

## A G E N D A

### National Collegiate Athletic Association

#### Division II Legislation Committee

NCAA National Office  
Indianapolis, Indiana

March 23-24, 2009

1. Welcome and announcements. (Ann Martin)
  - Please check your information on the NCAA Division II Legislation Committee roster and notify Jill Waddell of any changes using the information sheet provided.
2. Approve November 2008 Legislation Committee report. [[Supplement No. 1](#)] (Martin)
  - **Anticipated Action:** Approval of the November 2008 report by the full committee.
3. Review the NCAA Division II Presidents Council and NCAA Division II Management Council January 2009 Summary of Actions. [[Supplement No. 2](#)] (Martin)
  - **Background:** The committee will review the summary of actions to track on issues that impact the work of the committee. No action is necessary.
4. Approve subcommittee minutes.
  - a. NCAA Interpretations Subcommittee of the Division II Legislation Committee. (Diana Kling)
    - Review of Division II interpretations. [[Supplement No. 3](#)]
      - (1) **Anticipated Action:** Approval of interpretations issued by the Interpretations Subcommittee since the November 2008 meeting.
      - (2) **Background:** Between each in-person meeting, the Interpretations Subcommittee meets via teleconference to review interpretive issues regarding NCAA legislation. If necessary, the subcommittee will issue an official interpretation. All interpretations issued by the subcommittee since November must receive approval by the full committee.

- b. NCAA Legislative Review Subcommittee of the Division II Legislation Committee. [[Supplement No. 4](#)] (Tony Capon)
  - **Anticipated Action:** Recommend legislative concepts for sponsorship by the Management Council and Presidents Council.
  - **Background:** Each meeting, the Legislative Review Subcommittee reviews concepts/ideas regarding current NCAA legislation to determine if such a concept should be recommended to the Management Council and Presidents Council for sponsorship of legislation. Information regarding each concept may be found in the supplement. All concepts recommended by the subcommittee must receive approval by the full committee.
5. Discussion of Division II legislation adopted and defeated at the 2009 NCAA Convention. [[Supplement No. 5](#)] (Maritza Jones)
  - **Background:** The committee will review all the proposals adopted or defeated at Convention and address any issues that have arisen since that time. The committee will also review official interpretations issued in regard to the proposals, if any.
6. Review draft of legislative concept regarding sand volleyball. [[Supplement No. 6](#)] (Jenn Fraser)
  - **Background:** At the 2009 Convention, the Division II membership adopted Proposal No. 2009-5 which added sand volleyball to the list of emerging sports for women. The American Volleyball Coaches Association has prepared a draft of a legislative concept which will be used to develop the necessary legislation that will govern sand volleyball if an institution chooses to offer it as a varsity sport beginning August 1, 2010.
7. Discussion of NCAA Division I legislation adopted since August 2008. [[Supplement No. 7](#)] (Jones)
  - **Background:** Provided for review are the Division I proposals adopted by the NCAA Division I Board of Directors since August 2008. The committee will review the proposals in order to determine if Division II should consider sponsorship of the same or similar legislative changes.
8. Discussion of NCAA Division III legislation considered at the 2009 NCAA Convention. [[Supplement No. 8](#)] (Fraser)

- **Background:** Provided for review are the Division III proposals considered by the Division III membership at the 2009 Convention. The committee will review the proposals in order to determine if Division II should consider sponsorship of the same or similar legislative changes.
9. Review feedback regarding legislative concept on NCAA Bylaw 14.2.4.2 (participation in organized competition or training prior to initial collegiate enrollment). [Supplement Nos. [9-a](#), [9-b](#), [9-c](#) and [9-d](#)] (Stephanie Quigg)
- **Background:** The academic and membership affairs staff has presented the legislative concept to amend Bylaw 14.2.4.2 to various groups at the direction of the committee since its June 2008 meeting. The committee will continue discussion of a possible legislative recommendation and review feedback received since the November 2008 meeting.
10. Start discussions on possible changes and/or modifications to regular season and national championships. [Supplement No. 10 to be distributed at meeting.] (Quigg)
- **Background:** At the direction of the NCAA Division II Presidents Council, the Championships Committee and Legislation Committee have been asked to discuss whether the current playing and practice seasons in Bylaw 17 are in alignment with the strategic positioning platform and to review them with the foresight of developing better business practices to assist with championships policies and travel issues.
11. Review referral from Management Council regarding a possible amendment to Bylaw 17.12.8-(b) (nonchampionship segment activities). [[Supplement No. 11](#)] (Jones)
- **Anticipated Action:** Recommend legislative concept for sponsorship by the Management Council and Presidents Council.
  - **Background:** During its January 2009 in-person meeting, the Management Council agreed to refer back to the Legislation Committee, for further discussion and possible action, a recommendation to amend Bylaw 17.12.8-(b) (nonchampionship segment activities) to specify that in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation, provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that in

golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.

12. Update regarding the NCAA Eligibility Center and the Amateurism Certification Process. [[Supplement No. 12](#)] (Michael Mangarelli)
13. Review interpretation given regarding the definition of a fee for purposes of the organized competition or training prior to initial-collegiate enrollment legislation. [[Supplement No. 13](#)] (Fraser)
14. Review of NCAA Division II compliance forms. [Supplement Nos. [14-a](#), [14-b](#), [14-c](#), [14-d](#), [14-e](#), [14-f](#), [14-g](#) and [14-h](#)] (Fraser)
  - **Anticipated Action:** Approval of the 2009-10 Division II compliance forms.
  - **Background:** The committee will review and approve the 2009-10 Division II compliance forms. If any changes are recommended, staff will make such changes prior to releasing the forms to the membership Tuesday, July 1.
15. Nominations for chair of the Legislative Review Subcommittee.
  - **Background:** The term of service of the current chair of the Legislative Review Subcommittee will end in August. Committee members will be asked to send nominations for a new chair to the staff liaisons by June 1.
16. Future meeting dates.
  - a. June 24-25, 2009 (Seattle, Washington).
  - b. November 2-3, 2009 (Indianapolis, Indiana).
17. Discuss future meeting schedule. [[Supplement No. 15](#)]
  - a. March 2010;

- b. June 2010; and
  - c. November 2010.
18. Other business.
- a. Review of the 2008 Enforcement statistics. [To be distributed at meeting.] (Quigg)
  - b. Review [shared responsibility flyer](#). (Fraser)
  - c. Review recommendations for revisions to NCAA Administrative 30 from internal manual consistency project. (Quigg)
19. Adjournment.

**REPORT OF THE  
NCAA DIVISION II LEGISLATION COMMITTEE**

**ACTION ITEMS.**

**1. Legislative Action Items.**

**a. 2010 NCAA Convention Legislation – NCAA Bylaws 13.2 and 13.11.2 – Recruiting – Offers and Inducements and Tryouts – Permissible Activities – Summer Facility Fees for Prospective Student-Athletes.**

- (1) Recommendation. Sponsor legislation for the 2010 NCAA Convention to amend NCAA Bylaws 13.2 (offers and inducements) and 13.11.2 (permissible activities) to permit an institution to pay fees associated with the use of institutional practice and competition facilities by a prospective student-athlete who is engaged in voluntary athletically related activities in his or her sport during the summer prior to initial collegiate enrollment, provided the prospective student-athlete has signed a National Letter of Intent or written offer of admission and/or financial aid.
- (2) Effective Date. Immediate.
- (3) Rationale. Currently, it is permissible for an institution to pay fees for the use of institutional practice and competition facilities by a student-athlete for voluntary activities in his or her sport during the summer. It is also permissible for a prospective student-athlete who has signed a National Letter of Intent or written offer of admission and/or financial aid to participate in voluntary weight lifting or conditioning activities on the institution's campus in the presence of the institution's strength and conditioning coach, provided such activities are not prearranged, and the strength and conditioning coach is performing normal duties and responsibilities in the supervision of the weight room or facility in use, and does not work directly with the prospective student-athlete. This proposal permits an institution to pay fees for the use of institutional practice and competition facilities by a prospective student-athlete who has signed a National Letter of Intent or written offer of admission and/or financial aid for voluntary activities in his or her sport during the summer prior to initial collegiate enrollment, just as it is currently allowed for a regularly enrolled student-athlete. The immediate effective date will allow institutions to pay the fees during the 2010 summer.
- (4) Estimated Budget Impact. Contingent on the fees each institution will pay.
- (5) Student-Athlete Impact. None.

**b. 2010 Convention Legislation – Bylaw 17.12.8-(b) – Playing and Practice Seasons – Golf – Out-of-Season and Nonchampionship Segment Athletically Related Activities – Nonchampionship Segment Activities.**

- (1) Recommendation. Sponsor legislation for the 2010 Convention to amend Bylaw 17.12.8-(b) (nonchampionship segment activities) to specify that in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that in golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.
- (2) Effective Date. August 1, 2010.
- (3) Rationale. Under the current rule, in golf, during the nonchampionship segment, student-athletes may participate in any practice or competition activity provided such activity is restricted to a maximum of 24 days that occur within a period of 45 consecutive calendar days. Further, an institution that declares fall as its championship segment and discontinues championship segment activities by November 1, may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment. The proposal extends the nonchampionship segment activities in golf to 60 consecutive calendar days while retaining the maximum 24 days during which student-athletes may participate in practice or competition activities as permitted by other legislation. The revision would benefit student-athletes by increasing the nonchampionship segment and preventing student-athletes from missing class time several weeks in a row. The proposal does not increase the number of days within which practice or competition may occur, which will ensure that this change would not result in additional missed class time by student-athletes. The proposal will also allow institutions additional flexibility in scheduling, which is vital as many Division II institutions do not own their golf facilities and are subject to the availability of the venues in which they compete.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**c. Noncontroversial Legislation –Bylaw 12.1.2.1.3.1 – Amateurism – General Regulations – Prohibited Forms of Pay – Educational Expenses or Services – Before Collegiate Enrollment.**

- (1) Recommendation. Adopt noncontroversial legislation to eliminate Bylaw 12.1.2.1.3.1 (educational expenses or services – before collegiate enrollment); further, to clarify that receipt of educational expenses or services before collegiate enrollment from an agent and from an institution's staff member or any representative of an institutions athletics interests are prohibited (see Bylaws 12.3.1.2 and 13.2.1).
- (2) Effective Date. Immediate.
- (3) Rationale. The educational expenses before collegiate enrollment legislation should have been deregulated with the adoption of NCAA Division II Proposal No. 2001-12 (amateurism – activities prior to initial enrollment). This proposal eliminates current amateurism limitations on prospective student-athletes regarding receipt of educational expenses or services from a professional sports team/organization. Other restrictions regarding receipt of educational expenses or services before collegiate enrollment contained in the current legislation should be clarified in Bylaws 12.3 with other restrictions regarding the use of agents and Bylaw 13.2 with the offers and inducement legislation. In doing so, the amateurism legislation before collegiate enrollment legislation will be consistent.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**d. Noncontroversial Legislation – Proposal No. 2009-7 – Recruiting – Letter of Intent Programs – Financial Aid Agreements – Transcript Prior to National Letter of Intent or Written Offer of Athletically Related Financial Aid – Exception – High School Prospective Student-Athlete with a Final Academic Certification.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Proposal No. 2009-7 (2-3) to specify that a high school prospective student-athlete is not required to present an institution with a current high school transcript prior to the institution providing the prospective student-athlete with a National Letter of Intent or a written offer of athletically related

financial aid, provided that a final academic certification has been issued by the NCAA Eligibility Center.

- (2) Effective Date. August 1, 2009.
- (3) Rationale. The intent of Proposal No. 2009-7 is to assist prospective student-athletes with early notification of academic status for purposes of NCAA eligibility. If a high school prospective student-athlete has received a final academic certification by the Eligibility Center prior to signing a National Letter of Intent or written offer of athletically related aid, such certification should satisfy the requirement of submission of transcript to the institution.
- (4) Estimated Budget Impact. None.
- (5) Student-Athlete Impact. None.

**e. Noncontroversial Legislation – Bylaw 13.15.2 – Recruiting – Precollege Expenses – Permissible Expenses – Use of Bands Comprised of Prospective Student-Athletes.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.15.2 (permissible expenses) to permit an institution to hire a band (e.g., marching band, pep band) comprised of prospect-aged individuals to perform at any contest, provided the band is paid commensurate with the going rate in that locale for similar services.
- (2) Effective Date. Immediate.
- (3) Rationale. Current legislation prevents an institution that does not sponsor a band from hiring a band that includes prospect-aged individuals to perform during its intercollegiate contests. Most often, high school bands are the only bands that are willing to perform this service and have the number of members necessary to perform in a large arena. However, high school bands will traditionally not perform this service for free. Allowing an institution to provide expenses associated with hiring a band to perform at contests will enable an institution to provide a competitive and entertainment field, which is consistent with the Division II Strategic Positioning Platform and Game Environment Initiative.
- (4) Estimated Budget Impact. Contingent on the cost of hiring a band and the number of contests for which the band will perform.

- (5) Student-Athlete Impact. None.

**2. Nonlegislative Action Items.**

**a. Reversal and Issuance of Official Interpretation Regarding Baseball and Softball as Same or Different Sports.**

- (1) Recommendation. The NCAA Division II Legislation Committee recommends the NCAA Division II Management Council reverse an official interpretation [Reference: 3/11/96, Item No. 2]; further, the committee recommends that the Management Council issue an official interpretation determining that baseball and softball are considered separate sports for purposes of amateurism and outside competition legislation.
- (2) Rationale. Different courts of law have adjudicated this issue and have held that baseball and softball are different sports. In one such case (*Israel v. West Virginia Secondary Schools Activities Commission*), the court considered the following criteria in reaching that conclusion: playing rules, mechanics, skill level and equipment. Accordingly, the committee agreed that the same criteria should be used when analyzing whether baseball and softball should be considered the same or different sports for purposes of applying NCAA amateurism and outside competition legislation.
- (3) Estimated Budget Impact. None.
- (4) Student-Athlete Impact. None.

**b. Legislative Referral to Other Division II Committee.**

- (1) Recommendation. That the Management Council refer the following concept to the NCAA Division II Championships Committee and the appropriate sports committees for review and possible action:
  - Bylaw 13.11.2.4 (Local Sports Club). Whether the Division II membership should consider adding additional sports to the exception currently in place for basketball that prohibits an institution's coach from being involved as a participant or in instructional or coaching activities in the same sport for a local sports club or organization.

- (2) Rationale. The American Volleyball Coaches Association has expressed concerns that their coaches' involvement with local sports clubs makes it difficult for coaches to maintain a proper life/work balance and recommended that a change in current legislation be made to help coaches in achieving this balance. The committee expressed concerns that placing limitations on volleyball coaches to participate in local sports club may further exacerbate the struggles faced by Division II coaches when recruiting against Division I institutions. In addition, the committee noted that such a change could significantly reduce additional income opportunities for Division II coaches. However, the committee believes that the Championships Committee should discuss this issue on a broader scale and determine whether this exception is appropriate for any sport other than basketball.
- (3) Estimated Budget Impact. None.
- (4) Student-Athlete Impact. None.

**INFORMATIONAL ITEMS.**

- 1. **Review of 2009 Convention Proposals and Question and Answer Guide.** The committee reviewed the 2009 Convention proposals and the Question and Answer Guide in an attempt to resolve all possible questions prior to the business session January 17, 2009. The committee also began preparations for its education session during the 2009 Convention regarding the participation in organized competition or training prior to initial collegiate enrollment legislation in Bylaw 14.2.4.2.
- 2. **Discussion Regarding Tryout Camps.** The committee discussed the issue of whether an institution should be prohibited from hosting or sponsoring a tryout camp devoted to agility, flexibility, speed and strength tests for prospective student-athletes at any location. The staff noted that institutions are not currently allowed to conduct these tryout camps, but they are allowed to host these camps provided they are conducted by a noninstitutional agency. The committee agreed that even though Divisions I and III currently prohibit their institutions from hosting these types of activities, there is no reason for amending the current legislation.
- 3. **Discussion Regarding Legislative Concept to Amend Bylaw 14.2.4.2.** The committee received feedback from different groups (NCAA Division II Presidents Council, Management Council, officers from the Division II Athletics Directors Association,

Division II Conference Commissioners Association, NCAA Division II Committee for Legislative Relief and conference compliance administrators) regarding the legislative concept to amend Bylaw 14.2.4.2. The committee discussed specific areas that will need additional discussion and feedback. The committee noted that its presentation at the 2009 Convention will provide an opportunity for additional feedback on this topic. The committee agreed to continue to review this concept and additional feedback at its March and June 2009 in-person meetings for a possible legislative recommendation.

4. **Issuance of Official Interpretation.** The committee discussed the issue of whether an institution or conference could conduct an event at a facility owned by a local club team that includes prospective student-athletes and rather than paying the normal rental fee for the facility, the institution or conference hosting the event could permit the club team to retain the ticket and concession revenue. The committee agreed to issue an official interpretation to clarify the application of Bylaws 13.15.1 and 13.15.1.3, as follows:

Use of a High School Facility or Other Facility Benefiting Prospective Student-Athletes (II). The Division II Legislation Committee determined that the provisions of NCAA Bylaws 13.15.1 (prohibited expenses) and 13.15.1.3 (college use of high school facility) would not prohibit an arrangement by which an institution or conference uses a high school facility or other facility benefiting prospective student-athletes (e.g., facilities owned by a club team) for practice or competition. Further, according to such arrangement, it would be permissible for the institution or conference to allow the facility owner(s) to retain the ticket and concession revenue instead of paying the normal rental fee for the use of the facility. [References: Bylaws 13.15.1 (prohibited expenses) and 13.15.1.3 (college use of high school facility)]

5. **Issuance of Official Interpretation.** The committee discussed the issue of enrollment in the *College d'Enseignement General et Professionnel (CEGEP)* program from Quebec, Canada, for purposes of the organized competition or training prior to initial collegiate enrollment legislation. The committee agreed to issue an official interpretation to clarify the application of the legislation, as follows:

Organized Competition or Training Prior to Initial Collegiate Enrollment – Expected Date of Graduation – CEGEP (II). The NCAA Division II Legislation Committee determined that for purposes of identifying the expected date of high school graduation pursuant to the organized competition or training prior to initial collegiate enrollment legislation, the *College d'Enseignement General et Professionnel (CEGEP)* is a two-year program that a prospective student-athlete from Quebec, Canada, may complete after earning a *Diplome d'Etudes Secondaires (DES)*. Enrollment in the *CEGEP* will not constitute a delay of enrollment, provided the student-athlete enrolls in the *CEGEP*

immediately after earning a *DES* and he or she earns a *Diplome d'Etudes Collegialles (DEC)* at the conclusion of the consecutive two-year program. [Reference: NCAA Bylaw 14.2.4.2 (participation in organized competition or training prior to initial collegiate enrollment)]

6. **Issuance of Official Interpretation.** The committee reviewed a request from the Presidents Council regarding the application of the exception to countable athletically related activities for strength and conditioning personnel (see Bylaw 17.02.1.1). The committee discussed the issue and agreed to issue an official interpretation to clarify the application of the legislation, as follows:

Definition of "Monitor" (II). The Division II Legislation Committee determined that for purposes of the exception to countable athletically related activities for strength and conditioning coaches, the term "monitor" includes observing and watching closely to ensure that student-athletes are provided a safe and controlled environment. Such coaches may demonstrate proper technique and give advice to ensure that the workout is taking place in an appropriate fashion. However, for purposes of this legislation, the term "monitor" does not allow strength and conditioning coaches to direct or conduct these workouts for purposes of achieving increased performance. [Reference: Bylaw 17.02.1.1 (exception – strength and conditioning personnel)]

7. **Review of Staff Interpretation.** The committee reviewed a staff interpretation [Reference: 11/12/03, Item No. 1b] and noted that the interpretation treats a prospective student-athlete who has signed a written offer of admissions and/or financial aid differently than a prospective student-athlete who has signed a National Letter of Intent. The committee decided to modify the staff interpretation to reflect these concerns, as follows:

Prospective Student-Athlete Participating in Conditioning Activities Subsequent to Signing a National Letter of Intent or Written Offer of Admission and/or Financial Aid (II). The Division II Legislation Committee confirmed that the provisions of NCAA Bylaw 13.11.2.3 (recreational activities) would permit a prospective student-athlete who has signed a National Letter of Intent or written offer of admission and/or financial aid, to participate in voluntary weight lifting or conditioning activities (e.g., conditioning on the track) on the institution's campus in the presence of the institution's strength and conditioning coach, provided such activities are not prearranged, and the strength and conditioning coach is performing normal duties and responsibilities in the supervision of the weight room or facility in use (e.g., track), and does not work directly with the prospective student-athlete. Involvement by the strength and conditioning coach (other than in a supervisory capacity) or the involvement of any coaching staff member in any

capacity would constitute a tryout. [References: Bylaws 13.11.1 (prohibited activities) and 13.11.2.3 (recreational activities); official interpretation (7/14/93, item a); staff interpretation (5/27/88, item e); official interpretation (4/2/87, Item No. 7-b); official interpretation (4/2/87, Item No. 1); and staff interpretation (11/12/03, item 1b), which have been archived]

8. **Update on Issues Identified at the NCAA Division II Strategic Positioning and Life/Work Balance Summit.** The committee received a progress report regarding the different issues identified at the November 2007 Strategic Positioning and Life/Work Balance Summit. The committee agreed to continue to track on the progress made on the different issues.
9. **Update Regarding the Supplemental Distribution of Funds to Assist with Attendance at the 2008 NCAA Regional Rules Seminars.** The committee received an update on how each conference reported disbursement of funds distributed earlier this year to assist with the travel and hotel costs while attending the 2008 NCAA Regional Rules Seminars. The committee directed staff to request any conference that failed to submit the required information by the deadline, to either submit the information or reimburse the funds to the NCAA national office not later than January 5, 2009. In addition, the committee directed the staff to request any conference that reported that the funds were not used to assist with attendance to the 2008 Regional Rules Seminars, to reimburse the funds to the national office not later than January 5, 2009. Further, the committee directed staff to notify conferences regarding those individuals listed by the conference as having received funds, who do not appear on the list of attendees to the 2008 Regional Rules Seminars.
10. **Review of Minutes Issued by the Interpretations Subcommittee of the Legislation Committee.** The full committee approved the minutes of the Interpretations Subcommittee since its last in-person meeting in July 2008. The committee approved the minutes from July 14 and September 15.
11. **Update Regarding the Eligibility Center and Amateurism Certification Trends in Division II.** Staff from the Eligibility Center provided an update regarding amateurism certification trends in Division II. The Eligibility Center staff highlighted consistent challenges related to the organized competition or training prior to initial collegiate enrollment legislation that often arise during the course of an amateurism certification. The report also included the number of amateurism certification cases processed by the Eligibility Center through October 15, 2008.

**12. Editorial Revisions.** The committee reviewed the following editorial revisions:

- a. Eligibility – Full-Time Enrollment – Requirement for Practice or Competition – Eligibility for Male Students or Male Student-Athletes to Practice with Women's Teams.** The committee reviewed an editorial revision to amend Bylaw 14.1.8.1.7 (eligibility for male students or male student-athletes to practice with women's teams) to clarify that the legislation is intended to apply to both male students and male student-athletes who practice with women's teams. In Division II, nonqualifiers are not eligible for practice; therefore, male students and male student-athletes who are nonqualifiers in their initial year of collegiate enrollment are not eligible for practice with a men's or women's team.
- b. Enforcement Policies and Procedures – Investigative Procedures – Meeting with President or Chancellor.** The committee reviewed an editorial revision to amend the title of Bylaw 32.3.12 (meeting with president or chancellor) to clarify that authorization is not required for the enforcement staff to meet with an institution's president or chancellor during an NCAA investigation.
- c. Enforcement Policies and Procedures – Committee on Infractions Hearings – Hearing Procedures – Committee Questioning.** The committee reviewed an editorial revision to amend Bylaw 32.8.7.6 (committee questioning) to clarify that the NCAA Division II Committee on Infractions may also question any involved individuals during an infractions hearing and captures all individuals that may be present and participating during the hearing. In addition, this revision was inadvertently omitted with the adoption of amendments to the enforcement policies and procedures.
- d. Enforcement Policies and Procedures – Investigative Procedures – Interview Record – Recordings – Use of Court Reporters.** The committee reviewed an editorial revision to amend Bylaw 32.3.9.1.3 (use of court reporters) to eliminate the requirement that when an institution wishes to use a court reporter during an NCAA investigation, it is required to submit a written notice of agreement to the enforcement staff on a form approved by the Committee on Infractions. A specific form has not been used previously and in practice, other written documentation has been used and accepted to fulfill the requirement for a written notice of agreement for the use of court reporters.
- e. Enforcement Policies and Procedures – Preliminary Review of Information – Investigative Guidelines – Conflict of Interest.** The committee reviewed an editorial revision to remove Bylaw 32.2.2.2 (conflict of interest) because the provision is in the enforcement investigative procedures (Bylaw 32.3.3).

- f. Playing and Practice Seasons – Basketball – First Contest – Exceptions – Preseason Events – Division II Tip-Off Classic.** The committee reviewed an editorial revision to amend Bylaw 17.5.3.1 (exceptions) to clarify some confusion in the drafting of Proposal No. 2008-21. Specifically, the permissible start date for the Division II Tip-Off Classic in calendar years when November 1 did not fall on a Saturday, Sunday or Monday was unclear. This revision specifies that the Tip-Off Classic may be played starting November 1 as a general rule, and may be played prior to November 1 in certain calendar years.
- g. Eligibility – Transfer Regulations – Two-Year College Transfers – Eligibility for Practice, Competition and Athletics Aid.** The committee reviewed an editorial revision to amend Bylaws 14.5.4 (two-year college transfers), 14.5.4.1.1 (application), 14.5.4.1.2 (qualifiers) and 14.5.4.2.2 (qualifiers and partial qualifiers) to clarify that the provisions in Bylaws 14.5.4.2.1 (application) and 14.5.4.2.2 (qualifies and partial qualifiers) apply to all two-year college transfers, including qualifiers with no previous attendance at a four-year collegiate institution. The application of the legislation was unclear under the existing structure and numbering of the legislation.
- h. NCAA Membership – Member Conference – Conditions and Obligations of Membership – Composition of Conference.** The committee reviewed an editorial revision to amend NCAA Constitution 3.3.4.3 (composition of conference) to mirror the regulations regarding composition of a member conference adopted via Proposal No. NC-2008-22. The change provides active member conferences with the discretion to admit institutions in the exploratory period of the Division II membership process into conference membership; it does not amend the policy that only those institutions in the provisional period of the membership process shall count in an active institution's strength of schedule and win/loss record for championship selection purposes.
- i. Committees – Association-Wide and Common Committees – Term of Office and Operation.** The committee reviewed an editorial revision to amend multiple sections in Bylaw 21 to incorporate into the current NCAA Division II Manual the term of office for members of Association-wide and common committees, which was inadvertently omitted during the federation process of the Association.
- j. Membership – Emerging Sports Timetable.** The committee reviewed an editorial revision to add Bylaws 12.01.5 (compliance with legislation for emerging sports), 14.01.4 (compliance with legislation for emerging sports), 14.01.4.1 (seasons of competition), 14.01.4.2 (initial, continuing and general eligibility requirements) and 16.01.2 (compliance with legislation for emerging

sports) to the general principles section in the respective topical areas (e.g., amateurism, recruiting) of the Manual for ease of reference.

- k. Championships and Postseason Football – Eligibility for Championships – Student-Athlete Eligibility – Ineligibility for Use of Banned Drugs – Duration of Ineligibility – Testing Positive on Second Occasion – Street Drugs.** The committee reviewed an editorial revision to amend Bylaws 18.4.1.5.1.2 (testing positive on second occasion) and 31.2.3.2 (testing positive on second occasion) to clarify the penalty imposed when a student-athlete tests positive for a street drug prior to reinstatement.
- l. Enforcement – Penalties for Major Violations – Disciplinary Measures – Ineligibility for Television Programs.** The committee reviewed an editorial revision to amend Bylaw 19.5.2.2 (disciplinary measures) to reintroduce ineligibility for television programs involving coverage of the institution's intercollegiate athletics teams as a possible disciplinary measure for major violations. The elimination of ineligibility for television programs as a disciplinary measure was made due to an error when Proposal No. 2001-43 was adopted and the 2001-02 Manual was printed. Proposal No. 2001-43 added the current 19.5.2.2-(f) ["a financial penalty"] and required a relettering of the remaining items; however, when the item was added, it replaced the existing 19.5.2.2-(f). The existing item was deleted rather than relettered as 19.5.2.2-(g) as it should have been.
- m. Executive Regulations – General Financial Management – Committee and Delegate Finances – Transportation Allowances – Mileage Rate.** The committee reviewed an editorial revision to amend Bylaws 31.7.2.1.1 (transportation allowances) and 31.7.2.1.1.1 (travel to competition site) to eliminate the need to update regularly the rate committee members are reimbursed for mileage for travel associated with committee meetings.
- n. Committees – Sports Committees with Only Division II Championships Administration Responsibilities – Committee Membership – Wrestling Committee.** The committee reviewed an editorial revision to amend Figure 21-1 (sports committee membership) to increase the representation of the NCAA Division II Wrestling Committee to four members, including the three Division II representatives to the common Wrestling Committee and one additional member. Proposal No. NC-2003-40 intended to increase the Division II representatives to the Wrestling Committee from three to four members. Since the composition of the Wrestling Committee is a common provision and the change was not adopted by all three divisions, it never became effective.

- o. Recruiting – Publicity – Media Release Regarding Signing – Staff Member Presence and Press-Release Content.** The committee reviewed an editorial revision to amend Bylaw 13.10.7 (media release regarding signing) and remove Bylaws 13.10.7.2 (staff member presence) and 13.10.7.4 (press-release content) for consistency with the recruiting process that were adopted at the 1995 and 2006 Conventions. Bylaw 13.10.7 indicates that there is no limit on the content of a media release.
  - p. Institutional Control – Budgetary Control – Financial Report – Schedule.** The committee reviewed an editorial revision to amend Constitution 6.2.3.1.1 (schedule) to clarify that the required financial report must be completed by January 15 after the end of the institution's fiscal year. This revision should help reduce confusion and misinterpretation regarding the schedule to complete the report.
  - q. Enforcement Policies and Procedures – Notice of Allegations – Notice to President or Chancellor – Contents of the Notice of Allegations Cover Letter.** The committee reviewed an editorial revision to amend Bylaw 32.6.1.1 (contents of the notice of allegations cover letter) to account for a revision that was inadvertently omitted from the adoption of amendments to the enforcement policies and procedures and that specifies consistent use of the phrase "involved individual."
- 13. NCAA Division II Legislation Committee Policies and Procedures.** The committee reviewed and approved the Legislative Review Subcommittee Policies and Procedures. The committee also approved revisions to the Legislation Committee Policies and Procedures Manual and the Interpretations Subcommittee Policies and Procedures and directed staff to update all policies and procedures to reflect the revisions.
- 14. Discussion of the Division II Strategic Plan.** The committee reviewed the 2009-2012 Strategic Plan as approved by the Management Council and Presidents Council.
- 15. Updates from NCAA Staff Liaisons.** The staff updated the committee on the sessions identified for the NCAA Regional Rules Seminars, on the upgrades made to the Compliance Web Site, and on the work being done in order to make the compliance forms available online.

**16. Committee Staffing Issues.** The committee discussed issues related to staffing of the committee:

- **Subcommittee Appointment.** The committee appointed Dean Jonson, associate athletics director, Caldwell College, to serve on the Legislative Review Subcommittee.

*Committee Chair: Ann Martin, Regis University*

*Staff Liaisons: Jenn Fraser, Membership Services*

*Maritza Jones, Membership Services*

*Meeting Dates: November 6-7, 2008*

**SUMMARY OF WINTER 2009 QUARTERLY MEETINGS****The National Collegiate Athletic Association**

<b>Division II Management Council January 14, 2009 Washington, D.C.</b>	<b>Division II Presidents Council January 15, 2009 Washington, D.C.</b>	<b>Division II Management Council January 17, 2009 Washington, D.C.</b>
<b>ATTENDEES:</b>	<b>ATTENDEES:</b>	<b>ATTENDEES</b>
Darrell Axtell, Saint Martin's University Sallie Beard, Missouri Southern State University Kathleen Brasfield, Angelo State University Debbie Chin, University of New Haven ( <i>chair</i> ) Rick Cole Jr., Dowling College Donna Fields, St. Mary's University Bob Fortosis, Eckerd College Carl Timothy Griggs, Coker College Barbara Hannum, Hawaii Pacific University Stephanie Harrison-Dyer, Albany State University Eugene Hermitte, Johnson C. Smith University Ann Jirkovsky, Bellarmine University John Mansuy, Wheeling Jesuit University Daniel B. Mara, Central Atlantic Collegiate Conference Ann Martin, Regis University Frances Nee, Indiana University of Pennsylvania Wendy Taylor May, University of California, San Diego Lloyd Raymond, Northern Sun Intercollegiate Conference Herb Reinhard, Valdosta State University David Riggins, Mars Hill College ( <i>vice chair</i> ) Suzanne Sanregret, Michigan Tech University Tim Selgo, Grand Valley State	Drew Bogner, Molloy College David Danahar, Southwest Minnesota State University Antoine Garibaldi, Gannon University Joseph P. Grunenwald, Clarion University of Pennsylvania Thomas K. Harden, Clayton State University Stephen Jordan, Metropolitan State College of Denver ( <i>chair</i> ) Ernest McNealey, Stillman College Carolyn Mahoney, Lincoln University (Missouri) Nancy Moody, Lincoln Memorial University Cheryl Norton, Southern Connecticut State University J. Patrick O'Brien, West Texas A&M University Beverly Pitts, University of Indianapolis David F. Rankin, Southern Arkansas University Hamid Shirvani, California State University, Stanislaus	Darrell Axtell, Saint Martin's University Sallie Beard, Missouri Southern State University Kathleen Brasfield, Angelo State University Bob Fortosis, Eckerd College Carl Timothy Griggs, Coker College Barbara Hannum, Hawaii Pacific University Stephanie Harrison-Dyer, Albany State University Ann Jirkovsky, Bellarmine University Ann Martin, Regis University Sandra Michael, Holy Family University Frances Nee, Indiana University of Pennsylvania Wendy Taylor May, University of California, San Diego Lloyd Raymond, Northern Sun Intercollegiate Conference Herb Reinhard, Valdosta State University David Riggins, Mars Hill College ( <i>vice chair</i> ) Julie Ruppert, Northeast-10 Conference Suzanne Sanregret, Michigan Tech University Tim Selgo, Grand Valley State University ( <i>chair</i> ) Karen Soto, University of Puerto Rico Mayaguez

<b>Division II Management Council January 14, 2009 Washington, D.C.</b>	<b>Division II Presidents Council January 15, 2009 Washington, D.C.</b>	<b>Division II Management Council January 17, 2009 Washington, D.C.</b>
University Karen Soto, University of Puerto Rico at Mayaguez Glenn D. Stokes, Columbus State University Willie Washington, Benedict College		Brenda Stevens, University of Charleston Glenn D. Stokes, Columbus State University Kathleen Turner, Oklahoma Panhandle State University Sherman Ward, Virginia State University Willie Washington, Benedict College
<b>ABSENTEES</b>	<b>ABSENTEES</b>	<b>ABSENTEES</b>
None	Eddie Moore Jr., Virginia State University ( <i>vice-chair</i> )	Rick Cole Jr., Dowling College
<b>OTHER PARTICIPANTS</b>	<b>OTHER PARTICIPANTS</b>	<b>OTHER PARTICIPANTS</b>
Gary Brown, NCAA Sharon Cessna, NCAA Joni Comstock, NCAA Megan Coyne, NCAA Jennifer Fraser, NCAA Maritza Jones, NCAA Karen Morrison, NCAA Jean Orr, NCAA Stacey Osburn, NCAA Stephanie Quigg, NCAA Mike L. Racy, NCAA Ruth Reinhardt, NCAA, <i>recording secretary</i> Terri Steeb, NCAA Gregg Summers, NCAA Jill Willson, Double LL Consulting	Gary Brown, NCAA Steve Brown, NCAA Sharon Cessna, NCAA Joni Comstock, NCAA Megan Coyne, NCAA Jennifer Fraser, NCAA Maritza Jones, NCAA Jean Orr, NCAA Stephanie Quigg, NCAA Mike L. Racy, NCAA Ruth Reinhardt, NCAA, <i>recording secretary</i> Terri Steeb, NCAA Gregg Summers, NCAA	Megan Coyne, NCAA Jennifer Fraser, NCAA Maritza Jones, NCAA Jean Orr, NCAA Stacey Preston, NCAA Stephanie Quigg, NCAA Mike Racy, NCAA Ruth Reinhardt, NCAA, <i>recording secretary</i> JoJo Rinebold, NCAA Damon Schoening, NCAA Terri Steeb, NCAA Gregg Summers, NCAA

**1. WELCOME AND ANNOUNCEMENTS.**

January 14 Management Council. The meeting was called to order at 8 a.m. by the outgoing chair, Debbie Chin. The chair reviewed the announcements for the meeting, noting specific Convention meetings and activities. She thanked the Council for its perfect attendance and for the work they had accomplished during her period as chair.

January 15 Presidents Council. The meeting was called to order at 12:28 p.m. by the chair, Stephen Jordan. Dr. Jordan welcomed the guests in attendance, noting that Eddie Moore was unable to be present. He noted that the Council has several members leaving at the conclusion of the Convention and one new member, Carolyn Mahoney, Lincoln University (Missouri) present for this meeting. He reviewed the Convention schedule for the next few days. He also updated the Council on the fact that Simon Fraser University, located in British Columbia, has made application for accreditation, which is the first step toward being a Division II member institution.

January 17 Management Council. The meeting was called to order at 1:35 p.m. by the incoming chair, Tim Selgo, Grand Valley State University. The chair recognized the new Management Council representatives—Sandy Michael, Holy Family University; Julie Ruppert, Northeast-10 Conference; Brenda Stevens, University of Charleston(WV); Kathy Turner, Oklahoma Panhandle State University; and Sherman Ward, Virginia State University. Introductions were made by all Management Council representatives. The chair specifically thanked Gary Brown for his excellent work on the daily NCAA News at Convention and his consistent promotion of Division II.

The chair informed the Council that his plan for the year is to continue the initiatives that have already been undertaken in Division II; specifically, the Division II strategic platform and the 2009-12 strategic plan, with a focus on communicating the utility of the initiatives to all levels of an athletics department, including coaches and student-athletes.

**2. REVIEW OF RECORDS OF PREVIOUS MEETINGS.**

**a. Management Council (October 20-21) and Presidents Council (October 29-30) Meeting Summary.**

January 14 Management Council. The Management Council approved the meeting summary of the October 20-21, 2008, Management Council meeting, as presented.

January 15 Presidents Council. The Presidents Council approved the meeting summary of the October 29-30, 2008, Presidents Council meetings, as presented.

**b. Executive Committee Meeting.**

January 14 Management Council. The Management Council reviewed the minutes of the October 30, 2008, Executive Committee meeting. No formal action was necessary.

January 15 Presidents Council. The Presidents Council reviewed the minutes of the October 30, 2008, Executive Committee meeting. No action was necessary.

**c. Administrative Committee Actions.**

January 14 Management Council. The Management Council approved the December 3 meeting minutes and other interim actions taken by the Administrative Committee since the October Management Council meeting.

January 15 Presidents Council. The Presidents Council approved the actions taken by the Administrative Committee since the October Presidents Council meeting.

**3. *DIVISION II PRIORITIES AND STRATEGIC POSITIONING INITIATIVE.***

January 14 Management Council. The Management Council reviewed the 2009 strategic priorities, which had been given some minor updates at the October Presidents Council meeting. The Council was informed that the document would be shared at various meetings throughout the Convention and would be placed at the information table for all those who wanted extra copies. No formal action was taken by the Council.

January 15 Presidents Council. No action was necessary.

**4. *COMMITTEE RECOMMENDATIONS AFFECTING DIVISION II.***

**a. Association-Wide and Common Committees.**

(1) **Competitive Safeguards and Medical Aspects of Sports Committee.** No report was provided to the Councils.

(2) **Honors Committee.**

January 14 Management Council. The Management Council reviewed the recipients for the various awards that would be presented at the Honors Celebration Thursday evening, January 15. No formal action was taken.

January 15 Presidents Council. No action was necessary.

(3) **Olympic Sports Liaison Committee**

January 14 Management Council. The Management Council reviewed the committee's report, noting that the handbook for National Governing Bodies is online. No formal action was taken.

January 15 Presidents Council. No action was necessary.

**(4) Research Committee.**

· Bylaw 16.11.1.7—NCAA Research Studies.

January 14 Management Council. The Management Council voted unanimously to not sponsor a recommendation from the committee to adopt noncontroversial legislation to amend Bylaw 16.11.1.7 (NCAA Research Studies) which would permit compensation of participants in institution-based, student-athlete-only research studies under the following conditions:

- (i) The research study is initiated and conducted by a faculty member(s) at an NCAA member institution; and
- (ii) The study and compensation arrangements receive approval by the Institutional Review Board for the member institution whose faculty is conducting the study.

The Management Council noted that Noncontroversial Proposal No. 2009-24 on Page No. 76 of the Official Notice (adopted by the Council in October 2008) provides greater flexibility is more lenient than the proposed legislation; therefore, the Council felt that the current Division II legislation addressed the recommendation from the Research Committee.

January 15 Presidents Council. No action was necessary.

