives of the involved individuals, institution and the enforcement staff to conduct such prehearing conferences.~~

~~32.7.7 Enforcement Staff Case Summary. The enforcement staff shall prepare a summary of the case that indicates the status of each allegation and identifies the individuals on whom and the information on which the staff will rely in presenting the case. Within 60 days after the institution and involved individuals, if any, submit written responses to the notice of allegations, the enforcement staff shall submit a case summary to the members of the Committee on Infractions and to representatives of the institution. Involved individuals will be provided those portions of the summary in which they are identified as at risk.~~

~~32.7.8 Deadline for Submission of Written Material. Unless specifically approved by the Committee on Infractions for good cause shown, all written material to be considered by the committee at the infractions hearing must be received by the committee, the enforcement staff, the institution and any involved individuals attending the hearing not later than 30 days prior to the date of the hearing. Information may be submitted at the hearing, but subject to the limitations set forth in Bylaw 32.9.7.4.~~

~~32.7.9 Prehearing Procedural Issues. The chair of the Committee on Infractions (or their designee) has the authority to resolve procedural matters that arise prior to an infractions hearing.~~

~~32.8 Summary Disposition and Expedited Hearing.~~

~~32.8.1 Summary Disposition Election. In major infractions cases, institutions, involved individuals and the enforcement staff may elect to process the case through the summary disposition procedures specified below. The enforcement staff, involved individuals, if participating, and the institution must agree to use the summary disposition process. The institution, involved individuals or the enforcement staff may require, as a condition of agreement, that the parties jointly submit the proposed findings to the chair of the Committee on Infractions or their designee for a preliminary assessment of the appropriateness of the use of the summary disposition process.~~

~~32.8.1.1 Thorough Investigation: The Committee on Infractions shall determine that a thorough investigation of possible violations of NCAA legislation has been conducted. The investigation may be conducted by the enforcement staff and/or the institution, but the enforcement staff must agree that a complete and thorough investigation has been conducted and that the institution fully cooperated in the process.~~

~~32.8.1.2 Written Report: The institution, involved individuals and the NCAA enforcement staff shall submit a written report setting forth:~~

- ~~(a) The proposed findings of fact;~~
- ~~(b) A summary of information on which the proposed findings are based;~~
- ~~(c) A stipulation that the proposed findings are substantially correct and complete;~~
- ~~(d) The proposed findings that are violations of NCAA legislation; and~~
- ~~(e) A statement of unresolved issues that are not considered substantial enough to affect the outcome of the case.~~

~~32.8.1.3 Proposed Penalties: The institution and involved individuals shall submit proposed penalties within the guidelines set forth in the penalty structure for major violations specified in Bylaw 19.5.2. The institution and involved individuals also may submit a statement regarding mitigating factors.~~

~~32.8.1.4 Committee on Infractions Review:~~

~~32.8.1.4.1 Acceptance of Proposed Findings and Penalties: If the proposed findings of fact and proposed penalties are accepted, the Committee on Infractions shall prepare a report of its decision, forward it to the institution and involved individuals, and publicly announce the resolution of the case under the provisions of Bylaw 32.10.~~

~~32.8.1.4.2 Proposed Findings Not Accepted: If the Committee on Infractions does not accept the proposed findings, the hearing process set forth in Bylaws 32.9 and 32.10 shall be followed.~~

~~32.8.1.4.3 Proposed Penalties Not Accepted: If the Committee on Infractions accepts the proposed findings but proposes penalties in addition to those set forth in the summary disposition report, the institution and/or involved individuals may request an expedited hearing on penalties before the Committee on Infractions. The institution and/or involved individuals may appear before the committee in person, by videoconference or other mode of distance communication, as the committee deems appropriate, to discuss the proposed additional penalties. The institution and/or involved individuals also have the option to provide a written submission in lieu of a hearing. The committee shall only consider information relevant to the prescription of penalties during the expedited hearing or written review. At the conclusion of the expedited hearing or written review, the committee shall prepare an infractions decision and provide notification of the committee's actions consistent with Bylaw 32.10. The institution and/or any involved individuals may appeal the additional penalties to the Infractions Appeals Committee in accordance with Bylaws 32.11 and 32.12.~~

~~32.8.1.4.4 Additional Information or Clarification: The Committee on Infractions may contact jointly the institution, enforcement staff and involved individuals for additional information or clarification prior to accepting or rejecting the proposed findings.~~

~~32.8.1.4.5 Authority to Amend Findings. The Committee on Infractions has the authority to make editorial or nonsubstantive changes in the proposed findings as long as these changes do not affect the substance of the findings.~~

~~32.9 Committee on Infractions Hearings.~~

~~32.9.1 Committee Authority. The Committee on Infractions shall hold a hearing to determine the existence of the alleged violation of NCAA legislation and to prescribe any appropriate penalties.~~

~~32.9.2 Accelerated Hearing Docket. In major cases, the institution or involved individual may petition the committee chair for an accelerated schedule for written submissions and an earlier hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The committee chair may grant or deny such a petition and set a reasonable schedule.~~

~~32.9.3 Determination of Hearing Date. The Committee on Infractions shall set the dates and times for all hearings before the committee. The Committee on Infractions shall notify all relevant parties of the hearing date and site.~~

