

Division: III

Proposal Number: BOG-2022-1

Title: NEW NCAA CONSTITUTION

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IPOPL Number:

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Source: Board of Governors

Category: Board of Governors

Topical Area: Organization

Intent: To establish a revised Association-wide NCAA constitution, as specified. (Note: This proposal is drafted based on the legislative citations found in the Division I Manual. Although there may be minor differences in legislative citations for each division, this proposal addresses all dominant provisions. Division II and Division III citations would be addressed based on the specific divisional legislation.)

A. Constitution: Amend 1, as follows:

[Dominant provision, all divisions, common vote]

1 Name, Purposes and Fundamental Policy

1.1 Name: The name of this organization shall be "The National Collegiate Athletic Association."

1.2 Purposes: The purposes of this Association are:

- (a) To initiate, stimulate and improve intercollegiate athletics programs for student-athletes and to promote and develop educational leadership, physical fitness, athletics excellence and athletics participation as a recreational pursuit;*
- (b) To uphold the principle of institutional control of, and responsibility for, all intercollegiate sports in conformity with the constitution and bylaws of this Association;*
- (c) To encourage its members to adopt eligibility rules to comply with satisfactory standards of scholarship, sportsmanship and amateurism;*
- (d) To formulate, copyright and publish rules of play governing intercollegiate athletics;*
- (e) To preserve intercollegiate athletics records;*
- (f) To supervise the conduct of, and to establish eligibility standards for, regional and national athletics events under the auspices of this Association;*
- (g) To cooperate with other amateur athletics organizations in promoting and conducting national and international athletics events;*
- (h) To legislate, through bylaws or by resolutions of a Convention, upon any subject of general concern to the members related to the administration of intercollegiate athletics; and*

(i) To study in general all phases of competitive intercollegiate athletics and establish standards whereby the colleges and universities of the United States can maintain their athletics programs on a high level.

1.3 Fundamental Policy.

1.3.1 Basic Purpose. The competitive athletics programs of member institutions are designed to be a vital part of the educational system. A basic purpose of this Association is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.

1.3.2 Obligations of Member Institutions. Legislation governing the conduct of intercollegiate athletics programs of member institutions shall apply to basic athletics issues such as admissions, financial aid, eligibility and recruiting. Member institutions shall be obligated to apply and enforce this legislation, and the infractions process of the Association shall be applied to an institution when it fails to fulfill this obligation.

B. Constitution: Amend 2, as follows:

[Dominant provision, all divisions, common vote]

2 Principles for Conduct of Intercollegiate Athletics

2.01 General Principle. Legislation enacted by the Association governing the conduct of intercollegiate athletics shall be designed to advance one or more basic principles, including the following, to which the members are committed. In some instances, a delicate balance of these principles is necessary to help achieve the objectives of the Association.

2.1 The Principle of Institutional Control and Responsibility.

2.1.1 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, including approval of the budget and audit of all expenditures.

2.1.2 Scope of Responsibility. The institution's responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.2 The Principle of Student-Athlete Well-Being. Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student-athletes.

2.2.1 Overall Educational Experience. It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete's activities are conducted as an integral part of the student-athlete's educational experience.

2.2.2 Cultural Diversity and Gender Equity. It is the responsibility of each member institution to establish and maintain an environment that values cultural diversity and gender equity among its student-athletes and intercollegiate athletics department staff.

2.2.3 Health and Safety. It is the responsibility of each member institution to protect the health of, and provide a safe environment for, each of its participating student-athletes.

2.2.4 Student-Athlete/Coach Relationship. It is the responsibility of each member institution to establish and maintain an environment that fosters a positive relationship between the student-athlete and coach.

2.2.5 Fairness, Openness and Honesty. It is the responsibility of each member institution to ensure that coaches and administrators exhibit fairness, openness and honesty in their relationships with student-athletes.

2.2.6 Student-Athlete Involvement. It is the responsibility of each member institution to involve student-athletes in matters that affect their lives.

2.3 The Principle of Gender Equity.

2.3.1 Compliance With Federal and State Legislation. It is the responsibility of each member institution to comply with federal and state laws regarding gender equity.