**(5) Committee on Sportsmanship and Ethical Conduct.**

· Sportsmanship Award.

January 14 Management Council. The Management Council reviewed the committee's report, noting that the RESPECT Sportsmanship Initiative would be launched during the 2009 NCAA Convention. The Management Council voted to recommend to the Honors Committee that it look at the possibility of the Sportsmanship Award being presented annually during the NCAA Convention.

January 15 Presidents Council. No action was necessary.

**(6) Committee on Women's Athletics.**

January 14 Management Council. The Management Council reviewed the committee's report. No formal action was taken.

January 15 Presidents Council. No action was necessary.

**b. Division II Committees.**

**(1) Committee on Infractions.**

• **Bylaw 32.6.2 (Notice to Involved Individuals).**

January 14 Management Council. The Management Council ratified an amendment to Bylaw 32.6.2 to specify that all involved individuals shall be provided pertinent portions of the institutional response to the notice of allegations, as follows:

32.6.2 Notice to Involved Individuals. The enforcement staff shall notify involved individuals (as defined in Bylaw 32.1.5) of the allegations in a notice of allegations in which they are named. A copy of the notification shall also be forwarded to the chancellor or president 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 *who will attend the Committee on Infractions' hearing* in the case. Involved individuals who have submitted a response must also share their response with the involved institutions or other involved individuals as necessary. 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 if violations are found in which they are named.

January 15 Presidents Council. No action was necessary.

**(2) Legislation Committee.**

**(a) Bylaws 13.2 and 13.11.2—Recruiting—Offers and Inducements and Tryouts—Permissible Activities—Summer Facility Fees for Prospective Student-Athletes.**

January 14 Management Council. The Management Council agreed to recommend that the Presidents Council sponsor legislation for the 2010 Convention to amend Bylaws 13.2 and 13.11.2 to permit an institution to pay fees associated with the use of institutional practice and competition facilities by a prospective student-athlete who is engaged in voluntary athletically related activities in his or her sport during the summer prior to initial college enrollment, provided the prospective student-athlete has signed a National Letter of Intent or written offer of admission and/or financial aid.

January 15 Presidents Council. The Presidents Council agreed to sponsor the legislation for the 2010 Convention, with an immediate effective date.

(b) **Bylaw 17.12.8-(b)—Playing and Practice Seasons—Golf—Out-of-Season and Nonchampionship Segment Athletically Related Activities—Nonchampionship Segment Activities.**

January 14 Management Council. The Management Council agreed to refer back to the Legislation Committee, for further discussion and possible action, a recommendation to amend Bylaw 17.12.8-(b) (nonchampionship segment activities) to specify that in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation, provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that in golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.

January 15 Presidents Council. No action was necessary.

(c) **Bylaw 12.1.2.1.3.1—Amateurism—General Regulations—Prohibited Forms of Pay—Educational Expenses or Services—Before Collegiate Enrollment.**

January 14 Management Council. The Management Council adopted noncontroversial legislation to eliminate Bylaw 12.1.2.1.3.1; further, to clarify that receipt of educational expenses or services before collegiate enrollment from an agent and from an institution's staff member or any representative of an institution's athletics interests are prohibited (see Bylaws 12.3.1.2 and 13.2.1).

January 15 Presidents Council. No action was necessary.

(d) **Proposal No. 2009-7—Recruiting—Letter of Intent Programs—Financial Aid Agreements—Transcript Prior to National Letter of Intent or Written Offer of Athletically Related Financial aid—Exception—High School Prospective Student-Athlete with a Final Academic Certification.**

January 14 Management Council. The Management Council adopted noncontroversial legislation to amend Proposal No. 2009-7 (2-3) to specify that a high school prospective student-athlete is not required to present an institution with a current high school transcript prior to the institution providing the prospective student-athlete with a National Letter of Intent or a written offer of athletically re-

lated financial aid, provided that a final academic certification has been issued by the NCAA Eligibility Center.

January 15 Presidents Council. No action was necessary.

(e) **Bylaw 13.15.2—Recruiting--Precollege Expenses—Permissible Expenses—Use of Bands Comprised of Prospective Student-Athletes.**

January 14 Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 13.15.2 (permissible expenses) to permit an institution to hire a band (e.g., marching band, pep band) comprised of prospect-aged individuals to perform at any contest, provided the band is paid commensurate with the going rate in that locale for similar services.

Presidents Council. No action was necessary.

(f) **Reversal and Issuance of Official Interpretation Regarding Baseball and Softball as Same or Different Sports.**

January 14 Management Council. The Management Council agreed to reverse an official interpretation [Reference: 3/11/96, Item No. 2—see below] and to issue an official interpretation determining that baseball and softball are considered separate sports for purposes of amateurism and outside competition legislation.

*2. Professional Baseball Player Participating in Intercollegiate Softball Competition. The sports of baseball and softball are considered the same sports for purposes of applying NCAA amateurism legislation. Thus, a female student-athlete who receives compensation for participating on a women's professional baseball team is not eligible for intercollegiate softball competition. [References: 12.1.1 (amateur status) and 12.1.4 (amateur status if professional in another sport)]*

January 15 Presidents Council. The Presidents Council reviewed the reversal. No action was necessary.

(g) **Referrals to Division II Committees.**

January 14 Management Council. The Management Council agreed to refer to the Division II Championships Committee the following concept for review and possible action:

Bylaw 13.11.2.4 (Local Sports Club). *Whether the Division II membership should consider adding additional sports to the excep-*

*tion currently in place for basketball that prohibits an institution's coach from being involved as a participant or in instructional or coaching activities in the same sport for a local sports club or organization.*

The American Volleyball Coaches Association has expressed concerns that their coaches' involvement with local sports clubs makes it difficult for coaches to maintain a proper life/work balance and recommended that a change in current legislation be made to help coaches in achieving this balance. The Legislation Committee expressed concerns that placing limitations on volleyball coaches to participate in local sports club may further exacerbate the struggles faced by Division II coaches when recruiting against Division I institutions and also noted that such a change could significantly reduce additional income opportunities for Division II coaches. However, the Legislation Committee believes that the Championships Committee should discuss this issue on a broader scale and determine whether this exception is appropriate for any sport other than basketball.

January 15 Presidents Council. No action was necessary.

**(3) Membership Committee.**

**(a) Constitution 6.3.1.3—Institutions Completing Provisional Membership—Removal of Legislation.**

January 14 Management Council. The Management Council agreed to sponsor noncontroversial legislation to remove Constitution 6.3.1.3 from the Division II Manual, noting that the Membership Committee shall place an institution awarded active Division II membership in an appropriate ISSG class.

January 15 Presidents Council. No action was necessary.

**(b) Bylaw 20.3.2—NCAA Division II Membership Process—Provisional and Reclassifying Institutions.**

January 14 Management Council. The Management Council approved a modification of wording to amend Bylaw 20.3.2 to clarify that an institution's application for membership may be accepted on satisfaction of membership conditions set forth in Bylaw 20.3.2 at the time of application.

January 15 Presidents Council. No action was necessary.

**(c) New Membership Fee for Institutions Seeking Division II Membership.**

January 14 Management Council. The Management Council approved a new fee structure for institutions applying for active status in Division II. The new fee structure will be an increase of \$2,000 for each year of the minimum three-year period of the membership process. [An institution entering into the process would provide \$28,000 at the time of application for the first two years of the candidacy period, and an additional \$14,000 each year thereafter.]

January 15 Presidents Council. The Presidents Council receive the information. No action was necessary.

**(d) Probation Status for Institutions Failing to Meet Minimum Sports Sponsorship Requirements during the 2007-08 Academic Year.**

January 14 Management Council. The Management Council noted that the following institutions will be on probation for the 2008-09 academic year for failure to meet the minimum sports sponsorship requirements in the 2007-08 academic year: Armstrong Atlantic State University; Augusta State University; Livingstone College; University of Pittsburgh, Johnstown; and University of Puerto Rico, Mayaguez. Armstrong Atlantic State and Augusta State did not meet the three-season requirement because each institution did not sponsor a men's fall sport. Pittsburgh-Johnstown did not meet the 10 sport requirement. Livingstone failed to meet the 10 sport requirement and did not meet the three-season requirement because it did not sponsor a men's spring sport. Puerto Rico-Mayaguez did not meet the 10 sport requirement, the three-season requirement because it did not sponsor a women's winter sport or the team requirement because it did not sponsor a women's team sport. It was noted that institutions have the opportunity to appeal this status to the Membership Committee, if circumstances warrant. No formal action was taken.

January 15 Presidents Council. The Presidents received the information noted above. No formal action was taken.

**(e) Restricted Membership Status for an Institution Failing to Meet Minimum Sports Sponsorship Requirements during the 2006-07 and 2007-08 Academic Years.**

January 14 Management Council. The Management Council noted that the University of Puerto Rico, Cayey, is on restricted membership status for failure to meet minimum sports sponsorship requirements during the 2006-07 and 2007-08 academic years. During the 2006-07 academic year, Puerto Rico-Cayey failed to meet the 10 sport requirement. The institution also failed to compete in the minimum

number of contests or dates of competition in baseball, men's cross country, women's cross country and softball. In addition, the institution did not meet the minimum number of participants in men's outdoor track and women's outdoor track. During the 2007-08 academic year, Puerto Rico-Cayey failed to meet the 10 sport requirement. The institution also failed to compete in the minimum number of contests in baseball. It was noted that the institution has the opportunity to appeal this status to the Membership Committee, if circumstances warrant. No formal action was taken.

January 15 Presidents Council. The Presidents Council received the information noted above. No formal action was taken.

**(f) Membership Application.**

January 14 Management Council. The Management Council reviewed the updated membership application, which contains the minimum expectations an institution must meet prior to beginning the Division II membership process.

January 15 Presidents Council. The Presidents Council received the information noted above. No formal action was taken.

**(g) Schools in the Division II Membership Process.**

January 14 Management Council. The Management Council was provided with a listing of those institutions currently in the Division II membership process. No action was taken.

January 15 Presidents Council. No action was necessary.

**(4) Planning and Finance Committee.**

January 14 Management Council. The Management Council reviewed the Budget-to-Actual Results for the period ending October 31, 2008. No formal action was taken.

January 15 Presidents Council. The Presidents Council reviewed the Budget-to-Actual Results for the period ending October 31, 2008. No formal action was taken.

**(5) Student-Athlete Reinstatement Committee.** No report was provided to the Councils.

**5. NCAA CONVENTION AND LEGISLATION.**

**a. Proposed Legislation for the 2009 NCAA Convention.**

January 14 Management Council. The Management Council reviewed the proposed legislation for the 2009 NCAA Convention. In addition to adopting noncontroversial legislation regarding Proposal No. 2009-7 [See Item 4-b-(2)-(d) above for action taken], the Management Council issued a directive to Proposal No. 2009-8, specifying that a student-athlete who suffered an incapacitating injury or illness that occurred during a season of competition between August 1, 2007, and July 31, 2009, may qualify for the waiver under the rule set forth in the 2008-09 NCAA Division II Manual or the proposed legislation. Any incapacitating injury or illness that occurs during a season of competition on or after August 1, 2009, would be subject to the standard set forth in the proposed legislation.

January 15 Presidents Council. The Presidents Council reviewed the proposed legislation for the 2009 NCAA Convention. No formal action was taken.

**b. Assignments for Legislative Proposals.**

January 14 Management Council. The Management Council reviewed their assignments. No formal action was taken.

January 15 Presidents Council. The Presidents Council reviewed their assignments. Changes in a few assignments were noted and reassigned to other volunteers.

**c. Business Session Position Papers.**

January 14 Management Council. The Management Council was provided a copy of the position papers for the 2009 Division II Business Session. No action was taken.

January 15 Presidents Council. No action was necessary.

**d. Procedural Issues Memorandum and Question and Answer Document.**

January 14 Management Council. The Management Council endorsed the procedural issues memorandum and the question and answer document, with the modifications noted above, and directed the staff to distribute these documents to the membership prior to the 2009 Division II Business Session.

January 15 Presidents Council. The Presidents Council endorsed both documents.

**e. Noncontroversial Legislation Per Constitution 5.3.1.1.1.**

January 14 Management Council. The Management Council approved the noncontroversial proposals, as presented.

January 15 Presidents Council. No action was necessary.

**f. Administrative Regulations.**

January 14 Management Council. The Management Council recommended that the Presidents Council approve in legislative format those administrative regulations that had previously been approved in concept.

January 15 Presidents Council. The Presidents Council approved the administrative regulations, as presented.

**g. 2009 Convention Schedule and Programs.**

January 14 Management Council. The Management Council reviewed the proposed schedule and programs for the 2009 Convention. No formal action was taken.

January 15 Presidents Council. The Presidents Council reviewed the proposed schedule and programs for the 2009 Convention. No formal action was taken.

**h. Joint Management Council/Presidents Council Meeting Evaluation.**

January 17 Management Council. The Management Council discussed the joint meeting of the Management Council and Presidents Council, held Thursday, January 15. Suggestions were made for future joint meetings; no formal action was taken.

**i. Convention Wrap Up.**

January 17 Management Council. The Management Council met with the NCAA Convention management staff to discuss general operations, education sessions and to provide overall suggestions for the 2010 Convention. No formal action was taken.

**7. DIVISION II MANAGEMENT COUNCIL.**

**a. Committee and Project Team Assignments.**

January 14 Management Council. The Management Council reviewed the assignments for Division II committees and project teams. No formal action was taken.

January 17 Management Council. The Management Council reviewed the committee, project team and mentor assignments for 2009, particularly those that involved new member representatives and their mentors. The Council also reviewed the terms of office for all Council members. No formal action was taken.

**b. Student-Athlete Development Conference.**

January 14 Management Council. The Management Council received information on the registration process for the 2009 NCAA National Student-Athlete Development Conference. Council members were encouraged to nominate student-athletes for the

conference and to encourage other conference members to nominate student-athletes. No formal action was taken.

**c. Division II Membership Fund.**

January 14 Management Council. The Management Council received information on the Division II Membership Fund application and deadlines. Applications for 2009 are due April 10 and September 16. The online application may be found on the Division II homepage. No formal action was taken.

**d. Management Council Recognitions.**

January 14 Management Council. The Management Council recognized the service of those members whose terms would expire at the conclusion of the 2009 Division II Business Session: Debbie Chin, director of athletics, University of New Haven; Donna Fields, senior woman administrator, St. Mary's University; Gene Hermitte, faculty athletics representative, Johnson C. Smith University; John Mansuy, faculty athletics representative, Wheeling Jesuit University; and Dan Mara, commissioner, Central Atlantic Collegiate Conference.

**8. DIVISION II PRESIDENTS COUNCIL.**

**a. Vice-Chair Report.** Dr. Pitts updated the Council on the new committee and project team assignments and the discussions by the Division II Planning and Finance Committee concerning the alignment of the Division II enhancement fund distribution formula with the division's strategic positioning platform, indicating that the enhancement fund would be a major topic for discussion at the business session Saturday. No formal action was taken.

**b. Vice President's Report.** The vice president for Division II updated the Council on the game environment Web site and pledges received, as well as the meeting with the chairs of Division II conferences Wednesday, April 29. Topics for discussion could include: gender equity; economic conditions and dashboards; partnerships between the athletics department and other departments on campus. The director of Division II updated the Council on the Division II purchasing Web site and the new purchasing catalog. No formal action was taken.

**c. Media Advisory Group.**

January 14 Management Council. The Management Council received information on a recommendation from the Media Advisory Group to the Presidents Council regarding a plan to extend the television initiative for at least two more years. No action was taken.

January 15 Presidents Council. The Presidents Council approved a plan to extend the Division II national television initiative for at least two more years, through 2010-11.

The Council noted the benefits of broadcasting Division II athletics nationally and the number of messaging opportunities made available on a national platform.

**d. Presidents Council Recognitions.**

Presidents Council. The Presidents Council recognized the service of those members whose terms would expire at the conclusion of the 2009 Division II Business Session: David Danahar, Southwest Minnesota State University; Antoine Garibaldi, Gannon University; and Eddie Moore Jr., Virginia State University.

**9. NATIONAL OFFICE STAFF UPDATES.**

**a. Gender Initiatives and Education Opportunities in Division II.**

January 14 Management Council. Karen Morrison, NCAA director of gender initiatives, presented to the Management Council an update on gender equity, pursuant to the presentation made to the Presidents Council in October. The Management Council was informed that the Presidents Council has undertaken discussions to provide greater awareness of gender-equity issues within the division, along with the tools and resources available to member schools. The Division II Management Council will continue to promote gender-equity awareness among Division II athletics administrators, faculty and coaches. The Management Council also believes gender-equity education deserves greater attention from an Association-wide perspective.

**b. Division II Purchasing Web Site and Catalog.**

January 14 Management Council. The Management Council viewed a presentation on the purchasing Web site and received an advance copy of the purchasing catalog. It was noted that each active Division II school and conference has been issued a \$1,000 credit that must be used not later than June 30, 2009. All purchases should be made through the Division II purchasing Web site. No formal action was taken.

**c. Update on 2009 Winter Division II National Championships Festival.**

January 14 Management Council. The Management Council was updated on the upcoming winter festival, to be held March 10-14. No formal action was taken.

**d. Championships Travel Policies.**

January 14 Management Council. The Management Council was updated on the latest travel recommendations and policies for Division II championships. No formal action was taken.

January 15 Presidents Council. The Presidents Council was updated on the latest travel recommendations and policies for Division II championships. No formal action was taken.

**e. Community Engagement and Game Environment Initiatives.**

January 14 Management Council. The Management Council was given a community engagement update by Jill Willson, consultant, which included information on the Community Engagement Workshop in April and the Division II community engagement Award of Excellence. The Community Engagement Award recognizes achievement in building bridges to the community. Each Division II school and conference is eligible to submit its best community engagement activity and/or event.

The Council was also updated on the Game Environment Web site and Award of Excellence, as well as the banner program that the division is initiating. No formal action was taken.

**f. Graduation Rates and Academic Success Rate Data.**

January 14 Management Council. The Management Council was given a conference-by-conference breakdown of the Division II academic success rates and the federal graduation rates. No formal action was taken.

**10. FUTURE MEETINGS.**

January 14 Management Council. The Management Council reviewed future meetings for 2009. No formal action was taken.

January 15 Presidents Council. The Presidents Council reviewed future meetings for 2009. No formal action was taken.

**11. OTHER BUSINESS.** The Councils went on record to send their best wishes to President Brand for a speedy recovery and to wish senior staff members good luck as they stand in for Dr. Brand over the next few months.

**11. ADJOURNMENT.**

January 14 Management Council. The Management Council meeting adjourned at 1:35 p.m.

January 15 Presidents Council. The Presidents Council meeting adjourned at 2:25 p.m.

January 17 Management Council. The Management Council adjourned at 2:45 p.m.

MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
INTERPRETATIONS SUBCOMMITTEE OF THE  
DIVISION II LEGISLATION COMMITTEE

Teleconference No. 9

November 3, 2008

Participants:

Marcus Grant, Central Intercollegiate Athletic Association  
Diana Kling, Peach Belt Conference  
Mark Linder, University of North Alabama  
Ann Martin, Regis University  
Frances Nee, Indiana University of Pennsylvania  
Jay Newton, University of Southern Indiana  
Jenn Fraser, NCAA, recording secretary  
Maritza Jones, NCAA  
Stephanie Quigg, NCAA

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the NCAA Interpretations Subcommittee of the Division II Legislation Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

1. Participation in Organized Competition Prior to Initial Collegiate Enrollment – Activities Constituting Use of Season – Exception – Postgraduate College Preparatory School Exception (II). The Interpretations Subcommittee of the NCAA Division II Legislation Committee confirmed that, participation while enrolled in a Collège d'Enseignement Général et Professionnel (CEGEP) program after completion of the prescribed academic path of a prospective student-athlete's home county would be considered a continuation of secondary school. Thus, the prospective student-athlete is not granted relief through the postgraduate college preparatory school exception. [References: NCAA Bylaws 14.2.4.2 (organized competition), 14.2.4.2.3 (activities constituting use of a season) and 14.2.4.2.3.4 (postgraduate college preparatory school exception)]
2. Participation in Organized Competition Prior to Initial Collegiate Enrollment – Activities Constituting Use of Season – Exception – Postgraduate College Preparatory School Exception (II). The Interpretations Subcommittee of the NCAA Division II Legislation

Committee decided to refer to the Foreign Student Records Committee (FSRC) the issue of whether this exception can be applied to foreign secondary educational systems. The issue will be discussed at the next FSRC meeting. [References: NCAA Bylaws 14.2.4.2 (organized competition), 14.2.4.2.3 (activities constituting use of a season) and 14.2.4.2.3.4 (postgraduate college preparatory school exception)]

# # # # #

MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
INTERPRETATIONS SUBCOMMITTEE OF THE  
DIVISION II LEGISLATION COMMITTEE

Teleconference No. 10

December 1, 2008

Participants:

Marcus Grant, Central Intercollegiate Athletic Association  
Diana Kling, Peach Belt Conference  
Ann Martin, Regis University  
Frances Nee, Indiana University of Pennsylvania  
Jay Newton, University of Southern Indiana  
Jenn Fraser, NCAA, recording secretary  
Maritza Jones, NCAA

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the NCAA Interpretations Subcommittee of the Division II Legislation Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

1. The Interpretations Subcommittee of the Division II Legislation Committee reversed a staff interpretation [Reference: 09/03/08, Item a] regarding advertising an institutional camp or clinic. The subcommittee did not agree with the interpretation and believed that an institution may decide how to advertise or promote an institutional camp or clinic, provided it is open to any and all entrants and not limited by anything other than number and age. [References: NCAA Bylaws 13.12.1.2 (attendance restriction).]
2. Student-Athletes Receiving Benefits Subsequent to Exhausting Eligibility. The Interpretations Subcommittee of the Division II Legislation Committee determined that it is permissible for a former student-athlete to receive a benefit of nominal value (e.g., meal, ride, overnight lodging) on an occasional basis from an institutional athletics representative or institutional staff members, provided the institution is not engaged in

recruiting any relative of the former student-athlete. [References: NCAA Bylaws 13.2.1 (general regulation), 16.02.3 (extra-benefit) and 16.11.1.1 (general rule)]

# # # # #

MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
INTERPRETATIONS SUBCOMMITTEE OF THE  
DIVISION II LEGISLATION COMMITTEE

Teleconference No. 11

December 15, 2008

Participants:

Marcus Grant, Central Intercollegiate Athletic Association  
Diana Kling, Peach Belt Conference  
Ann Martin, Regis University  
Frances Nee, Indiana University of Pennsylvania  
Jay Newton, University of Southern Indiana  
Jenn Fraser, NCAA, recording secretary  
Maritza Jones, NCAA

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the NCAA Interpretations Subcommittee of the Division II Legislation Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

1. Official National Team Tryouts and the National Team Exception to the Outside Competition Regulation. The Interpretations Subcommittee of the Division II Legislation Committee determined that in order for a student-athlete to use the U.S. National Team exception to the outside competition regulations to participate as a member of an outside team in an official national team or junior national team tryout, the official tryout must be one in which all student-athletes (as opposed to all athletes) are directly selected to a national team or are required to participate in order to qualify for a subsequent event from which participants will be named to a national team or junior national team that will represent their nation in international competition. The exception is applicable to an official tryout that is structured as a series of events in which student-athletes must participate in each event (or at least one event in each level) of the series in order to be selected to the national team. The exception does not apply to events in which student-athletes are only identified for further evaluation at unrelated events for a future national team. For example, the exception applies to an official tryout in which student-athletes

must participate in event A in order to participate in event B (or in one of several events at the event A level in order to participate at the event B level), and participants in event B are selected to the national team that will participate in international competition; however the exception does not apply to participation in event A if student-athletes are not selected to the national team or if participation in event A (or other events on the same level) is not required for participation in event B. [References: NCAA Bylaws 14.7.5.1-(d) (U.S. National Teams) and 30.8.1 (national-team criteria) and a January 27, 2007 official interpretation (Item No. 1), which has been archived.]

# # # # #

A G E N D A

The National Collegiate Athletic Association

Legislative Review Subcommittee of the

Division II Legislation Committee

NCAA National Office  
Indianapolis, Indiana

March 23, 2009

1. Welcome and announcements.
2. Legislative referrals.
  - a. Recruiting – Contacts and Evaluations – Banquets and Meetings – All Sports. [[Attachment A](#)] (Maritza Jones)
  - b. Recruiting – Official (Paid) Visit – Entertainment/Tickets on Official Visit – Student Host. [[Attachment B](#)] (Jones)
  - c. Recruiting – Printed Recruiting Materials – Electronic Transmissions – Electronic Transmissions during an Official Visit. [[Attachment C](#)] (Stephanie Quigg)
  - d. Recruiting – Sports Camps and Clinics – Institution's Sports Camps and Clinics – Recruiting Calendar Exceptions. [[Attachment D](#)] (Jones)
  - e. Recruiting – Admissions and Graduation Data, Banned Drug List and Initial-Eligibility Standards. [[Attachment E](#)] (Jenn Fraser)
3. Incorporation of interpretations. [[Attachment F](#)] (Fraser)
4. Division II editorial revisions. [[Attachment G](#)] (Fraser)
5. Review of recently adopted Division I editorial revisions. [[Attachment H](#)] (Jones)
6. Review of recently adopted Division III editorial revisions. [[Attachment I](#)] (Fraser)
7. Other business.
8. Adjournment.

**NCAA Bylaw 13.1.9 – Recruiting – Contacts and Evaluations – Banquets and Meetings –  
All Sports**

**Issue:**

Whether or not the NCAA Division II Legislation Committee should recommend sponsorship of legislation for the 2010 NCAA Convention to amend NCAA Bylaw 13.1.9 (banquets and meetings – all sports).

**History:**

Prior to 1998, NCAA recruiting legislation allowed a member of the basketball and football coaching staff to speak at a meeting or banquet outside the recruiting contact periods (except for dead periods) provided the following requirements were met: (1) the coach did not make a recruiting presentation in conjunction with the appearance; and (2) the coach did not have direct contact with any prospective student-athlete in attendance.

In January 1998, the Division II membership adopted NCAA Proposal No. I-1998-3. This proposal was the result of the incorporation of two different official interpretations [References: 12/12/1994, Item No. 20; and 6/4/1996, Item No. 3]. This proposal modified the rule regarding banquets and meetings for football and basketball and created a different rule for all other sports. The rule for football and basketball allowed a member of the coaching staff to speak at a meeting or banquet outside the recruiting contact periods provided the same requirements listed above were met. However, for speaking engagements at a prospective student-athlete's educational institution during the contact period, football and basketball coaches who spoke at a meeting or banquet would use an evaluation for each prospective student-athlete in the coach's sport.

For all sports other than football and basketball, the new legislation allowed coaches to speak at a meeting or banquet (except for dead periods) at a prospective student-athlete's educational institution without using one of the institution's permissible contacts or evaluations, provided the following requirements were met: (1) the meeting or banquet was initiated and conducted by the educational institution; (2) the coach did not make a recruiting presentation in conjunction with the appearance; (3) the coach did not have any direct contact with any prospect in attendance; and (4) the coach did not engage in any evaluation activities at the educational institution. The new rule, however, was silent as to the requirements for coaches' speaking engagements at a meeting or banquet that did not take place at a prospective student-athlete's educational institution.

**Analysis:**

The rule remained the same until 2007, when the Division II membership adopted Proposal No. 2007-5. The new rule applies to all sports and it allows a coach to speak at a meeting or banquet and have contact with prospective student-athletes, provided: (1) the coach does not make a

recruiting presentation in conjunction with the appearance; (2) the meeting or banquet is initiated and conducted by the educational institution (e.g., high school); (3) the contact is not for the purpose of securing the enrollment or ultimate participation of the prospective student-athlete(s) in the institution's intercollegiate athletics program; and (4) the meeting or banquet does not take place during a dead period. This new rule, however, deleted the provision that these requirements only applied to coach's speaking engagements at a prospective student-athlete's educational institution.

In January 2009, the NCAA academic and membership affairs staff received a question regarding whether a Division II coach could speak at an event that was initiated and conducted by an entity other than an educational institution. The event in question was hosted by a professional sports association and it was intended to be a seminar on collegiate programs for the specific sport. The program provided information for boys and girls in high school who may be interested in playing the sport at the college level. Among the topics to be presented were: NCAA clearinghouse, NCAA rules and regulations, grades, resumes and videos, the recruiting process, etc. There was no charge for the seminar and parents were also encouraged to attend.

The staff responded that the current Division II rule only allows a coach to speak at a meeting or banquet provided the meeting or banquet is initiated and conducted by an educational institution (e.g., high school) and; therefore, a coach could not speak at a meeting or banquet initiated by a professional sports association. However, the staff indicated that it would ask the Legislation Committee to review the issue to determine whether an amendment to the legislation is appropriate.

The proposed concept would specify that in all sports, a coach may speak at a meeting or banquet (regardless of whether it is initiated or conducted at a prospective student-athlete's educational institution) without using one of the institution's permissible contacts or evaluations, provided the coach does not make a recruiting presentation in conjunction with the appearance, the coach does not have any direct contact with any prospective student-athlete (or the prospective student-athlete's relatives or legal guardians) in attendance, the coach does not engage in any evaluation activities, and the meeting or banquet does not take place during a dead period.

The concept would also specify that in all sports, a coach may speak at a meeting or banquet in conjunction with a community engagement activity, and have contact with prospective student-athletes, provided the coach does not make a recruiting presentation in conjunction with the appearance, the contact is not for the purpose of securing the enrollment or ultimate participation of the prospective student-athlete(s) in the institution's intercollegiate athletics program, and the meeting or banquet does not take place during a dead period.

**Conclusions:**

1. The Legislation Committee **recommends** that the NCAA Division II Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.1.9, effective August 1, 2010.
2. The Legislation Committee **does not recommend** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.1.9.

**Associated References:**

**Division II Bylaw**

**13.1.9 Banquets and Meetings – All Sports.** In all sports, a coach may speak at a meeting or banquet and have contact with prospective student-athletes, provided:

- (a) The coach does not make a recruiting presentation in conjunction with the appearance;
- (b) The meeting or banquet is initiated and conducted by the educational institution (e.g., high school);
- (c) The contact is not for the purpose of securing the enrollment or ultimate participation of the prospective student-athlete(s) in the institution's intercollegiate athletics program; and
- (d) The meeting or banquet does not take place during a dead period.

**Division II Interpretations (Archived)**

**Coaches Attending Banquets or Meetings at Prospect's Educational Institution During Contact Period**

**Archived Interpretation**

Date Issued: June 4, 1996

Date Published: June 4, 1996

Item Ref: 3

Archive Info: Archived Before Sept 2000

Interpretation:

3. Coaches Attending Banquets or Meetings at Prospect's Educational Institution During **Contact** Period: The committee reviewed the issue of coaches speaking at a banquet or meeting at a prospect's educational institution during the **contact** period and determined the following:

a. In Division I basketball, an institution's basketball coaching staff member who speaks at a meeting or banquet at a prospect's educational institution during the **contact** period uses the institution's once-per-week visit to a prospect's educational institution during a **contact** period and also uses an evaluation for all basketball prospects at that educational institution. The coach does not use a **contact**, provided he or she does not make a recruiting presentation in conjunction with the appearance and has no direct **contact** with any prospect (or the prospect's parents) in attendance.

b. In Division II football and basketball, an institution's coaching staff member who speaks at a meeting or banquet at a prospect's educational institution during the **contact** period uses an evaluation for each prospect in the coach's sport. The coach does not use a **contact**, provided he or she does not make a recruiting presentation in conjunction with the appearance and has no direct **contact** with any prospect (or the prospect's parents) in attendance.

c. In Divisions I and II sports other than football and basketball, a coach may speak at a meeting or banquet at a prospect's educational institution without using one of the institution's permissible contacts or evaluations, provided:

- (1) The meeting or banquet is initiated and conducted by the educational institution;
- (2) The coach does not make a recruiting presentation in conjunction with the appearance;
- (3) The coach does not have any direct **contact** with any prospect (or the prospect's parents) in attendance; and
- (4) The coach does not engage in any evaluation activities at the educational institution.

[References: 13.02.3 (**contact**); 13.02.6 (evaluation); 13.1.4.1 (banquets and meetings); 13.1.5.1 [visit to prospect's educational institution -- Division I (football and basketball)]; 13.1.7 (permissible number of contacts); 13.1.9.1 (visit without **contact** to prospect's educational institution); and IC 12/12/94, Item No. 20]

### **Institution's Football Coach Attending Banquet During a Contact Period**

#### **Archived Interpretation**

Date Issued: December 12, 1994

Date Published: December 12, 1994  
Item Ref: 20

Archive Info: Archived Before Sept 2000  
Interpretation:

I-A/I-AA 20. Institution's Football Coach Attending Banquet During a Contact Period: In Divisions I-A and I-AA, an institution's football coaching staff member, who speaks at a meeting or banquet at a prospect's educational institution during the contact period, uses one of the institution's seven in-person, off-campus recruiting contacts per prospect and also uses the institution's once-per-week visit to a prospect's educational institution during a contact period. [References: 13.02.3.1 (visit to a prospect's educational institution -- Divisions I-A and I-AA football), 13.1.4.1 (banquets and meetings), 13.1.7 (permissible number of contacts) and 13.1.9.1 [visit (without contact) to prospect's educational institution] and IC 02/11/93, Item No. 4]

### **Division II Proposals**

#### **Proposal No. I-1998-3**

#### **BANQUETS AND MEETINGS**

Convention Year: 1998

Date Submitted: May 20, 1997

Status: Adopted

Effective Date:

IPOPL Number: na

SPOPL Number: na

Official Notice Number: I-1998-3

Source: Former NCAA Interpretations Committee (December 12, 1994, Item No. 20; and June 4, 1996, Item No. 3).

Proposal Category: Incorporation

Topical Area: Recruiting

Status: Adopted

Intent:

A. Bylaws: Amend 13.1 by adding new 13.1.11, as follows:

[Division II]

#### **"13.1.11 Banquets and Meetings.**

**"(a) All Sports Other Than Football or Basketball. In Division II sports other than football and basketball, the coach may speak at a meeting or banquet (except for dead periods per**

**Bylaw 13.02.4.4) at a prospect's educational institution without using one of the institution's permissible contacts or evaluations, provided:**

**"(1) The meeting or banquet is initiated and conducted by the educational institution;**

**"(2) The coach does not make a recruiting presentation in conjunction with the appearance;**

**"(3) The coach does not have any direct contact with any prospect (or the prospect's parents) in attendance; and**

**"(4) The coach does not engage in any evaluation activities at the educational institution.**

**"(b) Football and Basketball**

**"(1) During a Contact Period. In Division II football and basketball, an institution's coaching staff member, who speaks at a meeting or banquet at a prospect's educational institution during the contact period, uses an evaluation for each prospect in the coach's sport. The coach does not use a contact, provided he or she does not make a recruiting presentation in conjunction with the appearance and has no direct contact with any prospect (or the prospect's parents) in attendance.**

**"(2) Outside a Contact Period. A member of the basketball or football coaching staff may speak at a meeting or banquet outside the recruiting contact periods (except for dead periods per Bylaw 13.02.4.4), provided:**

**"(i) The coach does not make a recruiting presentation in conjunction with the appearance; and**

**"(ii) The coach does not have direct contact with any prospect in attendance.**  
**"13.1.11.1 Postseason Bowl Game Exception. A coach may speak at or attend a meeting or banquet (at which prospects are in attendance) in conjunction with the institution's appearance in a postseason contest that occurs during a dead period only if the meeting or banquet is open to the general public, it is a scheduled activity associated with the contest and the coach does not make a recruiting presentation or have any direct contact with prospects in attendance."**

B. Bylaws: Amend 13.1.4.1, pages 80-81, as follows:

[Division II]

~~"13.1.4.1 Banquets and Meetings. A member of the basketball or football coaching staff may speak at a meeting or banquet outside the recruiting contact periods (except for dead periods per Bylaw 13.02.4.4), provided:~~

~~"(a) The coach does not make a recruiting presentation in conjunction with the appearance; and~~

~~"(b) The coach does not have direct contact with any prospect in attendance.~~

~~"13.1.4.1.1 Postseason Bowl Game Exception. A coach may speak at or attend a meeting or banquet (at which prospects are in attendance) in conjunction with the institution's appearance in a postseason contest that occurs during a dead period only if the meeting or banquet is open to the general public, it is scheduled activity associated with the contest and the coach does not make a recruiting presentation or have any direct contact with prospects in attendance."~~

**Proposal No. 2007-5 (Note: Portions of this proposal not related to banquets and meetings were deleted)**

**RECRUITING AND AWARDS AND BENEFITS -- STRATEGIC POSITIONING AND COMMUNITY ENGAGEMENT INITIATIVES**

Convention Year: 2007

Date Submitted: August 9, 2006

Status: Adopted

Effective Date: August 1, 2007

IPOPL Number: na

SPOPL Number: 10

Official Notice Number: 2007-5

Source: NCAA Division II Presidents Council (Management Council [Community Advisory Group]).

Proposal Category: Presidents Council

Topical Area: Recruiting

Status: Adopted

Intent:

To establish an environment for strategic positioning and community engagement activities, as follows: (1) Define a community engagement activity; (2) Specify that the recruiting regulations do not apply when institutional staff members (including spouses and other family members), representatives of the institution's athletics interests and student-athletes are engaged in community engagement activities with prospective student-athletes, as specified; (3) Specify that

an enrolled student-athlete may have contact with a prospective student-athlete, including off-campus, in-person contact, written or electronically transmitted correspondence and telephone contact, at any time, provided the contact is not at the direction of a coaching staff member or a representative of the institution's athletics interests; (4) Permit a spouse, other family members (e.g., children) and a significant other of an institutional staff member to have contact with a prospective student-athlete either on or off campus and on an official visit within the locale of the institution; (5) Amend the meeting or banquet legislation for all sports, as specified; (6) Specify that an institution may advertise or promote its community engagement activities in any publication; (7) Permit an institution or conference to donate used athletics and nonathletics equipment to high schools, as specified; (8) Permit an institution to provide actual and necessary expenses to student-athletes for participation in community engagement activities; (9) Permit a community organization or entity to provide actual and necessary expenses to student-athletes for participation in community engagement activities; and (10) Permit an institution or an entity within the institution's community to recognize student-athletes for their community engagement achievements, as specified.

D. Bylaws: Amend 13.1.9, page 81, as follows:

[Roll Call]

**"13.1.9 Banquets and Meetings -- All Sports. In all sports, a coach may speak at a meeting or banquet and have contact with prospective student-athletes, provided:**

**"(a) ~~All Sports Other Than Football or Basketball. In sports other than football and basketball, the coach may speak at a meeting or banquet (except for dead periods per Bylaw 13.02.3.4) at a prospective student athlete's educational institution without using one of the institution's permissible contacts or evaluations, provided~~The coach does not make a recruiting presentation in conjunction with the appearance;**

**~~"(1) The meeting or banquet is initiated and conducted by the educational institution;~~**

**~~"(2) The coach does not make a recruiting presentation in conjunction with the appearance;~~**

**~~"(3) The coach does not have any direct contact with any prospective student athlete (or the prospective student athlete's relatives or legal guardians) in attendance; and~~**

**~~"(4) The coach does not engage in any evaluation activities at the educational institution.~~**

**"(b) ~~Football and Basketball~~ The meeting or banquet is initiated and conducted by the educational institution (e.g., high school);**

~~"(1) During a Contact Period. In football and basketball, an institution's coaching staff member who speaks at a meeting or banquet at a prospective student athlete's educational institution during the contact period, uses an evaluation for each prospective student athlete in the coach's sport. The coach does not use a contact, provided he or she does not make a recruiting presentation in conjunction with the appearance and has no direct contact with any prospective student athlete (or the prospective student athlete's parents) in attendance.~~

~~"(2) Outside a Contact Period. A member of the basketball or football coaching staff may speak at a meeting or banquet outside the recruiting contact periods (except for dead periods per Bylaw 13.02.3.4), provided:~~

~~"(i) The coach does not make a recruiting presentation in conjunction with the appearance; and~~

~~"(ii) The coach does not have direct contact with any prospective student athlete in attendance.~~

**"(c) The contact is not for the purpose of securing the enrollment or ultimate participation of the prospective student-athlete(s) in the institution's intercollegiate athletics program; and**

**"(d) The meeting or banquet does not take place during a dead period."**

Rationale:

Following the Division II Chancellors and Presidents Summit in June 2005, the Division II Presidents Council agreed to implement a comprehensive study related to the defining characteristics and key attributes of the division. The ultimate objective of this study was to clarify the division's strategic position and; thus, provide Division II institutions with an opportunity to celebrate who we are, what we believe in and why we do the things we do. Research data indicates that a priority for Division II should be to increase support in the local community. A component of the Division II strategic position is community engagement. Recruiting and awards and benefits regulations should not prohibit an institution, representatives of an institution's athletics interests, student-athletes and prospective student-athletes from participating in legitimate, organized and predetermined community engagement activities. The proposed changes to Bylaws 13 and 16 enhance the ability of institutions, representatives of their athletics interests, student-athletes and prospective student-athletes to get involved with and give back to the community. Therefore, the amendments to some of the recruiting and awards and benefits legislation are necessary to support and promote community engagement. It is advantageous to the entire Division II membership to permit institutions to be involved in the community. It is paramount to eliminate some of the "red tape" legislation that currently prevents

the membership from doing so. Finally, it is in the spirit of the Division II environment to allow each member's own policies and procedures to govern community engagement, where possible.