~~32.9.4 Obligation to Provide Full Information. At any appearance before the Committee on Infractions, the involved institution, involved individuals and the enforcement staff, to the extent reasonably possible, have the obligation to ensure that the committee has benefit of full information concerning each allegation, whether such information corroborates or refutes an allegation.~~

~~32.9.5 Appearance of Individuals at Hearings.~~

~~32.9.5.1 Request for Specific Individuals. Institutional officials, staff members or enrolled student athletes who are specifically requested to appear before the Committee on Infractions at an institutional hearing are normally expected to appear in person and may be accompanied by personal legal counsel. The Committee on Infractions also may request that former institutional staff members appear at a hearing. Such individuals also are normally expected to appear in person and may be accompanied by personal legal counsel. In cases that involve a small number of contested issues or cases in which the contested issues are relatively uncomplicated, the institution and/or the involved individual may make a written request to appear before the committee by videoconference or other mode of distance communication as the Committee on Infractions may deem appropriate. The decision regarding the use of videoconferencing (or another mode of communication) rests with the Committee on Infractions. Failure to appear before the committee may result in a violation of this bylaw and a show-cause action by the Committee on Infractions.~~

~~32.9.5.2 Attendance at Hearings. Except as otherwise ordered by the chair, at the time an institution appears before the committee, its representatives should include the institution's president or chancellor, the head coach of the sport(s) in question, the institution's director of athletics and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator, legal counsel (if any), enrolled student athletes whose eligibility could be affected by information presented at the hearing and any other representatives whose attendance has been requested by the committee. Additional individuals may be included among the institution's party only if specifically approved.~~

~~32.9.5.3 Exclusion of Individuals from Hearings.~~

~~32.9.5.3.1 Exclusions Requested by the Institution: At the request of the institution, the Committee on Infractions may exclude an individual from certain portions of the hearing when the matters to be discussed are not those in which the individual is at risk. When an individual is excluded from the hearing room for a period of time, it shall be with the understanding that matters discussed in the hearing during that time will not relate to that individual.~~

~~32.9.5.3.2 Limited Attendance of Student-Athletes: Any student-athlete (and personal legal counsel) included among the institution's representatives may attend the hearing only during the discussion of the allegations in which the student-athlete is involved.~~

~~32.9.5.4 Representation of Member Conference: The executive officer or other representative of a conference's executive office may attend an institutional hearing involving a conference member.~~

~~32.9.5.5 Prohibited Attendee: A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under the provisions of Bylaw 32.1.2 from participating in any NCAA proceedings may not attend a Committee on Infractions hearing involving the committee member's institution unless specifically requested by the committee to be present as a witness.~~

~~32.9.6 Hearing Procedures: The exact procedures to be followed in the conduct of the hearing will be determined by the Committee on Infractions.~~

~~32.9.6.1 Information From Confidential Sources: In presenting information for consideration by the Committee on Infractions during a hearing, the enforcement staff shall present only information that can be attributed to individuals who are willing to be identified. Information obtained from individuals not wishing to be identified shall not be relied on by the Committee on Infractions in making conclusions of violations. Such confidential sources shall not be identified to either the Committee on Infractions or the institution.~~

~~32.9.6.1 Scope of Inquiry: If an institution appears before the Committee on Infractions to discuss its response to the notice of allegations, the hearing shall be directed toward the allegations set forth in the notice of allegations but shall not preclude the committee from concluding that any violation occurred resulting from information developed or discussed during the hearing.~~

~~32.9.6.1 Information Concerning Mitigating Factors: Institutional, conference and enforcement staff representatives and any involved individuals are encouraged to present all relevant information concerning mitigating or other factors that should be considered in arriving at appropriate penalties.~~

~~32.9.6.2 Recording of Proceedings: The proceedings of hearings shall be recorded by a court reporter (unless otherwise agreed) and shall be recorded by the Committee on Infractions. No additional verbatim recording of these proceedings will be permitted by the Committee on Infractions. The Committee on Infractions shall maintain custody of the recordings and any transcriptions. In the event of an appeal, a transcript of the hearing proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review at the NCAA national office or through the secure website. [Note: Involved individuals will receive only those portions of the hearing transcriptions in which they were in attendance at the hearing.]~~

~~32.9.7 Posthearing Committee Deliberations: After all presentations have been made and the hearing has been concluded, the Committee on Infractions shall excuse all others from the hearing, and deliberate in private.~~

~~32.9.7.1 Request for New Information. In arriving at its decision, the Committee on Infractions may request additional information from any source, including the institution, the enforcement staff, or an involved individual. In the event that new information is requested from the institution, the enforcement staff, or an involved individual to assist the Committee on Infractions, all parties shall be afforded an opportunity to respond at the time such information is provided to the committee.~~

~~32.9.7.2 Request for Interpretation. The Committee on Infractions may request that the NCAA academic and membership affairs staff provide an interpretation of applicable legislation based on facts submitted by the committee. If an interpretation is requested, the institution, involved individuals and the NCAA enforcement staff will be notified in writing of the interpretation request and the response. The institution may appeal the interpretation in accordance with Bylaw 9.4.1.2.~~