~~2.3.2 NCAA Legislation. The Association should not adopt legislation that would prevent member institutions from complying with applicable gender-equity laws, and should adopt legislation to enhance member institutions' compliance with applicable gender-equity laws.~~

~~2.3.3 Gender Bias. The activities of the Association should be conducted in a manner free of gender bias.~~

~~2.4 The Principle of Sportsmanship and Ethical Conduct. For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to:~~

~~(a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and~~

~~(b) Educate, on a continuing basis, all constituencies about the policies in Constitution 2.4 (a).~~

~~2.5 The Principle of Sound Academic Standards. Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general.~~

~~2.6 The Principle of Nondiscrimination. The Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. It is the policy of the Association to refrain from discrimination with respect to its governance policies, educational programs, activities and employment policies, including on the basis of age, color, disability, gender, national origin, race, religion, creed or sexual orientation. It is the responsibility of each member institution to determine independently its own policy regarding nondiscrimination.~~

~~2.7 The Principle of Diversity Within Governance Structures. The Association shall promote diversity of representation within its various divisional governance structures and substructures. Each divisional governing body must ensure gender and ethnic diversity among the membership of the bodies in the division's administrative structure.~~

~~2.8 The Principle of Rules Compliance.~~

~~2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to ensure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. 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, and the member institution shall be responsible for such compliance.~~

~~2.8.2 Responsibility of Association. The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance.~~

~~2.8.3 Penalty for Noncompliance. An institution found to have violated the Association's rules shall be subject to such disciplinary and corrective actions as may be determined by the Association.~~

~~2.9 The Principle of Amateurism. Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises.~~

~~2.10 The Principle of Competitive Equity. The structure and programs of the Association and the activities of its members shall promote opportunity for equity in competition to ensure that individual student-athletes and institutions will not be prevented unfairly from achieving the benefits inherent in participation in intercollegiate athletics.~~

~~2.11 The Principle Governing Recruiting. The recruiting process involves a balancing of the interests of prospective student-athletes, their educational institutions and the Association's member institutions. Recruiting regulations shall be designed to promote equity among member institutions in their recruiting of prospective student-athletes and to shield them from undue pressures that may interfere with the scholastic or athletics interests of the prospective student-athletes or their educational institutions.~~

~~2.12 The Principle Governing Eligibility. Eligibility requirements shall be designed to ensure proper emphasis on educational objectives, to promote competitive equity among institutions and to prevent exploitation of student-athletes.~~

~~2.13 The Principle Governing Financial Aid. A student-athlete may receive athletically related financial aid administered by the institution without violating the principle of amateurism, provided the amount does not exceed the cost of education authorized by the Association; however, such aid as defined by the Association shall not exceed the cost of attendance as published by each institution. Any other financial assistance, except that received from one upon whom the student-athlete is naturally or legally dependent, shall be prohibited unless specifically authorized by the Association.~~

~~2.14 The Principle Governing Playing and Practice Seasons. The time required of student-athletes for participation in intercollegiate athletics shall be regulated to minimize interference with their opportunities for acquiring a quality education in a manner consistent with that afforded the general student body.~~

~~2.15 The Principle Governing Postseason Competition and Contests Sponsored by Noncollegiate Organizations. The conditions under which postseason competition occurs shall be controlled to ensure that the benefits inherent in such competition flow fairly to all participants, to prevent unjustified intrusion on the time student-athletes devote to their academic programs, and to protect student-athletes from exploitation by professional and commercial enterprises.~~

~~2.16 The Principle Governing the Economy of Athletics Program Operation. Intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to ensure the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience.~~

C. Constitution: Amend 4, as follows:

[Dominant provision, all divisions, common vote]

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.~~

[4.01.2.2 unchanged.]

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

[4.01.2.3.1 unchanged.]

~~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 through 4.02.3 unchanged.]

~~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, conference or affiliated member, and shall be verified as independent by the Board of Governors.~~

[4.02.5 through 4.02.7 unchanged.]

~~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 chancellors or presidents from the Division I Board of Directors from Football Bowl Subdivision institutions;~~
- ~~(b) Two chancellors or presidents from the Division I Board of Directors from Football Championship Subdivision institutions;~~
- ~~(c) Two chancellors or presidents from the Division I Board of Directors from Division I Subdivision institutions;~~
- ~~(d) Two Division II chancellors or presidents from the Division II Presidents Council;~~
- ~~(e) Two Division III chancellors or presidents 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 Constitution 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 (disabling 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.~~

[4.2 through 4.4 unchanged.]

~~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.~~

D. Constitution: Amend 5, as follows:

[Dominant provision, all divisions, common vote]

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 structures 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 unchanged.]