Review History:

*June 1, 2006:* Recommended Concept - Community Advisory Group

*July 18, 2006:* Approved in Concept - Management Council

*August 3, 2006:* Approved in Concept - Presidents Council

*August 30, 2006:* Approved in Legislative Format - Administrative Subcommittee Review

Convention Vote:

*Date of Vote:* January 8, 2007

*Vote Type:* Electronic Machine

For: 255 Against: 3 Abstain: 2

**NCAA Bylaw 13.6.6.5 – Recruiting – Official (Paid) Visit – Entertainment/Tickets on  
Official Visit – Student Host**

**Issue:**

Whether or not the NCAA Division II Legislation Committee should recommend sponsorship of legislation for the 2010 NCAA Convention to amend NCAA Bylaw 13.6.6.5 (student host).

**Analysis:**

Under the current Division II rule, an institution may provide a complimentary meal to a student host entertaining a prospective student-athlete, provided the student host is accompanying the prospective student-athlete during the prospective student-athlete's official visit.

In December 2008, the NCAA academic and membership affairs staff received a question regarding whether a student host could receive more than one complimentary meal while accompanying a prospective student-athlete during the prospective student-athlete's official visit.

After reviewing the history of the legislation, the staff concluded that student hosts are only allowed to receive one complimentary meal while accompanying a prospective student-athlete during the prospective student-athlete's official visit, even if the student host accompanies the prospective student-athlete on more than one meal or more than one day. However, the staff indicated that it would ask the Legislation Committee to review the issue to determine whether an amendment to the legislation is appropriate.

In February 2009, Division I amended its student-host legislation (see Division I Proposal No. ER-2009-6) to clarify that a student host may receive a complimentary meal or a complimentary admission to a campus athletics event each time he or she accompanies a prospective student-athlete to a meal or campus athletics event, respectively, during the prospective student-athlete's official visit.

Should Bylaw 13.6.6.5 be amended to specify that a student host may receive a complimentary meal each time he or she accompanies a prospective student-athlete to a meal during the prospective student-athlete's official visit? Should this same concept apply to complimentary admissions to campus athletics events?

**Conclusions:**

1. The Legislation Committee **recommends** that the NCAA Division II Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.6.6.5 to specify that a student host may receive a complimentary meal or a complimentary admission to a campus athletics event each time he or she accompanies a prospective student-athlete to a meal or campus athletics event, respectively, during the prospective student-athlete's official visit, effective August 1, 2010.

2. The Legislation Committee **does not recommend** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.6.6.5.

**Associated References:**

**Division II Bylaw**

**13.6.6.5 Student Host.** The institution may provide the following to a student host entertaining a prospective student-athlete:

- (a) A maximum of \$30 for each day of the visit to cover all actual costs of entertaining the prospective student-athlete (and the prospective student-athlete's relatives or legal guardians), excluding the cost of meals and admission to campus athletics events. These funds may not be used for the purchase of souvenirs such as T-shirts or other institutional mementos. It is permissible to provide the student host with an additional \$15 per day for each additional prospective student-athlete the host entertains;
- (b) A complimentary meal, provided the student host is accompanying the prospective student-athlete during the prospective student-athlete's official visit; and
- (c) A complimentary admission to a campus athletics event, provided the ticket is used to accompany a prospective student-athlete to that event during the prospective student-athlete's official visit.

**Division I Proposal**

ER-2009-6

RECRUITING -- OFFICIAL VISIT -- ENTERTAINMENT/TICKETS ON OFFICIAL VISIT --  
STUDENT HOST

Status: Adopted - Final

Bylaws: Amend 13.6.7.5, as follows:

**13.6.7.5 Student Host.** The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. The institution may provide the following to a student host entertaining a prospective student-athlete:

[13.6.7.5-(a) unchanged.]

(b) ~~A complimentary meal~~ **Complimentary meals**, provided the student host is accompanying the prospective student-athlete during the prospective student-athlete's official visit; and

(c) ~~A complimentary admission~~ **Complimentary admissions** to a campus athletics ~~event~~ **events**, provided the ~~ticket is~~ **admissions are** used to accompany a prospective student-athlete to ~~that event~~ **the events** during the prospective student-athlete's official visit.

Source: NCAA Staff.

Effective Date: Immediate

Proposal Category: Editorial

Topical Area: Recruiting

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#### History

Feb 23, 2009: Submit; Submitted for consideration.

Feb 23, 2009: Adopted; This revision clarifies that a student host may receive a complimentary meal or a complimentary admission to a campus athletics event each time he or she accompanies a prospective student-athlete to a meal or campus athletics event, respectively, during the prospective student-athlete's official visit.

#### **Division I Bylaw**

**13.6.7.5 Student Host.** The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. The institution may provide the following to a student host entertaining a prospective student-athlete:

(a) A maximum of \$30 for each day of the visit to cover all actual costs of entertaining the student host(s) and the prospective student-athlete (and the prospective student-athlete's parents, legal guardians or spouse), excluding the cost of meals and admission to campus athletics events. The cost of entertainment of the institution's athletics department staff members who accompany the prospective student-athlete is also excluded. If an athletics department staff member serves as the prospective student-athlete's host, his or her entertainment costs must be included in the entertainment allowance. The entertainment allowance may not be used for the purchase of souvenirs, such as T-shirts or other institutional mementos. It is permissible to provide the student host with an additional \$15 per day for each additional prospective student-athlete the host entertains;

(b) Complimentary meals, provided the student host is accompanying the prospective student-athlete during the prospective student-athlete's official visit; and

(c) Complimentary admissions to campus athletics events, provided the admissions are used to accompany a prospective student-athlete to the events during the prospective student-athlete's official visit.

**NCAA Bylaw 13.4.5 – Recruiting – Printed Recruiting Materials – Electronic  
Transmissions – Electronic Transmissions during an Official Visit**

**Issue:**

Whether the NCAA Division II Legislation Committee should recommend sponsorship of legislation for the 2010 NCAA Convention to amend NCAA Bylaw 13.4.5 (electronic transmissions).

**History:**

At the 2008 NCAA Convention, the membership adopted NCAA Division II Proposal No. 2008-4 (recruiting – printed recruiting materials – electronic transmissions – electronic transmissions following national letter of intent signing or other written commitment). The proposal specified that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles. The proposal further specified that after the calendar day on which a prospective student-athlete signs a National Letter of Intent (NLI), the institution with which the prospective student-athlete has signed shall be permitted to send other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging) in addition to electronic mail and facsimiles, and that for an institution not using the NLI in a particular sport, or for a prospective student-athlete who is not eligible to sign the NLI, the institution shall be permitted to send other forms of electronically transmitted correspondence in addition to electronic mail and facsimiles after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid.

**Analysis:**

Since the legislation in NCAA Bylaw 13.4.5 became effective in August 2008, the academic and membership affairs staff has been asked whether there is an exception to permit coaches and other institutional personnel to send prospective student-athletes other forms of electronically transmitted correspondence during the 48-hour period of an official visit (see Bylaw 13.6.3). The legislation clearly does not permit this type of communication to occur. However, while telephone calls and electronically transmitted correspondence are not considered to be the same type of communication, there is an exception to the telephone call legislation set forth in Bylaw 13.1.3.3.1. That legislation permits institutional staff members to make unlimited telephone calls to a prospect during the five days immediately prior to the prospect's official visit to that institution. Should Bylaw 13.4.5 be amended to specify that other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging) may be sent to a prospect during the 48-hours of an official visit? Should the legislation be amended similar to Bylaw 13.1.3.3.1?

### Conclusions:

1. The Legislation Committee **recommends** that the NCAA Division II Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.4.5, effective August 1, 2010.
2. The Legislation Committee **recommends** that the Management Council sponsor noncontroversial legislation to amend Bylaw 13.4.5, with an immediate effective date.
3. The Legislation Committee **does not recommend** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.4.5.

### Associated References:

### **RECRUITING -- PRINTED RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS -- ELECTRONIC TRANSMISSIONS FOLLOWING NATIONAL LETTER OF INTENT SIGNING OR OTHER WRITTEN COMMITMENT**

Convention Year: 2008

Date Submitted: August 20, 2007

Status: Adopted [Process Diagram](#)

Effective Date: August 1, 2008

IPOPL Number: na

SPOPL Number: 5

Official Notice Number: 2008-4

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

Proposal Category: Presidents Council

Topical Area: Recruiting

Status: Adopted

### Intent:

To specify that electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles; further, to specify that after the calendar day on which a prospective student-athlete signs a National Letter of Intent (NLI), the institution with which the prospective student-athlete has signed shall be permitted to send other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging) in addition to electronic mail and facsimiles, and that for an institution not using the NLI in a particular sport, or for a prospective student-athlete who is not eligible to sign the NLI, the institution shall be permitted to send other forms of electronically transmitted correspondence in

addition to electronic mail and facsimiles after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid.

A. Bylaws: Amend 13.02.12, as follows:

[Roll Call]

13.02.12 Telephone Calls. ~~Facsimiles and other~~ **All electronically transmitted ~~correspondence~~ human voice exchange (including videoconferencing and videophones) shall ~~not~~ be considered telephone calls. Any other form of electronically transmitted correspondence (e.g., electronic mail, facsimiles) shall not be considered telephone calls (see Bylaw 13.4).**

B. Bylaws: Amend 13.4, as follows:

[Roll Call]

#### 13.4 RECRUITING MATERIALS.

[13.4.1 through 13.4.4 unchanged.]

**13.4.5 Electronic Transmissions. Electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles. All other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging) are prohibited. Color attachments may be included with electronic mail correspondence sent to a prospective student-athlete, provided the attachment does not include any animation, audio or video clips and there is no cost (e.g., subscription fee) associated with sending the item attached to the electronic mail correspondence.**

**13.4.5.1 Electronic Transmissions Following National Letter of Intent Signing or Other Written Commitment. After the calendar day on which a prospective student-athlete signs a National Letter of Intent, the institution with which the prospective student-athlete has signed shall be permitted to send other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging) in addition to electronic mail and facsimiles to the prospective student-athlete. For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer), the institution shall be permitted to send other forms of electronically transmitted correspondence in addition to electronic mail and facsimiles after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid.**

Rationale:

The unlimited use of certain forms of electronic communication, such as instant and text messaging, to contact prospective student-athletes has become problematic. Coaches feel compelled to contact prospective student-athletes constantly, prospective student-athletes are distracted all hours of the day and night, and prospective student-athletes and their parents are bearing the significant costs involved with receiving text messages. In addition, instant and text messaging further removes the parents and high school coaches from the recruiting process. Prohibiting institutions from sending these intrusive and impersonal forms of electronic communication to prospective student-athletes and returning to the use of weekly telephone conversations, electronic mail sent to computers and written correspondence will reduce the burdens that have been created with the overuse of text messaging sent to cell phones and other portable electronic communication devices. This proposal would also establish an exception that would be similar to the current exception regarding unlimited telephone calls after a written commitment. This would allow institutions to use instant messaging and text messaging after the signing of the National Letter of Intent or other written commitment for the day-to-day aspects of pre-enrollment activities while still maintaining the integrity of the recruiting process (e.g., sending a text message reminder to a signed prospective student-athlete that an admissions application is due, sending a message that the NCAA Eligibility Center is missing test scores).

Convention Vote:

*Date of Vote:* January 14, 2008

*Vote Type:* Electronic Machine

For: 247 Against: 23 Abstain: 0

**13.1.3.3.1 - Official-Visit Exception.**

Institutional staff members may make unlimited telephone calls to a prospective student-athlete during the five days immediately before the prospective student-athlete's official visit (per Bylaw 13.6) to that institution. (*Adopted: 1/10/92*)

**13.6.3 - Length of Official Visit.**

An official visit to an institution shall not exceed 48 hours. A prospective student-athlete may remain in the locale in which the institution is located after the permissible 48-hour period for reasons unrelated to the official visit, provided that at the completion of the 48-hour visit, the individual departs the institution's campus, and the institution does not pay any expenses thereafter, including the cost of return transportation to the prospective student-athlete's home. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. Additionally, if the prospective student-athlete does not return home before attending the institution, the one-way transportation to the campus would be considered a violation of Bylaw

13.5.4, which prohibits transportation to enroll. (*Revised: 1/9/96 effective 8/1/96, 1/10/05*)

#### **13.4.5 - Electronic Transmissions.**

Electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail and facsimiles. All other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging, message boards) are prohibited. Color attachments may be included with electronic mail correspondence sent to a prospective student-athlete, provided the attachment does not include any animation, audio or video clips and there is no cost (e.g., subscription fee) associated with sending the item attached to the electronic mail correspondence. (*Adopted: 1/14/08 effective 8/1/08*)

##### **13.4.5.1 - Electronic Transmissions Following National Letter of Intent Signing or Other Written Commitment.**

After the calendar day on which a prospective student-athlete signs a National Letter of Intent, the institution with which the prospective student-athlete has signed shall be permitted to send other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging, message boards) in addition to electronic mail and facsimiles to the prospective student-athlete. For an institution not using the National Letter of Intent in a particular sport, or for a prospective student-athlete who is not eligible to sign a National Letter of Intent (e.g., four-year college transfer), the institution shall be permitted to send other forms of electronically transmitted correspondence in addition to electronic mail and facsimiles after the calendar day on which the prospective student-athlete signs the institution's written offer of admission and/or financial aid. (*Adopted: 1/14/08 effective 8/1/08*)

##### **13.4.5.2 - Effect of Violation.**

A violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the prospective student-athlete's eligibility. (*Adopted: 10/21/08 for any violation occurring on or after 8/1/08*)

#### **Educational Column - 1 Educational Column**

**Title :** Recruiting -- Electronic Transmissions -- Social Networking Web Sites (II)

**Item Ref :** 1

**Date Issued:** November 18, 2008

**Date Published:** November 19, 2008

**Educational Column:**

NCAA Division II institutions should note that pursuant to NCAA Bylaws 13.4.1 and 13.4.5 an institution may send electronically transmitted correspondence to a prospective student-athlete beginning September 1 at the beginning of the prospective student-athlete's junior year in high school. Further, electronically transmitted correspondence that may be sent to a prospective student-athlete is limited to electronic mail (e-mail) and facsimiles until after the calendar day on which a prospective student-athlete signs a National Letter of Intent. All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited.

Institutions should note that e-mail is not limited to a traditional e-mail service provided by an institution, Web site or Internet service provider. Therefore, it is permissible for an athletics department staff member to send electronically transmitted correspondence to a prospective student-athlete using a social networking Web site's (e.g., MySpace, Facebook) e-mail feature. All other electronically transmitted correspondence including, but not limited to, text messaging, Instant Messenger, chat rooms or message boards (e.g., a user's wall) within a social networking Web site or through other services or applications remain impermissible.

For example, a coaching staff member with a MySpace or Facebook account may send electronically transmitted correspondence to a prospective student-athlete's MySpace or Facebook account using the e-mail inbox feature located on that user's profile page. However, a coaching staff member may not send electronic correspondence to a prospective student-athlete via the comments feature on MySpace or the wall-to-wall feature on Facebook.

Institutions should also note that in accordance with Bylaw 13.10.2, 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, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. The institution may not comment generally about the prospective student-athlete's ability or the contribution that the prospective student-athlete might make to the institution's team; further, the institution is precluded from commenting in any manner as to the likelihood of the prospective student-athlete's signing with that institution.

Accordingly, it is permissible for a prospective student-athlete's name and/or picture to appear on an athletics department staff member's profile page of a social networking Web site to identify the prospective student-athlete as a "friend" of the athletics department staff member. Institutions should note that the identification of the prospective student-athlete as a "friend" on an athletics staff members profile page confirms only the institution's potential recruitment of that individual. However, institutions are reminded they may not make any public comments about the prospective student-athlete's ability, the contribution that the prospective student-athlete might make to the institution's team or the likelihood of the prospective student-athlete's

signing with that institution.

[References: Bylaws 13.4.1 (printed recruiting materials) 13.4.5 (electronic transmissions), 13.4.5.1 (electronic transmissions following National Letter of Intent signing or other written commitment) and 13.10.2 (comments before signing)]

### **Educational Column - 1 Educational Column**

**Title :** Prospective Student-Athlete Not Eligible to Sign a National Letter of Intent (I/II)

**Item Ref :** 1

**Date Issued:** October 13, 2008

**Date Published:** October 14, 2008

#### **Educational Column:**

NCAA Division I and II institutions are reminded that legislation related to a prospective student-athlete who is not eligible to sign a National Letter of Intent (NLI) does not apply to a prospective student-athlete who was otherwise eligible to sign an NLI, but did not sign an NLI by the end of the applicable NLI signing period. Legislation related to a prospective student-athlete who is not eligible to sign an NLI applies only to those individuals who are not eligible to sign an NLI during an applicable signing period, including transfers from four-year institutions, midyear transfers and prospective student-athletes who have been released from an NLI for the current academic year.

Therefore, a prospective student-athlete who was otherwise eligible to sign an NLI, but did not sign an NLI during an applicable NLI signing period continues to be subject to the standard regulations governing telephone calls, permissible callers, contacts and electronically transmitted correspondence after accepting an institution's written offer of admission or signing an institutional financial aid agreement.

For example, even after a prospective student-athlete signs an institutional financial aid agreement or accepts an institution's written offer of admission, an institution may not send a text message, or other electronically transmitted correspondence (except for e-mail and facsimile) to that prospective student-athlete if he or she was eligible to sign an NLI and chose not to sign an NLI during an applicable NLI signing period. Similarly, an institution may not make unlimited

telephone calls to such prospective student-athletes.

[References: NCAA Division I Bylaws 13.1.3.3.3 (telephone calls after national letter of intent signing or other written commitment), 13.1.3.4.1.2 (exception -- noncoaching staff member -- after national letter of intent signing or other written commitment), 13.1.6.8 (contacts after national letter of intent signing or other written commitment -- sports other than women's basketball and football), 13.1.6.8.1 (contacts after national letter of intent signing or other commitment -- women's basketball), 13.1.6.8.2 (contact after national letter of intent signing or other written commitment -- football), 13.1.7.2.2.2 (exception -- women's basketball -- communication after national letter of intent signing or other written commitment, and 13.4.1.2.1 (exception -- electronic transmissions after national letter of intent signing or other written commitment); Division II Bylaws 13.1.3.3.3 (telephone calls subsequent to national letter of intent signing or other written commitment) and 13.4.5.1 (electronic transmissions following national letter of intent signing or other written commitment); and a staff interpretation (7/22/08, Item No. 1)]

**NCAA Bylaw 13.12.1.3 – Recruiting – Sports Camps and Clinics – Institution's Sports  
Camps and Clinics – Recruiting Calendar Exceptions**

**Issue:**

Whether or not the NCAA Division II Legislation Committee should recommend sponsorship of legislation for the 2010 NCAA Convention to amend NCAA Bylaw 13.12.1.3 (recruiting calendar exceptions).

**Analysis:**

Under the current Division II rule, the interaction during sports camps and clinics between prospective student-athletes and those coaches employed by the camp or clinic is not subject to the recruiting calendar restrictions.

In September 2008, the NCAA academic and membership affairs staff received a question regarding whether it is permissible for a coach who is employed at a camp or clinic to recruit a prospective student-athlete attending such camp or clinic.

The staff noted that although the legislation states that the interaction between prospective student-athletes and those coaches employed by the camp or clinic is not subject to the recruiting calendar restrictions, it is silent as to whether recruiting activities can occur. However, the staff noted that a staff interpretation [Reference: 7/17/1992, item b] states that an institutional staff member employed in a private or institutional sports camp or clinic may make a general presentation regarding the recruiting process, provided the staff member does not make any reference to his or her institution and does not make a presentation designed to recruit prospect student-athletes in attendance.

In addition, the staff reviewed the legislation in Division I. The staff noted that the current rule in Division I specifically states that an institutional staff member employed at any camp or clinic is prohibited from recruiting any prospective student-athlete during the time period that the camp or clinic is conducted. This prohibition includes extending verbal or written offers of financial aid to any prospective student-athlete during his or her attendance at the camp or clinic. The legislation in Division I is the result of an incorporation of an official interpretation into the NCAA Division I Manual. However, this concept was not reviewed by Division II.

The staff responded that the current Division II rule does not preclude a coach who is employed at a camp or clinic from recruiting a prospective student-athlete attending such camp or clinic. However, the staff indicated that it would ask the Legislation Committee to review the issue to determine whether an amendment to the legislation (or an interpretation) is appropriate to clarify whether an institutional staff member who is employed at a camp or clinic may recruit a prospective student-athlete attending such camp or clinic.

The proposed legislative concept would specify that an institutional staff member employed at any camp or clinic (e.g., counselor, director) is prohibited from recruiting any prospective

student-athlete during the time period that the camp or clinic is conducted (from the time the prospective student-athlete reports to the camp or clinic until the conclusion of all camp activities). The concept would also specify that the prohibition against recruiting would also include extending verbal or written offers of financial aid to any prospective student-athlete during his or her attendance at the camp or clinic.

Provided below is the current rule in Division II and a staff interpretation [Reference: 7/17/1992, item b]. Also provided is the legislative history of the rule in Division I, which includes an official interpretation [Reference: 06/20/2001, Item No. 2], which was incorporated into the 2002-03 Division I Manual, and the current Division I rule.

### **Conclusions:**

1. The Legislation Committee **recommends** that the NCAA Division II Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.12.1.3 to specify that an institutional staff member employed at any camp or clinic (e.g., counselor, director) is prohibited from recruiting any prospective student-athlete during the time period that the camp or clinic is conducted (from the time the prospective student-athlete reports to the camp or clinic until the conclusion of all camp activities); further, to specify that the prohibition against recruiting includes extending verbal or written offers of financial aid to any prospective student-athlete during his or her attendance at the camp or clinic, effective August 1, 2010.
2. The Legislation Committee **does not recommend** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.12.1.3.

### **Associated References:**

#### **Division II Bylaw**

**13.12.1.3 Recruiting Calendar Exceptions.** The interaction during sports camps and sports clinics between prospective student-athletes and those coaches employed by the camp or clinic is not subject to the recruiting calendar restrictions. However, other coaches wishing to attend the camp as observers must comply with appropriate recruiting contact and evaluation periods. In addition, institutional camps or clinics may not be conducted during a dead period.

**Division II Staff Interpretation**

**Generic recruiting presentation at camps/clinics**

Date Issued: July 17, 1992  
Date Published: July 17, 1992  
Item Ref: b

Interpretation:

b. Generic Recruiting Presentation at Camps/Clinics: An institutional staff member (in sports other than Division I football and basketball) employed in a private or institutional sports camp or clinic may make a general presentation regarding the recruiting process, provided the staff member does not make any reference to his or her institution and does not make a presentation designed to recruit prospects in attendance. The staff noted that it would not be permissible to show institutional game films in this situation. [References: 13.13 (sports camps and clinics); 13.1.3 (recruiting calendars); 90/11/16 staff minutes, Item 1-b].

**Division I Official Interpretation**

**Institutional Staff Member Employed at Camp/Clinic-Recruiting Activities**

**Archived Interpretation**

Date Issued: June 20, 2001  
Date Published: June 20, 2001  
Item Ref: 2

Archive Info: Incorporated into manual by divisional interpretive body on 2/22/02 into Bylaw 13.13.1.3

Interpretation:

An institutional staff member employed at any camp or clinic (e.g., counselor, director) is prohibited from recruiting any prospect during the time period which the camp or clinic is conducted (i.e., from the time the prospect reports to the camp or clinic until the conclusion of all camp activities). The prohibition against recruiting includes extending verbal or written offers of financial aid to any prospect during his or her attendance at the camp or clinic.

**Excerpt of Official Interpretations to be Incorporated into the NCAA 2002-03 Division I Manual Approved by LR/IS February 22, 2002**

**(2) RECRUITING – CAMPS AND CLINICS**

Bylaws: Amend by 13.13.1.3, pages 116-117, as follows:

13.13.1.3 Recruiting Calendar Exceptions. The interaction during sports camps and sports clinics between prospects and those coaches employed by the camp or clinic is not subject to the recruiting calendar restrictions. However, **an institutional staff member employed at any camp or clinic (e.g., counselor, director) is prohibited from recruiting any prospect during the time period which the camp or clinic is conducted (i.e., from the time the prospects reports to the camp or clinic until the conclusion of all camp activities). The prohibition against recruiting includes extending verbal or written offers of financial aid to any prospect during his or her attendance at the camp or clinic.** Other coaches wishing to attend the camp as observers must comply with appropriate recruiting contact and evaluation periods. In addition, institutional camps or clinics may not be conducted during a dead period.

Source: NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Legislative Review Interpretations (June 20, 2001, Item No. 2).

**Division I Bylaw**

**13.12.1.3 Recruiting Calendar Exceptions.** The interaction during sports camps and clinics between prospective student-athletes and those coaches employed by the camp or clinic is not subject to the recruiting calendar restrictions. However, an institutional staff member employed at any camp or clinic (e.g., counselor, director) is prohibited from recruiting any prospective student-athlete during the time period that the camp or clinic is conducted (from the time the prospective student-athlete reports to the camp or clinic until the conclusion of all camp activities). The prohibition against recruiting includes extending verbal or written offers of financial aid to any prospective student-athlete during his or her attendance at the camp or clinic. Other coaches wishing to attend the camp as observers must comply with appropriate recruiting contact and evaluation periods. In addition, institutional camps or clinics may not be conducted during a dead period.

**NCAA Bylaw 13.3 – Recruiting – Admissions and Graduation Data, Banned Drug List and Initial-Eligibility Standards**

**Issue:**

Whether or not the NCAA Division II Legislation Committee should recommend sponsorship of legislation for the 2010 NCAA Convention to amend NCAA Bylaw 13.3 (admissions and graduation data, banned drug list and initial-eligibility standards).

**Analysis:**

Under the current Division II rule, institutions are not required to provide prospective student-athletes with information about Bylaw 14.2.4.2 (participation in organized competition or training prior to initial collegiate enrollment).

The academic and membership affairs staff has seen an increase in Committee for Legislative Relief (CLR) waivers filed for prospective student-athletes who triggered the organized competition legislation. In many of the waiver applications the mitigation for relief is lack of knowledge of the legislation on the part of the prospective student-athlete due to the member institution not providing education about the legislation during the recruiting process.

CLR operates under the guideline that lack of knowledge does not warrant relief of the legislation. However, when it is determined that the prospective student-athlete could have been safe from the legislation had the proper education by the member institution occurred, CLR has provided relief. When the institution is found to be culpable, a letter is sent to the president or chancellor at that institution.

The proposed legislative concept would specify that an institution would be required to provide a prospective student-athlete with information regarding the organized competition legislation at the first practical opportunity.

**Conclusions:**

1. The Legislation Committee **recommends** that the NCAA Division II Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.3 to specify that Division II institutions are required to provide information regarding the organized competition legislation to prospective student-athletes at the first practical opportunity but not later than the day prior to the student-athlete's signed acceptance of the National Letter of Intent or institution's written offer of admission and/or financial aid. An institution may provide the information in hard-copy or electronic form (e.g., electronic mail, link to Web site).
2. The Legislation Committee **does not recommend** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 13.3.

## **Division II Bylaws**

### **13.3 Admissions and Graduation Data, Banned Drug List and Initial-Eligibility Standards.**

#### **13.3.1 Disclosure Report.**

**13.3.1.1 Report Publication.** The Association's national office annually shall publish the admissions and graduation-rate data specified in Bylaw 30.1 and the academic success rate data specified in Constitution 3.2.4.10 and shall identify the information on an institution-specific basis.

**13.3.1.2 Report Distribution.** Member institutions shall provide to prospective student-athletes and to prospective student-athletes' parents or legal guardians the information contained within the report. Member institutions shall also provide the prospective student-athletes and their parent(s) or legal guardians with a copy of the institution's academic success rate report. The NCAA shall provide a compilation of graduation data to the prospective student-athletes' guidance offices and high school and two-year college coaches. All specified information shall be provided at the earliest opportunity after the institution's first arranged in-person encounter with the prospective student-athlete or on request; however, in no event shall an institution provide the information later than the day before a prospective student-athlete's signed acceptance of the National Letter of Intent or signed acceptance of the institution's written offer of admission and/or financial aid. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility.

#### **13.3.2 Banned Drug List and Information about Nutritional Supplements.**

**13.3.2.1 Report Publication.** The Association's national office annually shall publish the banned drug list specified in Bylaw 31.2.3.4 and shall update the list on its Web site.

**13.3.2.2 Report Distribution.** Member institutions shall provide to all incoming prospective student-athletes and to prospective student-athletes' parents or legal guardians the NCAA banned drug list (or the NCAA Web site address at which the list is located) (see Bylaw 31.2.3.4) and information about nutritional supplements. The information shall be provided at the earliest practical opportunity (e.g., after the institution's first arranged in-person encounter with the prospective student-athlete) or upon request; however, in no event shall an institution provide the information later than July 1 before the prospective student-athlete's initial enrollment at the institution. For a prospective student-athlete whose recruitment is initiated after July 1, the institution must send the banned drug list and information about nutritional supplements at the earliest opportunity. Violations of this bylaw shall be considered institutional violations per

Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

**13.3.3 Notification of Initial-Eligibility Standards.** Member institutions shall provide to high school prospective student-athletes and their parents or legal guardians information regarding the initial-eligibility standards contained in Bylaw 14.3. The information shall be provided at the earliest practical opportunity after the institution begins recruiting the prospective student-athlete, but not later than the day prior to the student-athlete's signed acceptance of the National Letter of Intent or institution's written offer of admission and/or financial aid. An institution may provide the information in hard-copy or electronic form (e.g., electronic mail, link to Web site). Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

**14.2.4.2 Participation in Organized Competition or Training Prior to Initial Collegiate Enrollment.** An individual who does not enroll in a collegiate institution as a full-time student during the regular academic term that is immediately following the date that the individual's high school class normally graduates from high school (or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility) shall use a season of intercollegiate competition for each calendar year or sports season (following that date) in which the individual has participated in activities that meet the criteria set forth in Bylaw 14.2.4.2.3.

**MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
INTERPRETATIONS SUBCOMMITTEE OF THE  
DIVISION II LEGISLATION COMMITTEE**

Teleconference No. 9

November 3, 2008

**Participants:**

Marcus Grant, Central Intercollegiate Athletic Association  
Diana Kling, Peach Belt Conference  
Mark Linder, University of North Alabama  
Ann Martin, Regis University  
Frances Nee, Indiana University of Pennsylvania  
Jay Newton, University of Southern Indiana  
Jenn Fraser, NCAA, recording secretary  
Maritza Jones, NCAA  
Stephanie Quigg, NCAA

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the NCAA Interpretations Subcommittee of the Division II Legislation Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

1. Participation in Organized Competition Prior to Initial Collegiate Enrollment – Activities Constituting Use of Season – Exception – Postgraduate College Preparatory School Exception (II). The Interpretations Subcommittee of the NCAA Division II Legislation Committee confirmed that, participation while enrolled in a Collège d'Enseignement Général et Professionnel (CEGEP) program after completion of the prescribed academic path of a prospective student-athlete's home country would be considered a continuation of secondary school. Thus, the prospective student-athlete is not granted relief through the postgraduate college preparatory school exception. [References: NCAA Bylaws 14.2.4.2 (organized competition), 14.2.4.2.3 (activities constituting use of a season) and 14.2.4.2.3.4 (postgraduate college preparatory school exception)]
2. Participation in Organized Competition Prior to Initial Collegiate Enrollment – Activities Constituting Use of Season – Exception – Postgraduate College Preparatory School Exception (II). The Interpretations Subcommittee of the NCAA Division II Legislation

Committee decided to refer to the Foreign Student Records Committee (FSRC) the issue of whether this exception can be applied to foreign secondary educational systems. The issue will be discussed at the next FSRC meeting. [References: NCAA Bylaws 14.2.4.2 (organized competition), 14.2.4.2.3 (activities constituting use of a season) and 14.2.4.2.3.4 (postgraduate college preparatory school exception)]

# # # # #

MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
INTERPRETATIONS SUBCOMMITTEE OF THE  
DIVISION II LEGISLATION COMMITTEE

Teleconference No. 10

December 1, 2008

Participants:

Marcus Grant, Central Intercollegiate Athletic Association  
Diana Kling, Peach Belt Conference  
Ann Martin, Regis University  
Frances Nee, Indiana University of Pennsylvania  
Jay Newton, University of Southern Indiana  
Jenn Fraser, NCAA, recording secretary  
Maritza Jones, NCAA

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the NCAA Interpretations Subcommittee of the Division II Legislation Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

1. The Interpretations Subcommittee of the Division II Legislation Committee reversed a staff interpretation [Reference: 09/03/08, Item a] regarding advertising an institutional camp or clinic. The subcommittee did not agree with the interpretation and believed that an institution may decide how to advertise or promote an institutional camp or clinic, provided it is open to any and all entrants and not limited by anything other than number and age. [References: NCAA Bylaws 13.12.1.2 (attendance restriction).]
2. Student-Athletes Receiving Benefits Subsequent to Exhausting Eligibility. The Interpretations Subcommittee of the Division II Legislation Committee determined that it is permissible for a former student-athlete to receive a benefit of nominal value (e.g., meal, ride, overnight lodging) on an occasional basis from an institutional athletics representative or institutional staff members, provided the institution is not engaged in

recruiting any relative of the former student-athlete. [References: NCAA Bylaws 13.2.1 (general regulation), 16.02.3 (extra-benefit) and 16.11.1.1 (general rule)]

# # # # #

MINUTES OF THE  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
INTERPRETATIONS SUBCOMMITTEE OF THE  
DIVISION II LEGISLATION COMMITTEE

Teleconference No. 11

December 15, 2008

Participants:

Marcus Grant, Central Intercollegiate Athletic Association  
Diana Kling, Peach Belt Conference  
Ann Martin, Regis University  
Frances Nee, Indiana University of Pennsylvania  
Jay Newton, University of Southern Indiana  
Jenn Fraser, NCAA, recording secretary  
Maritza Jones, NCAA

[Note: These minutes contain only actions taken (formal votes or stated "sense of the meeting") in accordance with NCAA policy regarding minutes of all Association entities. While certain items on the NCAA Interpretations Subcommittee of the Division II Legislation Committee's agenda were acted on at various times throughout the meeting, all final actions within a given topic are combined in these minutes for convenience of reference.]

1. Official National Team Tryouts and the National Team Exception to the Outside Competition Regulation. The Interpretations Subcommittee of the Division II Legislation Committee determined that in order for a student-athlete to use the U.S. National Team exception to the outside competition regulations to participate as a member of an outside team in an official national team or junior national team tryout, the official tryout must be one in which all student-athletes (as opposed to all athletes) are directly selected to a national team or are required to participate in order to qualify for a subsequent event from which participants will be named to a national team or junior national team that will represent their nation in international competition. The exception is applicable to an official tryout that is structured as a series of events in which student-athletes must participate in each event (or at least one event in each level) of the series in order to be selected to the national team. The exception does not apply to events in which student-athletes are only identified for further evaluation at unrelated events for a future national team. For example, the exception applies to an official tryout in which student-athletes

must participate in event A in order to participate in event B (or in one of several events at the event A level in order to participate at the event B level), and participants in event B are selected to the national team that will participate in international competition; however the exception does not apply to participation in event A if student-athletes are not selected to the national team or if participation in event A (or other events on the same level) is not required for participation in event B. [References: NCAA Bylaws 14.7.5.1-(d) (U.S. National Teams) and 30.8.1 (national-team criteria) and a January 27, 2007 official interpretation (Item No. 1), which has been archived.]

# # # # #



## NCAA Division II Legislation Adopted and Defeated at the 2009 Convention

**Title:** AMATEURISM -- FINANCIAL DONATIONS FROM OUTSIDE ORGANIZATIONS  
-- PROFESSIONAL SPORTS ORGANIZATIONS -- TO INSTITUTION

**Convention Year:** 2009

**Date Submitted:** August 19, 2008

**Effective Date:** August 1, 2009

**SPOPL Number:** 2

**Official Notice Number:** 2009-1

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

**Category:** Presidents Council

**Topical Area:** Amateurism

**Status:** Adopted

**Intent:** To specify that a member institution may receive contributions (e.g., tickets, funds, memorabilia) from a professional sports organization.

**Bylaws:** Amend 12.6.1, as follows:

12.6.1 Professional Sports Organizations.

[12.6.1.1 through 12.6.1.3 unchanged.]

12.6.1.4 To Institution, ~~Permissible~~.

~~(a) Funds.~~ A member institution may receive ~~funds~~ **contributions (e.g., tickets, funds, memorabilia)** from a professional sports organization. ~~provided:~~

~~(1) The money is placed in the institution's general fund and used for purposes other than athletics;~~

~~(2) The money is placed in the institution's general scholarship fund and commingled with funds for the assistance of all students generally; or~~

~~(3) The money is received by the institution as a result of a reciprocal contractual marketing relationship and is placed in the athletics department's budget for the specific purpose of marketing and promoting any institutionally sponsored sport.~~

~~(b) Sports Memorabilia. An institution may receive sports memorabilia from a professional sports organization to be used in institutional (or departmental) fundraising activities.~~

~~12.6.1.5 To Institution, Nonpermissible. A member institution shall not accept funds from a professional sports organization, if;~~

~~(a) The funds are for the purpose of recognizing the development of a former student-athlete in a particular sport. The receipt of such funds by an institution would make additional moneys available that could benefit student athletes thus result in student athletes indirectly receiving funds from a professional sports organization;~~

~~(b) The money, even though not earmarked by the donor, is received and credited to institutional funds for the financial assistance of student athletes generally; or~~

~~(c) The money is placed in the institution's general fund and credited to the athletics department for an unspecified purpose.~~

[12.6.1.6 through 12.6.1.7 renumbered as 12.6.1.5 through 12.6.1.6, unchanged.]

**Rationale:** Under current legislation, an institution is only permitted to receive funds or sports memorabilia from a professional sports organization if certain requirements are met. Deregulation of this legislation will allow an institution to develop relationships and partnerships with professional sports organizations. Further, allowing institutions to accept any contributions from a professional sports organization should not impact the amateur status of individual student-athletes. This proposal also reduces bureaucracy by eliminating the requirement that funds be placed in the institution's general fund or received as a result of a reciprocal contractual marketing relationship.

**Review History:**

*June 24, 2008:* Recommends Approval - Legislation Committee

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Paddle Vote

**Title:** ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- BONA FIDE  
FOREIGN EXCHANGE STUDENT EXCEPTION

**Convention Year:** 2009

**Date Submitted:** August 13, 2008

**Effective Date:** August 1, 2009

**SPOPL Number:** 7

**Official Notice Number:** 2009-2

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

**Category:** Presidents Council

**Topical Area:** Eligibility

**Status:** Adopted

**Intent:** To specify that the eligibility for competition of a student-athlete who meets the bona fide foreign exchange student exception to the four-year college transfer legislation shall be based on the satisfactory completion of progress-toward-degree requirements, as specified.

**Bylaws:** Amend 14.4.1, as follows:

14.4.1 Progress-Toward-Degree Requirements. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall maintain progress toward a baccalaureate or equivalent degree at that institution as determined by the regulations of that institution. As a general requirement, "progress toward degree" is to be interpreted at each member institution by the academic authorities who determine the meaning of such phrases for all students, subject to controlling legislation of the conference(s) or similar association of which the institution is a member. (See Constitution 3.2.4.12 regarding the obligations of members to publish their progress-toward-degree requirements for student-athletes.) (Note: The restrictions, exceptions and waivers set forth in Bylaws 14.4.3.3, 14.4.3.4 and 14.4.3.5 also apply to the general requirements for good academic standing and progress toward degree.)

14.4.1.1 **Bona Fide Foreign** Exchange Student. ~~A student-athlete having the status of a~~  
**The eligibility of a** bona fide **foreign** exchange student, as defined in Bylaw 14.5.1.5.1,  
shall ~~maintain progress toward a baccalaureate or equivalent degree at the student's~~  
~~preceding educational institution.~~ **be based on satisfactory completion of at least:**

**(a) Six semester or six quarter hours of academic credit during the preceding regular academic term in which the student has been enrolled full time at any collegiate institution [see Bylaw 14.4.3.1-(a)];**

**(b) Credit-hour requirements set forth in Bylaw 14.4.3.1-(b);**

**(c) Credit hours earned during the regular academic year as set forth in Bylaw 14.4.3.1.4; and**

**(d) Cumulative minimum grade-point average as set forth in Bylaw 14.4.3.2.**

**Rationale:** Current legislation allows student-athletes who meet the bona fide foreign exchange student exception to the transfer legislation to participate in intercollegiate athletics competition without meeting NCAA progress-toward-degree requirements while enrolled at the certifying institution. Such student-athletes are only required to maintain progress toward a baccalaureate or equivalent degree at their preceding educational institutions. While these student-athletes often are limited in their ability to designate a degree program at the certifying institution, this proposal will require a review to ensure that such students are maintaining a minimal level of academic achievement.

**Review History:**

*June 13, 2008:* Recommends Approval - Academic Requirements Committee

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Paddle Vote

**Title:** ADMINISTRATIVE REGULATIONS -- RECRUITING CALENDARS -- DEAD PERIODS FOR OTHER SPORTS -- MEN'S LACROSSE

**Convention Year:** 2009

**Date Submitted:** August 20, 2008

**Effective Date:** August 1, 2009

**SPOPL Number:** 13

**Official Notice Number:** 2009-3

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

**Category:** Presidents Council

**Topical Area:** Administrative Regulations

**Status:** Adopted

**Intent:** In men's lacrosse, to establish additional dead periods, as specified.

**Administrative:** Amend 30.11.4, as follows:

30.11.4 Dead Periods for Other Sports. There are no specified contact and evaluation periods in sports other than football and basketball except for the following dead periods.