~~32.9.7.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.~~

~~32.9.7.3.1 Importation of Facts. Facts established by a decision or judgment of a court, agency, accrediting body, or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees and regardless of whether the facts are accepted by the institution or the institution's university system's board of trustees, may be accepted as true in the infractions process in concluding whether an institution or individual participating in the previous matter violated NCAA legislation. Evidence submitted and positions taken in such a matter may be considered in the infractions process.~~

~~32.9.7.3.2 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5.~~

~~32.9.7.3.3 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred.~~

~~32.9.7.4 Calculation of Penalty. If the Committee on Infractions concludes that a violation occurred, it shall prescribe an appropriate penalty (see Bylaw 19.5); or it may recommend to the Management Council suspension or termination of membership in an appropriate case. Failure to fully implement the adopted and/or prescribed penalty may subject the institution, and/or involved individual under a show-cause order, to further disciplinary action by the Committee on Infractions.~~

~~32.10 Notification of Committee Action.~~

~~32.10.1 Infractions Decision. The Committee on Infractions, without prior public announcement, shall be obligated to submit promptly an infractions decision to the president or chancellor of the institution (with copies to those individuals receiving~~

copies of the notice of allegations) and to all involved individuals as defined in Bylaw 32.1.4. The following procedures shall apply to the infractions decision:

- (a) After a hearing, the Committee on Infractions shall prepare and approve the final infractions decision;
- (b) The infractions decision(s) of the Committee on Infractions and the Infractions Appeals Committee shall contain a consolidated statement of all findings and penalties, corrective actions, requirements, and other conditions and obligations of membership imposed on a member institution found in violation of NCAA legislation. The statement of such actions shall include, but not be limited to, the penalties prescribed upon the institution, eligibility rules to be applied, applicable executive regulations, the adjustment of individual and team standings in NCAA championship events, and the request for the return of any awards and net receipts received for participation in an NCAA championship; and
- (c) The Committee on Infractions' decision shall be sent electronically to the president or chancellor of the involved institution and any involved individuals under the chair's signature or under the signature of a committee member selected to act for the chair. In addition, the committee will notify all involved individuals directly of the appeal opportunities outlined in Bylaws 32.11 and 32.12.

32.10.2 Release to Media: Once the infractions decision has been received by the institution and involved individuals, the decision, with names of individuals deleted, shall be made available to the national wire services and other media outlets.

32.10.2.1 Public Comment Prior to Release: The Committee on Infractions' public announcement related to an infractions case shall be made available to the national wire services and other media outlets. In this regard, the involved institution and/or any involved individuals shall be advised of the text of the announcement before its release and shall be requested not to comment publicly concerning the case before the time the NCAA's public announcement is released.

32.10.2.2 Public Announcement and Comment at Release: The chair or a member of the Committee on Infractions shall make the committee's public announcement related to major infractions when the committee determines that an announcement is warranted in addition to distribution of the infractions decision.

32.10.3 Infractions Decision to Infractions Appeals Committee: The Committee on Infractions shall forward a copy of the infractions decision, with names of individuals deleted, to the Infractions Appeals Committee at the time of the public announcement.

32.11 Appeal Procedure:

32.11.1 Notice of Intent to Appeal: A notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days from the date of the public release of the Committee on Infractions' public infractions decision. The notice of intent to appeal shall contain a statement identifying the date of the public release of the Committee on Infractions' decision and a statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument before the Infractions Appeals Committee.

32.11.1.1 Appeal by Institution: The institution may appeal the Committee on Infractions' findings and penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed for violations of NCAA legislation. An institution may not request an in-person oral argument before the Infractions Appeals Committee unless the institution has made an in-person appearance before the Committee on Infractions.

~~32.11.1.2 Appeal by Involved Individual: An involved individual may appeal the Committee on Infractions' conclusions and/or show-cause order prescribed for violations of NCAA legislation in which they are named. An involved individual may not request an in-person oral argument before the Infractions Appeals Committee unless the involved individual has made an in-person appearance before the Committee on Infractions. The notice of appeal must state whether the individual is employed at an NCAA institution (regardless of division). Further, if the individual's employment changes during the course of the appellate process (from the time of the submission of the notice of appeal through the release of final Infractions Appeals Committee report), the individual must notify the Infractions Appeals Committee of the change, including the identity of the employer.~~

~~32.11.1.3 Stay of Penalties: If a notice of appeal is filed within the deadline, unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by the Committee on Infractions that have been appealed shall be stayed during the pendency of the appeal.~~

~~32.11.2 Committee on Infractions' Response to an Appeal: The Committee on Infractions shall submit a response to the Infraction Appeals Committee on each case that has been appealed. This response shall include:~~

- ~~(a) A statement of the origin of the case;~~
- ~~(b) The violations of the NCAA bylaws, as determined by the Committee on Infractions;~~
- ~~(c) Disciplinary or corrective actions taken by the institution or conference or any other agency involved in the particular incident;~~
- ~~(d) A statement of the Committee on Infractions' penalties, corrective actions, requirements and other conditions and obligations of membership prescribed for violations of NCAA legislation;~~
- ~~(e) The issues raised in the appeal;~~
- ~~(f) The Committee on Infractions' response to the issues raised in the appeal; and~~
- ~~(g) A transcript of any hearing conducted by the Committee on Infractions (submitted as an attachment to the response).~~