~~5.02.1.2 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 (*).~~

~~5.02.1.3 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 (◆).~~

~~5.02.1.4 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 (#).~~

~~5.02.1.5 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.~~

[5.02.1.6 unchanged.]

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

~~5.1.3.3 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.~~

~~5.1.3.4 Delegate Participation in Conventions and Meetings:~~

~~5.1.3.4.1 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 Divisions II and III, in Constitution 5.1.3.3 or Constitution 5.1.3.2, respectively, to represent a provisional member;~~

~~(c) Any member of the Board of Governors, the divisional 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.~~

~~5.1.3.4.2 Visiting Delegate. Visiting delegates authorized in Constitution 5.1.3.2 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 upon 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 proposal that contemplates the greatest modification of the present circumstance, followed by the other proposals in the order of decreasing modification. Once a proposal 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 unchanged.]

~~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 later 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 and executive regulations) 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 divisional 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, the Division I Council and the Division III Management Council 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 legislative process.~~

~~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, the Division I Council and the Division III Management Council 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 legislative process.~~

~~5.2.3.3 Enforcement Policies and Procedures. The Committee on Infractions is empowered to adopt or revise policies and procedures for the conduct of the Association's infractions program, subject to approval by the Board of Directors for Division I and by the applicable Management Council for Division II and Division III. These 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 policies and procedures that relate directly to the 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.~~

[5.2.3.4 unchanged.]

~~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 5.4.3).~~

~~5.2.5 Interpretations of Constitution and Bylaws. The divisional presidential administrative groups, the Division I Council (or the Legislative Committee on behalf of the Council) and the Division II and Division III Management Councils, and the divisional interpretative committees, in the interim between meetings of the Division I Council (or Legislative Committee) and the Division II and Division III 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.~~

~~5.3.1.2 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 legislation may refine and change proposals in any manner that is germane to the original proposal. 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.~~

[5.3.1.3 unchanged.]

[5.3.2 unchanged.]

5.3.3 Sponsorship—Amendments to Dominant Provisions.

~~5.3.3.1 Amendment. An amendment to a dominant provision of Constitution 1 and 2 and elsewhere may be sponsored by the Board of Governors.~~

~~5.3.3.2 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.~~

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

[5.3.4 unchanged.]

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 before 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 proposals 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 proposal. Any amendment to a proposed amendment submitted after September 15 shall not increase the modification of the original proposal 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 proposed 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 unchanged.]

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 unchanged.]

5.3.7 Adoption of Amendment, Voting Requirements.

~~5.3.7.1 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.~~

~~5.3.7.2 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.~~

[5.3.7.3 unchanged.]

5.3.8 Adoption of Amendment-to-Amendment, Voting Requirements.

~~5.3.8.1 Dominant Provision. A proposed amendment to an 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.~~

[5.3.8.2 unchanged.]

5.3.9 Special Voting Requirements. The following topics are subject to special voting requirements.

~~5.3.9.1 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.~~

[5.3.9.2 through 5.3.9.3 unchanged.]

~~5.3.9.4 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.~~

5.3.10 Intent and Rationale.

~~5.3.10.1 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.~~

[5.3.10.2 unchanged.]

5.3.11 Effective Date.

~~5.3.11.1 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 following adoption by the Convention.~~

~~5.3.11.1.1 Alternative to August 1 Effective Date. If a voting delegate wishes to propose an immediate effective date, or to propose any other effective date 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 amendments specified as being effective immediately shall become effective upon adjournment of the Convention.~~

[5.3.11.2 unchanged.]

5.3.12 Reconsideration.

~~5.3.12.1 Vote on Dominant Provisions. Prior to 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 who voted on the prevailing side in the original consideration.~~

[5.3.12.2 unchanged.]

5.4 Other Legislative and Amendment Procedures.

[5.4.1 unchanged.]

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 prior to 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 unchanged.]

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 unchanged.]

~~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 unchanged.]

E. Constitution: Amend Preamble, as follows:

[All divisions, common vote]

Preamble

The National Collegiate Athletic Association is a voluntary, self-governing organization of four-year colleges, universities and conferences committed to the well-being and development of student-athletes, to sound academic standards and the academic success of student-athletes, and to diversity, equity and inclusion. Member institutions and conferences believe that intercollegiate athletics programs provide student-athletes with the opportunity to participate in sports and compete as a vital, co-curricular part of their educational experience. The member schools and conferences likewise are committed to integrity and sportsmanship in their athletics programs and to institutional control of and responsibility for those programs. The basic purpose of the Association is to support and promote healthy and safe intercollegiate athletics, including national championships, as an integral part of the education program and the student-athlete as an integral part of the student body.