[30.11.4.1 through 30.11.4.1.1 unchanged.]

**30.11.4.2 Lacrosse, Men's. In addition to the dead period before the National Letter of Intent signing date (see Bylaw 30.11.4.1), the following dead periods shall apply to men's lacrosse:**

**(a) Thursday before the NCAA Division II Men's Lacrosse Championship to Tuesday noon after the championship; and**

**(b) Wednesday before the Intercollegiate Men's Lacrosse Coaches Association Clinic to Monday noon after the clinic.**

**Rationale:** Establishing specified dead periods in men's lacrosse will emphasize life-work balance for coaches and institutions and will also encourage coaches to attend important national events, such as the NCAA Division II Men's Lacrosse Championship and the Intercollegiate Men's Lacrosse Coaches Association (IMLCA) clinics. The recommended dead periods were proposed by the IMLCA and have been supported by the NCAA Divisions II Men's Lacrosse Committee.

**Review History:**

*June 24, 2008:* Recommends Approval - Championships Committee

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Paddle Vote

**Title:** PERSONNEL -- CONDUCT OF ATHLETICS PERSONNEL -- RESPONSIBILITY OF HEAD COACH

**Convention Year:** 2009

**Date Submitted:** August 18, 2008

**Effective Date:** Immediate

**SPOPL Number:** 1

**Official Notice Number:** 2009-4

**Source:** NCAA Division II Presidents Council [Management Council (Committee on Infractions)].

**Category:** Presidents Council

**Topical Area:** Personnel

**Status:** Adopted

**Intent:** To define the responsibilities of a head coach with regard to compliance with NCAA rules.

**Bylaws:** Amend 11.1.2, as follows:

[Roll Call]

11.1.2 Responsibility for Violations of NCAA Regulations. Institutional staff members found in violation of NCAA regulations 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.

**11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.**

**Rationale:** The head coach has a special obligation to promote a culture of compliance in the entire sport program, including assistant coaches, other staff and student-athletes. The head coach must monitor the activities of assistant coaches and staff to determine if they are acting in compliance with NCAA rules. Too often, when assistant coaches or other administrators involved with the program are involved in serious violations, head coaches profess ignorance regarding such violations while indicating such responsibilities were entrusted to their assistant coaches. A head coach should be presumed to have knowledge and, therefore, responsibility for the actions of those individuals associated with his or her team whom the

coach directly or indirectly supervises. However, a violation of the proposed bylaw will occur only in major-infractions cases, similar to institutional control allegations, or in very serious secondary cases. This proposal does not imply that every violation by a staff member or student-athlete involved in the head coach's program will be considered a lack of control on the part of the head coach. There is a rebuttable presumption that exists when situations indicate that the head coach has set a proper tone of compliance. Under such circumstances, the head coach would not be charged with a lack of control for activities that may result in NCAA rules violations. A similar version of this bylaw has previously been adopted in Divisions I and III.

**Review History:**

*December 7, 2007:* Recommends Approval - Committee on Infractions

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Electronic Machine

For: 271 Against: 3 Abstain: 1

*[Note: Portions of this proposal have been removed.]*

**Title:** DIVISION MEMBERSHIP -- DEFINITIONS AND APPLICATIONS -- EMERGING SPORTS FOR WOMEN -- ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL

**Convention Year:** 2009

**Date Submitted:** August 14, 2008

**Effective Date:** August 1, 2009, for the removal of archery, badminton, synchronized swimming and team handball; August 1, 2010, for the addition of sand volleyball.

**SPOPL Number:** 4

**Official Notice Number:** 2009-5

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

**Category:** Presidents Council

**Topical Area:** Membership

**Status:** Adopted

**Intent:** To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports, as specified.

**A. Bylaws:** Amend 14.1.8.1.9.4, as follows:

[Roll Call]

14.1.8.1.9.4 Practice -- United States Olympic Committee/National Governing Body -- Individual Sports, or Rowing ~~or Synchronized Swimming~~. A student-athlete with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies or a former student-athlete may participate on a regular basis in organized practice sessions that involve an individual sport, or rowing ~~or synchronized swimming~~, provided the following conditions are met:

[14.1.8.1.9.4-(a) through 14.1.8.1.9.4-(d) unchanged.]

**B. Bylaws:** Amend 15.5.2.1.2, as follows:

[Roll Call]

15.5.2.1.2 Women's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in each women's sport, as follows:

<del>Archery</del>	<del>9.0</del>	Rowing	20.0
<del>Badminton</del>	<del>10.0</del>	Rugby	12.0
Basketball	10.0	Skiing	6.3
Bowling	5.0	Soccer	9.9
Cross Country/Track and Field	12.6	Softball	7.2
Equestrian	15.0	Squash	9.0
Fencing	4.5	Swimming and Diving	8.1
Field Hockey	6.3	<del>Synchronized Swimming</del>	<del>5.0</del>
Golf	5.4	<del>Team Handball</del>	<del>12.0</del>
Gymnastics	6.0	Tennis	6.0
Ice Hockey	18.0	Volleyball	8.0
Lacrosse	9.9	Water Polo	8.0

**C. Bylaws:** Amend 17.02.14, as follows:

[Roll Call]

17.02.14 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:

[17.02.14-(a) through 17.02.14-(c) unchanged.]

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

Baseball	Rugby, Women's
Basketball	<b><u>Sand Volleyball</u></b>
Field Hockey	Soccer
Football	Softball
Ice Hockey, Men's and Women's	Synchronized Swimming, Women's
Lacrosse	Team Handball, Women's
Rowing, Women's	Volleyball
	Water Polo, Men's and Women's

[Remainder of 17.02.14 unchanged.]

**D. Bylaws:** Amend 17.02.14, as follows:

[Roll Call]

17.02.14 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:

[17.02.14-(a) through 17.02.14-(c) unchanged.]

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

Baseball	Rugby, Women's
Basketball	Soccer
Field Hockey	Softball
Football	<del>Synchronized Swimming, Women's</del>
Ice Hockey, Men's and Women's	<del>Team Handball, Women's</del>

Lacrosse

Volleyball

Rowing, Women's

Water Polo, Men's and Women's

17.02.14.2 Individual Sports. The following are classified as individual sports for purposes of this bylaw:

~~Archery, Women's~~ Rifle

~~Badminton, Women's~~ Skiing

Bowling, Women's Squash, Women's

Cross Country Swimming and Diving

Equestrian, Women's Tennis

Fencing Track and Field, Indoor and Outdoor

Golf Wrestling

Gymnastics

**E. Bylaws:** Amend 17.2, as follows:

**F. Bylaws:** Amend 17.3, as follows:

**G. Bylaws:** Amend 17.24, as follows:

**H. Bylaws:** Amend 17.25, as follows:

**I. Bylaws:** Amend 20.02.6, as follows:

[Roll Call]

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

(a) Team Sports: team handball, rugby, sand volleyball and synchronized swimming; and

[20.02.6-(b) unchanged.]

[Remainder of 20.02.6 unchanged.]

**J. Bylaws:** Amend 20.02.6, as follows:

[Roll Call]

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

(a) Team Sports: ~~team handball~~, rugby ~~and synchronized swimming~~; and

(b) Individual Sports: ~~archery, badminton~~, equestrian and squash.

[Remainder of 20.02.6 unchanged.]

**K. Bylaws:** Amend 20.10.3.5, as follows:

[Roll Call]

20.10.3.5 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, 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	Minimum	Individual	Minimum	Minimum
Sports	Contests	Sports	Contests	Participants
Baseball	24	<del>Women's Archery</del>	<del>5</del>	<del>5</del>
Basketball	22	<del>Women's Badminton</del>	<del>8</del>	<del>6</del>
Field Hockey	10	Women's Bowling	8	5
Football	8	Cross Country	5	5
Men's Ice Hockey	20	Equestrian	6	12
Women's Ice Hockey	20	Men's Fencing	6	5
Lacrosse	8	Women's Fencing	6	5

Women's Rowing	6	Golf	6	5
Women's Rugby	9	Men's Gymnastics	6	6
Soccer	10	Women's Gymnastics	6	5
Softball	24	Rifle	8	4
<del>Women's Synchronized Swimming</del>	<del>8</del>	Women's Gymnastics	6	5
<del>Women's Team Handball</del>	<del>10</del>	Skiing	5	5
Volleyball	9	Women's Squash	8	9
Men's Water Polo	15	Swimming and Diving	8	11
Women's Water Polo	10	Tennis	10	5
		Track and Field, Indoor	4	10
		Track and Field, Outdoor	4	14
		Wrestling	12	7

(Note: The minimum-contest requirements set forth in Bylaws 20.10.3.5.1 through 20.10.3.5.8 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)

[Remainder of 20.10.3.5 unchanged.]

**Rationale:** There is wide-spread support for sand volleyball to be added as an emerging sport for women, including support from institutions and governing bodies. Data indicates that over 200,000 females ages six to 17 play sand volleyball and over 60 percent play only sand volleyball. Also, there were over 40 teams from NCAA institutions competing in sand volleyball tournaments in spring 2008. It is expected that the addition of sand volleyball will

produce a significant increase in participation opportunities for women. The delayed effective date for sand volleyball will provide the divisions time to develop the necessary regulations. NCAA regulations require that emerging sports gain championship status within 10 years or show steady progress toward that goal. Four sports on the original list, (archery, badminton, synchronized swimming and team handball) have seen minimal sponsorship growth over the past 14 years. In July 2007, the institutions, conferences and national governing bodies supporting these four sports were notified that they needed to provide a minimum of 10 commitment letters from institutions by July 2008 and that failure to meet that request would result in a recommendation for their removal from the list. None of the four sports were able to meet this requirement.

**Review History:**

*July 15, 2008:* Recommends Approval - Committee on Women's Athletics

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Electronic Machine

For: 249 Against: 13 Abstain: 13

**Title:** DIVISION MEMBERSHIP AND COMMITTEES -- AUDIT OF MEMBERSHIP REQUIREMENTS

**Convention Year:** 2009

**Date Submitted:** May 6, 2008

**Effective Date:** August 1, 2009

**SPOPL Number:** 12

**Official Notice Number:** 2009-6

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

**Category:** Presidents Council

**Topical Area:** Membership

**Status:** Adopted

**Intent:** To specify that the Membership Committee shall have the authority to conduct an audit of an institution's fulfillment of membership requirements if the institution is placed on probation for failure to fulfill more than one membership requirement during a 10-year period and that the committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation; further, to specify that the committee may impose conditions or penalties that an institution must satisfy during the probationary period.

**A. Bylaws:** Amend 20.10, as follows:

[Roll Call]

20.10 MEMBERSHIP REQUIREMENTS.

[20.10 through 20.10.4.9 unchanged.]

**20.10.5 Audit of Membership Requirements. If a member institution is placed on probation for failure to fulfill more than one membership requirement during a 10-year period, the Membership Committee shall have the authority to conduct an audit of the institution's fulfillment of membership requirements (see Bylaw 21.8.6.7.2). 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.**

**B. Bylaws:** Amend 21.8.6.7.2, as follows:

[Roll Call]

21.8.6.7.2 Duties. The committee shall:

- (a) Review and consider issues pertaining to the Division II membership requirements and membership compliance pursuant to Constitution 3 and Bylaw 20; ~~and~~
- (b) Handle Convention tasks related to Division II business, which include examining the credentials of Division II delegates, determining (subject to appeal of the Division II membership) the authority of any Division II delegate to vote or otherwise represent a member institution at an annual or special Convention; and
- (c) Have the authority to conduct an audit of an institution's fulfillment of membership requirements if the institution is placed on probation for failure to fulfill more than one membership requirement during a 10-year period. (See Bylaw 20.10.5.)**

**Rationale:** Under current legislation, an institution is placed on probation if certain conditions and obligations of membership have not been satisfied (e.g., sports sponsorship, completion of the self-study report). If the institution fails to meet that same requirement within 10 years of being placed on probation, the institution shall be placed in restricted membership status. However, an institution may be on probation in each of the membership requirement areas concurrently with no negative effect. This proposal would allow the Membership Committee to conduct an audit if an institution fails to satisfy a membership requirement after the institution has been placed on probation in a different membership requirement area during a 10-year period. If an institution is put on probation in more than one membership requirement area within a 10-year period, the institution should be subject to an audit in order to review whether the institution can continue to meet membership requirements. The Membership Committee will also have the authority to impose penalties to focus on the institution's weaknesses detected in the audit. An audit will help ensure that current Division II members will satisfy the minimum requirements. Finally, the audit should be a legislated duty for the committee.

**Review History:**

*February 20, 2008:* Recommends Approval - Membership Committee

*April 15, 2008:* Approved in Concept - Management Council

*April 24, 2008:* Approved in Concept - Presidents Council

*July 22, 2008:* Approved in Legislative Format - Management Council

*August 7, 2008:* Approved in Legislative Format - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Electronic Machine

For: 269 Against: 6 Abstain: 0

**Title:** RECRUITING -- LETTER-OF-INTENT PROGRAMS, FINANCIAL AID  
AGREEMENTS -- TRANSCRIPT PRIOR TO NATIONAL LETTER OF INTENT OR  
WRITTEN OFFER OF ATHLETICALLY RELATED FINANCIAL AID

**Convention Year:** 2009

**Date Submitted:** May 15, 2008

**Effective Date:** August 1, 2009, for written offers of athletically related financial aid signed by  
a prospective student-athlete on or after August 1, 2009.

**SPOPL Number:** 3

**Official Notice Number:** 2009-7

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

**Category:** Presidents Council

**Topical Area:** Recruiting

**Status:** Adopted

**Intent:** To specify that an institution shall not provide a high school, preparatory school, two-  
year or four-year college prospective student-athlete with a National Letter of Intent or  
written offer of athletically related financial aid until the prospective student-athlete presents  
the institution with a current high school, preparatory school or college transcript (official or  
unofficial).

**Bylaws:** Amend 13.9, as follows:

13.9 LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS

[13.9.1 unchanged.]

**13.9.2 Transcript Prior to National Letter of Intent or Written Offer of Athletically  
Related Financial Aid. An institution shall not provide a high school, preparatory  
school, two-year or four-year college prospective student-athlete with a National  
Letter of Intent or written offer of athletically related financial aid until the  
prospective student-athlete presents the institution with a current high school,  
preparatory school or college transcript (official or unofficial).**

[13.9.2 through 13.9.3 renumbered as 13.9.3 through 13.9.4, unchanged.]

**Rationale:** Prospective student-athletes are best served by early notification of their academic  
status for purposes of NCAA eligibility. Encouraging early submission of transcripts to the  
institution will provide for an earlier academic analysis, which is a vital step in determining a  
prospective student-athlete's preliminary initial-eligibility status or academic transfer status,  
and readiness for collegiate academic work. Late submission of transcripts to institutions can

lead to an inability to advise student-athletes regarding academic deficiencies in a timely fashion. Specifically, this proposal requires high school, preparatory school, two-year and four-year prospective student-athletes to provide the institution with a transcript prior to a National Letter of Intent or written offer of athletically related financial aid.

**Review History:**

*February 29, 2008:* Recommends Approval - Academic Requirements Committee

*April 15, 2008:* Approved in Concept - Management Council

*April 24, 2008:* Approved in Concept - Presidents Council

*July 22, 2008:* Approved in Legislative Format - Management Council

*August 7, 2008:* Approved in Legislative Format - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Paddle Vote

**Title:** ELIGIBILITY -- HARDSHIP WAIVER -- PERCENTAGE CALCULATION

**Convention Year:** 2009

**Date Submitted:** July 7, 2008

**Effective Date:** August 1, 2009

**IPOPL Number:** 1

**SPOPL Number:** 5

**Official Notice Number:** 2009-8

**Source:** Lone Star Conference and Mid-America Intercollegiate Athletics Association

**Category:** Membership Proposal

**Topical Area:** Eligibility

**Status:** Adopted

**Intent:** To specify that a student-athlete's eligibility for a hardship waiver may be determined by the number of the institution's completed contests or dates of competition or the maximum permissible number of contests or dates of competition set forth in Bylaw 17 for the applicable sport; further, to eliminate the provision that a conference championship shall be counted as one contest or date of competition in determining the institution's completed contests or dates of competition in that sport, regardless of the number of days or games involved in the championship.

**Bylaws:** Amend 14.2.5, as follows:

[Roll Call]

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-(b) unchanged.]

(c) The injury or illness occurs when the student-athlete has not participated in more than two contests or dates of competition (whichever is applicable to that sport), ~~or 20 percent (whichever number is greater)~~ of the institution's ~~scheduled or~~ completed contests or dates of competition **or 20 percent of the maximum permissible number of contests or dates of competition set forth in Bylaw 17** in his or her sport. ~~Only scheduled or completed~~ **Competition** (excluding scrimmages and exhibition contests per Bylaw 17 in the applicable sport) against outside participants during the playing season that concludes with the NCAA championship, or, if so designated, during the official NCAA championship playing season in that sport (e.g., spring baseball, fall soccer), shall be countable under this

~~limitation in calculating both the number of contests or dates of competition in which the student athlete has participated and the number of scheduled or completed contests or dates of competition during that season in the sport.~~

[14.2.5.1 through 14.2.5.2.2 unchanged.]

14.2.5.2.3 Percent Calculation. The following requirements are to be met in determining the percent calculation under this waiver provision: (Note: The percent calculation requirements set forth in Bylaws 14.2.5-(c) and 14.2.5.2.3 apply only to the waiver provisions of this section and do not apply to the maximum- and minimum-contests requirements in Bylaw 20.)

14.2.5.2.3.1 Denominator in Percent Computation. The denominator in the *institution's* percent calculation shall be based on the institution's number of ~~scheduled or~~ completed varsity contests or dates of competition ~~[see Bylaw 14.2.5-(c)] as computed for playing and practice season purposes in Bylaw 17 for the applicable sport~~ **or the maximum number of contests or dates of competition set forth in Bylaw 17 for the applicable sport.** ~~Exempted~~ **If the number of completed contests or dates of competition is used, exempted** events in Bylaw 17 are included in the percent calculation, except for discretionary exemptions in the applicable sport.

[14.2.5.2.3.2 unchanged.]

14.2.5.2.3.3 ~~Conference Championships~~ **NCAA Postseason Competition.** ~~A conference championship shall be counted as one contest or date of competition in determining the institution's scheduled or completed contests or dates of competition in that sport, regardless of the number of days or games involved in the championship. However, f~~**For purposes of the percent calculation, this regulation, the calculation of scheduled contests or dates of competition in a particular season does not include** ~~postseason competition conducted after the completion of the institution's regular-season schedule and conference tournament~~ **shall not be included.**

[Remainder of 14.2.5 unchanged.]

**Rationale:** By permitting institutions to use 20 percent of the contests or dates of competition limits set forth in Bylaw 17 for the applicable sport, the proposal accommodates student-athlete well-being by allowing a comparable denominator for all student-athletes, regardless of the institution's scheduling patterns. Because of conference, budgetary, philosophical and/or geographical constraints, Division II institutions currently schedule different numbers of contests or dates of competition. Since the student-athletes have no role in scheduling, this creates inequitable treatment of student-athletes from institution to institution. Further, since the scheduling practices of some institutions are incumbent on conference scheduling policies, even institutions cannot completely control the amount of scheduled contests. By still allowing the institution to use in the percent calculation the institution's completed contests or dates of competition, the proposal enables the use of the "best possible"

denominator for student-athletes from institutions that complete more contests than the limits set forth in Bylaw 17 (e.g., the institution completes additional contests due to participation in a conference championship, in the Division II Tip-Off Classic in basketball, in contests played in Hawaii, Alaska or Puerto Rico). Further, allowing all contests in a conference championship to be counted only further accommodates student-athlete well being.

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**Cosponsorship:**

**Conference:**

Lone Star Conference  
Mid-America Intercollegiate Athletics Association

**Position Statement(s)**

*Presidents Council, Management Council and Committee on Student-Athlete Reinstatement:* The Councils and the committee agreed to take no position on this proposal.

**Convention Vote:**

*Date of Vote:* January 17, 2009  
*Vote Type:* Electronic Machine  
For: 265 Against: 9 Abstain: 0

**Title:** ELIGIBILITY -- SEASON-OF-COMPETITION WAIVER -- COMPETITION WHILE ELIGIBLE -- DOCUMENTED COACH'S MISUNDERSTANDING -- PENALTY

**Convention Year:** 2009

**Date Submitted:** August 12, 2008

**Effective Date:** August 1, 2009

**IPOPL Number:**

**SPOPL Number:** 6

**Official Notice Number:** 2009-9

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

**Category:** Presidents Council

**Topical Area:** Eligibility

**Status:** Defeated

**Intent:** To specify that a student-athlete who is granted an additional season of competition due to a coach's documented misunderstanding of the legislation shall be withheld from two contests of intercollegiate competition for each contest in which he or she competed.

**Bylaws:** Amend 14.2.7.1.2, as follows:

14.2.7.1.2 Extenuating Circumstances. Extenuating circumstances include, but are not limited to, the following:

[14.2.7.1.2-(a) through 14.2.7.1.2-(c) unchanged.]

(d) The student-athlete participated in nonregular-season competition (e.g., alumni contest, exhibition contests, scrimmages, nonchampionship segment contests) due to a coach's documented misunderstanding of the legislation.

**14.2.7.1.2.1 Penalty. A student-athlete who is granted a waiver pursuant to Bylaw 14.2.7.1.2-(d) shall be withheld from two contests of intercollegiate competition for each contest in which he or she competed.**

**Rationale:** In the case of a coach's documented misunderstanding of the legislation, the student-athlete triggers the use of a season of competition based on a circumstance within the control of the institution. In order to account for the institutional responsibility in this circumstance and to deter abuse of the legislation, a two-for-one withholding condition should be applied when waivers are granted based on the documented coach's misunderstanding of the legislation. Since a violation is not assessed in this circumstance, the only way to hold an institution accountable for the misunderstanding is to impose a

withholding condition on the student-athlete. This legislative amendment will bring consistency to the season-of-competition waiver legislation for both Divisions I and II.

**Review History:**

*May 18, 2008:* Recommends Approval - Committee on Student-Athlete Reinstatement

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Paddle Vote

**Title:** PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING-SEASON  
REGULATIONS --TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES --  
WEEKLY HOUR LIMITATIONS -- OUTSIDE OF PLAYING SEASON -- EXCEPTION --  
ALTERNATE PLAYING SEASON -- GOLF AND TENNIS

**Convention Year:** 2009

**Date Submitted:** August 19, 2008

**Effective Date:** Immediate

**SPOPL Number:** 8

**Official Notice Number:** 2009-10

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

**Category:** Presidents Council

**Topical Area:** Playing and Practice Seasons

**Status:** Adopted

**Intent:** In golf and tennis, to specify that an institution that conducts its championship segment during the fall term must discontinue practice at the conclusion of its nonchampionship segment (designated 45- or 60-consecutive calendar day period); further, to specify that such a team may resume practice the day following the conclusion of the institution's final examination period for the applicable academic term or 10-consecutive calendar days before the start of the championship, whichever is earlier, provided the institution has reasonable belief that it is under consideration for selection to participate in an NCAA, NCCAA or NAIA championship event.

**A. Bylaws:** Amend 17.1.6.2, as follows:

17.1.6.2 Weekly Hour Limitations -- Outside of Playing Season. Outside of the playing season during the academic year, only a student-athlete's participation in weight-training, conditioning, individual skill instruction and, in football, review of game film shall be permitted. A student-athlete's participation in such activities shall be limited to a maximum of eight hours per week, of which not more than two hours per week may be spent on individual skill workouts set forth in Bylaw 17.1.6.2.1 and, in football, review of game film. All countable athletically related activities outside the playing season are prohibited one week prior to the beginning of the final examination period through the conclusion of the institution's final examinations. Participation in voluntary workouts monitored by strength and conditioning personnel for safety purposes per Bylaw 17.02.1.1 shall not count against the weekly hour limitation.-

[17.1.6.2.1 through 17.1.6.2.3 unchanged.]

**17.1.6.2.4 Exception -- Alternate Playing Season -- Golf and Tennis. In golf and tennis, an institution that conducts its championship segment during the fall term must discontinue practice at the conclusion of its nonchampionship segment (designated 45- or 60-consecutive calendar day period). Such a team may resume practice the day following the conclusion of the institution's final examination period for the applicable academic term or 10-consecutive calendar days before the start of the championship, whichever is earlier, provided the institution has reasonable belief that it is under consideration for selection to participate in an NCAA, NCCAA or NAIA championship event. (See Bylaws 17.12.5.1 and 17.26.5.1.)**

**B. Bylaws:** Amend 17.1.7, as follows:

17.1.7 General Regulations for Computing Playing Seasons Applicable to All Sports.

[17.1.7-(a) through 17.1.7-(b) unchanged.]

(c) NCAA Championships Participation in Individual Sports. Only appropriate squad members considered necessary for effective practice by the individual(s) preparing for the NCAA championships may continue to practice without counting such practice against the institution's declared playing-season limitation. **See Bylaw 17.1.6.2.4 for application to alternate playing seasons in golf and tennis;**

[Remainder of 17.1.7 unchanged.]

**Rationale:** Under current legislation, an institution that conducts its championship segment for golf or tennis during the fall must conclude the nonchampionship (spring) segment and cease all countable athletically related activities beginning seven days prior to the institution's final examination period through the end of the final examination period, even if the team is under consideration for participation in a postseason championship. Further, countable athletically related activities are not permissible during the summer vacation period. Such restrictions place teams that use the alternate playing season that may have an opportunity to participate in the championship at a competitive disadvantage and can present a student-athlete well-being concern if there is an extended period without practice and conditioning before the championship begins. This proposal provides for competitive equity and student-athlete well-being without unnecessarily compromising the legislation protecting student-athletes' time to study and prepare for final examinations. An immediate effective date will permit institutions to take advantage of the amendment during the 2009 spring golf and tennis championships.

**Review History:**

*June 24, 2008:* Recommends Approval - Legislation Committee

*July 22, 2008:* Approved in Concept - Management Council

*August 7, 2008:* Approved in Concept - Presidents Council

*August 27, 2008:* Approved in Legislative Format - Administrative Committee

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Paddle Vote

**Title:** PLAYING AND PRACTICE SEASONS -- TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES -- INSTITUTIONAL VACATION PERIOD -- STRENGTH AND CONDITIONING PERSONNEL DESIGNING AND CONDUCTING WORKOUT PROGRAMS

**Convention Year:** 2009

**Date Submitted:** July 7, 2008

**Effective Date:** Immediate

**IPOPL Number:** 2

**SPOPL Number:** 9

**Official Notice Number:** 2009-11

**Source:** Lone Star Conference and Mid-America Intercollegiate Athletics Association

**Category:** Membership Proposal

**Topical Area:** Playing and Practice Seasons

**Status:** Defeated

**Intent:** To specify that outside the playing season during the summer, strength and conditioning personnel who perform such duties for all of the institution's intercollegiate teams may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.

**Bylaws:** Amend 17.1.6.2.3, as follows:

[Roll Call]

17.1.6.2.3 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). **During the summer, strength and conditioning personnel who perform such duties for all of the institution's intercollegiate teams may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.**

**Rationale:** Current legislation specifies that strength and conditioning personnel, including a coaching staff member if he or she performs such duties for all intercollegiate teams, may monitor voluntary individual workouts for safety purposes without considering such supervision as a countable athletically related activity. Therefore, strength and conditioning personnel are precluded from conducting workout programs during the summer, because "to conduct" is different than "to monitor." This proposal would allow strength and conditioning personnel to design and conduct specific workout programs for student-athletes as they do

during the academic year, provided such workouts are voluntary and at the request of the student-athlete. This proposal also promotes student-athlete well-being by allowing conditioning programs to occur in a safe and controlled environment and by allowing strength and conditioning personnel to work more closely with student-athletes, rather than only stepping in during voluntary workouts if there is a safety issue. The immediate effective date will allow strength and conditioning personnel to design and conduct specific workout programs for student-athletes during the 2009 summer.

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**Cosponsorship:**

**Conference:**

Lone Star Conference  
Mid-America Intercollegiate Athletics Association

**Position Statement(s)**

*Presidents Council, Management Council, Legislation Committee and Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS):* The Presidents Council agreed to oppose this proposal. The Presidents Council noted the need to preserve the balance between academics and athletics. The Presidents Council further noted that current legislation already provides safeguards to ensure that voluntary individual workouts occur in a safe and controlled environment by allowing strength and conditioning personnel to monitor these workouts. CSMAS agreed to oppose this proposal. CSMAS expressed concerns with the lack of proper safety personnel in place during the workout programs to assure safety of the student-athletes. For example, CSMAS noted that many institutional sports medicine staff in Division II are on nine or 10 month contracts and do not work in the summer. CSMAS also noted that the proposal does not require any institutional staff members with cardiopulmonary resuscitation (CPR) and/or first aid certification be present during these workouts. CSMAS further noted that medical emergencies that can be triggered by exertion (including cardiac arrest, heat illness and exertional sickling in athletes with sickle cell trait) require immediate intervention. Finally, CSMAS noted that if a coach is considered the strength and conditioning coach for all teams and is conducting a

voluntary workout with members of his or her athletics team, the term "voluntary" becomes questionable. The Management Council and the Legislation Committee agreed to take no position on this proposal.

**Additional Information:** Immediate Effective Date Vote: Defeated; 143-121-10

**Convention Vote:**

*Date of Vote:* January 17, 2009

*Vote Type:* Electronic Machine

For: 119 Against: 153 Abstain: 3

**Title:** PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST CONTEST

**Convention Year:** 2009

**Date Submitted:** July 11, 2008

**Effective Date:** August 1, 2009

**IPOPL Number:** 3

**SPOPL Number:** 10

**Official Notice Number:** 2009-12

**Source:** Mid-America Intercollegiate Athletics Association and Peach Belt Conference

**Category:** Membership Proposal

**Topical Area:** Playing and Practice Seasons

**Status:** Defeated

**Intent:** In basketball, to specify that a member institution shall not play its first contest (game or scrimmage) with outside competition prior to the second Friday of November.

**Bylaws:** Amend 17.5.3, as follows:

[Roll Call]

17.5.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball ~~before~~ **prior to the second Friday of November 15**, except as provided under Bylaw 17.5.3.1.

**Rationale:** Currently, an institution shall not play its first contest against outside competition prior to November 15, aside from exceptions outlined in Bylaw 17.5.3.1. This proposal does not change that date substantially; however, it allows an institution to schedule its first contest on a weekend night. This proposal will not allow an institution to compete earlier than what is allowed under current legislation as most Division II basketball teams compete in exempted contests on or soon after November 1. The proposal will only change the date for the first permissible "countable" contest. This change will also provide a benefit to student-athletes as no season-opening games or events will take place during the week and teams can also schedule "countable" games earlier in the season to provide flexibility for conference playing dates that occur during final examination periods. Further, this change is easy to administer as all schools can easily determine when the second Friday of November is and coaches can better schedule knowing the season starts on a weekend every year. Finally, this will likely result in all Division II basketball teams officially starting their season on the same day.

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**Cosponsorship:**

**Conference:**

Mid-America Intercollegiate Athletics Association  
Peach Belt Conference

**Position Statement(s)**

*Presidents Council, Management Council and Legislation Committee:* The Councils and the committee agreed to oppose this proposal. The Councils and the committee noted that the proposed amendment increases the length of the regular playing season, while shortening the length of the preseason practice period. The Councils and the committee also noted that the proposal could lead to season/sport overlap during the championship segments. The Councils and the committee further noted that some institutions prefer to have more campus engagements on weekdays rather than weekends because there are more campus personnel and students available to attend contests during the week.

**Convention Vote:**

*Date of Vote:* January 17, 2009  
*Vote Type:* Electronic Machine  
For: 131 Against: 142 Abstain: 0

**Title:** PLAYING AND PRACTICE SEASONS -- BASKETBALL -- NUMBER OF  
CONTESTS -- ONCE-IN-THREE-YEARS EXEMPTION -- CONFERENCE CHALLENGE  
EVENT

**Convention Year:** 2009

**Date Submitted:** June 5, 2008

**Effective Date:** August 1, 2009

**IPOPL Number:** 4

**SPOPL Number:** 11

**Official Notice Number:** 2009-13

**Source:** Mid-America Intercollegiate Athletics Association and Peach Belt Conference

**Category:** Membership Proposal

**Topical Area:** Playing and Practice Seasons

**Status:** Adopted

**Intent:** In basketball, to permit an institution, once every three years, to exempt from the maximum contest limitations a maximum of two contests played as part of a conference challenge event; further, to define a conference challenge event, as specified.

**Bylaws:** Amend 17.5.5, as follows:

[Roll Call]

17.5.5 Number of Contests.

[17.5.5.1 through 17.5.5.4.1 unchanged.]

**17.5.5.5 Once-in-Three-Years Exemption -- Conference Challenge Event. Once every three years, an institution may exempt a maximum of two contests played as part of a conference challenge event.**

**17.5.5.5.1 Conference Challenge Event. A conference challenge event is one in which:**

**(a) Two or more conferences from the same region organize contests between their members;**

**(b) Contests occur on the weekend immediately after the first permissible contest date; and**

**(c) Competition may occur at one or more sites.**

[17.5.5.5 through 17.5.5.6 renumbered as 17.5.5.6 through 17.5.5.7, unchanged.]

**Rationale:** The first weekend of the season should be designated to allow conferences to organize in-region conference challenge events at one or more sites with the incentive that not more than two contests played as a part of such events could be exempted once every three years. Division II institutions are required to participate in a minimum number of contests against Division II opponents and a minimum number of contests against in-region opponents. Further, institutions are encouraged to participate in as many in-region contests as possible in order to further the regionalization philosophy. This exemption creates an incentive for institutions to participate in early season in-region contests in order to meet these goals, while allowing them to maintain home contests against NAIA, Division III and other Division II opponents prior to the start of conference season. Contests played in accordance with this exemption must be part of an overall multi-team conference "challenge" event, must be played the first weekend of the season and must be considered in-region contests.

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**Cosponsorship:**

**Conference:**

Mid-America Intercollegiate Athletics Association  
Peach Belt Conference

**Position Statement(s)**

*Presidents Council, Management Council and Legislation Committee:* The Councils and the committee agreed to take no position on this proposal.

**Convention Vote:**

*Date of Vote:* January 17, 2009  
*Vote Type:* Electronic Machine  
For: 164 Against: 105 Abstain: 4

## LEGISLATIVE OPTIONS FOR COLLEGIATE SAND VOLLEYBALL AS PROPOSED BY THE AMERICAN VOLLEYBALL COACHES ASSOCIATION

The following is a legislative proposal for Collegiate Sand Volleyball as an NCAA sanctioned sport. The working definition of “Sand Volleyball” for this document is defined as two-person versus two-person competition in five-team match play format on the surface of sand. The field of play may be any facility arrangement which conforms to the regulations cited in “Rules for Competition” which includes, but is not limited to, on-campus, indoor, lake-side or coastal sand courts.

### **PLAYING AND PRACTICE SEASONS**

#### **17.28.3 Volleyball, Sand - Women’s**

**17.28.3.1 Length of Playing Season** - Championship and Non-championship Segments. The length of an institution’s playing season for both segments in women’s sand volleyball shall be limited by the dates and regulations set forth in the remainder of this section.

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

*Rationale: Commensurate with DII spring sport start dates for practice*

**17.28.3.3 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.

*Rationale: Commensurate with DII spring sport start dates for competition*

**17.28.3.4 End Date of Practice and Competition-Championship Segment.** A member institution shall conclude all practice and competition (games and scrimmages) in sand volleyball by the last date of final examinations for the regular academic year.

*Rationale: Commensurate with emerging sport legislation for DII*

**17.28.3.5 First Date of Practice and Competition - Non-championship Segment.** A member institution shall not commence practice sessions or engage in outside competition in the non-championship segment before September 7 or the first day of classes, whichever occurs first.

*Rationale: Commensurate with spring sport non-championship start dates for DII*

**17.28.3.6 End Date of Practice and Competition – Non-championship Segment.** A member institution shall conclude all practice and competition in the non-championship segment no later than November 15.

Rationale: Commensurate with spring sport non-championship start dates for DII

### **17.28.3.7 Number and Dates of Competition**

**17.28.3.7.1 Maximum Limitations – Institutional.** A member institution shall limit its total playing schedule with outside competition in sand volleyball during the institution's sand volleyball playing season to seventeen (17) dates of competition during the segment in which the NCAA championship is conducted and four (4) dates of competition during the non-championship segment.

Rationale: Commensurate with DII legislation

**17.28.3.7.2.1 Annual Exemptions.** The maximum number of dates of competition in women's sand volleyball shall exclude the following:

- a) **Conference Championship.** Competition in one conference championship tournament or playoff;
- b) **Season-Ending Championship Tournament.** Competition in one of the recognized national intercollegiate championship events in sand volleyball (e.g., National Collegiate Sand Championships). 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) **Foreign Team in U.S.** 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 dates of competition;
- e) **Hawaii, Alaska or Puerto Rico.** Any dates of competition played in Hawaii or Alaska, respectively, either against or under the sponsorship of an active member institution located in Hawaii or Alaska by a member institution located outside those locales;
- f) **Fund-Raising Activity.** Any activities in which student-athletes from more than one of the institution's athletics teams participate (or in individual sports per Bylaw 17.02.14.2, 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);
- g) **Celebrity Sports Activity.** Competition involving a maximum of two student-athletes from a member institution's team who participate in local celebrity activities in women's sand volleyball conducted for the purpose of raising funds for charitable organizations, provided:
  - 1) The student-athlete does 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
- h) **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.

Rationale: Commensurate with DII legislation – (b) is based on legislation from the sport of Equestrian where recognized championship(s) may evolve in lieu of an NCAA sanctioned championship which will provide opportunities for student-athletes to garner post-season distinction

**17.28. 3.8 Out-of-Season and Non-championship 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) **Conditioning, Weight-Training, and Skill Instruction.** Student-athletes may participate in conditioning, weight-training, and skill instruction in accordance with Bylaw 17.1.6.2; and
- b) **Non-championship 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 other legislation provided such activity is restricted to a maximum of 24 days that occur within 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 calendar days must be within the allowable first and end date of practice and competition in the non-championship segments set forth by the NCAA.

Rationale: Commensurate with DII legislation

**17.28.3.8.1 Summer Practice.** Sand volleyball 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 his or her sport.

Rationale: Commensurate with DII legislation

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

Rationale: Commensurate with DII legislation

**17.28.3.10 Other Restrictions.**

**17.28.3.10.1 Non-collegiate Amateur Competition**

**17.28.2.10.1.1 In Season.** A student-athlete shall be denied eligibility for intercollegiate sand volleyball 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 sand volleyball squad or team, she competes or has competed as a member of any outside sand volleyball team in any non-collegiate, amateur competition (e.g., tournament play, exhibition games or other activity) during the institution's intercollegiate sand volleyball season (see Bylaw 14.7.5 for exceptions and waivers).

Rationale: Commensurate with DII legislation

**17.28.3.10.1.2 Out of Season.**

**17.28.3.10.1.2.1 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 sand volleyball team except as provided under Bylaws 14.7.5, 16.8.1.3.1 and 17.32.

Rationale: Commensurate with DII legislation

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

Rationale: Commensurate with DII legislation

**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, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contests requirement. The following minimums are applicable:

**Sand Volleyball**Minimum Contests-8 competitionsMinimum Participants-10 participants**NCAA Number of Contests**

<b>Sport</b>	<b>Maximum</b>	<b>Minimum</b>	<b>% of Min.</b>
Baseball	56	27	48%
Basketball	29	25	86%
Field Hockey	20	11	55%
Football	12	9	75%
Men's Ice Hockey	34	25	74%
Women's Ice Hockey	34	20	59%
Lacrosse	17	10	59%
<b>Sand Volleyball</b>	<b>16</b>	<b>8*</b>	<b>50%</b>
Women's Rowing	20	6	30%
<b>Women's Rugby</b>	<b>11</b>	<b>9</b>	<b>82%</b>
Soccer	20	11	55%
Softball	56	27	48%
<b>Women's Synch Swim</b>	<b>15</b>	<b>8</b>	<b>53%</b>
<b>Women's Team Handball</b>	<b>20</b>	<b>10</b>	<b>50%</b>
Men's Water Polo	21	15	71%
Women's Water Polo	21	10	48%
<b>Women's Archery</b>	<b>15</b>	<b>5</b>	<b>33%</b>
<b>Women's Badminton</b>	<b>15</b>	<b>8</b>	<b>53%</b>
Women's Bowling	26	8	31%
Cross Country	7	6	86%
<b>Equestrian</b>	<b>15</b>	<b>6</b>	<b>40%</b>
Men's Fencing	11	9	82%
Women's Fencing	11	9	82%
Golf	24	8	33%
Men's Gymnastics	13	9	69%
Women's Gymnastics	13	9	69%
Rifle	13	8	62%
Skiing	16	5	31%
<b>Women's Squash</b>	<b>15</b>	<b>8</b>	<b>53%</b>
Swimming & Diving	20	10	50%
Tennis	25	12	48%
Track and Field Indoor	18	6	N/A
Track and Field Outdoor	18	6	N/A
Wrestling	16	13	81%

**Minimum Participant Rationale:** The participant numbers as well as financial aid limits are connected thought processes. The determination of five two-player units is a function of the following:

- Pair total must be an odd number to prevent ties
- Three pairs only involve six players which would not inspire additional participants and teams could mostly be filled by current rosters for indoor
- Seven pairs requires a minimum roster of 14 which eclipses the ‘standard’ roster size for indoor and seven matches presents logistical issues with competition which could make the events generally problematic to manage
- Five pairs (or ten active players) is a significant roster size and poses realistic options for competition in either dual, tri, quad, or tournament play

**Competition Limit Rationale:** Competition maximums and minimums are drawn from reasonable parallels related to other NCAA emerging sports. In averaging all emerging sports above, the maximum number of competitions was 15.14, rounded to 16. Also for the emerging sports above, the minimum limit for sports participation was averaged to be 50% of the maximum number, or 8 for sand. Given the fluctuating length of the season which is contingent upon academic calendar, institutions would see approximately 12 weeks at a minimum to compete. The scope of 16 dates of competition is reasonable to schedule as well as accommodating comfortable options for “fitting” in the minimum limit. It appears the example set forth with the listed emerging sports is to encourage participation by not stipulating unreasonable limits or commitment.