~~32.11.3 Enforcement Staff Information: The enforcement staff may provide written information to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the written appeal, Committee on Infractions' response and/or rebuttal documents, as long as any such written information is received by the Infractions Appeals Committee not later than 10 calendar days from notification from the Infractions Appeals Committee of whether rebuttal materials have been submitted as established under the policies and procedures of the Infractions Appeals Committee.~~

~~32.11.4 Basis for Granting an Appeal.~~

~~32.11.4.1 Penalties: A penalty prescribed by the Committee on Infractions shall not be set aside on appeal except on a showing by the appealing party that the penalty is excessive such that it constitutes an abuse of discretion.~~

~~32.11.4.2 Conclusions: Conclusions of violations made by the Committee on Infractions shall not be set aside on appeal, except on a showing by the appealing party that:~~

- ~~(a) A conclusion is clearly contrary to the information presented to the Committee on Infractions;~~

- (b) ~~The facts found by the Committee on Infractions do not constitute a violation of the Association's rules; or~~
- (c) ~~There was a procedural error and but for the error, the Committee on Infractions would not have made the conclusion of a violation.~~

~~32.11.5 New Information. In making a determination pursuant to Bylaw 32.11.4, the Infractions Appeals Committee shall consider only the information contained in the record(s) of proceedings before the Committee on Infractions and the record on appeal. If an institution or involved individual seeks to introduce information during the appeals process that was not presented to the Committee on Infractions for its consideration, the Infractions Appeals Committee shall:~~

- (a) ~~Determine whether the information is "new information" per Bylaw 19.02.3. If the Infractions Appeals Committee determines that the information meets the definition of "new information" per Bylaw 19.02.3, the Infractions Appeals Committee, after input from a Committee on Infractions' designee, shall determine whether the "new information" could have materially affected any decision made by the Committee on Infractions, and if so, the case shall be referred back to the Committee on Infractions for its review. If the information does not meet the definition of "new information" per Bylaw 19.02.3 or if the "new information" would not have materially affected a decision made by the Committee on Infractions, the information shall not be included in the record on appeal and shall not be considered by the Infractions Appeals Committee; and~~
- (b) ~~Provide notice to all parties regarding all decisions made pursuant to Bylaw 32.11.5-~~
(a)-

~~32.11.6 Infractions Appeals Committee -- Determination of Appeal Procedure. The specific procedures to be followed during the written appeals process will be determined by the Infractions Appeals Committee.~~

~~32.12 Appeal Oral Arguments:~~

~~32.12.1 Appeal Oral Argument Procedures. An institution or involved individual may appeal the Committee on Infractions' conclusions and penalties, corrective actions, requirements and other conditions and obligations of membership prescribed by the Committee on Infractions for violations of NCAA legislation. Should one or more of the parties request an appeal oral argument, the appeal oral argument will be conducted according to the following procedures:~~

- (a) ~~Consistent with the requirements of Bylaw 32.11.1, if the institution and/or involved individual elects to be represented in person before the Infractions Appeals Committee, the institution and/or involved individual shall be permitted a reasonable time to make its oral presentation to supplement the written appeal. The coordinator of appeals or another member of the Committee on Infractions then shall be permitted a reasonable time to make its oral presentation. The period of time for the presentation by the institution, involved individual and the Committee on Infractions shall be left to the discretion of the chair of the Infractions Appeals Committee;~~
- (b) ~~The enforcement staff may elect to be represented in person, by a maximum of three persons, and may participate during the appeal oral argument. Any participation by the enforcement staff shall be limited to the opportunity to provide information regarding perceived new information, errors, misstatements and omissions;~~
- (c) ~~If an institution or involved individual appeared before the Committee on Infractions but waived the right to appeal, the institution or involved individual may elect to be present in person and/or by counsel, by a maximum of three persons, as a silent~~

~~observer during the appeal oral argument before the Infractions Appeals Committee;~~

- ~~(d) If the institution or involved individual elects to appeal in writing only, the Committee on Infractions' written response specific to that written appeal shall be considered without an in-person appearance by a Committee on Infractions representative; and~~
- ~~(e) Consistent with Bylaw 32.11.2, the Infractions Appeals Committee then shall act on the institution's and/or involved individual's appeal, by majority vote of the members of the Infractions Appeals Committee present and voting, and may affirm, reverse or vacate and remand the Committee on Infractions' conclusions of violations and/or prescribed penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed by the Committee on Infractions for violations of NCAA legislation.~~

~~32.12.2 Consideration by Infractions Appeals Committee. The Infractions Appeals Committee shall consider the statements and information presented and, at the discretion of any of its members, may question representatives of the institution, the Committee on Infractions or enforcement staff, as well as any other persons appearing before it, in order to determine the issues related to the appeal. Further, under the direction of the Infractions Appeals Committee, questions and information may be exchanged between and among those individuals present and participating in the appeal oral argument.~~

~~32.12.3 Infractions Appeals Committee -- Determination of Appeal Oral Argument Procedures. The procedure to be followed in the conduct of the appeal oral argument will be determined by the Infractions Appeals Committee, but shall be consistent with the operating policies and procedures that apply to hearings conducted by the Committee on Infractions.~~

~~32.12.4 Decision Final. Any decision in an infractions case by the Infractions Appeals Committee shall be considered final.~~

~~32.12.5 No Further Review. Findings of fact and conclusions of violations arrived at in the foregoing manner by the Committee on Infractions or by the Infractions Appeals Committee, on appeal, shall be final, binding and conclusive and shall not be subject to further review by the Management Council or any other authority.~~

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: August 1, 2023

Additional Information:

The Division II President Council tasked the Division II Implementation Committee to review and combine Bylaws 19 and 32. The bylaws have been merged, reorganized and updated to reflect current practices and remove redundancies.