F. Constitution: Amend Article 1, as follows:

[All divisions, common vote]

Article 1. Principles

A. The Primacy of the Academic Experience. Intercollegiate student-athletes are matriculated, degree-seeking students in good standing with their institutions who choose voluntarily to participate in NCAA sports. It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete's activities are conducted with the appropriate primary emphasis on the student-athlete's academic experience. Intercollegiate athletics programs shall be maintained as a vital component of each institution's broader educational program. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution.

B. The Collegiate Student-Athlete Model. Student-athletes may not be compensated by a member institution for participating in a sport, but may receive educational and other benefits in accordance with guidelines established by their NCAA division.

C. Integrity and Sportsmanship. It is the responsibility of each member to conduct its athletics program in a manner that promotes the ideals of higher education, human development and the integrity of intercollegiate athletics. All individuals associated with intercollegiate athletics programs and

events should adhere to such fundamental values as respect, fairness, civility, honesty, responsibility, academic integrity, ethical conduct, and the rules of their conferences.

- D. Student-Athlete Well-Being.** Intercollegiate athletics programs shall be conducted by the Association, divisions, conferences and member institutions in a manner designed to protect, support and enhance the physical and mental health and safety of student-athletes. Each member institution shall facilitate an environment that reinforces physical and mental health within athletics by ensuring access to appropriate resources and open engagement with respect to physical and mental health. Each institution is responsible for ensuring that coaches and administrators exhibit fairness, openness and honesty in their relationship with student-athletes. Student-athletes shall not be discriminated against or disparaged because of their physical or mental health.
- E. Institutional Control.** It is the responsibility of each member institution to monitor and control its athletics program and to provide education and training to ensure compliance with the rules established by the Association, its division and conference. It is the responsibility of each member institution to report all rules violations to its NCAA division and conference in a timely manner and to cooperate fully with enforcement efforts. Responsibility for maintaining institutional control ultimately rests with the institution's campus president or chancellor.
- F. Diversity, Equity and Inclusion.** The Association is committed to diversity, equity and inclusion. The Association, divisions, conferences and member institutions shall create diverse and inclusive environments and shall provide education and training with respect to the creation of such environments and an atmosphere of respect for and sensitivity to the dignity of every person. The Association, divisions, conferences and member institutions shall commit to promoting diversity and inclusion in athletics activities and events, hiring practices, professional and coaching relationships, leadership and advancement opportunities.
- G. Gender Equity.** The Association is committed to gender equity. Activities of the Association, its divisions, conferences and member institutions shall be conducted in a manner free of gender bias. Divisions, conferences and member institutions shall commit to preventing gender bias in athletics activities and events, hiring practices, professional and coaching relationships, leadership and advancement opportunities
- H. Recruiting Standards.** Divisional bylaws shall be designed to promote informed decisions and balance the interests of prospective and current (or transfer) student-athletes, their educational institutions and intercollegiate athletics as a whole.

G. Constitution: Amend Article 2, as follows:

[All divisions, common vote]

Article 2. Organization

A. The Association

- 1.** The membership of the NCAA encompasses public and private institutions and conferences of widely varying mission, size, resources and opportunities. Accordingly, Association-wide governance must reflect these differences through the delegation of authorities and responsibilities to the divisions, conferences and individual member institutions except where necessary to promote and maintain the Association's core principles.
- 2.** The Association shall:
 - a.** Conduct all NCAA championships. Each member in good standing in its division shall be eligible to compete in NCAA championships assuming it meets applicable Association, division and conference requirements. The Association shall oversee broadcasting, communications and media rights for all NCAA-conducted national championships.
 - b.** When requested by a Board of Governors recognized committee, the Committee on Competitive Safeguards and Medical Aspects of Sports or a division, develop and promulgate guidance, rules and policies based on consensus of the medical, scientific, sports medicine and sport governing communities, as appropriate, for student-athlete physical and mental health, safety and

performance. The Association shall make available such guidance, rules and policies to all members.