\* The eight competitions qualifying for the minimum sport sponsorship parameter should conform to the following conditions:

- No less than three of the eight shall be dual, one-day competitions where all five, two-person teams are competing (institution vs. institution on a single day on which no other competition occurs)
- The remaining number of contests shall be achieved by the option above 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 is crowned champion for the event based on the performance of its five, two-person teams
- All other competition formats engaged will constitute the use of a “date of competition” but not count towards the sport sponsorship minimum
- Contests against four-year, degree-granting institutions competing in sand competitions but not formally sponsoring a sand volleyball team will not be counted toward sports sponsorship except in the following conditions:
  - Not more than 1 competition in a dual, one-day contest against a “non-sponsored” team

- In tournament situations, not more than 40% of the teams participating may be “non-sponsored” (3 and 4 team events – not more than 1; 5, 6, & 7 team events – not more than 2; etc)

Competition Qualification Rationale: The suggested definition of countable contests is provided to address anticipated scheduling culture adaptations. A minimum requirement for dual match competitions engenders the directive for institutional rivalries and a simplistic display of the mechanism of the sport. Qualifying the details of multi-institution competition provides a basis for a pragmatic and equitable manner supporting the spirit of genuine competition applied to all opponents. The issue of “non-sponsored” programs participating in sand competitions is anticipated to be probable in the early years, and the legislation should provide for opportunities to incorporate programs which may be “testing” the possibilities for eventually adding the sport. Also, these individuals are considered student-athletes by their respective institutions, therefore an option for scheduling these teams for sports sponsorship purposes should exist.

The minimum participant number is based on 5 units of 2 players. See rationale below under “Playing Rules.”

## **FINANCIAL AID**

### **DII Parameters**

*15.5.3 Multisport Participants – A counter who participates in two or more sports shall be counted in one or more sports as specified on the individual’s financial aid agreement*

*15.5.3.1 Multiple Sport Participant Receiving Athletically Related Institutional Aid – An institution shall divide countable athletically related aid equally among all sports in which the student-athlete participates in instances when the financial aid agreement does not specify how such aid should be counted toward institutional limits.*

Assumptions: To evaluate options for scholarship numbers, the following analysis of non-specific financial aid distribution for indoor volleyball in relative comparison with respect to length of season of sand volleyball is provided.

- It is generally accepted that 12 student-athletes is an adequate roster size for indoor competition and the length of the indoor season is capped at 28 playing dates
- It is postulated that sand rosters will also be adequately fulfilled with 12 student-athletes (5 – two person units plus two alternates) and the proposed maximum length of the sand season is 16 playing dates
- All 12 student-athletes on either roster are receiving equitable amounts of athletics aid equivalencies from one discipline only

- 12 student-athletes divided into the maximum scholarship total of 8 for indoor yields an average of .66 scholarships per student-athlete
- The 28 playing date limit for indoor divided into the maximum playing date limit for sand 16 is approximately .57
- The maximum playing date adjustment of .57 multiplied by the average scholarship equivalency .66 provides for a weighted scholarship equivalency average of .37 for each student-athlete

### **Option 1**

#### Maximum Equivalency Limits

Sand Volleyball (w/o Indoor).....	4
Sand Volleyball (w Indoor).....	2

Rationale: For Sand without Indoor, the limit of 4 provides for 10.81 (rounded to 10) student-athletes to receive a .37 scholarship equivalency which means the team would not be fulfilled.

The increase of 2 scholarships for institutions supporting both indoor and sand provide for 5.4 student-athletes (rounded to 5) receiving a minimum .37 sand equivalency scholarship which indicates the remaining seven roster positions for sand would purportedly be filled by 7 crossover indoor volleyball student-athletes. This scenario will pose challenges for broadening participation opportunities as the majority of the sand team will be composed of indoor crossover student-athletes

### **Option 2**

#### Maximum Equivalency Limits

Sand Volleyball (w/o Indoor).....	5
Sand Volleyball (w Indoor).....	3

Rationale: For Sand without Indoor, the limit of 5 provides for 13.51 (rounded to 13) student-athletes to receive a .37 scholarship equivalency and would eclipse the limit of 12.

The increase of 3 scholarships for institutions supporting both indoor and sand provide for 8.1 student-athletes (rounded to 8) receiving the .37 sand equivalency scholarship which indicates the remaining 4 positions would be likely filled by crossover indoor student-athletes. The ratio of 2 to 1 sand/indoor student-athlete representation would be reasonable.

### **Option 3**

#### **Maximum Equivalency Limits**

Sand Volleyball (w/o Indoor).....	6
Sand Volleyball (w Indoor).....	4

Rationale: For Sand without Indoor, the limit of 6 provides for 16.21 (rounded to 16) student-athletes to receive a .37 scholarship equivalency and would more than eclipse the limit of 12.

The increase of 4 scholarships for institutions supporting both indoor and sand provide for 10.81 student-athletes (rounded to 10) receiving the .37 sand equivalency scholarship which indicates the remaining 2 positions would be likely filled by crossover indoor student-athletes. The improved ratio 5 to 1 appears to be the most ideal for sand volleyball.

### **Recommended Hybrid (2010-11 Year of Implementation)**

#### **Maximum Equivalency Limits**

Sand Volleyball (w/o Indoor).....	5	(Effective Immediately)
Sand Volleyball (w Indoor).....	2	(Effective Immediately)
Increased by 1.....	3	(Effective 2012-2013)
Increased by 1.....	4	(Effective 2015-2016)

Rationale: For Sand without Indoor, the limit of 5 fits the needs of the sport most effectively in that it provides for more than a full roster given the assumed parameters.

It is expected that the sand discipline will evolve in the high schools and junior volleyball ranks with more players being interested and pursuing sand volleyball as a primary focus. However in the first years of inception, sand rosters will likely be fulfilled with indoor players for programs which have both sports. By starting with an additional 2 scholarship equivalencies for sand in the first year of sponsorship and staggering additional scholarships for the next five years to increase to the ideal number 4 (for augmented roster size and athlete independence from indoor), the financial commitment is eased at the onset and additional aid provided for when the pool of prospects for sand deepens. It is conceivable and expected that the rarity of the multisport athlete who plays both volleyball and basketball presently will be as rare as the multisport athlete who plays both indoor and sand in 5 to 10 years.

In critical review of this subject as well as in open discussion with current indoor volleyball coaches, there is intense concern about the legislation governing the counting

of equivalencies regardless of the numbers of equivalencies added. Under the bylaw included above (15.5.3), indoor teams will effectively increase the available athletics financial aid for awarding scholarships with the understanding that only the indoor aid percentage stipulated on the financial grant-in-aid will count towards the current limit of 8. As long as accompanying sand money is designated specifically on the agreement, the increased aid received by the student-athlete will not violate the legislated manner for counting scholarships. A practical way to diffuse those concerns is to impose a hierarchy for sand and indoor. Specifically, athletics aid provided for sand volleyball counts towards the indoor limit of 8, but indoor athletics aid would not count towards the legislated limit for sand.

## **PLAYING RULES**

**Participants.** A team is composed of five (5) two-player units who compete in a flighted draw. No substitutions are allowed once a two-player unit has started a match or a tournament. Player substitutions may occur between different competitions.

**Rationale:** See clarification under “Minimum Contests and Participants Requirements for Sports Sponsorship”

### **Uniform.1**

- a) A uniform consists of two school-issued components - shorts or briefs, and a top. A one-piece body suit is acceptable as a combination of the two components. Any outer garment (e.g., sweat pants, tights) that is school-issued becomes the official uniform, when worn.
- b) The uniform must be of a material and design deemed to not be objectionable or offensive by the athletics department of the issuing institution.
- c) The uniform top must, by design and size, cover the full length of the torso, meeting or hanging below the waistband of the bottoms, while the competitor is standing, and allow for competitors’ numbers to be placed above the waist, front and back.
- d) Additional visible clothing is an undergarment. It must be worn under the uniform and be of a solid color.

**Rationale:** In accordance with NCAA DII legislation for track as functional clothing definitions are reasonable and tasteful

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<sup>1</sup> These regulations were taken from the NCAA Rulebook for Track & Field and therefore should provide functional and college-appropriate guidelines for attire.

### **Scoring System.**

**To Win a Doubles Match within a Competition.** The winner of a doubles contest is the pair that wins two out of three games. The first two games are played by rally scoring to 21 points (with a minimum lead of two points), the deciding game, if necessary, is played by rally score to 15 points (with a minimum lead of two points.)

**To Win a Dual Match.** The match is won by the team that wins three of the five separate doubles competitions.

**To win a Triangular or Quadrangular Competition.** Each doubles unit will compete against all the other pairs in their flight (one through five). Each doubles contest win will be awarded one (1) point in the team score. The winner of the competition is the team that scores the highest number of points with other teams placing 2nd, 3rd and 4th based on their point totals. If two teams tie for first place, they will play a tie-breaker consisting of each doubles team competing in one 15-point game. If two or more teams tie for first place, the winner will be the team that scored the most total points during the competition.

**Rationale:** The ideas for competition organization are open to broad options. These summarize the probable more popular situations.

### **FACILITIES**

**Playing Area:** Each playing court is a rectangle measuring 52'6" surrounded by a free zone with a minimum of 9'10" wide and with a space free of any obstruction up to a height of a minimum of 23' from the playing surface.

**Playing Surface:** The terrain must be composed of leveled sand, as flat and uniform as possible, free of rocks, shells and anything else, which can represent risks of cuts or injuries to the players.

**Lines on the Court:** Two sidelines and two end lines mark the playing court (no center line and no 10 foot lines). The lines must be 2" wide ribbons anchored by a soft flexible material at the four corners and the net, and of a color which contrasts sharply with the color of the sand.

**Net:** The net is 27'10' long and 39" wide when it is hung taut, placed vertically over the axis of the center of the court. At the top and the bottom there are two 3" wide horizontal bands made of two-fold canvas, preferably in dark or bright colors and sewn along its full length. The height of the net shall be 7'4 1/8" for women. Two side bands are fastened

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Legislative Draft for Collegiate Sand Volleyball

As proposed by the American Volleyball Coaches Association

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vertically to the net and placed above each sideline. Two antennae are fastened to the outer edge of each side band.

**Ball:** The ball is an outdoor ball with weight, circumference, pressure and color that meet FIVB standards.

**Rationale:** In accordance with sand volleyball rules as administered by the National Governing Body – USA Volleyball.



## NCAA Division I Legislation Adopted since August 2008

**Proposal Number:** 2008-9

**Title:** NCAA MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL --  
CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- OPERATING AND CAPITAL  
FINANCIAL DATA REPORT

**Intent:** To specify that an institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis, as specified, as a condition and obligation of membership and in order to be eligible to enter a team or individual in NCAA championship competition.

**A. Constitution:** Amend 3.2.4, as follows:

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.15 unchanged.]

**3.2.4.16 Operating and Capital Financial Data Report. An institution shall submit financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA on an annual basis in accordance with the financial reporting policies and procedures. The required data shall include, but is not limited to, the following:**

**(a) All expenses and revenues for or on behalf of an institution's intercollegiate athletics program, including those by any affiliated or outside organization, agency or group of individuals;**

**(b) Salary and benefits data for all athletics positions. The data shall include base salary, bonuses, endorsements, media fees, camp or clinic income, deferred income and other income contractually guaranteed by the institution;**

**(c) Capital expenditures (to be reported in aggregate for athletics facilities), including capitalized additions and deletions to facilities during the reporting period, total estimated book value of athletically related plant and equipment net of depreciation, total annual debt service on athletics and university facilities and total debt outstanding on athletics and university facilities;**

**(d) Value of endowments at fiscal year-end that are dedicated to the sole support of athletics;**

**(e) Value (at the time of submission of the report) of all pledges that support athletics; and**

**(f) The athletics department fiscal year-end fund balance.**

**3.2.4.16.1 Verification and Certification. The report shall be subject to annual agreed-upon verification procedures approved by the membership (in addition to any regular financial reporting policies and procedures of the institution) and conducted by a qualified independent accountant who is not a staff member of the**

**institution and who is selected by the institution's chancellor or president or by an institutional administrator from outside the athletics department designated by the chancellor or president. The independent accountant shall verify the accuracy and completeness of the data prior to submission to the institution's chancellor or president and the NCAA. The institution's chancellor or president shall certify the financial report prior to submission to the NCAA.**

**B. Constitution:** Amend 6.2.3, as follows:

~~6.2.3 Financial Report Procedures. All expenses and revenues for or on behalf of an institution's intercollegiate athletics program, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to annual agreed upon procedures approved by the Division I 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.~~

~~6.2.3.1 Schedule. The report created pursuant to the approved procedures shall be completed for one fiscal year and presented to the chancellor or president on or before January 15 following the end of the institution's fiscal year.~~

**C. Bylaws:** Amend 18.4.2, as follows:

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, an institution shall:

[18.4.2.1-(a) through 18.4.2.1-(e) unchanged.]

(f) Have submitted its race and demographic information to the NCAA through the official submission process; ~~and~~

**(g) Have submitted its financial data detailing operating revenues, expenses and capital related to its intercollegiate athletics program to the NCAA through the official submission process (see Constitution 3.2.4.16); and**

[18.4.2.1-(g) renumbered as 18.4.2.1-(h), as unchanged.]

**Source:** NCAA Division I Board of Directors.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** NCAA Membership

**Rationale:** This recommendation is a result of the work of the Presidential Task Force on the Future of Division I Intercollegiate Athletics. The task force found that the threats to the future of intercollegiate athletics are nearly all connected to the need for ensuring the financial integrity of intercollegiate athletics. In order to bring focus to the financial realities for intercollegiate athletics and relieve the financial stress, or even avert a looming crisis, it will fall to chancellors and presidents to give impetus and direction to the effort. Creating a national policy to collect and promulgate clear and concise data will allow chancellors and presidents to use the data to align athletics budgeting with institutional mission to strengthen the enterprise. Financial data related to athletics departments and programs will be collected in a timely manner using uniform and common definitions. A full and comprehensive financial picture of revenues, expenditures and capital improvements related to intercollegiate athletics will be readily available to decision-makers for use in strategic planning and policy development. Ratios or data points (dashboard indicators) will provide simple comparisons among institutions. Finally, collected data will be codified and presented in a manner that protects institutional and individual privacy.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

**History**

*Jul 29, 2008:* Submit; Submitted for consideration.

*Aug 07, 2008:* Board of Directors, Sponsored

*Sep 17, 2008:* Championships/Sports Management Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-14

**Title:** RECRUITING -- DEFINITIONS AND APPLICATIONS -- PROSPECTIVE  
STUDENT-ATHLETE -- ENROLLMENT AND ATTENDANCE IN SUMMER CLASSES  
PRIOR TO INITIAL FULL-TIME ENROLLMENT

**Intent:** To specify that an individual shall no longer be considered a prospective student-athlete for purposes of the contact limitations in Bylaw 13 and shall be considered a student-athlete for purposes of Bylaw 16 at the point in which he or she officially registers and enrolls and attends classes in an institution's summer term prior to initial full-time enrollment.

**Bylaws:** Amend 13.02.11, as follows:

13.02.11 Prospective Student-Athlete. A prospective student-athlete is a student who has started classes for the ninth grade. In addition, a student who has not started classes for the ninth grade becomes a prospective student-athlete if the institution provides such an individual (or the individual's relatives or friends) any financial assistance or other benefits that the institution does not provide to prospective students generally. An individual remains a prospective student-athlete until one of the following occurs (whichever is earlier):

[13.02.11-(a) through 13.02.11-(b) unchanged.]

(c) The individual officially registers and enrolls and attends classes during the summer prior to initial full-time enrollment ~~and receives institutional athletics aid.~~

[13.02.11.1 unchanged.]

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Recruiting).

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** Current legislation permits any individual who is enrolled in the institution's summer term prior to his or her initial, full-time enrollment at the certifying institution to be provided academic support services and to use the institution's training room facilities without signing a National Letter of Intent (NLI). In addition, in football and basketball, any individual who is enrolled in the institution's summer term prior to his or her initial, full-time enrollment at the certifying institution may engage in voluntary summer workouts conducted by an institution's strength and conditioning coach regardless of whether the individual has signed an NLI or is receiving athletically related financial aid during the summer term. Although these individuals have not signed an NLI and are not receiving summer financial aid, they are no longer being recruited by the institution and they receive the same access to institutional facilities and services as individuals who have signed an NLI or are receiving summer financial aid. Accordingly, these individuals should also be provided the benefits of

student-athletes for purposes of Bylaw 16 and the institutions at which they are enrolled should not be subject to the contact restrictions of Bylaw 13.

**Budget Impact:** Minimal; based on possible benefits and modes of contact.

**Impact on S-A's Time:** Minimal; based on possible benefits and contact.

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale for the proposal.

**History**

*Jun 10, 2008:* Submit; Submitted for consideration.

*Jun 11, 2008:* Academics/Eligibility/Compliance Cabinet, Sponsored

*Sep 19, 2008:* Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-16

**Title:** RECRUITING -- CONTACTS AND EVALUATIONS -- CONTACTABLE  
INDIVIDUALS -- STUDENT-ATHLETE WITHDRAWN FROM FOUR-YEAR  
COLLEGE -- EXCEPTION -- OFFICIAL CHURCH MISSION

**Intent:** To specify that an institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student; further, to specify that if such a student-athlete has completed his or her official church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution.

**Bylaws:** Amend 13.1.1.3.2, as follows:

13.1.1.3.2 Student-Athlete Withdrawn from Four-Year College. A member institution may contact a student-athlete who has withdrawn officially from a four-year collegiate institution without obtaining permission from the first institution only if at least one academic year has elapsed since the withdrawal.

**13.1.1.3.2.1 Exception -- Official Church Mission. An institution shall not contact a student-athlete who has begun service on an official church mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission if the student-athlete signed a National Letter of Intent (NLI) and attended the institution (with which he or she signed the NLI) as a full-time student. If such a student-athlete has completed his or her official church mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution.**

**Source:** Western Athletic Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** An official church mission is a time when an individual should not have to deal with distractions due to numerous recruiting contacts by coaches. In many cases, the missionary's church may restrict contact between the missionary and his or her family and friends to correspondence and two phone calls per year. Current legislation allows for active recruitment of such a student-athlete to recommence after he or she has been officially withdrawn from a four-year institution. Recruitment during the mission experience detracts from the goals and focus of the mission. In addition, many resources are expended in recruiting prospective student-athletes. The fact that a student-athlete who serves an official

church mission will once again become eligible for recruitment discourages many schools from recruiting those prospective student-athletes prior to their missions. This proposal would protect such student-athletes and the institutions with which they sign National Letters of Intent from external recruiting interferences during the student-athletes' missionary service.

**Budget Impact:** None.

**Impact on S-A's Time:** Reduction in intrusions on a student-athlete's time during a church mission.

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale statement and believes this would add appropriate mechanisms to protect the student-athlete and institution with which they originally signed a NLI.

**History**

*Jul 15, 2008:* Submit; Submitted for consideration.

*Sep 19, 2008:* Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-23

**Title:** RECRUITING -- RECRUITING MATERIALS -- ELECTRONIC TRANSMISSIONS --  
EXCEPTION -- AFTER RECEIPT OF ROOM OR TUITION DEPOSIT

**Intent:** To specify that on or after May 1 of a prospective student-athlete's senior year in high school, there shall be no limit on the forms of electronically transmitted correspondence that may be sent by an institution to the prospective student-athlete, provided the institution has received his or her room or tuition deposit in response to the institution's offer of admission.

**Bylaws:** Amend 13.4.1.2, as follows:

13.4.1.2 Electronic Transmissions. Electronically transmitted correspondence that may be sent to a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) is limited to electronic mail and facsimiles. (See Bylaw 13.1.7.2.) All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited. Color attachments may be included with electronic mail correspondence sent to a prospective student-athlete, provided the attachment only includes information that is not created for recruiting purposes, except for items that are specifically permitted as printed recruiting materials (e.g., questionnaires). In addition, attachments shall not include any animation, audio or video clips and there shall be no cost (e.g., subscription fee) associated with sending the item attached to the electronic mail correspondence.

[13.4.1.2.1 unchanged.]

**13.4.1.2.2 Exception -- Electronic Transmissions After Receipt of Room or Tuition Deposit. On or after May 1 of a prospective student-athlete's senior year in high school, there shall be no limit on the forms of electronically transmitted correspondence that may be sent by an institution to the prospective student-athlete, provided the institution has received his or her room or tuition deposit in response to the institution's offer of admission.**

**Source:** Southern Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** This proposal would establish an exception to the electronic correspondence legislation that would be similar to the current legislation regarding publicity released by an institution after a prospective student-athlete has evidenced his or her commitment to attend the institution. A key factor in the membership's desire to eliminate text messaging and other electronically transmitted correspondence is the intrusive nature of these particular methods of communication during the recruiting process. However, such communication to prospective student-athletes who have already committed to the institution does not present a

recruiting advantage and is not overly invasive. Prospective student-athletes who have submitted a tuition or room deposit may not have signed a National Letter of Intent (NLI), but they have shown the same level of commitment as those prospective student-athletes who have. Institutions should be able to communicate with those prospective student-athletes via the same electronic methods. This proposal would allow for a more consistent application to prospective student-athletes who have committed to attend the institution. The May 1 date ensures that electronically transmitted communication (other than e-mail or facsimiles) with a prospective student-athlete who qualifies for the exception will occur subsequent to the initial date of the spring NLI signing period.

**Budget Impact:** None.

**Impact on S-A's Time:** Minimal.

**Position Statement(s)**

*Recruiting and Athletics Personnel Issues Cabinet:* The cabinet supports the proposal. The cabinet agrees with the sponsor's rationale.

**History**

*Jul 14, 2008:* Submit; Submitted for consideration.

*Sep 19, 2008:* Recruiting and Athletics Personnel Issues Cabinet, Recommends Approval

*Oct 24, 2008:* Sponsor modified the proposal to specify that on or after May 1 of a prospective student-athlete's senior year in high school, there shall be no limit on the forms of electronically transmitted correspondence that may be sent by an institution to the prospective student-athlete, provided the institution has received his or her room or tuition deposit in response to the institution's offer of admission. Previously, the proposal would have specified that there would be no limit on the forms or electronically transmitted correspondence after a prospect signed an institutional offer of financial aid or admission, or after the prospect submitted a room or tuition deposit.

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-30-B

**Title:** RECRUITING -- ENTERTAINMENT, REIMBURSEMENT AND EMPLOYMENT OF HIGH SCHOOL/COLLEGE-PREPARATORY SCHOOL/TWO-YEAR COLLEGE COACHES -- EMPLOYMENT AS SPEAKER/PRESENTER IN ATHLETICALLY RELATED INSTITUTIONAL ACTIVITIES -- BASKETBALL

**Intent:** In basketball, to specify that an institution shall not employ (either on a salaried or a volunteer basis) an individual who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball as a speaker or presenter at any athletically related events or activities (e.g., camps or clinics, booster club functions, as outside consultant).

**A. Bylaws:** Amend 13.8.3, as follows:

13.8.3 Employment Conditions.

**13.8.3.1 Employment in Athletically Related Institutional Activities -- Basketball. An institution shall not employ (either on a salaried or a volunteer basis) an individual who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball as speaker or presenter at any athletically related institutional events or activities (e.g., booster club functions, outside consultant).**

[13.8.3.1 through 13.8.3.3 renumbered as 13.8.3.2 through 13.8.3.4, unchanged.]

**B. Bylaws:** Amend 13.12.2.2, as follows:

13.12.2.2 High School, Preparatory-School, Two-Year College Coaches or Other Individuals Involved with Prospective Student-Athletes.. A member institution (or employees of its athletics department) may employ a high school, preparatory school or two-year-college coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved at its camp or clinic, provided:

[13.12.2.2-(a) through 13.12.2.2-(b) unchanged.]

[13.12.2.2.1 unchanged.]

**13.12.2.2.2 Employment as a Speaker in an Institutional Camp or Clinic -- Basketball. An institution shall not employ (either on a salaried or a volunteer basis) a speaker in any basketball camp or clinic (including a coaches clinic or a camp or clinic involving nonprospects) who is involved in coaching prospective student-athletes or is associated with a prospective student-athlete as a result of the prospective student-athlete's participation in basketball. Such an individual may be employed as a camp counselor, but may not perform speaking duties other than those normally associated with camp counselor duties (e.g., skill instruction).**

**Source:** NCAA Division I Legislative Council.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Recruiting

**Rationale:** This alternative was sponsored at the request of the National Association of Basketball Coaches in order to address additional concerns related to the payment of fees to prospective student-athletes' coaches or other individuals associated with prospective student-athletes. A broader prohibition on employment of coaches and individuals involved with prospective student-athletes as a result of participation in basketball is necessary to address other means by which payments may be directed to such individuals. In many cases, the purpose of such employment is to gain favor with these individuals and greater access to the prospects who these individuals influence and, many times, control. College coaches need to be protected from scholastic and nonscholastic coaches (and others associated with prospects) who seek to leverage access to the prospects by offering themselves to be employed at camps, clinics, booster club functions and similar activities. The proposed prohibition will promote greater integrity in the youth basketball recruiting process.

**Budget Impact:** Potential cost savings.

**Impact on S-A's Time:** None.

**History**

*Oct 16, 2008:* Submit; Submitted for consideration as an alternative to Proposal No. 2008-30-A.

*Oct 21, 2008:* Legislative Council, Sponsored

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-37

**Title:** ELIGIBILITY -- TRANSFER REGULATIONS -- EXCEPTIONS FOR TRANSFERS FROM FOUR-YEAR COLLEGES -- CHURCH MISSION

**Intent:** To eliminate the church mission exception to the transfer residence requirement for transfers from four-year colleges.

**Bylaws:** Amend 14.5.5.2, as follows:

14.5.5.2 Exceptions for Transfers from Four-Year Colleges. A transfer student (other than one under disciplinary suspension per Bylaw 14.5.1.3) from a four-year collegiate institution is not subject to the residence requirement for intercollegiate competition, provided the student does not have an unfulfilled residence requirement at the institution from which he or she is transferring (except for the return to original institution without participation or with minimal participation exception) and any of the following exceptions is satisfied. During the student-athlete's first academic year of full-time collegiate enrollment, such conditions may serve as a basis for an exception to the residence requirement only for transfer students who, at the time of initial collegiate enrollment, met the requirements for "qualifiers" (set forth in Bylaw 14.3.1) in Division I. In basketball, a student-athlete who initially enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the ensuing academic year.

[14.5.5.2.1 through 14.5.5.2.4 unchanged.]

14.5.5.2.5 Military Service, ~~Church Mission~~ Exception. The student returns from at least 12 months of active service in the armed forces of the United States, ~~or from at least 12 months of active service on an official church mission.~~

14.5.5.2.5.1 Collegiate Enrollment Concurrent with Military Service. The amount of time that an individual is enrolled as a regular student in a collegiate institution while concurrently on active military duty ~~or engaged in active service on an official church mission~~ may not be counted as a part of the 12-month active-duty period that qualifies a student for an exception to the transfer-residence requirement.

[Remainder of 14.5.5.2 unchanged.]

**Source:** Western Athletic Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Current legislation provides an exception to the residence requirement for a transfer student from a four-year institution if the student-athlete actively serves at least 12 months on an official church mission. The exception essentially makes a student-athlete who is serving an official church mission a "free agent," because he or she is not required to fulfill a year in residence on returning and transferring to another institution. Since the current legislation provides an exception to the transfer residence requirement, many institutions are discouraged from investing the time, energy and finances into recruiting prospective student-athletes who plan to serve missions. As a result, an individual who would otherwise serve a mission may choose not to do so in order to receive a scholarship offer, which may be contingent on not serving a mission. Legislation affecting official church mission service should be distinguished from active military service due to a recent increase in the recruitment of student-athletes who serve official church missions.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal. The cabinet noted that participation in a church mission is within the student-athlete's control and such student-athletes should not be provided an exception to the transfer legislation if they decide to transfer to a different four-year institution on return from the church mission.

**History**

*Jul 15, 2008:* Submit; Submitted for consideration.

*Sep 09, 2008:* Academics Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-38

**Title:** ELIGIBILITY -- TRANSFER REGULATIONS -- FOUR-YEAR COLLEGE TRANSFERS -- COMPETITION AND RECEIPT OF ATHLETICALLY RELATED FINANCIAL AID IN YEAR OF TRANSFER -- TENNIS

**Intent:** In tennis, to specify that a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.

**Bylaws:** Amend 14.5.5.3, as follows:

14.5.5.3 Competition in Year of Transfer. A transfer student from a four-year institution, who has received a waiver of or exception to the transfer residence requirement (per Bylaw 14.5.5.2), is not eligible to compete at the certifying institution during the segment that concludes with the NCAA championship if the student-athlete has competed during that segment of the same academic year in that sport at the previous four-year institution.

**14.5.5.3.1 Competition and Receipt of Athletically Related Financial Aid in Year of Transfer -- Tennis. In tennis, a transfer student from a four-year institution who enrolls at the certifying institution as a full-time student after the conclusion of the first term of the academic year and qualifies for an exception to the one-year residence requirement shall not be eligible for competition until the following academic year if he or she has competed during the same academic year and received athletically related financial aid during the same academic year from the previous four-year institution.**

**Source:** NCAA Division I Academics/Eligibility/Compliance Cabinet (Subcommittee on Continuing Eligibility).

**Effective Date:** August 1, 2010

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Current legislation precludes a student-athlete from engaging in competition in a particular sport at two different institutions in the championship segment of the same academic year. In tennis, the season of competition is typically divided into two segments, but the Intercollegiate Tennis Association (ITA) is concerned about situations in which a student-athlete may compete for two different institutions in the same academic year and the difficulty some institutions have in replacing a student-athlete midyear. Accordingly, the ITA supports this proposal, which limits the ability of a midyear tennis transfer student-athlete to compete for two four-year institutions in the same academic year if the student-athlete received athletically-related financial aid at the first institution. Additionally, this proposal

encourages and promotes more careful consideration by the coach and the student-athlete during the recruiting process and helps to solidify the commitment made by both parties.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Men's and Women's Tennis Committee:* The committee supports the proposal.

**History**

*Jun 10, 2008:* Submit; Submitted for consideration.

*Jun 11, 2008:* Academics/Eligibility/Compliance Cabinet, Sponsored

*Sep 09, 2008:* Men's and Women's Tennis Committee, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-39

**Title:** ELIGIBILITY -- OUTSIDE COMPETITION, EFFECTS ON ELIGIBILITY --  
EXCEPTION -- CONFERENCE ALL-STAR COMPETITION AGAINST U.S. NATIONAL  
TEAM -- WOMEN'S ICE HOCKEY

**Intent:** In women's ice hockey, to specify that a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition.

**A. Bylaws:** Amend 14.7.1, as follows:

14.7.1 Outside Competition -- Sports Other Than Basketball. A student-athlete in any sport other than basketball who participates during the academic year as a member of any outside team in any noncollegiate, amateur competition becomes ineligible for intercollegiate competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement. A student-athlete is permitted to practice on such a team.

[14.7.1.1 through 14.7.1.2 unchanged.]

**14.7.1.3 Exception -- Conference All-Star Competition Against U.S. National Team -- Women's Ice Hockey. In women's ice hockey, a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter Olympic Games, provided the student-athlete is academically eligible for competition at the time of the competition.**

[14.7.1.3 through 14.7.1.5 renumbered as 14.7.1.4 through 14.7.1.6, unchanged.]

**B. Bylaws:** Amend 17.14.8.1, as follows:

17.14.8.1 Noncollegiate, Amateur Competition.

17.14.8.1.1 During Academic Year. A student-athlete in ice hockey who participates during the academic year as a member of any outside ice hockey team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) except while representing the institution in intercollegiate ice hockey competition shall be ineligible for intercollegiate ice hockey competition unless eligibility is restored by the Committee on Student-Athlete Reinstatement (see Bylaw 14.7.3 for exceptions).

[17.14.8.1.1.1 unchanged.]

**17.14.8.1.1.2 Exception -- Conference All-Star Competition Against U.S. National Team. In women's ice hockey, a student-athlete may compete during the academic year as a member of a conference all-star team in up to two contests against the U.S. Women's National Ice Hockey Team in the 12 months prior to the Winter**

**Olympic Games, provided the student-athlete is academically eligible for intercollegiate competition at the time of the competition.**

**Source:** Ivy Group.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** In previous years leading up to the Winter Olympic Games, NCAA Division I Subcommittee for Legislative Relief (formerly Administrative Review Subcommittee) waivers have been granted for conference women's ice hockey all-star teams to play a maximum of two contests each against the U.S. women's national team. In granting the waiver related to the 2006 Winter Olympic Games, the subcommittee encouraged the applicant conferences to propose legislation to address the issue. This proposal will decrease bureaucracy by permitting participation in such contests without requiring institutions or conferences to request a waiver.

**Budget Impact:** Costs related to two contests every four years potentially involving a few students per institution.

**Impact on S-A's Time:** Time related to two contests every four years potentially involving a few students per institution.

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal with the modification to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition. The cabinet noted the limited viable competition available for the U.S. national team, that women's ice hockey teams generally have good APRs and the limited timeframe during which the competition could occur. However, the cabinet supports the consideration of potential academic impact for all such outside competition requests. (See History Section.)

*Championships/Sports Management Cabinet:* The cabinet supports the proposal with the modification to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition. (See History Section.)

*Women's Ice Hockey Committee:* The committee supports the proposal.

**History**

*Jul 03, 2008:* Submit; Submitted for consideration.

*Aug 26, 2008:* Women's Ice Hockey Committee, Recommends Approval

*Sep 09, 2008:* Academics Cabinet, Recommends Defeat; The cabinet recommends that the sponsor modify the proposal to specify that the student-athlete must be academically

eligible for intercollegiate competition at time of the competition. The cabinet would support the proposal if modified.

*Sep 17, 2008:* Championships/Sports Management Cabinet, Recommends Defeat; The cabinet opposes the proposal as drafted noting that it would support the proposal if modified to specify that the student-athlete must be academically eligible for intercollegiate competition at the time of competition.

*Sep 19, 2008:* The sponsor modified the proposal to specify that the student-athlete must be academically eligible for intercollegiate competition at time of the competition.

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-42

**Title:** AWARDS, BENEFITS AND EXPENSES -- COMPLIMENTARY ADMISSIONS AND TICKET BENEFITS -- POSTSEASON EVENTS

**Intent:** To specify that an institution may provide each student-athlete who participates in or is a member of a team participating in a postseason event (e.g., conference championship, NCAA championship, National Invitation Tournament, bowl game) with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates.

**Bylaws:** Amend 16.2.1.1.1, as follows:

16.2.1.1.1 Exception -- ~~Conference Championships, NCAA Championships and Bowl Games~~ **Postseason Events**. An institution may provide each student-athlete who participates in or is a member of a team participating in a **postseason event (e.g., conference championship, NCAA championship, National Invitation Tournament, or bowl game)** with six complimentary admissions to all intercollegiate athletics events at the site at which the student (or team) participates.

**Source:** Big Ten Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Awards, Benefits and Expenses

**Rationale:** This proposal would simplify and bring consistency to the application of the complimentary admissions legislation and permit a student-athlete to receive six complimentary admissions to postseason events in which the student-athlete participates or is a member of a team participating in the event.

**Budget Impact:** Varies depending on postseason participation.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal and agrees with the sponsor's rationale.

**History**

*Jul 15, 2008:* Submit; Submitted for consideration.

*Sep 19, 2008:* Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-44

**Title:** AWARDS, BENEFITS AND EXPENSES -- EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION -- DEPARTURE/RETURN EXPENSE RESTRICTIONS -- EXCEPTIONS -- TRAVEL FOLLOWING CHAMPIONSHIPS EVENTS AND POSTSEASON FOOTBALL GAMES

**Intent:** To specify that return transportation following contests in NCAA championship events, national governing body championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms are exempt from the requirement that a student-athlete remain no longer than 36 hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus.

**Bylaws:** Amend 16.8.1.2.1, as follows:

16.8.1.2.1 Departure/Return Expense Restrictions. An eligible student-athlete may receive actual and necessary travel expenses to represent the institution in athletics competition, provided the student-athlete departs for the competition no earlier than 48 hours prior to the start of the actual competition and remains no more than 36 hours following the conclusion of the actual competition even if the student-athlete does not return with the team.

16.8.1.2.1.1 Exceptions. These travel expense restrictions do not apply in the following circumstances:

[16.8.1.2.1.1-(a) through 16.8.1.2.1.1-(d) unchanged.]

**(e) Return transportation following contests in NCAA championship events, NGB championships in emerging sports or licensed postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms;**

[16.8.1.2.1.1-(e) through 16.8.1.2.1.1-(i) relettered as 16.8.1.2.1.1-(f) through 16.8.1.2.1.1-(j), unchanged.]

**Source:** Atlantic Coast Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Awards, Benefits and Expenses

**Rationale:** Current legislation provides an exception to the 48-hour departure restriction for travel prior to contests in NCAA championship events, National Governing Body championships in emerging sports or licensed postseason football games; however, there is no exception for departing the competition site more than 36 hours following the conclusion of a competition. When these events take place during institutional vacation periods and classes are not in session, many student-athletes and their families choose to stay in the locale

of the competition for an extended period after the competition. However, under the current rule, if a student-athlete remains at the site more than 36 hours after the conclusion of the competition, the institution is not permitted to pay for that student-athlete's return transportation. Current legislation provides an exception to the 36-hour return restriction for regular-season competition that takes place during the institution's official vacation period during the academic year and between terms. This proposal would bring consistency to the application of the return restriction for regular-season and championship competition that occurs during the institution's vacation period. The same rationale for an exception for regular-season competition would logically apply to championship competition and postseason football games.

**Budget Impact:** Potential increase in costs to provide transportation expenses to student-athletes remaining in the locale of competition beyond 36 hours.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Awards, Benefits, Expenses and Financial Aid Cabinet:* The cabinet supports the proposal. The cabinet recommends that the sponsor clarify which expenses (e.g., transportation, meals, lodging) may be provided by the institution beyond the 36-hour period and whether the student-athlete must remain in the locale of the championship event or postseason football game in order to receive these expenses.

*Championships/Sports Management Cabinet:* The cabinet supports the proposal with the modification to clarify that only return transportation could be provided to a student-athlete after 36 hours have elapsed following the conclusion of competition. (See History Section.)

**History**

*Jul 09, 2008:* Submit; Submitted for consideration.

*Sep 17, 2008:* Championships/Sports Management Cabinet, Recommends Defeat; The cabinet requests that the sponsors clarify whether the impact of the proposal is that the institution may only provide expenses related to the student-athlete's transportation back to campus. The cabinet would support the proposal if that limitation were in place.

*Sep 19, 2008:* Awards, Benefits, Expenses and Financial Aid Cabinet, Recommends Approval

*Sep 19, 2008:* Sponsor modified proposal to clarify that only return transportation could be provided to a student-athlete after 36 hours have elapsed following the conclusion of competition. The student-athlete may not receive other expenses (e.g., room, meals) after 36 hours have elapsed.

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-49

**Title:** PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST CONTEST --  
EXCEPTIONS -- INFORMAL PRACTICE SCRIMMAGES -- NO MISSED CLASS TIME

**Intent:** In basketball, to specify that no class time shall be missed in conjunction with an informal practice scrimmage, including activities associated with such scrimmages (e.g., travel, pregame and postgame activities).

**A. Bylaws:** Amend 17.5.3, as follows:

17.5.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball prior to the second Friday of November (see Figure 17-2). -

17.5.3.1 Exceptions. The following basketball contests (games and scrimmages) are permitted prior to the first contest dates specified under Bylaw 17.5.3:

(a) Practice Scrimmages. Informal practice scrimmages with outside competition, provided they are conducted in privacy without publicity or official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. **No class time shall be missed in conjunction with such a scrimmage, including all associated activities (e.g., travel, pregame and postgame activities);** and

[17.5.3.1-(b) unchanged.]

**B. Bylaws:** Amend 17.5.5.3, as follows:

17.5.5.3 Annual Exemptions. The following basketball contests each year may be exempted from a member institution's maximum number of contests:

[17.5.5.3-(a) through 17.5.5.3-(i) unchanged.]