NO. NC-2023-32 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL
– ACTIVE MEMBERSHIP – ELIMINATION OF DISCIPLINE OF MEMBERS

Intent: To eliminate references to the discipline of members.

Bylaws: Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.10 unchanged.]

~~7.3.1.5.11 Discipline of Members. In accordance with directions of the Management Council or the annual Convention, active members shall refrain from athletics competition with designated institutions as required under the provisions of the Association's enforcement procedures (see Bylaw 19).~~

[7.3.1.5.12 through 7.3.1.5.24 renumbered as 7.3.1.5.11 through 7.3.1.5.23, unchanged.]

[7.3.1.6 through 7.3.1.9 unchanged.]

[7.3.2 through 7.3.3 unchanged.]

~~7.3.4 Discipline of Active Institutions. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~7.3.4.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting. If fewer than eight members are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention by vote of a majority of the members present and voting.~~

[7.3.5 renumbered as 7.3.4, unchanged.]

7.3.6~~5~~ Conferences.

[7.3.6.1 through 7.3.6.7 renumbered as 7.3.5.1 through 7.3.5.7, unchanged.]

~~7.3.6.8 Discipline of Member Conferences. Disciplinary or corrective actions other than suspension or termination of membership may be imposed during the period between annual Conventions for a violation(s) of NCAA rules. (See Bylaws 19 and 32 for enforcement regulations, policies and procedures.)~~

~~7.3.6.8.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of disciplinary action taken, or may be restored to good standing at any time by a majority vote of the Committee on Infractions present and voting, or at the annual Convention by vote of a majority of the members present and voting.~~

[7.3.6.9 renumbered as 7.3.5.8, unchanged.]

Source: NCAA Division II Management Council (Implementation Committee).

Effective Date: Immediate

Additional Information:

This proposal eliminates outdated and/or duplicative references to discipline in the current Bylaws 7, 19 and 32.

NO. NC-2023-33 PLAYING AND PRACTICE SEASONS – WOMEN'S BEACH VOLLEYBALL – NONCHAMPIONSHIP SEGMENT COMPETITION

Intent: In women's beach volleyball, to permit up to four multiple-day pairs tournaments during the nonchampionship segment.

Bylaws: Amend 17.5, as follows:

17.5 Beach Volleyball.

Regulations for computing the beach volleyball playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1 and Figure 17-2.)

[17.5.1 through 17.5.6 unchanged.]

17.5.7 Number of Contests.

17.5.7.1 Maximum Limitations – Institutional. A member institution shall limit its total playing schedule with outside competition in beach volleyball during the institution's beach volleyball playing season to 16 dates of competition during the segment that ends with a National Collegiate Championship event, and four dates of competition during the nonchampionship segment, except for those dates of competition excluded under Bylaws 17.5.7.3 and 17.5.7.4 (see Bylaw 7.3.1.7.1.3 for minimum contests and participants requirements).

17.5.7.1.1 Pairs Tournament -- Institutional -- Nonchampionship Segment. During the nonchampionship segment, a pairs tournament shall count as a single institutional date of competition, regardless of the number of days during which tournament competition takes place.

17.5.7.1.2 Participation in Multiple Tournaments on the Same Day or Days -- Nonchampionship Segment. During the nonchampionship segment, an institution that participates in multiple pairs tournaments on the same day or days may select any day on which all the tournaments are conducted as one institutional date of competition.

17.5.7.2 Maximum Limitations – Student-Athlete. An individual student-athlete may participate each academic year in 16 dates of competition in beach volleyball during the segment in which a National Collegiate Championship is conducted and four dates of competition during another segment. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.

17.5.7.2.1 Pairs Tournament -- Student-Athlete -- Nonchampionship Segment. During the nonchampionship segment, a pairs tournament shall count as a single date of competition for participating individuals, regardless of the number of days during which tournament competition takes place.

[17.5.7.3 through 17.5.7.4 unchanged.]

[17.5.8 through 17.5.10 unchanged.]

Source: NCAA Division II Management Council (Legislation Committee).

Effective Date: Immediate

Additional Information:

The requirement that each date of a pairs tournament count as a single date of competition during the nonchampionship segment significantly restricts the competitive opportunities available to women's beach volleyball student-athletes during the nonchampionship segment. In a sport experiencing rapid growth, it is essential that student-athletes who compete only in women's beach volleyball, rather than both women's beach volleyball and women's volleyball, are provided meaningful competitive opportunities during the nonchampionship segment. This proposal would not result in an extension of the women's volleyball playing and practice season, but would only provide additional competition opportunities. Additionally, such a change will align Division II women's beach volleyball programs with their Division I counterparts, which they compete against in the women's beach volleyball National Collegiate Championship.