- c. Promote gender equity, diversity and inclusion in all aspects of intercollegiate athletics.
- d. Establish the rules for sports competitions and participation, with flexibility at the divisional, subdivisional or federated level as deemed necessary.
- e. Manage the Association's intellectual property and maintain historical and statistical records of the Association.
- f. Serve as liaison to the United States Olympic and Paralympic Committee.
- g. Provide regulatory services as requested by each division.
- h. Defer to appropriate authorities in areas where neither the Association nor the divisions have enforcement/infractions authority.

3. The Board of Governors:

- a. Composition of the Board of Governors shall include, with due attention to diversity and gender equity, the following voting members:
 - (i) Four members from Division I, to include at least one member institution president or chancellor and one conference commissioner.
 - (ii) One member from the Division II Presidents Council.
 - (iii) One member from the Division III Presidents Council.
 - (iv) Two independent members who are not currently employed or compensated by any member institution.
 - (v) One graduated NCAA student-athlete, who shall have graduated not more than four years prior to appointment.
 - (vi) Ex officio nonvoting members of the Board of Governors shall include the NCAA president, the chairs of the Division I Council and Division II and Division III Management Councils, the president of one Historically Black College and University (HBCU), and one former NCAA student-athlete from each of the two divisions not represented by the student-athlete voting member of the Board of Governors, who shall have graduated not more than four years prior to appointment.
- b. Selection of members of the Board of Governors.
 - (i) 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 Division II and III Presidents Councils, respectively.
 - (ii) Independent members of the Board of Governors shall be selected by the Division I, II and III members of the Board of Governors.
 - (iii) Each divisional Student-Athlete Advisory Committee shall nominate one graduated student-athlete member for the Board of Governors. One of those nominees shall be selected by the other eight members of the Board of Governors to be a voting member representing all three divisions. The other two nominees shall be ex officio members of the Board of Governors. [See Article 2-A-3-a-(vi) above.] The selection process for the student-athlete voting member and ex officio members of the Board of Governors must ensure that both men's and women's sports are represented.
 - (iv) The HBCU ex officio member of the Board of Governors shall be selected by the Division I, II and III members of the Board of Governors.
- c. Each member of the Board of Governors shall have a two-year term, renewable for an additional two years.

d. Duties and responsibilities:

- (i) Provide final approval and oversight of the Association's budget, internal and external audits, enterprise risk management, strategic planning, allocation of assets and establish policies related to fiduciary responsibility;
- (ii) Employ the Association's president, who shall be administratively responsible to the Board of Governors. Annually, in consultation with the governing bodies of the three divisions, evaluate the president. Approve employment terms of the president, including but not limited to compensation, benefits, discipline and termination.
- (iii) Approve Association contracts involving media rights and revenue producing agreements, consulting as appropriate with divisional governing bodies.
- (iv) In consultation with the leadership of the divisional governing bodies, adopt and implement legal strategy, Association risk mitigation, and government relations and policy matters that affect the Association as a whole.
- (v) Provide Board of Governors meeting agendas in advance to the chair of the Division I Board of Directors, and chairs of the Division II and III Presidents Councils to solicit comment and advice, and report fully to the same individuals Board of Governors actions. For matters pertaining primarily to one division, the Board of Governors will consult with and solicit comment from that division's Board of Directors or Presidents Council with due attention to its views.
- (vi) May create an executive committee and other committees or bodies to fulfill the duties and responsibilities of the Board of Governors.
- (vii) Formulate policies and procedures consistent with this Constitution.
- (viii) Convene at least one combined meeting per year of the divisional presidential governing bodies.
- (ix) Convene at least one same-site meeting per year of the Division I Council and the Division II and Division III Management Councils.
- (x) Sponsor proposed amendments to the Constitution to the entire membership for a vote.
- (xi) Monitor adherence by the divisions to the principles in Article I. Call for a vote of the entire membership on the action of any division that it determines to be contrary to the basic purposes 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.
- (xii) Call for an annual or special convention of the Association.

e. Duties and responsibilities of the NCAA president:

- (i) Administer the national office to implement directions of the Board of Governors and divisional leadership bodies.
- (ii) Enter into, administer and enforce all Association contracts, including Board of Governors approved contracts concerning media rights and revenue producing agreements and initiatives of the Board of Governors and divisional leadership bodies.
- (iii) Recommend to the Board of Governors measures in response to an action or statement by an institution or its representatives that materially violates a constitutional principle and undermines the interests of the Association.
- (iv) Undertake other actions necessary to accomplish the purposes of the Association as determined by the Board of Governors and divisional leadership bodies.
- (v) Serve as an ex officio member of the Board of Governors with authority to vote in instances when the vote of the Board of Governors results in a tie.