(j) Practice Scrimmage. **An informal practice scrimmage with outside competition, provided it is conducted in privacy without official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. No class time shall be missed in conjunction with such a scrimmage, including all associated activities (e.g., travel, pregame and postgame activities).** In women's basketball, an institution may play two practice scrimmages during any year it does not use an exemption set forth in Bylaw 17.5.5.3-(g), 17.5.5.3-(h) or 17.5.5.3-(i), or may play one practice scrimmage and either one exhibition contest against a foreign team in the United States, one exhibition contest against a "club" member of USA Basketball or one exhibition contest against a four-year collegiate institution (other than an NCAA Division I institution). In men's basketball, an institution may play two practice scrimmages during any year in which it does not use the exemption

set forth in Bylaw 17.5.5.3-(i), or may play one practice scrimmage and one exhibition contest against a non-NCAA Division I four-year collegiate institution.

**Source:** NCAA Division I Championships/Competition Cabinet (Men's Basketball Issues Committee) (Playing and Practice Seasons Subcommittee).

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Current legislation permits an institution to participate in an informal basketball scrimmage after the start date for on-court practice. Such a scrimmage may be conducted against another Division I institution. The current rules have established conditions to ensure that the scrimmage is conducted in privacy and does not, in essence, become an additional contest. However, there is no requirement that student-athletes do not miss class time to participate in such a scrimmage. In recent years, there have been some instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions. These scrimmages originally were designed to permit institutions in close proximity to each other to engage in an informal type of practice session. As such, student-athletes should not be missing class time to participate. This proposal will help further the original intent of the legislation.

**Budget Impact:** Potential cost savings for institutions that have been traveling significant distances while classes were in session to participate in practice scrimmages.

**Impact on S-A's Time:** Less missed class time.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* While it appears the issue of missed class time associated with informal practice scrimmages is more prevalent in men's basketball than in women's basketball, there have been some reported instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions and, as a result, missed class. The original legislation was adopted with the intent that scrimmages would occur in close proximity to the institution and, therefore, the cabinet believes women's basketball would benefit from being included in this legislation.

*Women's Basketball Committee:* The committee supports the proposal. The committee agrees that the scrimmages were designed to permit institutions in close proximity to each other to engage in an informal type of practice scrimmage that did not require student-athletes to miss class in order to participate.

*Women's Basketball Issues Committee:* The committee supports the proposal. While it appears the issue of missed class time associated with informal practice scrimmages is more prevalent in men's basketball than in women's, there have been some reported instances involving institutions that have traveled significant distances to participate in scrimmages against other Division I institutions and, as a result, missed class. The original legislation

was adopted with the intent that scrimmages would occur in close proximity to the institution and, therefore, the committee believes women's basketball would benefit from being included in this legislation.

### **History**

*Jun 13, 2008:* Submit; Submitted for consideration.

*Jun 16, 2008:* Men's Basketball Issues Committee, Recommends Approval

*Jun 25, 2008:* Championships/Competition Cabinet, Sponsored

*Aug 18, 2008:* Women's Basketball Issues Committee, Recommends Modification; Recommends that the proposal be modified to include women's basketball.

*Sep 02, 2008:* Women's Basketball Committee, Recommends Approval

*Sep 17, 2008:* Championships/Sports Management Cabinet, Modified the Proposal; Proposal modified to include women's basketball.

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-50

**Title:** PLAYING AND PRACTICE SEASONS -- WOMEN'S BASKETBALL -- FIRST  
CONTEST EXCEPTIONS AND ANNUAL EXEMPTIONS -- FOREIGN TEAM IN U.S.  
AND USA BASKETBALL CLUB

**Intent:** In women's basketball, to eliminate the exception to the first contest date and the annual exemptions for exhibition contests against club members of USA Basketball and foreign teams in the U.S.

**A. Bylaws:** Amend 17.5.3, as follows:

17.5.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball prior to the second Friday of November (see Figure 17-2).

17.5.3.1 Exceptions. The following basketball contests (games or scrimmages) are permitted prior to the first contest dates specified under Bylaw 17.5.3:

[17.5.3.1-(a) unchanged.]

(b) ~~USA Basketball, Foreign Team and~~ Non-NCAA Division I Four-Year Collegiate Institution Games. ~~In women's basketball, the two basketball games exempted per Bylaws 17.5.5.3 (g), 17.5.5.3 (h) and 17.5.5.3 (i) may be played after the date on which an institution may commence on-court preseason practice (see Bylaw 17.5.2). In men's basketball, the two basketball games~~ **Contests** ~~exempted per Bylaw 17.5.5.3-(ig) may be played after the date on which an institution may commence on-court preseason practice (see Bylaw 17.5.2).~~

**B. Bylaws:** Amend 17.5.5.3, as follows:

17.5.5.3 Annual Exemptions. The following basketball contests each year may be exempted from a member institution's maximum number of contests: [17.5.5.3-(a) through 17.5.5.3-(f) unchanged.]

~~(g) Foreign Team in U.S. -- Women's Basketball. An exhibition contest against a foreign team in the United States played in the arena in which the member institution regularly plays its home contests. An institution may play two exhibition contests against a foreign team in the United States during any year in which it does not use an exemption set forth in Bylaws 17.5.5.3 (h), 17.5.5.3 (i), or 17.5.5.3 (j), or may play one exhibition contest against a foreign team in the United States and either one exhibition contest against a "club" member of USA Basketball, one exhibition contest against a four year collegiate institution (other than a NCAA Division I institution) or one practice scrimmage as defined in Bylaw 17.5.5.3 (j);~~

~~(h) USA Basketball Club -- Women's Basketball. An exhibition contest against a "club" member of USA Basketball played in the arena in which the member institution regularly plays its home contests. An institution may play two exhibition contests against a "club"~~

~~member of USA Basketball during any year in which it does not use an exemption set forth in Bylaw 17.5.5.3 (g), 17.5.5.3 (i) or 17.5.5.3 (j), or may play one exhibition contest against a "club" member of USA Basketball and either one exhibition contest against a foreign team in the United States, one exhibition contest against a four year collegiate institution (other than an NCAA Division I institution) or one practice scrimmage as defined in Bylaw 17.5.5.3 (j).~~

(~~ig~~) Exhibition Against a Non-NCAA Division I Four-Year Collegiate Institution. An exhibition contest against a four-year collegiate institution (other than a NCAA Division I institution) played in the arena in which the member institution regularly plays its home contests. ~~In women's basketball, an institution may play two exhibition contests against a non-NCAA Division I four-year collegiate institution during any year in which it does not use an exemption set forth in Bylaws 17.5.5.3 (g), 17.5.5.3 (h) or 17.5.5.3 (j), or may play one exhibition contest against a non-NCAA Division I four-year collegiate institution and either one exhibition contest against a foreign team in the United States or one practice scrimmage as defined in Bylaw 17.5.5.3 (j). In men's basketball, an An institution may play two exhibition contests against a non-NCAA Division I four-year collegiate institution during any year in which it does not use the exemption set forth in Bylaw 17.5.5.3-(~~j~~h), or may play one exhibition contest against a non-NCAA Division I four-year collegiate institution and one practice scrimmage as defined in Bylaw 17.5.5.3-(~~j~~h); and,~~

(~~j~~h) Practice Scrimmage. An informal practice scrimmage with outside competition, provided it is conducted in privacy without official scoring. Individuals other than athletics department staff members and those necessary to conduct a basketball practice scrimmage against outside competition may not be present during such a scrimmage. The institution shall ensure that the scrimmage is free from public view. ~~In women's basketball, an institution may play two practice scrimmages during any year it does not use an exemption set forth in Bylaw 17.5.5.3 (g), 17.5.5.3 (h) or 17.5.5.3 (i), or may play one practice scrimmage and either one exhibition contest against a foreign team in the United States, one exhibition contest against a "club" member of USA Basketball or one exhibition contest against a four-year collegiate institution (other than a NCAA Division I institution). In men's basketball, an An institution may play two practice scrimmages during any year it does not use an exemption set forth in Bylaw 17.5.5.3-(~~ig~~), or may play one practice scrimmage and one exhibition contest against a non-NCAA Division I four-year collegiate institution.~~

**Source:** Big East Conference.

**Effective Date:** August 1, 2009; contracts signed before August 15, 2008 may be honored.

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Currently, in women's basketball, institutions are permitted to schedule preseason exhibition contests against noncollegiate club teams. Many of these club teams are directly

associated with junior club teams populated by recruitable prospective student-athletes. These contests have become intertwined with access to recruits who play on noncollegiate teams. There is concern that these games create a relationship between institutions and club teams that result in an unfair recruiting advantages. Limiting exhibition games to contests against four-year collegiate institutions fosters a healthier competitive environment for collegiate teams and eliminates potential recruiting advantages. Finally, this same legislative change was adopted from men's basketball in 2004.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

*Women's Basketball Committee:* The committee supports the proposal. The committee supports the limitation of exhibition games to contests against four-year collegiate institutions because it fosters a healthier competitive environment for teams and eliminates potential recruiting advantages. The committee is concerned with the possible direct connection between exhibition contests and the relationship between institutions and club teams that can result in an unfair recruiting advantage.

*Women's Basketball Issues Committee:* The committee supports the proposal. The committee noted that many USA Basketball club teams or foreign teams are associated with junior teams, which include prospective student-athletes. As a result, exhibition contests with such teams have become intertwined with access to prospective student-athletes who play on noncollegiate teams, which is detrimental for the long term health and well-being of the game.

**History**

*Jul 02, 2008:* Submit; Submitted for consideration.

*Aug 18, 2008:* Women's Basketball Issues Committee, Recommends Approval

*Sep 02, 2008:* Women's Basketball Committee, Recommends Approval

*Sep 17, 2008:* Championships/Sports Management Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-53

**Title:** PLAYING AND PRACTICE SEASONS -- GOLF -- MAXIMUM CONTEST LIMITATIONS -- DETERMINATION OF DATE OF COMPETITION

**Intent:** In golf, to specify that an institution is considered to have used a date of competition if five or more student-athletes participate on behalf of the institution or any number of student-athletes contribute to a team score on a particular date.

**Bylaws:** Amend 17.12.5.1, as follows:

17.12.5.1 Maximum Limitations -- Institutional. An institution shall limit its total playing schedule with outside competition in golf during the permissible golf playing season to 24 dates of competition, except for those dates of competition excluded under Bylaws 17.12.5.2 and 17.12.5.3 (see Bylaw 20.9.4.3 for minimum contests and participants requirements).

[17.12.5.1.1 unchanged.]

17.12.5.1.2 Determination of Date of Competition.—An institution shall be considered to have used a date of competition in golf if ~~one~~ **five** or more student-athletes participate on behalf of the institution **or any number of student-athletes contribute to a team score** on a particular date.

[17.12.5.1.3 through 17.12.5.1.4 unchanged.]

**Source:** Big 12 Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Currently, if one or more student-athletes participate in a golf event, it constitutes an institutional date of competition. As a result, institutions have created junior varsity programs with teams carrying enough student-athletes to fill two or more teams. Pursuant to current legislation and interpretations, student-athletes competing as individuals trigger a varsity date of competition if 50 percent or more of the student-athletes participating in the event compete "primarily on the varsity level" (defined as playing in 50 percent or more of a team's varsity contest). Applying and tracking this standard has created substantial confusion and has made scheduling and planning difficult. Although this proposal does not remove these interpretations for those institutions that want to conduct a junior varsity and/or a freshman squad, it gives institutions flexibility without creating competitive advantages. Finally, each student-athlete is limited to 24 dates of competition and there is no increase in missed class time or additional dates of competition for any individual.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet opposes the proposal. The cabinet discussed supporting the proposal if the minimum number of student-athletes would be reduced from five to three.

**History**

*Jul 14, 2008:* Submit; Submitted for consideration.

*Sep 17, 2008:* Championships/Sports Management Cabinet, Recommends Defeat

*Oct 17, 2008:* Sponsor modified the proposal to specify that an institution is considered to have used a date of competition if five or more student-athletes participate on behalf of the institution or any number of student-athletes contribute to a team score on a particular date. Previously, the intent was to eliminate the provision by which an institution is considered to have used a date of competition if one or more student-athletes participate on behalf of the institution on a particular date.

*Jan 15, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-56

**Title:** PLAYING AND PRACTICE SEASONS -- TENNIS -- MAXIMUM NUMBER OF DATES OF COMPETITION -- INDIVIDUAL SINGLES OR DOUBLES TOURNAMENT LIMITATIONS -- NUMBER OF PARTICIPANTS

**Intent:** In tennis, to increase from three to four the number of student-athletes who may participate in an individual singles or doubles tournament without counting the event as one of the institution's dates of competition.

**Bylaws:** Amend 17.26.5, as follows:

17.26.5 Number of Dates of Competition.

17.26.5.1 Maximum Limitations -- Institutional. A member institution shall limit its total playing schedule with outside competition in tennis during the permissible tennis playing season to 25 dates of competition (including not more than seven individual singles and/or doubles tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.26.5.3 and 17.26.5.4. (See Bylaw 20.9.4.3 for minimum contests and participants requirements.)

[17.26.5.1.1 unchanged.]

17.26.5.1.2 Individual Singles or Doubles Tournament Limitations -- Institutional. An individual singles or doubles tournament that does not include any team scoring or the recognition of a team champion shall count as a single date of competition (not to exceed the maximum number of tournaments noted in Bylaw 17.26.5.1) for those institutions that have more than ~~three~~ **four** student-athletes competing therein, regardless of the number of days during which tournament competition takes place.

[Remainder of 17.26.5 unchanged.]

**Source:** NCAA Division I Championships/Competition Cabinet (Playing and Practice Seasons Subcommittee).

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** This proposal would permit institutions to send two doubles teams to such an individual singles or doubles tournament without using an institutional date of competition. Under the current limit of three student-athletes, one student-athlete is not able to participate in doubles competition at such a tournament. The additional student-athlete will not result in additional missed class time or an increase to the number of dates of competition for individual student-athletes because participation in tournaments would still count against the individual student-athlete's maximum dates of competition. Even though an additional student-athlete would be able to travel to a particular individual singles or doubles

tournament, that student-athlete would presumably be traveling to the same number of total events throughout the playing season under the current rule.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**History**

*Jun 24, 2008:* Submit; Submitted for consideration.

*Jun 25, 2008:* Championships/Competition Cabinet

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-60-A

**Title:** DIVISION MEMBERSHIP -- PROVISIONAL MEMBERSHIP PROCESS AND REQUESTING RECLASSIFICATION -- INSTITUTIONS SUBJECT TO ACADEMIC PERFORMANCE PROGRAM PENALTIES

**Intent:** To specify that the NCAA Division I Administration Cabinet may deny an institution's advancement to active Division I membership for any Division II institution seeking reclassification to Division I or any provisional member seeking active Division I status, if any of the institution's sport programs are subject to penalties pursuant to the NCAA Division I Academic Performance Program.

**A. Bylaws:** Amend 20.3, as follows:

20.3 PROVISIONAL MEMBERSHIP

20.3.1 Provisional Membership Process. A provisional member shall be eligible to apply for active membership only after the successful completion of specified requirements set forth in this bylaw. **The Administration Cabinet may deny referral of a provisional member to the Leadership Council for election to active membership if any of the institution's sport programs are subject to penalties pursuant to the Division I Academic Performance Program.**

[Remainder of 20.3 unchanged.]

**B. Bylaws:** Amend 20.5.2, as follows:

20.5.2 Requesting Reclassification.

[20.5.2.1 unchanged.]

20.5.2.2 Compliance with Criteria. If the member has met all applicable membership criteria of this article for the division to which it intends to transfer and has complied for the four years preceding June 1 with all other requirements set forth in this bylaw, the member shall be transferred to the new division effective the September 1 that the institution selects as its effective date. **However, the Administration Cabinet may deny referral of a reclassifying institution to the Leadership Council for advancement to active Division I status if any of the institution's sport programs are subject to penalties pursuant to the Division I Academic Performance Program.**

[Remainder of 20.5 unchanged.]

**Source:** NCAA Division I Management Council (Membership Subcommittee).

**Effective Date:** August 1, 2009; applicable to institutions in the provisional or reclassifying processes as of August 1, 2009, and those beginning either process on or after August 1, 2009.

**Category:** Amendment

**Topical Area:** Division Membership

**Rationale:** Pursuant to the policy established by the NCAA Division I Committee on Academic Performance, institutions that are transitioning to Division I are required to submit data pursuant to the Division I Academic Performance Program policies and procedures beginning with the year the institution is required to comply with Division I legislation (year one for reclassifying members reclassifying from Division II to Division I and year two for provisional members). However, the NCAA Division I Academic Progress Rate of these institutions' teams currently is not taken into consideration when determining whether such institutions should be advanced to active Division I status. At the conclusion of the required membership transition period, the institution will have submitted multiple years of academic data and will be subject to potential penalties for failure to meet the appropriate academic benchmarks. The academic performance of an institution transitioning to Division I is an appropriate tool for determining its eligibility for election to Division I status. This proposal would provide authority to the Administration Cabinet to carefully review the circumstances regarding any institution that is subject to any academic performance program penalty at the conclusion of the transitioning period and determine if an institution should be approved for advancement to active Division I status.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**Position Statement(s)**

*Academics Cabinet:* The cabinet supports the proposal. The cabinet believes that academic considerations should be part of the membership process and that potential Division I members should be prepared to meet the same academic standards as existing Division I members.

*Committee on Academic Performance:* The committee supports this proposal, while acknowledging concerns expressed by a few committee members who noted the proposal's lack of specificity regarding the process that will be used by the NCAA Division I Administration Cabinet to determine which institutions might be prevented from advancing within the membership process and that this proposal will become effective for some institutions who already have started the reclassification process.

**History**

*Apr 13, 2008:* Submit; Submitted for consideration.

*Apr 13, 2008:* Management Council Membership Subcommittee, Recommends Approval

*Apr 14, 2008:* Management Council, Sponsored

*Sep 09, 2008:* Academics Cabinet, Recommends Approval

*Oct 27, 2008:* Proposal renumbered as Proposal No. 2008-60-A. An alternative is Proposal No. 2008-60-B.

*Jan 15, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-63

**Title:** DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS -- MINIMUM PARTICIPANTS REQUIREMENTS FOR SPORTS SPONSORSHIP -- TRACK AND FIELD -- MULTI-DAY MEETS

**Intent:** In track and field, to specify that if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants required for sports sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.

**Bylaws:** Amend 20.9.4.3, as follows:

20.9.4.3 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, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contests requirement. The following minimums are applicable:

[Minimum requirements unchanged.]

[20.9.4.3.1 through 20.9.4.3.3 unchanged.]

20.9.4.3.4 Individual Sports -- One or More Sites. In the 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 20.9.4.3, an institution may use the competition as a contest in meeting the minimum-contest requirements (see Bylaw 17.02.6.1).

**20.9.4.3.4.1 Exception -- Multi-Day Meets -- Track and Field. In track and field, if the number of student-athletes participating in a multi-day meet on behalf of the institution over the course of the entire meet equals or exceeds the minimum number of participants per Bylaw 20.9.4.3 and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum-contest requirements.**

[20.9.4.3.5 through 20.9.4.3.8 unchanged.]

**Source:** Big East Conference.

**Effective Date:** August 1, 2009

**Category:** Amendment

**Topical Area:** Division Membership

**Rationale:** In track and field, many meets are conducted over the course of two days for a variety of reasons, including facility availability, weather, hours of daylight, large field sizes

and the safety of involved student-athletes. Currently, in the case of a multi-day meet, 14 student-athletes must compete on at least one day of the meet in order for the meet to count toward the institution's minimum number of contests for the purpose of sport sponsorship. As a result, in many instances involving multi-day meets, coaches are forced to make roster and travel decisions that are not based on competitiveness or the student-athlete's well-being, but on satisfying the requirement that 14 student-athletes participate on at least one day. This proposal would help assure that student-athletes will no longer be asked to compete in meets based solely on the day that an event is contested and that coaches will not be required to transport an unnecessarily high number of student-athletes. Further, institutions will not be penalized for choosing to attend two-day rather than single-day meets.

**Budget Impact:** Potential savings to the institution from traveling with fewer student-athletes.

**Impact on S-A's Time:** Potential for fewer student-athletes being required to travel.

**Position Statement(s)**

*Administration Cabinet:* The cabinet took no position on the proposal citing uncertainty about the true impact of the proposal and potential unintended consequences related to maximum dates of competition as set forth in NCAA Bylaw 17.27.5.

**History**

*Jul 02, 2008:* Submit; Submitted for consideration.

*Sep 11, 2008:* Administration Cabinet, No Formal Position

*Jan 15, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-65

**Title:** ADMINISTRATIVE REGULATIONS -- FOREIGN TOURS AND COMPETITION --  
TIMING OF TOUR -- PROHIBITION DURING ACADEMIC YEAR LABOR DAY  
VACATION PERIOD

**Intent:** To specify that an institution shall not participate in a foreign tour that occurs in conjunction with a Labor Day academic year vacation period.

**Administrative:** Amend 30.7.8, as follows:

30.7.8 Timing of Tour. A tour may only be scheduled during the summer-vacation period between the institution's spring and fall terms or during ~~any other~~ an academic year vacation period (other than a Labor Day vacation period) published in the institution's official catalog. All travel to and from the foreign country must take place during such a vacation period. However, if the team crosses the international date line during the tour, the change of date will be disregarded and the equivalent time as measured in the United States will be used to determine the institution's vacation period.

[30.7.8.1 unchanged.]

**Source:** NCAA Division I Management Council (Administrative Review Subcommittee).

**Effective Date:** August 1, 2009; however, institutions may honor a contract beyond this date if a contract for participation was signed before April 14, 2008.

**Category:** Amendment

**Topical Area:** Administrative Regulations

**Rationale:** Currently, an institution may participate in a foreign tour during Labor Day weekend provided it recognizes Labor Day as a vacation period. Institutions that do not recognize Labor Day or only recognize it for institutional staff and administration (e.g., not extended to students and professors) have sought NCAA Division I Management Council Administrative Review Subcommittee (now NCAA Division I Legislative Council Subcommittee for Legislative Relief) waivers in order to participate in tours. Eleven requests from men's basketball programs have been submitted since July 2005. Relief has been provided to those institutions that recognize Labor Day in some manner (e.g., administrative day for staff and administration). The intent of a foreign tour is to provide student-athletes with additional cultural and educational opportunities. However, competitive equity concerns have been raised. Those concerns relate to the fact that institutions are allowed ten days of practice before the start of the tour and that freshmen student-athletes may participate on such tours if the institution's academic year has begun. This legislation would not apply to institutions for which Labor Day occurs during the summer vacation period before the start of the regular academic year (e.g., quarter institutions). The current legislation does not permit incoming freshman to participate in summer foreign tours. Therefore, this proposal promotes competitive equity as it relates to freshman participation.

**Budget Impact:** None.

**Impact on S-A's Time:** May impact the timing and duration of foreign tours.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet supports the proposal.

*Women's Basketball Committee:* The committee supports the proposal. The committee supports limiting institutions from participating in a foreign tour that occurs in conjunction with a Labor Day academic year vacation period considering the additional practice time that is allowed before the start of the tour. The committee also supports the current legislation that does not permit the participation of incoming freshman in summer foreign tours.

**History**

*Apr 13, 2008:* Submit; Submitted for consideration.

*Apr 13, 2008:* Administrative Review Subcommittee, Recommends Approval

*Apr 14, 2008:* Management Council, Sponsored

*Sep 02, 2008:* Women's Basketball Committee, Recommends Approval

*Sep 17, 2008:* Championships/Sports Management Cabinet, Recommends Approval

*Jan 14, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-74

**Title:** PLAYING AND PRACTICE SEASONS -- BASEBALL -- FIRST CONTEST --  
CHAMPIONSHIP SEGMENT -- ALUMNI CONTEST

**Intent:** In baseball, to permit a single alumni contest to be conducted anytime after the first permissible practice date of the championship segment.

**Bylaws:** Amend 17.4.3, as follows:

17.4.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in baseball prior to the following dates:

[17.4.3-(a) unchanged.]

(b) Championship Segment. The Friday in February that is 13 weeks before the Friday immediately preceding Memorial Day (see Figure 17-2), **except that a single alumni contest may be played anytime after the first permissible practice date of the championship segment.**

**Source:** Big West Conference.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** The recent changes to the playing and practice season legislation essentially eliminated the opportunity for an alumni contest to be played in the championship segment. Alumni contests must now be played in the fall or during the first week of a condensed schedule. Many professional baseball players are not available for alumni contests in the fall segment. Allowing one contest to be played anytime after the first permissible practice date will allow more alumni to participate in these contests. Many institutions use these contests as fundraising opportunities, which have been lost with the adoption of the new legislation. Earlier start dates for a single alumni contest already exist in other sports.

**Budget Impact:** Potential for additional revenue.

**Impact on S-A's Time:** Minimal.

**Position Statement(s)**

*Championships/Sports Management Cabinet:* The cabinet took no position on the proposal.

**History**

*Jun 23, 2008:* Submit; Submitted for consideration.

*Sep 17, 2008:* Championships/Sports Management Cabinet, No Formal Position

*Oct 24, 2008:* Sponsor modified the proposal to permit a single alumni contest to be conducted anytime after the first permissible practice date of the championship segment.

Previously, the proposal would have permitted an alumni contest to be played during the weekend prior to the first permissible contest date for the championship segment.

*Jan 15, 2009:* Leg Council Init Review, Amended the Proposal; Effective date amended to immediate from August 1, 2009.

*Jan 15, 2009:* Leg Council Init Review, Adopted; Pending Possible Board of Directors Review

*Jan 17, 2009:* Adopted, Override Period; No Action Taken by the Board of Directors

*Jan 18, 2009:* Adopted, Override Period; Start of Override Period

*Mar 18, 2009:* Adopted, Override Period; End of Override Period

**Proposal Number:** 2008-78

**Title:** PLAYING AND PRACTICE SEASONS -- GENERAL REGULATIONS -- SKILL INSTRUCTION -- SPORTS OTHER THAN FOOTBALL -- PUBLICITY

**Intent:** In sports other than football, to specify that skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.

**Bylaws:** Amend 17.1.6.2, as follows:

17.1.6.2 Weekly Hour Limitations -- Outside the Playing Season.

[17.1.6.2-(a) through 17.1.6.2-(c) unchanged.]

[17.1.6.2.1 unchanged.]

17.1.6.2.2 Skill Instruction -- Sports other than Baseball and Football. Participation by student-athletes in individual skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, no more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any facility. **Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.**

17.1.6.2.3 Skill Instruction -- Baseball. In baseball, participation by student-athletes in skill-related instruction is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes may be involved in skill-related instruction with their coaches from September 15 to one week prior to the final examination period for the fall term and from January 15 through April 15. No more than four student-athletes may be involved in skill-related instruction with their coaches at any one time in any facility prior to September 15, from the opening day of classes of the institution's second academic term to January 15 (for those institutions that begin classes prior to January 15) and after April 15. **Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.**

**Source:** NCAA Division I Board of Directors.

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Current legislation permits student-athletes (in sports other than football) outside the playing season to engage in eight hours of required conditioning and skill-related instruction, with no more than two of those hours being devoted to skill-related instruction activities. After September 15 and prior to April 15th, there are no limitations on the number of student-athletes who may be involved in such activities at any one time. The increase in the number of student-athletes who may be involved in such activities at any one time was adopted a few years ago to address concerns related to facility availability and the time demands placed on both student-athletes and coaches. Skill-related instruction is not designed to be used as a recruiting tool to permit institutions to schedule activities that give the appearance of full-fledged practice prior to the first permissible in-season practice date and create a celebrity atmosphere during campus visits by prospective student-athletes. This proposal will ensure that out-of-season activities will focus on their true intent by prohibiting institutions from conducting such activities before a public audience.

**Budget Impact:** None.

**Impact on S-A's Time:** None.

**History**

*Oct 20, 2008:* Submit; Submitted for consideration.

*Oct 30, 2008:* Board Consideration, Adopted as Emergency Legislation

*Oct 31, 2008:* Adopted, Override Period; Start of Override Period

*Dec 29, 2008:* Adopted, Override Period; End of Override Period; (Number of Override Request = 3)

*Dec 29, 2008:* Adopted; Adopted - Final



**Other Proposals Adopted by Division I found not to be Applicable in Division II or Already Adopted in Division II**

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
2008-17	RECRUITING -- CONTACTS AND EVALUATIONS -- PERMISSIBLE RECRUITERS -- BOWL SUBDIVISION FOOTBALL -- HEAD COACH RESTRICTIONS -- SPRING EVALUATION PERIOD -- OTHER OFF-CAMPUS ACTIVITIES	In bowl subdivision football, to specify that the head coach shall not participate in an off-campus coaching clinic, visit a prospective student-athlete's educational institution for any reason or meet with a prospective student-athlete's coach at an off-campus location during the April 15 through May 31 evaluation period.
2008-21	RECRUITING -- ADMISSIONS AND GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS -- REPORTS AND NOTIFICATION -- ELIGIBILITY CENTER	To specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data, academic progress rate and graduation success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an institution's request to add the prospective student-athlete to the institution's institutional request list; further, to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned drug list and information about nutritional supplements to a prospective student-athlete after he or she has registered with the Eligibility Center.
2008-22	RECRUITING -- PRINTED RECRUITING MATERIALS -- INSTITUTIONAL POSTCARDS	To specify that an institutional postcard may be provided to a prospective student-athlete, his or her parents or legal guardians, his or her coach or any other individual responsible for teaching or directing an activity in which a prospective student-athlete is involved, provided its dimensions do not exceed 4 1/4 by 6 inches, it contains only the institution's name and logo or an athletics logo on one side when produced and it includes only handwritten information, (e.g., words,

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
		illustrations) on the opposite side when provided to a prospective student-athlete.
2008-24	RECRUITING -- RECRUITING MATERIALS -- OTHER RECRUITING MATERIALS POSTED TO INSTITUTION'S WEB SITE	To specify that general information (e.g., information not created for recruiting purposes) posted to an institution's Web site (e.g., press release, competition schedule) may be sent to a prospective student-athlete via electronic mail as an attachment or a hyperlink or such information may be printed on plain white paper with black ink and provided to a prospective student-athlete as an attachment to general correspondence, via facsimile or during any permissible on- or off-campus contact.
2008-33	ELIGIBILITY -- SEASONS OF COMPETITION -- FIVE-YEAR RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- DELAYED ENROLLMENT -- WOMEN'S VOLLEYBALL	In women's volleyball, to specify that a student-athlete who does not initially enroll full time in a collegiate institution within one year following the high school graduation date of the student-athlete's class and participates in organized events after the one-year period, shall be charged with a season of intercollegiate competition for each year of participation and shall fulfill an academic year in residence on matriculation at the certifying institution before being eligible to represent the institution in intercollegiate competition.
2008-36	ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- INTERNATIONAL COMPETITION WAIVER -- USE OF CREDITS EARNED	To specify that credits earned by a student during the term or terms to which an international competition waiver applies may be used to satisfy the 24/36 hour, percentage-of-degree and grade-point average progress-toward degree requirements.
2008-52	PLAYING AND PRACTICE SEASONS -- FOOTBALL -- PRESEASON PRACTICE -- LIMIT ON NUMBER OF PARTICIPANTS --	In bowl subdivision football, to specify that a student-athlete who sustains an injury or illness that prevents further participation in preseason practice activities may be replaced with another student-

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
	REPLACEMENT OF STUDENT-ATHLETE DUE TO INJURY OR ILLNESS -- FBS	athlete without including that individual in the institution's limitation on the number of individuals who may participate in preseason practice.
2008-58	CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS -- MINIMUM SPONSORSHIP FOR CHAMPIONSHIPS -- WOMEN'S SPORTS	To specify that a National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport.
2008-59	DIVISION MEMBERSHIP -- DEFINITIONS AND APPLICATIONS -- EMERGING SPORTS FOR WOMEN -- ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING AND TEAM HANDBALL	To remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports (e.g., playing and practice season regulations, sports sponsorship minimum contest and participant requirements).
2008-61	COMMITTEES -- DIVISION I CABINETS AND COMMITTEES -- WOMEN'S SOCCER COMMITTEE -- COMPOSITION -- REGIONS	To specify that the composition of the NCAA Division I Women's Soccer Committee shall include one member from each of the eight Division I women's soccer regions and two members selected at large.
2008-62	COMMITTEES -- COMMITTEES REPORTING TO BOARD OF DIRECTORS -- DIVISION I PRESIDENTIAL ADVISORY GROUP -- DUTIES -- LEGISLATIVE ISSUES	To specify that members of the NCAA Division I Presidential Advisory Group who represent Football Championship Subdivision conferences shall have the authority to act on behalf of the Football Championship Subdivision members of the Board of Directors on legislative issues that relate to championship subdivision football, subject to review by the full Board of Directors.

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
2008-69	ADMINISTRATIVE REGULATIONS -- SUMMER BASKETBALL LEAGUES AND CERTIFIED BASKETBALL EVENTS -- ADDITIONAL CRITERIA -- APPROVAL OF EVENT AND LEAGUE OPERATORS -- BASKETBALL	In basketball, to specify that in order for a summer basketball league or a basketball event to be certified, the event or league operator or manager must be approved in accordance with guidelines established by the NCAA basketball certification staff.
2008-73	EXECUTIVE REGULATIONS -- NATIONAL STATISTICS PROGRAM	To specify that the NCAA Division I Championships/Sports Management Cabinet shall oversee the national statistics program and approve its policies and procedures; further, to specify that the policies and procedures shall be published on the NCAA Web site.
2008-76	RECRUITING -- TRYOUTS AND SPORTS CAMPS AND CLINICS -- DEFINITION OF PROSPECTIVE STUDENT-ATHLETE -- MEN'S BASKETBALL	In men's basketball, for purposes of the tryout rule and the regulations related to camps and clinics, to specify that a prospective student-athlete is an individual who has started classes for the seventh grade.



## Division III Legislation Considered at the 2009 NCAA Convention

**Title:** PERSONNEL -- CONDUCT OF ATHLETICS PERSONNEL -- SPORTS-SAFETY TRAINING

**Convention Year:** 2009

**Date Submitted:** July 14, 2008

**Effective Date:** August 1, 2009

**IPOPL Number:** 1

**SPOPL Number:** 1

**Official Notice Number:** 2009-9

**Source:** NCAA Division III Presidents Council [Management Council (Student-Athlete Advisory Committee)], New England Women's & Men's Athletic Conference and New England Collegiate Conference

**Category:** Presidents Council

**Topical Area:** Personnel

**Status:** Adopted

**Intent:** To specify that each head coach shall be certified in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED).

**Bylaws:** Amend 11.1, as follows:

[Roll Call]

### 11.1 CONDUCT OF ATHLETICS PERSONNEL.

[11.1.1 through 11.1.5 unchanged.]

**11.1.6 Sports-Safety Training. Each head coach shall maintain current certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.**

**Rationale:** Legislation requiring first aid, CPR and AED certification supports the Division III philosophy statement, specifically student-athlete safety and well-being. A survey of the NCAA death claims since 1992 reports 60 percent of all nonvehicle-related deaths have been due to heart-related conditions and 83 percent of all deaths occurred during practice or conditioning. Similar legislation was proposed both in 2007 and 2008 without approval. This proposal does not require the certified individual to be present during athletically related activities, nor does it specify the certifying organization. Safety and well-being of student-athletes are of the utmost concern; this proposal helps to strengthen these areas at a very minimum by requiring any individual designated as a head coach (full time, part time or volunteer) to be certified in first aid, CPR and AED use. Division III grant and initiative funding may be used to assist in funding the necessary certification courses. The proposal does not require that an institution purchase an

AED (only that each head coach be certified in AED use). It is also important to note that Division III grant and initiative funding may be used to purchase an AED if an institution so desired.

**Primary Contact Person:**

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**Review History:**

*July 21, 2008:* Management Council Originally submitted as membership-sponsored proposal. Recommends Presidents Council sponsorship.

*August 7, 2008:* Presidents Council Sponsors.

**Title:** RECRUITING -- TRYOUT EXCEPTIONS -- FACILITY USAGE BY OUTSIDE ORGANIZATION

**Convention Year:** 2009

**Date Submitted:** July 14, 2008

**Effective Date:** Immediate

**IPOPL Number:** 2

**SPOPL Number:** 3

**Official Notice Number:** 2009-10

**Source:** New England Women's & Men's Athletic Conference, Northern Athletics Conference, Commonwealth Coast Conference and Massachusetts State College Athletic Conference

**Category:** Membership Proposal

**Topical Area:** Recruiting

**Status:** Adopted

**Intent:** To establish a tryout exception that allows an institution's athletics department staff members or representatives of its athletics interests to be involved in the conduct and administration of the use of a member institution's facilities for physical activities by a group that includes prospective student-athletes under specified conditions.

**Bylaws:** Amend 13.11, as follows:

[Roll Call]

### 13.11 TRYOUTS

13.11.1 Tryout Prohibition. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session and/or test/tryout) at which one or more prospective student-athletes (as defined in Bylaw 13.11.1.1) reveal, demonstrate or display their athletics ability in any sport.

[13.11.1.1 unchanged.]

13.11.2 Additional Prohibited Tryout Activities. The following activities are also considered prohibited tryout activities.

[13.11.2.1 through 13.11.2.5 unchanged.]

13.11.3 Tryout Exceptions. Each of the following activities are permissible activities and exceptions to the tryout prohibition.

[13.11.3.1 through 13.11.3.11 unchanged.]

~~13.11.3.12 Activities Not Involving Institution's Coaching Staff. The use of a member institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the institution's athletics department staff members or representatives of its athletics interests are not involved in the conduct, promotion or administration of the activity (other than activities incidental to supervising the use of the facilities) and are subject to all applicable NCAA recruiting legislation.~~

**13.11.3.12 Other Permissible Facility Usage. The use of institutional facilities for physical activities by a group that includes prospective student-athletes, not otherwise permitted in these bylaws, may still be permissible and not considered a tryout provided that:**

**(a) Institution's athletics department staff or representatives of the institution's athletics interests are not involved in the promotion of the activity;**

**(b) Institution's athletics department staff or representatives of the institution's athletics interests are not involved in solicitation of any individual prospective student-athlete's participation in the activity;**

**(c) Institution's athletics department staff or representatives of the institution's athletics interests are not involved in solicitation for any particular group's participation in the activity, unless the group is affiliated with an outside organization and the solicitation is consistent with institutional policies of hosting outside organizations;**

**(d) The activity may not be a tryout event, as defined in Bylaw 13.11.2.4;**

**(e) Involvement by the institution's athletics department staff and representatives of its athletics interests shall be consistent with institutional policies for hosting outside organizations; and**

**(f) Athletics department staff members and representatives of its athletics interests remain subject to all applicable NCAA recruiting legislation during the event.**

**Rationale:** Currently, athletics department staff members may not sell concessions or work at a scorer's table for events ranging from Age Group Swimming Invitationals to Soccer Club Tournaments involving a group that includes prospective student-athletes. Division III institutions depend on such activities to generate critical revenue for their departments, and for these activities to happen, it is often necessary for a member of the athletics department's staff to administer aspects related to the activity. The current legislation allows institutions to hire an outside consultant to conduct and administer these activities, thus disproportionately disadvantaging institutions lacking resources for such expenses. There are many areas of the country, both urban and rural, where higher education institution's athletics facilities are the only facilities that offer feasible opportunities for individuals to participate on a specific turf field or on a safe track or swimming pool. The existing legislation hinders access to these facilities and

thus hinders community relationships between higher educational institutions and our neighbors. The current legislation is counter to activities that our staffs are allowed to do through existing camps and clinics legislation. To be reasonable and consistent, there should be an exception to the tryout legislation with an immediate effective date.

**Primary Contact Person:**

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**Position Statement(s)**

*Presidents Council and Management Council:* The Presidents Council and Management Council support this proposal and note that this change would make it easier for institutions to conduct events that are largely being done as fundraisers. The councils also noted that they do not see any advantage gained by institutions having these types of events because the proposal excludes the institution from promoting the event or soliciting individual prospects to participate in the event.

**Title:** RECRUITING -- TRYOUT EXCEPTIONS -- USE OF FACILITIES FOR ACTIVITIES RELATED TO A NONSPONSORED SPORT

**Convention Year:** 2009

**Date Submitted:** July 2, 2008

**Effective Date:** Immediate

**IPOPL Number:** 3

**SPOPL Number:** 2

**Official Notice Number:** 2009-11

**Source:** Wisconsin Intercollegiate Athletic Conference and Capital Athletic Conference Inc.

**Category:** Membership Proposal

**Topical Area:** Recruiting

**Status:** Adopted

**Intent:** To specify that the use of an institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the physical activities are related to a sport that is not sponsored by the institution on the varsity intercollegiate level.

**Bylaws:** Amend 13.11, as follows:

#### 13.11 TRYOUTS

13.11.1 Tryout Prohibition. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session and/or test/tryout) at which one or more prospective student-athletes (as defined in Bylaw 13.11.1.1) reveal, demonstrate or display their athletics ability in any sport.

[13.11.1.1 unchanged.]

13.11.2 Additional Prohibited Tryout Activities. The following activities are also considered prohibited tryout activities.

[13.11.2.1 through 13.11.2.5 unchanged.]

13.11.3 Tryout Exceptions. Each of the following activities are permissible activities and exceptions to the tryout prohibition.

[13.11.3.1 through 13.11.3.6 unchanged.]

**13.11.3.7 Use of Facilities for Activities Related to a Nonsponsored Sport. The use of member institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the physical**

**activities are related to a sport that is not sponsored by the institution at the varsity intercollegiate level.**

[13.11.3.7 through 13.11.3.12 renumbered as 13.11.3.8 through 13.11.3.13, unchanged.]