NO. NC-2023-34 PLAYING AND PRACTICE SEASONS – WATER POLO – NUMBER OF DATES OF COMPETITION – FOUR DATES OF COMPETITION DURING NONCHAMPIONSHIP SEGMENT

Intent: In water polo, to specify that an institution shall limit its total playing schedule with outside competition during the playing season to 21 dates of competition during the segment in which the National Collegiate Championship is conducted and four dates of competition during the nonchampionship segment.

Bylaws: Amend 17.27, as follows:

17.27 Water Polo.

Regulations for computing the men's and women's water polo playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1 and Figure 17-2.)

[17.27.1 through 17.27.4 unchanged.]

17.27.5 Number of Dates of Competition.

17.27.5.1 Maximum Limitations -- Institutional. A member institution shall limit its total playing schedule with outside competition during the institution's water polo playing season to 21 dates of competition **during the segment in which the National Collegiate Championship is conducted and four dates of competition during the nonchampionship segment**, except for those dates of competition excluded under Bylaws 17.27.5.3 and 17.27.5.4.

[17.27.5.1.1 unchanged.]

17.27.5.2 Maximum Limitations -- Student-Athlete. An individual student-athlete may participate in each academic year in not more than 21 dates of competition in water polo **during the segment in which the National Collegiate Championship is conducted and four dates of competition during the nonchampionship segment**. This limitation includes those contests in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.

[17.27.5.3 through 17.27.5.4 unchanged.]

[17.27.6 through 17.27.9 unchanged.]

Source: NCAA Division II Management Council (Legislation Committee).

Effective Date: Immediate

Additional Information:

Currently, an institution is permitted 21 dates of competition, which may be divided between the championship and nonchampionship segments. Under the current legislation, programs are struggling to establish a competitive championship segment while also saving playing dates to help develop student-athletes in the nonchampionship segment. This proposal would enhance the student-athlete experience and the development of student-athletes in the nonchampionship segment. Additionally, such a change will align Division II water polo programs with their Division I counterparts, which they compete against in the water polo National Collegiate Championship.

NO. NC-2023-35 RECRUITING -- PUBLICITY -- MEDIA RELEASE REGARDING SIGNING

Intent: To eliminate the requirement that, prior to an institution publicly commenting on a prospective student-athlete's commitment, a prospective student-athlete must provide the institution with their financial deposit in response to the institution's offer of admission; further, to specify that after an institution receives a prospective student-athlete's signed written offer of admission and/or financial aid, an institution may publicly comment on a prospective student-athlete's commitment.

Bylaws: Amend 13.10, as follows:

13.10 Publicity.

[13.10.1 unchanged.]

13.10.2 Comments Prior to Signing. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's receives the prospective student-athlete's signed written offer of admission and/or financial aid ~~or the institution has received their financial deposit in response to its offer of admission~~, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. [See Bylaws 13.1.3.3.1 and 13.4.4]. [D]

[13.10.2.1 through 13.10.2.3 unchanged.]

[13.10.3 unchanged.]

13.10.4 Media Release Regarding Signing. Publicity released by an institution concerning a prospective student-athlete's commitment to attend the institution shall occur only after the prospective student-athlete has signed a National Letter of Intent or after the institution receives the prospective student-athlete's signed acceptance of the institution's written offer of admission and/or financial aid ~~or after the institution has received their financial deposit in response to its offer of admission~~. Such communications, which are not limited in number or content, may be released to media outlets at the institution's discretion. [D]

[13.10.4.1 unchanged.]

Source: NCAA Division II Management Council.

Effective Date: Immediate

Additional Information:

This proposal would streamline the process of confirming permissibility for a media release for prospective student-athletes that will not be receiving athletics aid. It will provide a better experience for those prospective student-athletes, more comparable to the experience of those that sign a National Letter of Intent and create a more positive connection with the institution. This may reduce the financial burden for

nonscholarship prospective student-athletes by not requiring the financial deposit requirement for publication.

NO. NC-2023-36 RECRUITING – PUBLICITY – COMMENTS PRIOR TO SIGNING --
ANNOUNCER FOR HIGH SCHOOL BROADCAST

Intent: To permit conference office personnel to serve as an announcer or commentator for high school, college-preparatory school or two-year college contest or appear on a radio or television broadcast of such a contest.

Bylaws: Amend 13.10, as follows:

13.10 Publicity.

[13.10.1 unchanged.]

13.10.2 Comments Prior to Signing. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid or the institution has received their financial deposit in response to its offer of admission, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. [See Bylaws 13.1.3.3.1 and 13.4.4]. [D]

[13.10.2.1 through 13.10.2.2 unchanged.]

13.10.2.3 Announcer for High School Broadcast. A member of an institution's coaching staff ~~and conference office personnel~~ may not serve as an announcer or commentator for a high school, college-preparatory school or two-year college contest, or appear (in person or by means of film, audiotape or videotape) on a radio or television broadcast of such contest in the staff member's sport during any time that the staff member is under contract with the member institution. This restriction does not apply to contests involving national teams in which prospective student-athletes may be participants, including the Olympic or Paralympic Games. [D]

[13.10.3 through 13.10.4 unchanged.]