B. The Divisions

- 1. Each division shall have independent authority to organize itself, consistent with the principles of the Association. Each division is authorized to structure itself as it deems necessary, including creation of subdivisions or creation of a new division and determination of membership eligibility for these new organizations, including the role of conferences. New divisions or subdivisions must be self-funded by the originating division.**
- 2. Each division shall set standards for academic eligibility.**
- 3. Each division shall determine its own governing structure and membership.**
- 4. Each division shall establish guidelines regarding student-athlete benefits, including commercialization of name, image or likeness and to prevent exploitation of student-athletes or abuses by individuals or organizations not subject to the authority of the student-athlete's school.**
- 5. Each division shall establish policies and procedures for enforcement of Association and division rules and regulations, and the Association will provide requested support for divisional implementation.**
- 6. Each division shall determine the sports in which it conducts a national championship and the access criteria for participation.**
- 7. Two or more divisions may establish a national collegiate championship in a sport in which they do not have separate divisional championships.**
- 8. Each division shall determine whether to allow an institution to classify a sport in a division other than the division in which it holds membership and the division shall determine the process for reclassification, and the privileges, conditions and obligations of multidivision classification.**
- 9. Each division shall determine the policies under which conferences are formed and operated.**
- 10. Each division shall oversee the operations of its member conferences and their adherence to the principles and provisions in this Constitution.**
- 11. Each division shall ensure its member institutions implement the provisions of Section D below.**
- 12. Authorities not explicitly enumerated in this Constitution for Association-wide governance are reserved to the divisions or, at their discretion, to subdivisions, conferences or individual institutions.**

C. The Conferences

- 1. A member conference is a group of colleges and/or universities, created and operated in a manner governed by the policies of its division, that conducts competition among its members, determines a conference champion in one or more sports in which the NCAA conducts a championship, and meets the conference membership requirements established by its division.**
 - a. Multisport Conferences: Multisport conferences are the primary conference members and serve a critical role in Association and divisional governance as they represent the positions of their member colleges and universities.**
 - b. Multisport conferences must meet all specified divisional membership criteria, including number of member institutions, sports sponsorship minimums and regular-season competition requirements.**
 - c. Multisport conferences may be allocated voting representation on NCAA committees, working groups, task forces and other organizational bodies with oversight over Association or division-wide policy, as determined by the divisions.**
- 2. Single-Sport Conferences:**
 - a. A single-sport conference conducts competition and determines a conference champion among its members in one sport.**
 - b. Single-sport conferences must meet all specified divisional membership criteria for single-sport conferences.**

- c. The governance and legislative role for a single-sport conference is limited to issues impacting the single sport and subject to the structure and requirements of its division.
- 3. Each division shall have the authority to determine the membership requirements for multisport and single-sport conference members and the role and representation of multisport conference members in the divisional governance structure.
- 4. All conferences:
 - a. Must adhere to the principles and provisions in this Constitution and those established by their division, including in the conduct of athletics events.
 - b. Must provide to student-athletes any conference policies for its licensing, marketing, sponsorship, advertising, and other commercial agreements that may involve use of a student-athlete's name, image or likeness.
 - c. Shall comply completely and promptly with the rules and regulations governing the division's enforcement process and shall cooperate fully in that process as a condition of membership in the Association.
- 5. Each conference shall support its member institutions in implementing the provisions of Section D below, subject to guidance from its division.