**Rationale:** Establishing an exception to the tryout restrictions in those instances in which the physical activities are related to a sport that is not sponsored by the institution on the intercollegiate level would not diminish either the intent or impact of the tryout restrictions, but rather would allow athletics department staff members an additional level of involvement in the conduct of these events, most of which are being hosted for fundraising purposes. The immediate effective date would allow institutions to take advantage of this exception without any detriment. Because this is permissive legislation, there is not a need to delay its effective date until August.

**Primary Contact Person:**

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**Position Statement(s)**

*Presidents Council, Management Council and Interpretations and Legislation Committee:* The Presidents Council, Management Council and Interpretations and Legislation Committee support this proposal and note that the proposal provides a logical exception to the tryout rule and could be a benefit to Division III institutions that are wishing to host various types of fundraising events.

**Convention Vote:**

Date of Vote: 2009-01-17

Paddle Vote

**Title:** RECRUITING -- DEFINITIONS AND APPLICATIONS -- ELECTRONIC TRANSMISSIONS -- EXCEPTION -- ELECTRONIC TRANSMISSIONS BY INDIVIDUALS DIAGNOSED AS DEAF OR HARD OF HEARING

**Convention Year:** 2009

**Date Submitted:** December 6, 2007

**Effective Date:** August 1, 2008

**IPOPL Number:**

**SPOPL Number:**

**Official Notice Number:** NC-2009-2

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

**Category:** Noncontroversial

**Topical Area:** Recruiting

**Status:** Adopted

**Intent:** To specify that electronically transmitted correspondence in forms other than electronic mail and facsimiles may be sent to a prospective student-athlete if either the athletics department staff member sending the correspondence or the prospective student-athlete receiving the correspondence has been diagnosed as deaf or hard of hearing.

**Bylaws:** Amend 13.02, as follows:

[13.02 through 13.02.7 unchanged]

13.02.8 Telephone Calls. All electronically transmitted human voice exchange (including videoconferencing and videophones) shall be considered telephone calls. All electronically transmitted correspondence (e.g., electronic mail, facsimiles, instant messaging, text messaging and social networking Web sites) shall not be considered telephone calls.

13.02.9 Electronic Transmissions. Electronically transmitted correspondence that may be sent to a prospective student-athlete by, or on behalf of, a member of the institution's athletics department staff is limited to electronic mail and facsimiles. All other forms of electronically transmitted correspondence (e.g., instant messaging, text messaging and social networking Web sites) are prohibited.

**13.02.9.1 Exception -- Electronic Transmissions by or to Individuals Diagnosed as Deaf or Hard of Hearing. Electronically transmitted correspondence in forms other than electronic mail and facsimiles may be sent to a prospective student-athlete if either the athletics department staff member sending the correspondence or the prospective student-athlete receiving the correspondence has been diagnosed as deaf or hard of hearing.**

[13.02.10 unchanged.]

**Additional Information:** For those individuals in the deaf or hard of hearing community, certain forms of electronically transmitted correspondence such as text messaging and instant messaging are used in the same manner that nonhearing impaired individuals use the telephone. Since there are not restrictions on telephone calls in the recruiting process, this exception will allow those individuals who are diagnosed as deaf or hard of hearing to have access to equivalent means of communication with the same lack of limitations placed on telephone calls for non-hearing impaired individuals. This proposal is noncontroversial because the Division III membership was made aware that this change would occur upon its adoption of 2008 Convention Proposal No. 4 through notice in the 2008 Convention Question and Answer document.

**Review History:**

*October 24, 2007:* Approved in Concept - Management Council Contingent on the adoption of 2008 Division III Proposal No. 4.

*January 11, 2008:* Approved in Legislative Format - Management Council

**Title:** ELIGIBILITY -- TRANSFER REGULATIONS -- EXCHANGE STUDENT EXCEPTION

**Convention Year:** 2009

**Date Submitted:** May 30, 2008

**Effective Date:** Immediate

**IPOPL Number:**

**SPOPL Number:**

**Official Notice Number:** NC-2009-10

**Source:** NCAA Division III Management Council (Interpretations and Legislation Committee).

**Category:** Noncontroversial

**Topical Area:** Eligibility

**Status:** Adopted

**Intent:** To specify that a foreign exchange student or other exchange student may qualify for an exception to the one-year transfer residence requirement, provided he or she is enrolled in the certifying institution for a specified period of time as an exchange student participating in a formal and established educational exchange program recognized by the institution's academic authorities.

**A. Bylaws:** Amend 14.5.1.5, as follows:

14.5.1.5 Foreign Institution Transfers. A transfer student from a foreign collegiate institution (college, university or two-year college), except one entering as a *bona fide* exchange student, shall comply with the one-year residence requirement set forth in Bylaw 14.5.5.1.

14.5.1.5.1 ~~*Bona Fide*~~ Foreign Exchange Student Exception. ~~*A bona fide foreign exchange student is an individual who is sponsored by his or her nation's government, or is sponsored by the U.S. Department of State, Rotary International, the Ford Foundation, the Institute of International Education or a similar organization. For a student to be considered a bona fide exchange student, the sponsoring organization shall identify the student before the student's departure from his or her home country and make the necessary arrangements to finance the student's education under the foreign exchange program. If these arrangements have not been completed before the student's enrollment at the member institution, the student is considered to be a transfer student and may not represent the certifying institution in competition until the individual has met the required residence requirement.*~~ **A student who transfers to the certifying institution shall be immediately eligible if the student is enrolled in the certifying institution for a specified period of time as a foreign exchange student participating in a formal and established**

**educational exchange program (e.g., sponsored by the U.S. Department of State, Rotary International, the Ford Foundation, the Institute of International Education) recognized by the institution's academic authorities-**

**B. Bylaws:** Amend 14.5.5.1.2, as follows:

14.5.5.1.2 Exchange Student Exception. ~~The~~ **A student who transfers to the certifying institution shall be immediately eligible if the** student is enrolled in the certifying institution for a specified period of time as a ~~bona fide~~ exchange student participating in a formal **and established** educational exchange program ~~that is an established requirement of the student athlete's curriculum~~ **recognized by the institution's academic authorities-**

**Additional Information:** This proposal clarifies the autonomy afforded to the institution's academic authorities in determining whether a transfer student-athlete attending their institution is participating in an established exchange program. In addition, this will clarify that the previously noted list of organizations offering exchange programs are only to serve as examples and should not be treated as an all-inclusive list. This proposal is the result of a charge from the NCAA Division III Presidents Council to the NCAA Division III Interpretations and Legislation Committee to review Bylaw 14 (eligibility) for any academic-based programming legislation that is not currently being given proper institutional autonomy.

**Review History:**

*April 14, 2008:* Approved in Concept - Management Council Supplement 16, action item 1-(f).

*July 21, 2008:* Approved in Legislative Format - Management Council



**Other Proposals Adopted by Division III found not to be Applicable in Division II or Already Adopted in Division II**

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
2009-1	PLAYING AND PRACTICE SEASONS – FOREIGN TOURS – SANCTIONED OUTSIDE-TEAM TOURS	To establish limits on the number of student-athletes from the same member institution who may participate on an outside team tour without requiring the tour to be certified as an institutional tour as specified.
2009-2	PLAYING AND PRACTICE SEASONS – ATHLETICALLY RELATED ACTIVITIES – SPECIFIC WORKOUT PROGRAMS	To specify that an institutional staff member may design a voluntary individual-specific workout program for a student-athlete but may not conduct the individual's workout outside the declared playing season.
2009-4	PLAYING AND PRACTICE SEASONS – ICE HOCKEY – PRESEASON PRACTICE – OCTOBER 15	In ice hockey, to specify that an institution shall not commence practice sessions before October 15.
2009-6	ELIGIBILITY – CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY – MINIMUM AMOUNT OF PARTICIPATION – COMPETITION – DURING THE NONTRADITIONAL SEGMENT – BASEBALL, FIELD HOCKEY, LACROSSE, SOCCER, SOFTBALL AND WOMEN'S VOLLEYBALL	In the sports of baseball, field hockey, lacrosse, soccer, softball and women's volleyball, to specify that a season of participation shall not be counted when a student-athlete participates in the one date of competition during the nontraditional segment
2009-7	DIVISION MEMBERSHIP – DEFINITIONS AND APPLICATIONS – EMERGING SPORTS FOR WOMEN – REMOVAL OF ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL FROM LIST OF EMERGING SPORTS FOR WOMEN AND ADDITION OF EQUESTRIAN TO LIST OF EMERGING SPORTS FOR WOMEN	In parts A,B,D,E,F,G,H, and J of the proposal, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports, as specified; further, in Parts C and I of the proposal, to add equestrian as an emerging sport for women.

Proposal Number	Title	Intent
ADM-2009-1	EXECUTIVE REGULATIONS – AUTOMATIC QUALIFICATIONS – WAIVER PROCESS – SINGLE-SPORT CONFERENCES	To establish a waiver process permitting the NCAA Division III Championships Committee to award automatic qualification to single sport conferences with at least seven active members that have participated together for at least two consecutive years and which meet at least one of other specified criteria.
ADM-2009-2	EXECUTIVE REGULATIONS – SELECTION OF TEAMS FOR CHAMPIONSHIPS PARTICIPATION – TEAM SPORTS CHAMPIONSHIP SELECTION – 50 PERCENT REQUIREMENT – WAIVER DEADLINE	To revise the deadline for submitting a request to waive the championships eligibility requirement of playing at least 50 percent of an institution's contests against in-region opponents from one year in advance of the championship to not later than December 31 of the year prior to the championship.
ADM-2009-3	EXECUTIVE REGULATIONS – SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION – COUNTABLE IN-REGION COMPETITION	To incorporate previously approved championship policy defining in-region competition to include competition between teams that are located within 200 miles of each other.
ADM-2009-4	EXECUTIVE REGULATIONS – DEFINITIONS AND APPLICATIONS -- MISCONDUCT	To specify that misconduct in an NCAA championship is any act of dishonesty, unsportsmanlike conduct, unprofessional behavior or breach of law, occurring from the time the championship field is announced through the end of the championship that discredits the event or intercollegiate athletics.
ADM-2009-5	EXECUTIVE REGULATIONS – TEAM SPORT CHAMPIONSHIP – COUNTABLE IN-REGION COMPETITION – CONFERENCE COMPETITION	To specify that for team sport championships selection purposes conference competition is countable as in-region competition.

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
ADM-2009-6	EXECUTIVE REGULATIONS – NATIONAL STATISTICS PROGRAM – POLICIES AND PROCEDURES	To specify that the Management Council shall oversee the national statistics program and approve its policies and procedures; further, to remove the specific policies and procedures from the Division III Manual and specify that they shall be published on the NCAA Web site.
I-2009-1	RECRUITING – CONTACTS AND EVALUATIONS – CONTACT BY COACH EMPLOYED IN ADMISSIONS OFFICE	
I-2009-2	RECRUITING – CONTACTS AND EVALUATIONS – CONTACT RESTRICTIONS AT PRACTICE OR COMPETITION SITE -- CONTACT WITH PROSPECTIVE STUDENT-ATHLETE DURING A TOURNAMENT OR ON AN EXTENDED ROAD TRIP	
M-2009-1	PLAYING AND PRACTICE SEASONS – FOOTBALL OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES – EXCEPTION – COMPETITION OF SPRING PRACTICE PERIOD	In football, to specify that the spring practice period must be completed by the first date of final examinations for the regular academic year.
M-2009-2	FINANCIAL AID – CONSISTENT FINANCIAL AID PACKAGE – FINANCIAL AID REPORTING PROCESS – POLICIES AND PROCEDURES	To clarify that the policies and procedures of the financial aid reporting process shall be established by the Financial Aid Committee and approved by the Management Council.
M-2009-3	AWARDS AND BENEFITS – ACADEMIC, HEALTH, AND OTHER PROGRAMMING AND SUPPORT SERVICES	To modify current NCAA Bylaw 16.3 (academic and other support services) as specified.
M-2009-4	COMMITTEES – DIVISION III COMMITTEES –	To specify that the Financial Aid Committee is responsible

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
	GENERAL COMMITTEES – FINANCIAL AID COMMITTEE DUTIES	for the administration of the financial aid reporting process.
M-2009-5	PERSONNEL – DIVISION III RULES TEST – ANNUAL REQUIREMENT – EFFECT OF FAILURE TO ADMINISTER ON ANNUAL BASIS	To specify that violations of the Division III Rules Test annual requirement shall be treated as an institutional violation.
M-2009-6	ELIGIBILITY – GENERAL ELIGIBILITY REQUIREMENTS – GRADUATE STUDENT/POSTBACCALAUREATE PARTICIPATION – ENROLLMENT AT INSTITUTION MOST RECENTLY ATTENDED	To clarify that a student-athlete may participate in intercollegiate athletics as a graduate/postbaccalaureate student only at the institution he or she most recently attended as an undergraduate student.
NC-2009-1	ELIGIBILITY – FULL-TIME ENROLLMENT REQUIREMENT – EXCEPTION – ELIGIBILITY FOR COMPETITION BEYOND 60 DAYS OF GRADUATION – GRADUATION IN LESS THAN FOUR YEARS	To specify that a student-athlete who graduates in less than four years from initial full-or part-time collegiate enrollment shall remain eligible for an NCAA championship that is conducted at the conclusion of the traditional season, but begins more than 60 days following the end of the term in which the student-athlete completes all degree requirements.
NC-2009-3	ELIGIBILITY – SATISFACTORY-PROGRESS REQUIREMENTS – CORRESPONDENCE, EXTENSION, CREDIT-BY-EXAMINATION AND ONLINE COURSES	To establish a waiver process permitting the NCAA Division III Championships To specify that the use of correspondence, extension and credit-by-examination courses for purposes of academic standing or satisfactory progress shall be determined by the regulations of the certifying institution, regardless of whether the courses are taken through the certifying institution or through another institution.
NC-2009-4	COMMON COMMITTEES – COMMITTEES WITH PLAYING RULES AND CHAMPIONSHIPS	To increase the number of members of the NCAA Wrestling Committee from 13 to 15 and the number of NCAA Division

Proposal Number	Title	Intent
	ADMINISTRATION RESPONSIBILITIES – WRESTLING COMMITTEE	I representatives on the committee from six to eight.
NC-2009-5	COMMITTEES – ASSOCIATION-WIDE COMMITTEES – GENERAL COMMITTEES – HONORS COMMITTEE – TERM OF OFFICE	To specify that the term of office for a member of the NCAA Honors Committee shall begin on the day following adjournment of the NCAA Convention following the member's appointment.
NC-2009-6	COMMITTEES – ASSOCIATION-WIDE COMMITTEES – GENERAL COMMITTEES – HONORS COMMITTEE – TERM OF OFFICE	To establish an NCAA Women's Lacrosse Rule Committee composed of nine members, including the secretary-rules editor.
NC-2009-7	NCAA MEMBERSHIP – PROVISIONAL MEMBERSHIP – ELECTION PROCEDURES – APPLICATION – DEADLINES	To create a consistent deadline for the provisional and reclassifying application submission of May 15.
NC-2009-8	AMATEURISM – USE OF AGENTS – SCHOLARSHIP AGENT	To eliminate the legislation related to scholarship agents
NC-2009-9	ELIGIBILITY – HARDSHIP WAIVER – CRITERIA FOR ADMINISTRATION OF HARDSHIP WAIVER – NCAA REGIONAL CROSS COUNTRY MEET	To specify that for purposes of applying the hardship waiver legislation, the NCAA regional cross country meet may be counted as one date of competition in determining the institution's scheduled or completed dates of competition, provided no qualifying standards exist for participation in the meet.
NC-2009-11	AWARDS, BENEFITS AND EXPENSES – EXPENSES PROVIDED BY THE INSTITUTION FOR PRACTICE AND COMPETITION – OTHER COMPETITION	To permit an institution to provide actual and necessary expenses related to a student-athlete's participation in one national team tryout competition event per academic year (or in the following summer) from which participants are selected for the team that will participate in the Olympic

Proposal Number	Title	Intent
		Games, Pan American Games, World Championships, World Cup, World Youth Championships or World University Games.
NC-2009-12	AWARDS, BENEFITS AND EXPENSES – SPECIAL ACHIEVEMENT AWARDS – CONFERENCE STUDENT-ATHLETE OF THE YEAR AND CONFERENCE ACADEMIC SCHOLAR-ATHLETE OF THE YEAR AWARDS	To establish a value for a conference student-athlete of the year award and a conference scholar-athlete of the year award and a conference scholar-athlete of the year award to one male and one female student-athlete each year, respectively, as specified; further, to include a conference as a permissible awarding agency that may provide an award to a student-athlete special attainments or contribution to a conference team's season.
NC-2009-13	PLAYING AND PRACTICE SEASONS – GENERAL REGULATIONS FOR COMPUTING PLAYING SEASONS – REDEFINING A WEEK DURING A SEGMENT OR BETWEEN SEGMENTS OF THE PLAYING SEASON	To permit an institution to redefine its week during a segment of the playing season following any period of seven consecutive days that includes a vacation, final-examination period or holiday period during which no athletically related activities occur and between segments of the playing season, provided the institution divides its practice and playing season into two distinct segments.
NC-2009-14	ELIGIBILITY – SEASONS OF PARTICIPATION – CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY – MINIMUM AMOUNT OF PARTICIPATION – PRACTICE WHILE SUBCOMMITTEE FOR LEGISLATIVE RELIEF WAIVER IS PENDING	Legislative Relief waiver request is pending, to practice, but not compete, after the first contest or date of competition in the traditional segment in the student-athlete's sport without using a season of participation.

<b>Proposal Number</b>	<b>Title</b>	<b>Intent</b>
NC-2009-17	ELIGIBILITY – DEFINITIONS AND APPLICATIONS – EDUCATION-IMPACTING DISABILITY	To establish a definition of "education-impacting disability" as a current impairment that has a substantial educational impact on a student's academic performance; further, to replace all legislative reference of "learning disability" to "education-impacting disability."
NC-2009-18	ELIGIBILITY – SEASONS OF PARTICIPATION: 10-QUARTER RULE – 10-SEMESTER/15-QUARTER EXTENSION REQUEST – PRACTICE WHILE WAIVER IS PENDING	To eliminate the 30 consecutive-calendar day limitation for practice once an institution has filed a 10-semester/15-quarter extension waiver request.
NC-2009-19	ELIGIBILITY – HARDSHIP WAIVER – CRITERIA FOR ADMINISTRATION OF HARDSHIP WAIVER – MEDICAL DOCUMENTATION – CHIROPRACTOR RECORDS	To specify that chiropractic records do not constitute medical documentation for purposes of administering a hardship-waiver request.
NC-2009-20	PLAYING AND PRACTICE SEASONS – GENERAL PLAYING-SEASON REGULATIONS – REQUIRED DAYS OFF – MULTISPORT STUDENT-ATHLETE	To specify that all athletically related activities shall be prohibited during one calendar day per week for every student-athlete, regardless of the number of sports in which a student-athlete participates.
NC-2009-21	CHAMPIONSHIPS – CRITERIA FOR ESTABLISHMENT OR CONTINUATION OF CHAMPIONSHIPS – MINIMUM SPONSORSHIP FOR CHAMPIONSHIPS – WOMEN'S SPORTS	To specify that a National Collegiate Championship or a division championship may be established in a women's sport if at least 40 institutions sponsor the sport.

Concept Regarding Division II Bylaw 14.2.4.2 – Organized Competition – Comments/Feedback  
since the November 2008 In-Person Meeting

**A. Excerpt from the Committee's November 2008 report.**

**Discussion Regarding Legislative Concept to Amend Bylaw 14.2.4.2.** The committee received feedback from different groups (NCAA Division II Presidents Council, NCAA Division II Management Council, officers from the Division II Athletics Directors Association, Division II Conference Commissioners Association, NCAA Division II Committee for Legislative Relief and conference compliance administrators) regarding the legislative concept to amend Bylaw 14.2.4.2. The committee discussed specific areas that will need additional discussion and feedback. The committee noted that its presentation at the 2009 Convention will provide an opportunity for additional feedback on this topic. The committee agreed to continue to review this concept and additional feedback at its March and June 2009 in-person meetings for a possible legislative recommendation.

**B. 2009 NCAA Convention – Division II Organized Competition Education Session  
(1/16/09)**

**Session tackles organized competition rule**

January 17, 2009

**The NCAA News**

NATIONAL HARBOR, Maryland – Representatives from a variety of Division II member institutions and conferences appeared to agree Friday that changes to Division II's organized-competition rule are needed.

At an educational session conducted as part of the 2009 Convention, national office staffs and representatives of the Division II Legislation Committee presented the history of Bylaw 14.2.4.2 and the difficulty that the membership and staff have had applying the regulation, especially since the NCAA Eligibility Center assumed responsibility for certification. Stephanie Quigg, NCAA director of membership services, said that the membership submitted about 12 waiver requests related to the bylaw over six years before the establishment of the Eligibility Center but that the number has gone up 400 percent since 2007.

In response to the apparent confusion about the rule, Division II created a task force to provide better direction and to determine if changes were necessary.

NCAA membership services staff members Jennifer Fraser and Maritza Jones noted that the task force examination has developed change concepts in three segments:

**The general rule.** Possibilities include expansion of the grace period to one academic year and summer, establishing different rules based on recruited status and addressing a loophole involving discontinued collegiate enrollment.

- **Administration.** Questions involve whether to eliminate the definition of organized competition or to improve the current definition; whether to create exceptions for transfers; and whether to eliminate the academic year in residence requirement for those affected by the rule.
- **Exceptions.** Expanding exceptions to parallel those provided by the Division II Committee on Legislative Relief has been suggested. Criteria would include medical hardship, extreme financial difficulties, misinformation by institutional staff and accommodation of low-level activities, such as youth or church-league basketball.

Membership representatives seemed generally comfortable with the general direction of the task force, advising staff and division leadership that care should be taken not to adversely affect older, nontraditional students.

Fort Lewis Athletics Director Kelly Higgins noted that he likes the idea of tightening the rule but that Division II "is supposed to be an open format. We don't want to make high school graduation the trigger."

Others, however, said that the organized-competition rule should be structured so that it applies to a student-athlete's 19th or 20th birthday, or one year after high school graduation, whichever comes first. Waivers could be provided for special cases, such as older individuals who are returning to school.

Other reaction included:

- Support for the expansion of the grace period.
- A request to include an exception for competition in international military to match the exception for the U.S. military.
- Sentiment to eliminate staff misinformation as a waiver criterion (because of growing abuse).
- Belief that December graduates are not treated equitably in the current rule because of the limited time between December graduation and January enrollment.
- Acknowledgement that recruiting services in other countries are increasingly manipulating the rules, such as registering prospects under phony names.

- Advice that the new rule should not separate recruited and nonrecruited student-athletes because of difficulties involved in making the distinction.
- Belief that the discontinued-enrollment loophole should be closed.

The Legislation Committee will consider the topic again at its March and June meetings. In the meantime, it will continue to solicit responses from the membership. Legislation may be developed in time for consideration at the 2010 Convention.

#### **Additional Comments/Feedback from the 2009 NCAA Convention Education Session**

1. Tightening of the rule needed; easier to apply.
2. No age-rule.
3. Should this rule only apply to professionals?
4. Need to maintain Division II philosophy.
5. Expansion of the grace period is a good idea.
6. Discontinued collegiate enrollment is a good idea.
7. Expand the military exception to include international military service.
8. Abuses might occur if misinformation is a legislated exception to the rule.
9. Need to use terminology properly (amateurism v. organized competition).
10. Maybe use recruited status as a starting point if misinformation is a legislated exception to the rule.
11. Individuals who graduate in December are unfairly impacted by the application of the rule.
12. Need to maintain the competitive equity.
13. Increased number of recruiting services advising individuals to lie on the questionnaire.
14. Using recruited status would be too difficult to apply.
15. Waivers should be used to address nontraditional student issues.
16. Youth/church leagues – tied to the age limit established by the league.
17. Expansion of the grace period would lead to disadvantages.
18. December graduates are penalized.
19. There is a growing demographic of nontraditional students who delay collegiate enrollment.
20. Major concern -- misinformation from institutional staff member -- recruited student-athletes should be a violation.

**ELIGIBILITY – CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY – PARTICIPATION IN ORGANIZED COMPETITION PRIOR TO INITIAL COLLEGIATE ENROLLMENT AND AFTER DISCONTINUED COLLEGIATE ENROLLMENT**

**Source:** NCAA Division II Legislation Committee.

**Topical Area:** Eligibility

**Intent:** To specify that an individual shall be charged with a season of competition during each calendar year of participation in organized competition following high school graduation and prior to initial collegiate enrollment or after discontinued collegiate enrollment, as specified; further, to reorganize the organized competition legislation.

**Bylaws:** Amend 14.2.4.2, as follows:

14.2.4.2 Participation in Organized Competition *or Training Prior to Initial Collegiate Enrollment.*

**14.2.4.2.1 Prior to Initial Collegiate Enrollment.** An individual who does not enroll in a collegiate institution as a full-time student during the regular academic term that is immediately following the date that the individual's high school class normally graduates from high school (or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility) shall use *a one* season of intercollegiate competition for each calendar year or sports season (following that date) in which the individual has participated in *activities that meet the criteria set forth in organized competition per* Bylaw 14.2.4.2.3.1.

14.2.4.2.1.1 Discontinued High School Enrollment. An individual who discontinues high school enrollment and subsequently participates in *activities that meet the criteria set forth in organized competition per* Bylaw 14.2.4.2.3.1 shall use *a one* season of intercollegiate competition for each calendar year or sports season of participation regardless of the date the individual's high school class normally graduates.

14.2.4.2.2 Academic Year in Residence. An individual who uses a season(s) of competition in a specific sport per Bylaw 14.2.4.2, shall fulfill an academic year in residence at any member institution prior to being eligible to represent the certifying institution in that specific sport in intercollegiate competition.

14.2.4.2.3 Activities Constituting Use of Season. An individual shall use a season of competition per Bylaw 14.2.4.2 if the individual participates in activities that meet any of the following criteria:

(a) Any competition or training with a team that declares itself to be professional;

- (b) Any competition or training with a team in which compensation is provided to any of the participants (including actual and necessary expenses);*
- (c) Any individual competition or training in which any of the participants receive compensation (including actual and necessary expenses);*
- (d) Any competition pursuant to the signing of a contract for athletics participation;*
- (e) Any competition pursuant to involvement in a professional draft;*
- (f) Any competition funded by a professional sports organization, excluding not-for-profit organizations affiliated with professional sports organizations;*
- (g) Any competition funded by a representative of an institution's athletics interest that is not an open event; or*
- (h) Any practice with a professional athletics team (excluding a 48-hour tryout).*

*14.2.4.2.3.1 Actual and Necessary Expenses. For purposes of determining the use of a season of competition per Bylaw 14.2.4.2, actual and necessary expenses are limited to the following:*

- (a) Meals;*
- (b) Transportation;*
- (c) Lodging;*
- (d) Medical insurance;*
- (e) Stipend (e.g., money for gas or food); or*
- (f) Medical expenses (excluding on-site treatment of an injury).*

*14.2.4.2.3.1.1 Exceptions -- Reasonable Expenses and Fees. Reasonable expenses other than those listed above (e.g., the value of coaching, instruction and facility usage) are not considered compensation. If an individual pays a fee to participate on a team, the individual uses a season of competition only if the amount of actual and necessary expenses or other compensation received exceeds the amount of the fee.*

*14.2.4.2.3.1.1.1 Definition of Fee. A fee to participate on a team or club must:*

- (a) Be required of all individuals on the team or club;*
- (b) Be the same amount for all individuals on the team or club;*
- (c) Be directly used for the expenses of the team or club; and*
- (d) Not be earmarked for a specific individual or individuals.*

**14.2.4.2.2 After Discontinued Collegiate Enrollment.** An individual who is eligible under Bylaw 14.2.4.2.1, but who enrolls in a collegiate institution as a full-time student and discontinues collegiate enrollment prior to completion of at least two full-time semesters or three full-time quarters, shall use one season of intercollegiate competition for each calendar year or sports season following the date of discontinued enrollment and prior to enrollment at the certifying institution in which the individual has participated in organized competition per Bylaw 14.2.4.2.3.1.

**14.2.4.2.3 Administration of Participation in Organized Competition.**

**14.2.4.2.3.1 Organized Competition.** Athletics competition shall be considered organized if any one of the following conditions exists:

- (a) Competition is scheduled and publicized in advance;**
- (b) Official score is kept;**
- (c) Individual or team standings are maintained;**
- (d) Official timer or game officials are used;**
- (e) Admission is charged;**
- (f) Teams are regularly formed or team rosters are predetermined;**
- (g) Team uniforms are used;**
- (h) A team is privately or commercially sponsored; or**

(i) The competition is either directly or indirectly sponsored, promoted or administered by an individual, an organization or any other agency.

**14.2.4.2.3.2 Academic Year in Residence.** An individual who uses a season of competition in a specific sport per Bylaws 14.2.4.2.1 or 14.2.4.2.2 shall fulfill an academic year in residence at any member institution prior to being eligible to represent the certifying institution in that specific sport in intercollegiate competition.

**14.2.4.2.3.2.1 Exception.** A student who has attended a two-year or a four-year institution for at least two full-time semesters or three full-time quarters and who has satisfactorily completed an average of at least 12 semester or 12 quarter hours of transferable degree credit for each full-time academic term of attendance at the two-year or four-year collegiate institution is not required to fulfill an academic year in residence prior to being eligible to represent the certifying institution in that specific sport in intercollegiate competition. (See Bylaws 14.4 and 14.5 for academic and transfer requirements.)

**14.2.4.2.4 Exceptions to Participation in Organized Competition.** An individual shall not be charged with a season of intercollegiate competition, provided the individual satisfies any of the following exceptions for each calendar year in which the individual participates in organized competition per Bylaw 14.2.4.2.3.1 following the individual's high school graduation and prior to initial collegiate enrollment or after discontinued collegiate enrollment.

**14.2.4.2.3.24.1 United States Armed Services Exception.** Participation in *activities that meet the criteria set forth in organized competition per* Bylaw 14.2.4.2.3.1 during time spent in the U.S. Armed Services shall be excepted as long as the competition is organized and administered by the military.

**14.2.4.2.3.34.2 National/International Competition Exception.** For a maximum of one year, participation in *activities that meet the criteria set forth in organized competition per* Bylaw 14.2.4.2.3.1 shall be excepted if the competition is national or international competition that includes participation in:

(a) Official Pan American, World Championships, World Cup, World University and Olympic training, tryouts and competition;

(b) Officially recognized training and competition directly qualifying participants for final Olympic tryouts; or

(c) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee (or, for student-athletes representing another nation, the equivalent organization of that nation, or, for student-athletes competing in a non-Olympic sport, the equivalent organization of that sport).

14.2.4.2.3.4.3 Postgraduate College Preparatory School Exception. Participation in *activities that meet the criteria set forth in organized competition per* Bylaw 14.2.4.2.3.1 while enrolled in a postgraduate college preparatory school shall be excepted. This exception may only be used during the initial year of enrollment in the preparatory school.

14.2.4.2.3.5.4.4 Skiing Exception. For a maximum of two years, participation in *activities that meet the criteria set forth in organized competition per* Bylaw 14.2.4.2.3.1 shall be excepted in the sport of skiing when such participation is part of competition sanctioned by the United States Skiing Association and its international counterparts.

**Rationale:** Since January 2008, the governance structure has been examining issues related to the participation in organized competition or training prior to initial collegiate enrollment legislation. Significant analysis has occurred around the issue of whether the frequency and level of competition, rather than compensation, should determine organized competition rather than compensation. It will no longer be of importance if the individual, his or her teammate(s) or other individuals participating in an event received compensation, including a salary, prize money, actual and necessary expenses, etc. In addition, a transfer student will not be required to serve an academic year in residence at the certifying institution if he or she transfers with an average of at least 12 semester or 12 quarter hours of transferable degree credit for each full-time academic term of attendance at the two-year or four-year collegiate institution. By presenting the certifying institution with this academic information, the transfer student has shown a commitment to academics. Finally, by applying a similar rule to those students who enroll full time in college and discontinue such enrollment to participate in organized competition, the proposal will help create a more "level playing field" and will close current loopholes in the legislation.

**Review History:**

June 24, 2008: Reviewed Concept – Legislation Committee

## **Organized Competition – Legislation if Concept Adopted**

### **14.2.4.2 Participation in Organized Competition.**

14.2.4.2.1 Prior to Initial Collegiate Enrollment. An individual who does not enroll in a collegiate institution as a full-time student during the regular academic term that is immediately following the date that the individual's high school class normally graduates from high school (or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility) shall use one season of intercollegiate competition for each calendar year or sports season (following that date) in which the individual has participated in organized competition per Bylaw 14.2.4.2.3.1.

14.2.4.2.1.1 Discontinued High School Enrollment. An individual who discontinues high school enrollment and subsequently participates in organized competition per Bylaw 14.2.4.2.3.1 shall use one season of intercollegiate competition for each calendar year or sports season of participation regardless of the date the individual's high school class normally graduates.

14.2.4.2.2 After Discontinued Collegiate Enrollment. An individual who is eligible under Bylaw 14.2.4.2.1, but who enrolls in a collegiate institution as a full-time student and discontinues collegiate enrollment prior to completion of at least two full-time semesters or three full-time quarters, shall use one season of intercollegiate competition for each calendar year or sports season following the date of discontinued enrollment and prior to enrollment at the certifying institution in which the individual has participated in organized competition per Bylaw 14.2.4.2.3.1.

### **14.2.4.2.3 Administration of Participation in Organized Competition.**

14.2.4.2.3.1 Organized Competition. Athletics competition shall be considered organized if any one of the following conditions exists:

- (a) Competition is scheduled and publicized in advance;
- (b) Official score is kept;
- (c) Individual or team standings are maintained;
- (d) Official timer or game officials are used;
- (e) Admission is charged;
- (f) Teams are regularly formed or team rosters are predetermined;
- (g) Team uniforms are used;

(h) A team is privately or commercially sponsored; or

(i) The competition is either directly or indirectly sponsored, promoted or administered by an individual, an organization or any other agency.

14.2.4.2.3.2 Academic Year in Residence. An individual who uses a season of competition in a specific sport per Bylaws 14.2.4.2.1 or 14.2.4.2.2 shall fulfill an academic year in residence at any member institution prior to being eligible to represent the certifying institution in that specific sport in intercollegiate competition.

14.2.4.2.3.2.1 Exception. A student who has attended a two-year or a four-year institution for at least two full-time semesters or three full-time quarters and who has satisfactorily completed an average of at least 12 semester or 12 quarter hours of transferable degree credit for each full-time academic term of attendance at the two-year or four-year collegiate institution is not required to fulfill an academic year in residence prior to being eligible to represent the certifying institution in that specific sport in intercollegiate competition. (See Bylaws 14.4 and 14.5 for academic and transfer requirements.)

14.2.4.2.4 Exceptions to Participation in Organized Competition. An individual shall not be charged with a season of intercollegiate competition, provided the individual satisfies any of the following exceptions for each calendar year in which the individual participates in organized competition per Bylaw 14.2.4.2.3.1 following the individual's high school graduation and prior to initial collegiate enrollment or after discontinued collegiate enrollment.

14.2.4.2.4.1 United States Armed Services Exception. Participation in organized competition per Bylaw 14.2.4.2.3.1 during time spent in the U.S. Armed Services shall be excepted as long as the competition is organized and administered by the military.

14.2.4.2.4.2 National/International Competition Exception. For a maximum of one year, participation in organized competition per Bylaw 14.2.4.2.3.1 shall be excepted if the competition is national or international competition that includes participation in:

(a) Official Pan American, World Championships, World Cup, World University and Olympic training, tryouts and competition;

(b) Officially recognized training and competition directly qualifying participants for final Olympic tryouts; or

(c) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee (or, for student-athletes representing another nation, the equivalent organization of that nation, or, for student-athletes competing in a non-Olympic sport, the equivalent organization of that sport).

14.2.4.2.4.3 Postgraduate College Preparatory School Exception. Participation in organized competition per Bylaw 14.2.4.2.3.1 while enrolled in a postgraduate college preparatory school shall be excepted. This exception may only be used during the initial year of enrollment in the preparatory school.

14.2.4.2.4.4 Skiing Exception. For a maximum of two years, participation in organized competition per Bylaw 14.2.4.2.3.1 shall be excepted in the sport of skiing when such participation is part of competition sanctioned by the United States Skiing Association and its international counterparts.

Concept Regarding Division II Bylaw 14.2.4.2 – Organized Competition – Comments/Feedback

**A. Division II Conference Compliance Officers meeting (October 1, 2008).**

**Organized-competition change vetted**

October 06, 2008

**By Gary Brown  
The NCAA News**

A legislative concept designed to assess how the membership feels about changing the way seasons of competition are charged under the organized-competition rule got mixed reviews from a group of conference compliance officers October 1.

Meeting in Indianapolis to discuss legislative proposals, share best practices and sharpen their expertise on eligibility matters, the compliance officers also reviewed a concept from the Division II Legislation Committee that asks whether the impact of a college prospect's participation in outside, organized competition should be measured by the competitive advantaged gained rather than whether compensation is involved.

Division II currently regards competition for which any member of the team or club receives compensation as "organized," which subjects the prospect who participates to being charged seasons of collegiate athletics eligibility. Many institutions have sought relief from the rule, claiming that participants who don't receive expenses or salaries shouldn't be lumped in with – and punished because of – the few teammates who do.

The new concept being considered would change what triggers the rule from compensation to things like whether the competition is scheduled and publicized in advance, whether official score is kept, and whether admission is charged, team uniforms are used and team standings are maintained, among other criteria.

The compliance officers thought the new thresholds were lower than the current rule. While they generally agreed that the new criteria would be easier to administer (they acknowledged that the current compensation-based criteria are difficult to determine), they fear that the concept will cause more prospects to trigger application of the rule.

The reaction adds to the debate about how to control cases in which prospects attempt to gain an advantage by delaying enrollment to participate in high-level competition. Anecdotal evidence even suggests that some prospects attempt to skirt the organized-competition rule by enrolling in college within the allotted timeframe after high school graduation and then immediately withdrawing to participate in organized competition (and then re-enrolling at a later time). For that reason, the new concept contains a clause requiring enrollees to complete at least two full-

time semesters or three full-time quarters to avoid being charged a season of competition.

Generally, the compliance officers liked the proposal's attempt to address competitive equity through criteria that are easier to comprehend, but some were concerned that the new rule tries too hard to catch the few who abuse it. Penny Cook from the Great Lakes Intercollegiate Athletic Conference said, "It's a much clearer net, but also a much larger one."

While the compliance group was the first to review the concept, it won't be the last. The Division II conference Commissioners Association will see it in a couple of weeks, followed by the Management Council later in October. The proposal also will be considered at the FARA Fall Symposium and during an educational session at the NCAA Convention.

**B. National Office Staff Meeting with Officers of the Division II Athletics Directors Association (ADA) (October 6, 2008).**

1. What is the definition of "official scoring" as a condition of organized competition?
2. The proposed concept may impact participation of individuals in low level competition (e.g., youth leagues, church leagues, YMCA leagues).
3. Will the proposed concept impact an individual's opportunity to participate in local clubs?
4. Discuss adding "individual sports" to Bylaw 14.2.4.2.3.1-(h).
5. Should the organized competition rule be amended to create an age limit on participation similar to Division I rules (20<sup>th</sup> and 21<sup>st</sup> Birthday legislation)?

**C. Division II Committee for Legislative Relief (CLR) Teleconference (October 6, 2008).**

1. Really like that the concept does not use compensation as a means to define organized competition.
2. Definite improvement from the current rule.
3. Should there be an additional exception to the rule for individuals who participate in youth leagues, church leagues, YMCA leagues, etc.?
4. Exceptions need to be simple.
5. CLR waiver process should be used when extenuating circumstances warrant a waiver of the legislation.
6. Concept is simple to apply and is consistent for all individuals subject to the rule.

7. Need to add the individual sports to some of the conditions to confirm that individuals participating in team or individual sports are captured by the rule.

**D. National Office Staff Meeting with Officers of the Division II Conference Commissioners Association (CCA) (October 7, 2008).**

1. Concept is a fundamental philosophical shift from current rule.
2. Positive change; current rule is difficult to apply consistently across Division II.
3. Concept is consistent with the original philosophy of the rule when adopted at the 2001 NCAA Convention (e.g., provides for a level playing field and addresses the competitive advantage gained by individuals who delay collegiate enrollment after high school graduation and participate in activities constituting organized competition; membership agreement that the rule would possibly change in the future based on trends).
4. Determine how many individuals that enter Division II institutions actually delay enrollment? Why? What are the trends for the delay?
5. Need to be cautious about the unintended consequences of the concept if adopted by the membership.

**E. Division II Conference Commissioner's Association (CCA) (October 15, 2008).**

- Did not present concept to the group. No feedback provided. Will present information to the commissioners during the 2009 NCAA Convention meeting.

**F. Division II Management Council meeting (October 20-21, 2008).**

1. As a whole, need to cast a wide net on this issue – best approach is this concept.
2. There will always be some subjectivity to the application of the rule.
3. Need to add "statistics" to the list of conditions that trigger organized competition.
4. Use the waiver process for relief of the legislation; it will work.
5. Rule will impact mostly international or failed professional student-athletes.
6. Concepts hits what needs to be hit.
7. More concerned with the level and frequency of competition rather than compensation.
8. Waiver process needs to be very limited.