Source: NCAA Division II Management Council.

Effective Date: Immediate

Additional Information:

Under current legislation, conference office personnel are prohibited from serving as an announcer or commentator for a high school, college-preparatory school or two-year college contest or appearing on a radio or television broadcast of such contest. This proposal would provide conference office personnel the opportunity to support their local communities as well as to increase their supplemental income. Conference office personnel that do not have coaching responsibilities should also be permitted to be an announcer for a high school broadcast, like institutional staff member without any coaching responsibilities.

Appendix B

Convention Voting Procedures

The following terms and procedures involved in voting at NCAA Conventions have been reviewed by the Association's parliamentarian.

Significant Terms

1. **Vote Announcement** - After a paddle, roll-call or secret ballot vote, the chair announces the vote and states whether the motion passed or failed.
2. **Retake a Vote** - A retake occurs when a paddle vote is taken again or when a paddle vote is counted. A retake may occur before the statement of the next question. After the statement of the next question, a motion to reconsider must be used to retake a vote. During a retake, voters may change their votes and new eligible voters may participate. A retake motion would be considered dilatory and, therefore, denied after a roll-call vote and out of order after a secret-ballot vote unless it is clear that the question was misunderstood or that fraud had occurred.
3. **Change a Vote** - In a paddle vote, a vote may be changed if a retake occurs or by rising for that purpose before the result is announced by the chair. After the announcement of the vote, but before the next question is stated, a change may be made only by permission of the assembly by a majority vote after a nondebatable motion. In a roll-call vote, a change may occur before closing the polls or the polls may be reopened to change a vote before the statement of the next question. In a secret-ballot vote, no change may be made once the ballot is cast. After the statement of the next question following a roll-call vote and after a vote is cast in a secret ballot, a vote change can occur only through a successful motion to reconsider.
4. **Recount a Vote** - This applies only to a secret-ballot vote. The ballots simply are counted again as cast and can be ordered only by a majority vote of the assembly.
5. **Closing the Polls** - For roll-call and secret-ballot votes, the polls are opened when the chair calls for the vote. When the chair has ascertained that all who so desire have voted or have changed their votes, the chair will state that the polls are closed. If there is disagreement on closing the polls, they may be closed by a two-thirds vote on a nondebatable motion to do so. Once the polls are closed, the polls may be reopened before the statement of the next question by majority vote on a nondebatable motion to do so. Once the polls are closed, however, the chair will move to the next item on the agenda.
6. **Statement of Next Question** - When a new motion is made and seconded, the chair will announce that "The motion before you is.... Is there any discussion?" This is the statement of the next question and ends the opportunity to retake a vote or reopen the polls in regard to the preceding question.
7. **Reconsideration** - After the statement of the next question, only one motion to reconsider any foregoing question may be made before adjournment of the Convention by any member that voted on the prevailing side in the original consideration. Reconsideration of a vote taken in a division or subdivision business session must occur in that division's or subdivision's business session, except that such reconsideration also may occur during a designated period at the beginning of the general business session.

Voting Procedures

1. Paddle Voting

- a. The chair calls for a vote by paddles, and determines the result by sound or sight from the dais.
- b. The chair may retake the vote if there is doubt.
- c. The chair must have the vote counted if requested by a voting delegate. The chair also may choose to retake a paddle vote and have it counted by hand or by the wireless voting system.
- d. During a retake, new voters may participate or votes may be changed. Vote changes also may occur before the result is announced by the chair.
- e. A retake will not be permitted after the next question has been stated. A request to retake a counted vote will be regarded as dilatory by the chair and will not be allowed.

2. Roll-Call Voting (by Wireless Voting System)

- a. A roll-call vote may be designated by the Presidents Council or ordered by a majority of the voters, following a nondebatable motion to vote in that manner. If both a secret-ballot and a roll-call vote are moved, the assembly votes first on whether or not to vote by roll call. A motion to conduct a secret ballot on an issue designated for roll call by the Presidents Councils will be considered out of order.
- b. Once ordered, the chair shall call for a roll-call vote by use of wireless voting system.
- c. The chair shall determine if everyone who wishes to has voted, or if anyone wishes to change a vote. When it appears that all ballots have been cast, the chair shall state that polls are closed.
- d. The chair will move to the next available item on the agenda while votes are being tallied. No new votes, changes or corrections to the prior question are permitted unless the polls are reopened, and such a motion will be out of order after the next question is stated by the chair. Once the new question is stated by the chair, the only way to return to any foregoing question is by reconsideration, and only one motion for reconsideration of a given item is permitted.
- e. Abstentions will not be counted in the determination of a majority.

3. Ballot Voting (Secret Ballot)

- a. A secret ballot may be ordered by the assembly before, during or after any ordinary vote (but before the next question is stated) by a majority vote on a nondebatable motion to do so.
- b. Once ordered, the chair shall ask for the vote by wireless voting system. Votes will be tallied electronically, but only a summary printout of results will be reported.
- c. After the chair determines that all who wish to vote have voted, the polls shall be closed. A vote change shall not be permitted once the vote is cast.
- d. The chair will move to the next available item on the agenda while votes are being tallied. Once the next question is stated by the chair, the polls may not be reopened for a new vote on the prior issue.
- e. Abstentions will not be counted in the total for determination of a majority.