D. Member Colleges and Universities

1. All members of the NCAA must:

- a. Ensure participating student-athletes are in good standing with the member institution, the conference, division and national Association.
- b. Annually submit documentation demonstrating compliance with the division's academic program and publish progress-toward-degree requirements for student-athletes.
- c. 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.
- d. Establish an administrative structure that provides independent medical care for student-athletes, affirms the autonomous authority of primary athletics health care providers, and implements NCAA guidance, rules and policies based on consensus of the medical, scientific, sports medicine, and sport governing communities. The physicians and health care staff at each member institution have the ultimate decision-making authority over the health and welfare of student-athletes. Consistent with the member institutions' primary obligation with respect to student-athlete health and safety, member institutions will make NCAA guidance, rules and policies available to student-athletes. Member institutions shall be responsible for the oversight and administration of coach, administrator and staff education on relevant student-athlete physical and mental health topics, prevailing consensus for engaging student-athletes about physical and mental health, how to most effectively support student-athlete physical and mental health, and appropriate resources on campus or in the local community. Member institutions are responsible for regulating practice schedules, taking into consideration the health of student-athletes and their academic success.
- e. Maintain written policies for its licensing, marketing, sponsorship, advertising and other commercial agreements that may involve the use of a student-athlete's name, image or likeness. Each institution shall provide such policies to student-athletes and make those policies publicly available.
- f. In furtherance of institutional commitments to integrity and sportsmanship, to student-athletes, and to support diversity, equity, and inclusion, appoint individuals who have the following designations: faculty athletics representative; senior woman administrator; athletics healthcare administrator; athletics diversity and inclusion designee; and senior compliance administrator. Each institution will have the flexibility to assign duties associated with each position that best serves the needs of the institution and student-athletes.

- g. Establish a student-athlete advisory committee. Its duties may be established by the institution, but student-athletes must constitute a majority of the membership of the committee.
 - h. Comply completely and promptly with the rules and regulations governing the divisional enforcement process and shall cooperate fully in that process as a condition of membership in the Association.
2. An institution's membership in the NCAA may be suspended, terminated or otherwise disciplined (including loss of or reduction in rights to participate in governance processes or financial penalties) for removal of the member's accreditation, failure to pay dues or failure to satisfy academic performance progress, or failure to abide by the principles stated in this constitution or those established by an institution's division.

E. Student-Athletes

- 1. Student-athletes shall have voting representation on the Board of Governors, Division I Board of Directors, and Division II and Division III Presidents Councils.
- 2. The president or chancellor of each member institution shall appoint and support the faculty athletics representative as the principal point of contact to whom student-athletes can report any action, activity or behavior by anyone associated with the athletics program inconsistent with this constitution's principle of student-athlete health and well-being. In this role, the faculty athletics representative is a reporting contact for student-athletes independent of the institution's athletics department, but not a legal advocate for student-athletes. The faculty athletics representative, in this capacity, shall report directly to the member institution's president or chancellor.

H. **Constitution:** Amend Article 3, as follows:

[All divisions, common vote]

Article 3. Finance

- A. Resources will be allocated to the three divisions to provide standard membership services, including championships. Division II will receive 4.37% and Division III will receive 3.18% of all operating revenue sources, as agreed on January 9, 1996.
- B. All Division II and Division III member schools and conferences shall receive services from the national office. Each division may choose to support additional service needs through their divisional budget. An annual review will be conducted to validate the additional Association service expenses that Divisions II and III pay for directly out of their allocations.
- C. All members shall pay Association-wide membership dues set by the Board of Governors on an annual basis that contribute to the NCAA budget.
- D. Each division shall have oversight and final approval of its own budget and expenditures and the division's revenue distribution to its members.
- E. Divisions may levy assessments on their members, which can be allocated to the divisional budget. Any divisional levy or increase in divisional membership dues by a division may be kept and allocated by the division acting independently of the Association or other divisions.

I. **Constitution:** Amend Article 4, as follows:

[All divisions, common vote]

Article 4. Rules, Compliance and Accountability

- A. Each member institution, consistent with the principle of institutional control, shall hold itself accountable to support and comply with the rules and principles approved by the membership. Further, each school shall ensure that its staff, student-athletes, and other individuals and groups representing the institution's athletics interests comply with applicable rules (institutional,

conference, divisional and Association-wide) in the conduct of the institution's intercollegiate athletics programs.

B. Each division shall determine the methods of investigation and adjudication to hold accountable its members whose representatives engage in behaviors that violate the rules and principles approved by the membership.

1. Those accountability measures shall identify the people who engage in investigation and adjudication and define their operating authority.

2. The measures shall be designed to prioritize integrity and fair play, provide fair investigative and adjudicatory procedures and prescribe appropriate penalties in a timely manner.

3. Member institutions shall cooperate fully in all accountability measures established by the applicable division and shall take all necessary measures to ensure the cooperation of their staff, student-athletes, and institutional representatives.

4. Divisional and, as appropriate, conference regulations must ensure to the greatest extent possible that penalties imposed for infractions do not punish programs or student-athletes not involved nor implicated in the infraction(s).

5. Investigation of alleged infractions and, if appropriate, sanctions or penalties, by a division or conference should be consistent and timely. Decisions with respect to minor infractions should be prompt and proportionate.

6. Each division shall annually report to the Board of Governors all major infractions as defined by each division during the preceding year, the status of investigations, and penalties imposed.

J. Constitution: Amend Article 5, as follows:

[All divisions, common vote]

Article 5. Amendments to the Constitution

A. Provisions of the NCAA constitution may be amended only at a special or annual Convention. The membership shall receive reasonable notice of proposed amendments. An amendment may be sponsored only by the Board of Governors or by a two-thirds vote of a divisional leadership body. A sponsored amendment shall require a two-thirds majority vote of all delegates present and voting. The chair of each divisional Student-Athlete Advisory Committee shall be eligible to vote.

B. Sponsored amendments shall include a statement of intent and rationale. Amendments to amendments may be sponsored as set forth above but may not expand the scope of the original amendment. Amendments to amendments shall require a two-thirds majority vote of all delegates present and voting.

C. Approved amendments shall become effective on the first day of August following adoption, unless another effective date is approved by a two-thirds majority vote of all delegates present and voting.

D. Before the end of a special or annual Convention, any member who voted on the prevailing side may move for reconsideration.

K. Constitution: Amend Article 6, as follows:

[All divisions, common vote]

Article 6. Institutional Control

A. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and the division and conference of which it is a member. 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.

B. If an institution has a nongoverning athletics board or council or an athletics advisory board, administration, faculty members and student-athletes shall constitute at least a majority of the board.

C. It is the responsibility of the Association and each division, conference and member institution to comply with federal and state laws and local ordinances, including with respect to gender equity, diversity and inclusion.

D. Consistent with the principle of institutional control, no provision in this constitution should be construed to restrict or limit colleges and universities, public or private, from adopting or maintaining missions and policies consistent with their legal rights or obligations as institutions of high learning.

L. Bylaws: Amend 21.02, as follows:

[Dominant provision, all divisions, common vote]

[To change the voting line of Bylaws 21.02.1 and 21.02.2 from dominant (*) to common (#)]

21.02 Definitions and Applications.

21.02.1 Association-Wide Committees. Association-wide committees deal with issues that affect all members of the Association and perform duties necessary to the on-going operation of the Association. Association-wide committees are comprised of members from each of the Association's divisions.

21.02.2 Common Committees. Common committees deal with issues that apply to more than one division of the Association. Common committees perform duties necessary to the on-going operation of the applicable divisions and are comprised of members from the applicable divisions.

~~21.02.3 Federated Committees. Federated committees deal with issues that apply to a specific membership division. Federated committees perform duties necessary to the on-going operation of that division and are comprised only of members from that division.~~

[21.02.4 through 21.02.5 renumbered as 21.02.3 through 21.02.4, unchanged.]

Rationale: This proposal amends the constitution and outlines the first step to transform college sports and reimagine the NCAA governance structure. The proposal was conceived by the NCAA Constitution Committee in consultation with schools, conferences, coaches, student-athletes, and advocacy groups. It would establish a structure to provide for the appropriate governance of college sports for the benefit of student-athletes now and in the future. The NCAA encompasses institutions and conferences of different missions, sizes, resources and opportunities. The governance system should reflect these differences through increased delegation of certain authorities and responsibilities to the divisions, conferences and institutions. The decision-making authority on Association-wide issues would be streamlined by the reduction in members of the Board of Governors. The voice of the student-athlete is reaffirmed and expanded with one voting and two ex officio student-athlete members of the Board of Governors. The proposal would reaffirm the importance of student-athlete physical and mental health and reaffirm the Association's commitment to sound academic standards, academic success, diversity, equity and inclusion, and maintaining intercollegiate athletics as a vital component of higher education. Provisions that are not included or revised in the new constitution will reside in policies and procedures for future Board of Governors action.

Budget Impact: None.

Co-sponsorship - Conference:

None

Co-sponsorship - Institution:

None

Additional Information:

Legislative References

Legislative Cite	Title
1	Name, Purposes and Fundamental Policy.
1	Name, Purposes and Fundamental Policy.
1	Name, Purposes and Fundamental Policy.
2	Principles for Conduct of Intercollegiate Athletics.
2	Principles for Conduct of Intercollegiate Athletics.
3	NCAA Membership.
4	Organization.
4	Organization.
5	Legislative Authority and Process.
5	Legislative Authority and Process.
6	Institutional Control.
21.02	Definitions and Applications.