Appendix C

NCAA Governance Structure

Board of Governors

Chair - Linda A. Livingstone

Div.	Name, Institution	Conference	Term Exp.
FBS	Jere Morehead, University of Georgia	Southeastern Conference	AUG 2023
FBS	Linda A. Livingstone, Baylor University	Big 12 Conference	AUG 2024
FCS	Elizabeth E. DeBauche, Ohio Valley Conference	Ohio Valley Conference	AUG 2024
FCS	Javaune Adams-Gaston, Norfolk State University*	Mid-Eastern Athletic Conference	AUG 2024
DI	John DeGioia, Georgetown University	Big East Conference	AUG 2023
I	Bryce Choate, Oral Roberts University*	The Summit League	AUG 2023
II	Jim Johnson, Pittsburg State University*	Mid-America Intercollegiate Athletics Association	JAN 2023
II	Madeleine McKenna, Pennsylvania Western University, California	Pennsylvania State Athletic Conference	AUG 2024
II	Steven Shirley, Minot State University	Northern Sun Intercollegiate Conference	AUG 2023
III	Michelle Morgan, John Carroll University*	Ohio Athletic Conference	JAN 2023
III	Isaiah Swann, University of Texas at Dallas*	American Southwest Conference	AUG 2024
III	Mary Beth Cooper, Springfield College	New England Women's and Men's Athletic Conference	AUG 2024
Independent	Grant Hill, Atlanta Hawks		AUG 2023
Independent	Nadja West, Independent		AUG 2024
Independent	Mark Emmert*		

*Ex Officio Member

NCAA Staff Liaisons:
Stephanie Quigg, Cari Van Senus

Division II Presidents Council

Chair - Steven Shirley

Name, Institution	Term Exp.
Roslyn Artis, Benedict College	JAN 2028
Michaela Boyd, Palm Beach Atlantic University	JAN 2025
Carlos Campo, Ashland University	JAN 2026
Davaris Cheeks, Concordia University, St. Paul	JAN 2025
Michael Driscoll, Indiana University of Pennsylvania	JAN 2024
John Y. Gotanda, Hawaii Pacific University	JAN 2026
Donna Price-Henry, The University of Virginia's College at Wise	JAN 2026
Gayle E. Hutchinson, California State University, Chico	JAN 2023
Colleen Perry Keith, Goldey-Beacom College	JAN 2026
Steven Shirley, Minot State University	JAN 2025
William Thierfelder, Belmont Abbey College	JAN 2024
Blake Thompson, Mississippi College	JAN 2027
Dwaun Warmack, Claflin University	JAN 2028
Sandra Woodley, University of Texas Permian Basin	JAN 2027
Frank Wu, Queens College (New York)	JAN 2028

NCAA Staff Liaisons:

Terri M. Steeb Gronau, Vice President for Division II

Maritza S. Jones, Managing Director of Division II

Ryan Jones, Director of Division II

Chelsea Hooks, Associate Director of Academic and Membership Affairs

Angela Red, Associate Director of Academic and Membership Affairs

Jordan Lysiak, Assistant Director of Academic and Membership Affairs

Jill Waddell, Executive Assistant for Division II

Division II Management Council

Chair - Jim Johnson

Name, Institution	Term Exp.
Curtis Campbell, Morehouse College	JAN 2027
Brenda Cates, University of Mount Olive	JAN 2024
Teresa Clark, Cedarville University	JAN 2023
Marcus Clarke, Central Intercollegiate Athletic Association	JAN 2025
Mark A. Corino, Caldwell University	JAN 2024
Robert Dranoff, East Coast Conference	JAN 2023
Laura L. Clayton Eady, University of West Georgia	JAN 2023
Courtney Lovely Evans, Palm Beach Atlantic University	JAN 2023
Marty Gilbert, Mars Hill University	JAN 2023
David Hansburg, Colorado School of Mines	JAN 2026
Theresa Hanson, Simon Fraser University	JAN 2027
Amy Henkelman, Dominican University of California	JAN 2025
Jim Johnson, Pittsburg State University	JAN 2023
Kristi Kiefer, Fairmont State University	JAN 2024
David B. Kuhlmeier, Valdosta State University	JAN 2023
Erin Lind, Northern Sun Intercollegiate Conference	JAN 2026
Grace Martin, West Virginia State University	JAN 2023
Daniel McCabe, Adelphi University	JAN 2025
Carrie Michaels, Shippensburg University of Pennsylvania	JAN 2024
Sandee Mott, Texas Woman's University	JAN 2026
John 'Bo' Pagliasotti, Southwestern Oklahoma State University	JAN 2026
Julie Rochester, Northern Michigan University	JAN 2023
Corbin Thaete, California State University, San Marcos	JAN 2024
Cameron Trudell, Great Lakes Intercollegiate Athletic Conference	JAN 2026
Christina Whetsel, Augusta University	JAN 2026
Jerry Wollmering, Truman State University	JAN 2024

NCAA Staff Liaisons:

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