9. Concept needs to reflect individual sports.
10. Must define "gained advantage" because individuals participating in church leagues may be impacted by the concept.
11. Good/best step right now to amend the rule.
12. Current rule is not working.
13. Likely will be a waiver increase.
14. Possibility of establishing initial waivers as part of the eligibility process; burden falls on the prospective student-athlete rather than the institution.
15. Helpful to eliminate compensation from the analysis.
16. Expected that there will be an increase in the number of individuals captured by the concept.
17. Why is there a need for exceptions if the rule was intended to capture the competitive advantage gained when an individual participates in a sport during a delay of collegiate enrollment?
18. Overall, supportive of concept.

**G. Division II Presidents Council meeting (October 29, 2008)**

1. Serving a year in residence seems unnecessarily punitive. What is the advantage for an institution that has a student for one less year?
2. How does the Committee for Legislative Relief (CLR) guidelines affect an individual who participates in one game or limited number of competitions?
3. Should align the organized competition rule to an age rule similar to Division I.
4. Focus on the issue – international students who gain a competitive advantage by focusing on a sport during a delay of enrollment.
5. What happens to an individual who isn't good enough for a scholarship out of high school and needs to work?
6. Concept casts too wide of a net. May be a lot of unintended consequences.

**NCAA Bylaw 17.12.8-(b) – Playing and Practice Seasons – Golf – Out-of-Season and Nonchampionship Segment Athletically Related Activities – Nonchampionship Segment Activities**

**Issue:**

Whether or not the NCAA Division II Legislation Committee should recommend sponsorship of legislation for the 2010 NCAA Convention to amend NCAA Bylaw 17.12.8-(b) (nonchampionship segment activities).

**Analysis:**

Under the current Division II rule, in golf, 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 maximum of 24 days that occur within 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. In addition, the 45 consecutive calendar days must be within September 7 or the first day of class (whichever occurs first) and November 15. Further, a member institution that declares fall as its institution's championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment.

During its November 2008 in-person meeting, the Legislation Committee recommended that the NCAA Division II Management Council and Presidents Council sponsor legislation for the 2010 Convention to amend Bylaw 17.12.8-(b) to specify that, in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days. The concept would further specify that, in golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.

The Management Council reviewed this recommendation during its January 2009 in-person meeting and agreed to refer this concept back to the Legislation Committee for further discussion and possible action.

At the direction of the Presidents Council, the NCAA Division II Championships Committee and this committee have been asked to discuss whether the current playing and practice seasons in Bylaw 17 are in alignment with the strategic positioning platform and to review them with the foresight of developing better business practices to assist with championships policies and travel issues. The Legislation Committee should review this referral in light of the overall discussions regarding the current playing and practice seasons in Bylaw 17.

**Conclusions:**

1. The Legislation Committee **recommends** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 17.12.8-(b), effective August 1, 2010.
2. The Legislation Committee **does not recommend** that the Management Council sponsor legislation for the 2010 Convention to amend Bylaw 17.12.8-(b).

**Associated References:**

**Division II Bylaws**

**17.12.5 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 first day of class, whichever occurs first.

**17.12.5.1 Exception -- Alternate Playing Season.** An institution that is a member of a conference that conducts its only conference championship or plays the majority of its conference matches during the fall; or an institution that declares fall as its institution's championship segment per Bylaw 20.10.4.3, may use the playing season dates for sports that conduct a fall championship. Multi-day tournaments (up to a maximum of five tournaments) may count as one date of the 24 practice or competition dates, regardless of the number of days of the tournament. Further, an institution that uses this exception and discontinues its championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment. The institution is eligible for the NCAA championship.

	<b>Fall (Championship)</b>	<b>Spring (Nonchampionship)</b>
<b>Practice</b>	17 days prior to the first permissible date of competition ( <i>Revised: 6/10/08</i> )	February 15
<b>Competition</b>	Thursday preceding August 30 ( <i>Revised: 1/12/04, 6/10/08</i> )	February 15
<b>End date for practice and competition</b>	November 15	Seven days prior to final examination period.

**17.12.6 End Date of Practice and Competition -- Nonchampionship Segment.** A member institution shall conclude all practice and competition in the nonchampionship segment no later than November 15.

**17.12.8 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) **Conditioning, Weight-Training and Skill Instruction.** Student-athletes may participate in conditioning, weight-training and skill instruction in accordance with Bylaw 17.1.6.2; 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 maximum of 24 days that occur within 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. Multi-day tournaments (up to a maximum of five tournaments) may count as one date of the 24 practice or competition dates, regardless of the number of days of the tournament. The 45 consecutive calendar days must be within the dates set forth in Bylaws 17.12.5 and 17.12.6. It is not permissible for an institution that declares fall as its championship segment and operates on the quarter system to engage in practice and competition from the time period of seven calendar days prior to the first date of the institution's final examination period for the winter quarter until the first day of classes of the spring quarter. The days during which practice and competition is prohibited may be exempted from the period of 45 consecutive calendar days.

(1) **Exception.** A member institution that declares fall as its institution's championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment (See Bylaw 17.12.5.1).

**2002 Convention Division II Proposal No. 26 (Note: Portions of this proposal not related to golf were deleted)**

## **DII Proposal**

### **PLAYING AND PRACTICE SEASONS -- PERMISSIBLE DATES AND OUT-OF-SEASON ACTIVITIES**

**Convention Year:** 2002

**Date Submitted:** January 30, 2001

**Effective Date:** August 1, 2002

**IPOPL Number:** na

**SPOPL Number:** 28

**Official Notice Number:** 2002-26

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

**Proposal Category:** Deregulation

**Topical Area:** Playing and Practice Seasons

**Status:** Adopted

**Intent:**

To redefine playing and practice season regulations for fall and spring sports except outdoor track and field and other selected sports.

**A. Bylaws:** Amend 17.7, as follows:

**B. Bylaws:** Amend 17.10, as follows:

**C. Bylaws:** Amend 17.11.1, as follows:

[Division II, Roll Call]

"17.11.1 Length of Playing Season – **Championship and Nonchampionship Segments.** The length of an institution's playing season **for both segments** in golf 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 off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur* **by the dates and regulations set forth in the remainder of this selection.**

"17.11.2 *Preseason* **First Date of Practice – Championship Segment.** A member institution shall not commence practice sessions in golf **in the championship segment** before *September 7 or the institution's first day of classes for the fall term, January 10 or the first day of class,* whichever is earlier.

"17.11.3 First Date of Competition – **Championship Segment.** A member institution shall not engage in its first date of competition (*match or practice match*) with outside competition *in golf* **in the championship segment** before *September 7 or the institution's first day of classes for the fall term, whichever is earlier* **February 15.**

"17.11.4 End of Regular Playing Season – **Championship Segment.** A member institution shall conclude all practice and competition (*meets and practice meets*) in the sport of golf **in the championship segment** by the conclusion of the **NCAA Division II** golf championships.

"17.11.5 **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 first day of class, whichever occurs first.**

**"17.11.6 End Date of Practice and Competition – Nonchampionship Segment. A member institution shall conclude all practice and competition in the nonchampionship segment no later than November 15.**

[17.11.5 renumbered as 17.11.8 unchanged.]

**"17.11.67 Out-of-Season (Nonchampionship Segment) Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the *institution's declared championship segment* playing season *per Bylaw 17.11.1*, except as permitted in *Bylaws 17.1.5.2 and 17.1.5.2.1*. for the following:**

**"(a) Conditioning, Weight-Training and Skill Instruction. Student-athletes may participate in conditioning, weight-training and skill instruction in accordance with 17.1.5.2; 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 maximum of 24 days that occur within a period of 45 calendar days. The 45 calendar days must be within the dates set forth in 17.11.5 and 17.11.6."**

[17.11.7 through 17.11.8 renumbered as 17.11.9 through 17.11.10, unchanged.]

[Note: This proposal is presented in a nontraditional format. Appropriate revisions will be made in all relevant sections of Bylaw 17 affection spring sports, except outdoor track and field (i.e., baseball, lacrosse, women's rowing, softball and tennis).]

**D. Bylaws:** Amend 17.11.1 by adding new 17.11.1.1, as follows:

[Division II, Roll Call]

**"17.11.1.1 Exception. A member institution that counts golf as a fall sport, per 3.2.4.10.1, may utilize the playing-season dates for fall sports and must follow out-of-season regulations for fall sports during the spring. The institution shall be eligible for the NCAA championship occurring in the spring."**

[Note: Part D of this proposal applies only to the sports of golf and tennis.]

**Rationale:**

The Legislation Committee spent considerable time discussing this concept as a way to significantly simplify Bylaw 17. Some of the most confusing legislation in this bylaw currently related to start dates, calculation of practice opportunities, end dates, declaration of playing season segments and how to recoup lost days due to bad weather, among other issues. Although the committee agrees that this may not be a "win-win" situation for sports, it is certainly an equitable solution to simplify current legislation and create legislation that is easy to interpret and that all institutions should be able to apply consistently to most sports. It also allows institutions more flexibility in determining nonchampionship-segment activities while not increasing out-of-season practice opportunities. Consequently, it potentially alleviates concerns regarding time student-athletes currently spend in activities out-of-season and avoids possible future proposals to completely eliminate nonchampionship segment practice and competition. It is important to note that this does not affect winter sports (e.g., basketball and wrestling) and does not affect any sports in which the only championship opportunity in a National Collegiate Championship. It also had not impact on outdoor track and field or emerging sports for women. The committee actually used the basketball "model" to some degree in creating this concept. It also considered the current legislation for football in creating the component of the concept dealing with out-of-state season practice. [Note: This proposal does not apply to any winter sport, any sport in which the only championship opportunity is a National Collegiate Championship, and all emerging sports for women.]

**Convention Vote:**

*Date of Vote:* January 14, 2002

*Vote Type:* Electronic Machine

For: 182 Against: 63 Abstain: 0

**Legislative Draft from the Rocky Mountain Athletic Conference:**

Division II – Legislation Proposal

**Intent:** To extend the nonchampionship segment of golf to a period of 60 consecutive calendar days while retaining the maximum of 24 days that a student-athlete may participate in any practice or competition activity as permitted by other legislation.

**Bylaws:** Amend 17.12.8-(b), pages 200-201, as follows:

(b) **Non-championship 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 maximum of 24 days that occur within a period of 45 ~~60~~ 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. Multi-day tournaments (up to a maximum of five tournaments) may count as one date of the 24 practice or competition dates, regardless of the number of days of the tournament. The 45 60 consecutive calendar days must be within the dates set forth in Bylaws 17.12.5 and 17.12.6. It is not permissible for an institution that declares fall as its championship segment and operates on the quarter system to engage in practice and competition from the time period of seven calendar days prior to the first date of the institution's final examination period for the winter quarter until the first day of classes of the spring quarter. The days during which practice and competition is prohibited may be exempted from the period of 45 60 consecutive calendar days.

(1) **Exception.** A member institution that declares fall as its institution's championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 45 60 consecutive calendar days available during the non-championship segment (See Bylaw 17.12.5.1).

**Effective Date:** August 1, 2009

**Rationale:** This revision would benefit student-athletes by spreading class days missed during the non-championship segment and easing the academic pressure of student-athletes. Institutions would have the flexibility of adding an off week – or perhaps two depending on an institution's climate – to prevent student-athletes from possibly missing class time several weeks in a row. Virtually all institutions currently compete in four to five tournaments during the non-championship segment – again, depending on regional weather conditions – so this revision would not increase the amount of class time missed. Another safeguard to ensure there would not be an increase to missed class time is the fact that the 24 days of practice and competition would not increase.

The addition of 15 calendar days to the non-championship segment of the schedule will allow for additional flexibility in scheduling. Institutions which host tournaments, or would like to host tournaments, may have difficulties in securing a venue due to course availability and course conditions due to climate. Unlike other sports affected by the 45/24 rule, Division II golf programs typically do not own their own facility. Therefore, scheduling of tournaments at adequate facilities can be dictated by said facilities time tables. In addition, Division II golf competition in the non-championship segment has equal weight to competition in the championship segment for determination of post season participation.

Under the current system, student-athletes are normally given less than a week of practice time before their first competition of the season. This leads to much of the first week of practice consisting of qualifying rounds because a coach has not had the opportunity to assess his/her

roster. Also, most coaches coach both the men's and women's programs. This change will allow a coach to spend adequate practice time with both programs.

**Excerpt from the Report of the November 2008 Legislation Committee Meeting**

**2010 Convention Legislation – Bylaw 17.12.8-(b) – Playing and Practice Seasons – Golf – Out-of-Season and Nonchampionship Segment Athletically Related Activities – Nonchampionship Segment Activities.**

- (1) Recommendation. Sponsor legislation for the 2010 Convention to amend Bylaw 17.12.8-(b) (nonchampionship segment activities) to specify that in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that in golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.
- (2) Effective Date. August 1, 2010.
- (3) Rationale. Under the current rule, in golf, during the nonchampionship segment, student-athletes may participate in any practice or competition activity provided such activity is restricted to a maximum of 24 days that occur within a period of 45 consecutive calendar days. Further, an institution that declares fall as its championship segment and discontinues championship segment activities by November 1, may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment. The proposal extends the nonchampionship segment activities in golf to 60 consecutive calendar days while retaining the maximum 24 days during which student-athletes may participate in practice or competition activities as permitted by other legislation. The revision would benefit student-athletes by increasing the nonchampionship segment and preventing student-athletes from missing class time several weeks in a row. The proposal does not increase the number of days within which practice or competition may occur, which will ensure that this change would not result in additional missed class time by student-athletes. The proposal will also allow institutions additional flexibility in scheduling, which is vital as many Division II institutions do not own their golf facilities and are subject to the availability of the venues in which they compete.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

**Excerpt from the Management Council and Presidents Council January 2009 Meeting Summary**

**Bylaw 17.12.8-(b)—Playing and Practice Seasons—Golf—Out-of-Season and Nonchampionship Segment Athletically Related Activities—Nonchampionship Segment Activities.**

January 14 Management Council. The Management Council agreed to refer back to the Legislation Committee, for further discussion and possible action, a recommendation to amend Bylaw 17.12.8-(b) (nonchampionship segment activities) to specify that in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation, provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that in golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.

January 15 Presidents Council. No action was necessary.

## **REPORT OF THE AMATEURISM CERTIFICATION PROCESS AS IT RELATES TO THE DIVISION II LEGISLATION COMMITTEE**

### **Purpose.**

The purpose of this report is to provide the Division II Legislation Committee with information regarding cases processed by the Amateurism Certification Process (hereinafter referred to as ACP). Specifically, this report will summarize both the number of cases processed by the ACP and the most typical penalties seen in such cases. The cases discussed represent the time period from October 15, 2008 to March 1, 2009. Please note the cases discussed in this report relate to prospective student-athletes enrolling for the 2008-09 academic year.

### **Legislation.**

The following legislation may be applied and/or relevant via the ACP process:

1. **Participation In Organized Competition Prior To Initial Collegiate Enrollment (NCAA Bylaw 14.2.4.2).** Applicable to all sports, this legislation utilizes a season of competition for each calendar year for a number of activities (see Bylaw 14.2.4.2.3 below) provided they occur prior to initial full-time collegiate enrollment and subsequent to their first opportunity to enroll following high school graduation for the individual's class. If applicable, this legislation also requires an academic year-in-residence upon initial NCAA enrollment (per Bylaw 14.2.4.2.2).
2. **Activities Constituting Use of Season (NCAA Bylaw 14.2.4.2.3).** The current version of this legislation defines the type of activities and/or compensation that triggers the application of Bylaw 14.2.4.2 (and utilizes a season of competition for each calendar year).

### **Background.**

Between October 15, 2008 and March 1, 2009, the ACP has processed 35 DII penalty cases. Of the DII cases processed during this time period, all 35 resulted in application of the current organized competition legislation. Of the 35 cases, 29 involved international prospective student-athletes (PSAs). The five sports in which the greatest number of PSAs triggered application of the current organized competition legislation appear below:

1. Men's Basketball (11)
2. Men's Tennis (11)
3. Men's Golf (4)
4. Women's Tennis (4)
5. Women's Basketball (3)

**Range of Penalties in Amateurism Certification Process.**

**Season(s) of Competition and Year In Residence.** Under Bylaw 14.2.4.2, an individual who does not immediately enroll full time at a collegiate institution at his or her first opportunity after high school graduation shall use a season of intercollegiate competition for each 12-month period during which the individual participated in organized competition as defined in Bylaw 14.2.4.2.3. Of the 35 cases in which application of the legislation was triggered, 23 were issued one-season penalties, seven were issued two-season penalties, four were issued three-season penalties and one was issued a five-season penalty based on the time period in which each prospective student-athlete engaged in activities that triggered the rule. All 35 cases were subject to the mandatory year-in-residence penalty in addition to the season(s) of competition.

**Conclusion.**

When determining the application of Bylaw 14.2.4.2, ACP seeks to determine the high school graduation date of an individual's class and the nature and timing of a prospect's organized competition. This determination must also include whether any participant (including but not limited to the involved prospective student-athlete) received compensation (including actual and necessary expenses) in conjunction with any team or individual competition or training. This report seeks to provide the Committee with the range of penalties seen in the ACP process that triggered application of the outside competition legislation. The ACP staff looks forward to feedback from the Committee regarding this report.

**NCAA Bylaw 14.2.4.2.3.1.1 Eligibility – Participation in Organized Competition or Training Prior to Initial Collegiate Enrollment – Actual and Necessary Expenses – Exceptions – Reasonable Expenses and Fees – Definition of Fee**

**Issue:**

Whether the exception regarding reasonable expenses and fees includes a fee paid to participate on a team within an organization that has multiple teams where the fee to play on each of the teams within one organization is different, but each participant pays an equal amount depending on which team an individual is participating for.

**Background:**

At the 2009 NCAA Convention the membership adopted NCAA Division II Proposal No. I-2009-3 (eligibility – criteria for determining season of eligibility – participation in organized competition or training prior to initial-collegiate enrollment – exception – reasonable expenses – definition of fee). The legislation states that in order for the exception to be used in the application of the organized competition legislation the fee must be required of all individuals on the team or club and must be the same amount for all individuals on the team or club.

The incorporation was intended to facilitate the application of the organized competition legislation. Previously, the legislation did not define what constitutes a fee. The incorporation clarifies the conditions that must be met in order for the fee to meet the reasonable expenses exception to the organized competition or training prior to initial-collegiate enrollment legislation.

**Analysis:**

The academic and membership affairs staff was asked the question of whether an individual who delays enrollment and participates on a club during the delay would trigger the organized competition rule if the individual pays a fee to participate on one team of the club and plays for another team of the same club. The fees to participate on the two teams are different.

Staff believes that in situations where a club has more than one team under the umbrella of the club the exception for reasonable expenses and fees (Bylaw 14.2.4.2.3.1.1) is met when members of each team pay the same fee to participate, even if the fee for each team is different. When an individual participates on multiple teams within one club, and the fee for each of those teams differs, as long as the "home" team fee is identical for each member, the fee exception is met.

**Conclusions:**

1. The Legislation Committee **agrees** with the interpretation that the academic and membership affairs staff provided.
2. The Legislation Committee **does not agree** with the interpretation that the academic and membership affairs staff provided.

## **Associated References:**

### **Division II Bylaws**

#### **14.2.4.2.3.1.1 - Exceptions -- Reasonable Expenses and Fees.**

Reasonable expenses other than those listed above (e.g., the value of coaching, instruction and facility usage) are not considered compensation. If an individual pays a fee to participate on a team, the individual uses a season of competition only if the amount of actual and necessary expenses or other compensation received exceeds the amount of the fee.

##### **14.2.4.2.3.1.1.1 - Definition of Fee.**

A fee to participate on a team or club must:

- (a) Be required of all individuals on the team or club;
- (b) Be the same amount for all individuals on the team or club;
- (c) Be directly used for the expenses of the team or club; and
- (d) Not be earmarked for a specific individual or individuals.

### **Division II Proposals**

#### **ELIGIBILITY -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- PARTICIPATION IN ORGANIZED COMPETITION OR TRAINING PRIOR TO INITIAL-COLLEGIATE ENROLLMENT -- EXCEPTION -- REASONABLE EXPENSES -- DEFINITION OF FEE**

**Convention Year:** 2009

**Date Submitted:** April 25, 2008

**Status:** Adopted

**Effective Date:** Immediate

**Official Notice Number:** I-2009-3

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

**Proposal Category:** Incorporation

**Topical Area:** Eligibility

**Status:** Adopted

**Bylaws:** Amend 14.2.4.2.3.1.1, as follows:

14.2.4.2.3.1.1 Exception -- Reasonable Expenses. Reasonable expenses other than those listed above (e.g., the value of coaching, instruction and facility usage) are not considered compensation. If an individual pays a fee to participate on a team, the individual uses a season of competition only if the amount of actual and necessary expenses or other compensation received exceeds the amount of the fee.

**14.2.4.2.3.1.1.1 Definition of Fee. A fee to participate on a team or club must:**

- (a) Be required of all individuals on the team or club;**
- (b) Be the same amount for all individuals on the team or club;**
- (c) Be directly used for the expenses of the team or club; and**
- (d) Not be earmarked for a specific individual or individuals.**

**Review History:**

*March 28, 2008:* Recommends Approval - Legislation Committee

*April 15, 2008:* Approved in Concept - Management Council

*July 22, 2008:* Approved in Legislative Format - Management Council

**Additional Information:**

Current legislation states that if an individual pays a fee to participate on a team or club, the individual uses a season of competition only if the amount of the actual and necessary expenses or other compensation received exceeds the amount of the fee paid. The legislation, however, does not define what constitutes a fee. The interpretation clarifies the conditions that must be met in order for the fee to meet the reasonable expenses exception to the organized competition or training prior to initial-collegiate enrollment legislation. Incorporating the interpretation into the manual will facilitate the membership with the application of the legislation.



Form 08-d2

Academic Year 2008-09

## Summary of NCAA Regulations – Division II

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**For:** Student-athletes.  
**Action:** Read and then sign Form 08-3b.  
**Purpose:** To summarize NCAA regulations regarding eligibility of student-athletes to compete.

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### TO: STUDENT-ATHLETE.

This summary of NCAA regulations contains information about your eligibility to compete in intercollegiate athletics. Carefully read the sections that apply to you, and then sign the Student-Athlete Statement (Form 08-3b).

This summary has two parts:

- Part I is for **all** student-athletes.
- Part II is for **new** student-athletes only (those signing the Student-Athlete Statement for the first time).

If you have questions, ask your director of athletics (or his or her official designee) or refer to the 2008-09 NCAA Division II Manual. The references in brackets after each summarized regulation show you where to find the regulation in the Division II Manual.

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### Part I: For All Student-Athletes.

This part of the summary discusses ethical conduct, amateurism, financial aid, academic standards and other regulations concerning your eligibility for intercollegiate competition.

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#### Ethical Conduct – All Sports:

You must act with honesty and sportsmanship at all times so that you represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports. [NCAA Bylaw 10.01.1]

You are **not eligible** to compete if you knowingly provide information to individuals involved in organized gambling activities concerning intercollegiate athletics competition; solicit a bet on any intercollegiate team; accept a bet on any team representing the institution or solicit or accept a bet on any intercollegiate competition for any item (e.g., cash, shirt, dinner) that has tangible value. [Bylaw 10.3]

You are **not eligible** to compete if you knowingly participate in any gambling activity that involves intercollegiate or professional athletics through a bookmaker, a parlay card or any other method employed by organized gambling. [Bylaw 10.3]

You are **not eligible** to compete if you have shown dishonesty in evading or violating NCAA regulations. [Bylaws 10.1 and 14.01.3.3]

#### **Amateurism – All Sports:**

You are **not eligible** for participation in a sport if after initial full-time collegiate enrollment you have ever:

- Taken pay, or the promise of pay, for competing in that sport;
- Agreed (orally or in writing) to compete in professional athletics in that sport;
- Played on any professional athletics team as defined by the NCAA in that sport; or
- Used your athletics skill for pay in any form in that sport. [Bylaw 12.1.2]

You are **not eligible** in a sport if you ever have accepted money, transportation or other benefits from an agent, or agreed to have an agent market your athletics ability or reputation in that sport. [Bylaw 12.3]

You are **not eligible** in any sport if, after you become a student-athlete, you accept any pay for promoting a commercial product or service, or allowed your name or picture to be used for promoting a commercial product or service. [Bylaws 12.5.2.1 and 12.5.2.2]

You are **not eligible** in any sport if, because of your athletics ability, you were paid for work you did not perform, were paid at a rate higher than the going rate, or were paid for the value an employer placed on your reputation, fame or personal following. [Bylaw 12.4]

#### **Seasons of Competition – All Sports:**

The following rules are applicable to all Division II student-athletes first entering a collegiate institution on or after August 1, 2001:

If you did not enroll in college as a full-time student at your first opportunity following high-school graduation and you participated in any of the activities listed below, you have used a season of intercollegiate competition for each calendar year or sports season in which you participated in such activities. [Bylaw 14.2.4.2]

#### **Activities Constituting Use of a Season:**

- Any competition or training with a team that declares itself to be professional;
- Any competition or training with a team in which compensation is provided to any of the participants (including actual and necessary expenses);

- Any individual competition or training in which any participant receives compensation (including actual and necessary expenses);
- Any competition pursuant to the signing of a contract for athletics participation;
- Any competition pursuant to involvement in a professional draft;
- Any competition funded by a professional sports organization, excluding not-for-profit organizations affiliated with professional sports organizations;
- Any competition funded by a representative of an institution's athletics interest that is not an open event; or
- Any practice with a professional athletics team (excluding a 48-hour tryout). [Bylaw 14.2.4.2.3]

If you discontinued high-school enrollment before graduation and participated in any of the activities constituting use of a season, you have used a season of intercollegiate competition for each calendar year or sports season of participation regardless of the date your high school class graduates. [Bylaw 14.2.4.2.1]

If you have used a season(s) of competition according to the regulations above, you must fulfill an academic year in residence at any member institution prior to being eligible to represent your institution in intercollegiate competition. [Bylaw 14.2.4.2.2]

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### **Financial Aid – All Sports:**

You are **not eligible** if you receive financial aid other than the financial aid that your institution distributes. However, it is permissible to receive:

- Money from anyone on whom you are naturally or legally dependent;
- Financial aid that has been awarded to you on a basis other than athletics ability; or
- Financial aid from an entity outside your institution that meets the requirements specified in the Division II Manual. [Bylaw 15.01.3]

- On- or off-campus employment earnings, provided the compensation does not include remuneration for value that the student-athlete may have for the employer because of publicity, reputation, fame or personal following; the student-athlete is compensated only for work actually performed; and the student-athlete is compensated at a rate commensurate with the going rate in that locality for similar services.

You must report to your institution any financial aid that you receive from a source other than your institution. However, you do not need to report financial aid received from anyone on whom you are naturally or legally dependent.

### **Academic standards – All sports:**

#### **Eligibility for Competition.**

To be **eligible** to **compete**, you must:

- Have been admitted as a regularly enrolled, degree seeking student according to the published entrance requirements of your institution;
- Be in good academic standing according to the standards of your institution; and
- Be enrolled in at least a minimum full-time baccalaureate degree program (not less than 12 semester or quarter hours) and maintain satisfactory progress toward that degree, be enrolled in a full-time graduate or professional degree program (as defined by the institution for all graduate students in that program) or be enrolled and seeking a second baccalaureate degree at your institution. [Bylaws 14.01.2 and 14.1.9]

If you are enrolled in less than a full-time program, you are **eligible** to **compete** only if you are enrolled in the last term of your degree program and are carrying credits necessary to finish your degree. [Bylaw 14.1.8.1.8.3]

You are **eligible** to **compete** during the official vacation period immediately before initial enrollment, provided you have been accepted by your institution for enrollment in a regular, full-time program of studies at the time of your initial participation, you are no longer enrolled in your previous educational institution and you are eligible under all institutional and NCAA requirements. [Bylaw 14.1.8.1.8.1]

You are **eligible** to **compete** between terms if you are continuing enrollment, provided you have been registered for the required minimum full-time load at the conclusion of the term immediately preceding the date of competition, or if you are either continuing enrollment or beginning enrollment, provided you have been accepted for enrollment as a regular full-time student for the regular term immediately following the date of competition. [Bylaw 14.1.8.1.8.2]

### **Eligibility for Practice.**

You are eligible to practice if you are enrolled in a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the regulations of the certifying institution, which shall not be less than 12 semester or quarter hours, regardless of the institution's definition of a minimum full-time program of studies. [Bylaw 14.1.8.1]

You are **eligible** to **practice** during the official vacation period immediately preceding initial enrollment provided you have been accepted by your institution for enrollment in a regular, full-time program of studies at the time of your initial participation, you no longer are enrolled in your previous educational institution, and you are eligible under all institutional and NCAA requirements. [Bylaw 14.1.8.1.8.1]

You also are **eligible** to **practice** if you are enrolled in the final semester or quarter of a baccalaureate program while enrolled in less than a minimum full-time program of studies and your institution certifies that you are carrying (for credit) the courses necessary to complete the degree requirements, as determined by the faculty of the institution. [Bylaw 14.1.8.1.8.3]

### **Continuing Eligibility – All Sports:**

In order to be eligible for competition at the end of each academic term, a student-athlete must successfully complete six-semester or six-quarter hours of academic credit the preceding regular academic term in which the student-athlete has been enrolled full time at any collegiate institution. [Bylaw 14.4.3.1-(a)] (Beginning in the fall 2005 term and all terms after that)

If you have transferred to your current institution midyear, or you have completed one academic year in residence at your current institution or used one season of eligibility in a sport at your current institution, your eligibility shall be determined by your academic record in existence at the beginning of the fall term or at the beginning of any other regular term of that academic year and you must satisfy the following requirements for academic progress to **be eligible** to compete.

- You satisfactorily must have completed at least an average of 12 semester or quarter hours of academic credit during each of the terms in each of the academic years in which you have been enrolled, or you satisfactorily must have completed 24 semester hours or 36 quarter hours of academic credit since the beginning of the previous fall term or since the beginning of your institution's preceding regular two semesters or three quarters. [Bylaw 14.4.3.1-(b)]
- You must earn at least 75 percent of the semester or quarter hours required for satisfactory progress during the regular academic year. You may not earn more than 25 percent of the semester or quarter hours required for satisfactory progress during the summer or through correspondence courses taken during the 1993-94 academic year and thereafter. [Bylaw 14.4.3.1.3]

- You must achieve the following minimum grade-point average (based on a maximum of 4.000) at the beginning of the fall term or at the beginning of any other regular term of the academic year, based on you earning:
  - (a) 24 semester or 36 quarter hours: 1.800;
  - (b) 48 semester or 72 quarter hours: 1.900; and
  - (c) 72 semester or 108 quarter hours: 2.000; and
  - (d) 96 semester or 144 quarter hours: 2.000. [Bylaw 14.4.3.2]
- You must meet the minimum grade-point average at the certifying institution based on the method of calculation used by the institution for calculating grade-point averages for all students and the calculation shall only include coursework normally counted by the institution in calculating the grade-point average for graduation. [Bylaw 14.4.3.2.1]
- You must choose a major that leads to a specific baccalaureate degree by the beginning of your third year of enrollment. (This includes transfer students who have not completed an academic year in residence yet or used one season of eligibility in a sport at their current institution.) [Bylaw 14.4.3.1.4]

### **Freshmen:**

You are referred to as a qualifier and are eligible to practice and compete in your sport and to receive financial aid (institutional and athletically related) during your first academic year under Bylaw 14.02.9.1, if you:

- Graduate from high school;
- Attain a minimum high school grade-point average of 2.000 in 14 core-curriculum courses as specified in Bylaw 14.3.1.1; and
- Achieve the required sum ACT (68) or SAT (820) score as specified in Bylaw 14.3.1.1.

You are referred to as a partial qualifier and are eligible to receive institutional and athletically related financial aid if you fail to meet the criteria for a qualifier, but at the time of graduation from high school you attain a minimum high school grade-point average of 2.000 in 14 core-curriculum courses as specified in Bylaw 14.3.1.1 or achieve the required sum ACT (68) or SAT (820) score. You may not compete in your sport during your first academic year in residence; however, you may practice on campus or at your institution's regular practice facility. [Bylaws 14.02.9.2, 14.3.1.1 and 14.3.2.1.]

You are referred to as a nonqualifier if you fail to meet the criteria above for qualifiers or partial qualifiers. Although a nonqualifier is ineligible for practice and competition during the first academic year in residence, a nonqualifier may receive nonathletics institutional aid, provided certification by the faculty athletics representative and the chair of the financial aid committee that the financial aid was granted without regard to athletics ability

is on file in the office of the director of athletics. [Bylaws 14.02.9.3, 14.3.2.2.1 and 15.5.1-(b)]

If you are a nonqualifier or partial qualifier, you will have four seasons of eligibility after your first academic year in residence. However, student-athletes who have exhausted three seasons of competition in Division I are not eligible for further seasons of competition in Division II. [Bylaw 14.3.3]

### **Other Regulations Concerning Eligibility – All Sports:**

You are **not eligible** to participate in more than four seasons of intercollegiate competition. [Bylaw 14.2]

You are not eligible after the first 10 semesters or 15 quarters in which you were enrolled at a collegiate institution in at least a minimum full-time program of studies as determined by the institution, except for extensions that have been approved in accordance with NCAA legislation. [Bylaws 14.2.2 and 30.6.1]

You are **eligible** at an institution other than the institution from which you have received or satisfied the requirements for a baccalaureate degree or an equivalent degree and you have eligibility remaining as set forth in Bylaw 14.2.2.

You are **eligible** for championships that occur within 60 days of the date you complete the requirements for your degree. [Bylaw 14.1.8.1.8.3.1]

### **All Sports Other Than Basketball:**

You are **not eligible** in your sport for the rest of your season if, after enrollment in college and during any year in which you were a member of an intercollegiate team, you competed as a member of any outside team in any noncollegiate, amateur competition in the sport during the playing season. Competing in the Olympic Games tryouts and competition, and other specified national and international competition is permitted. [Bylaws 14.7.1, 14.7.3 and 14.7.5]

### **Basketball Only:**

You are **not eligible** if, after you become a student-athlete, you participate in any organized basketball competition except while representing the institution in intercollegiate competition. Competing in the Olympic Games tryouts and competition, and other specified national and international competition is permitted. [Bylaws 14.7.2, 14.7.4 and 14.7.5]

There are no restrictions on the participation of Division II student-athletes in outside basketball competition during the summer. [Bylaw 14.7.5.2-(a)]

### **Transfer Students Only:**

You are a transfer student if:

- The registrar or admissions officer from your former institution certified that you officially were registered and enrolled at that institution in any term in a minimum full-time load and you attended a class or classes while enrolled as a full-time student;  
**or**
- The director of athletics from your former institution certified that you reported for the regular squad practice that any staff member of the athletics department of your former institution announced before the beginning of any term. [Bylaw 14.5.2]

If you are a transfer student from a four-year institution, you are **not eligible** during your first academic year in residence unless you meet the provisions of one of the exceptions specified in Bylaw 14.5.5.3 or one of the waivers specified in Bylaw 14.8.1.2.

If you are a transfer student from a two-year institution, you are **not eligible** during your first academic year in residence at your new institution unless you meet the academic and residence requirements specified in Bylaw 14.5.4 or the exceptions specified in Bylaw 14.5.4.5.

If you transferred from a four-year college to a two-year college and then to your new institution, you are **not eligible** during your first academic year in residence at your new institution unless you meet the requirements specified in Bylaw 14.5.4.1 or the exceptions specified in Bylaw 14.5.4.5.

### **Drugs – All Sports:**

A student-athlete who, as a result of a drug test administered by the NCAA, is found to have used a substance on the list of banned drug classes shall be declared ineligible for further participation in postseason or regular-season competition during the time period ending one calendar year after the collection of the student-athlete's positive drug test specimen. The student-athlete shall be charged with the loss of a minimum of one season of competition in all sports if the season of competition has not yet begun or a minimum of the equivalent of one full season of competition in all sports if the student-athlete tests positive during his or her season of competition (i.e., the remainder of contests in the current season and contests in the next season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible until the student-athlete tests negative (in accordance with the testing methods authorized by the NCAA Executive Committee) and the

student-athlete's eligibility is restored by the NCAA Committee on Student-Athlete Reinstatement. [Bylaw 31.2.3]

If the student-athlete who tested positive for any drug other than a "street drug" as defined in Bylaw 31.2.3.4 tests positive a second time for the use of any drug other than a "street drug" as defined in Bylaw 31.2.3.4, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a "street drug" after being restored to eligibility, he or she shall lose a minimum of one additional season of competition in all sports and also shall remain ineligible for regular-season and postseason competition at least through the next calendar year. Bylaw 18.4.1.5.2 also provides that the Executive Committee shall adopt a list of banned drugs and authorize methods for drug testing of student-athletes on a year-round basis. [Bylaw 31.2.3.2]

If the student-athlete who tested positive for any drug other than a "street drug" as defined in Bylaw 31.2.3.4 tests positive a second time for the use of any drug other than a "street drug" as defined in Bylaw 31.2.3.4, he or she shall lose all remaining regular-season and postseason eligibility in all sports. If the student-athlete tests positive for the use of a "street drug" after being restored to eligibility, he or she shall be charged with the loss of a minimum of one additional season of competition in all sports and also shall remain ineligible for regular-season and postseason competition at least through the next calendar year. [Bylaw 18.4.1.5.1.2]

A policy adopted by the Executive Committee establishes that the penalty for missing a scheduled drug test is the same as the penalty for testing positive for the use of a banned drug other than a street drug. You will remain ineligible until you retest negative and your eligibility has been restored by the Committee on Student-Athlete Reinstatement. [Bylaws 18.4.1.5.1 and 18.4.1.5.1.1]

#### **Non-NCAA Athletics Organization Positive Drug Test - All Sports:**

If you test positive for banned substances by a non-NCAA athletics organization, you must notify your director of athletics regarding the positive drug test. You also must permit the NCAA to test you for the banned drugs listed in Bylaw 31.2.3.4.

If the result of the NCAA drug test is positive, you will lose all remaining eligibility during the season in which you tested positive and an additional season of competition.

The director of athletics must notify the Vice President of NCAA Education Services in writing regarding a student-athlete's disclosure of a previous positive drug test administered by any other athletics organization.

If the student-athlete immediately transfers to a non-NCAA institution while ineligible and competes in collegiate competition within the 365 day period at a non-NCAA institution, the student-athlete will be ineligible for all NCAA regular-season and postseason competition until

the student-athlete does not compete in collegiate competition for a 365 day period. Additionally, the student-athlete must retest negative (in accordance with the testing methods authorized by the Executive Committee) and request that eligibility be restored by the Committee on Student-Athlete Reinstatement. [Bylaw 18.4.1.5.1.3]

The list is subject to change and the institution and student-athlete shall be held accountable for all banned drug classes on the current list. The list is located on the NCAA Web site ([www.ncaa.org](http://www.ncaa.org)) or may be obtained from the NCAA health and safety staff in Education Outreach.

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## **Part II: For New Student-Athletes Only.**

This part of the summary contains information about your recruitment, which is governed by Bylaw 13 of the Division II Manual.

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### **Recruitment.**

#### **Offers – All Sports:**

You are **not eligible** if, before you enrolled at your institution, any staff member of your institution or any other representative of your institution's athletics interests provided or offered to you, your relatives or your friends any financial aid or other benefits that NCAA legislation does not permit. [Bylaw 13.2.1]

An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to the prospect or the prospect's relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by prospective student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletics ability. For violations of this bylaw in which the value of the offer or inducement is \$100 or less, the eligibility of the individual (i.e., prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff. [Bylaw 13.2.1]

### **Contacts – All Sports:**

For purposes of this section, contact means "any face-to-face encounter between a prospect or the prospect's parent or legal guardian and an institutional staff member or athletics representative during which any dialogue occurs in excess of an exchange of a greeting. Any such face-to-face encounter that is prearranged or that takes place on the grounds of the prospect's educational institution or at the site of organized competition or practice involving the prospect or the prospect's high school, preparatory school, two-year college or all-star team shall be considered a contact, regardless of the conversation that occurs." [Bylaw 13.02.3]

You are **not eligible** if any staff member of your institution:

- Contacted you, your relatives or your legal guardians in person off your institution's campus before you completed your junior year in high school (except for students at military academies) as described in Bylaw 13.1.1.1;
- Contacted you in person off your institution's campus more than the number of times specified in Bylaw 13.1.6; or
- Contacted you in person off your institution's campus outside the time periods specified in Bylaw 13.1.4 for football and basketball.

You are **not eligible** if anyone from your institution, other than an authorized staff member, contacted you, your relatives or your legal guardian in person on or off your institution's campus to recruit you. [Bylaw 13.1.2.1]

You are **not eligible** if, while you were being recruited, any staff member of your institution or any other representative of your institution's athletics interests contacted you during the day or days of competition at the site of any athletics competition in which you were competing. It was permissible for such contact to occur (during the permissible period) after the competition if the appropriate high-school authority released you prior to the contact. [Bylaw 13.1.7.2]

### **Publicity – All Sports:**

You are **not eligible** if, before you enrolled at your institution, your institution publicized any visit that you made to its campus. [Bylaw 13.10.3]

You are **not eligible** if, before you enrolled at your institution, you appeared on a radio or television program that involved a coach or another member of the staff of the athletics department at your institution. [Bylaw 13.10.4]

**Letter-of-Intent Signing:**

You are **not eligible** if a staff member of your institution was present while you were signing, at an off-campus site, a National Letter of Intent or an acceptance of a financial aid offer from your institution or your conference. [Bylaw 13.1.6.2]

**Source of Funds – All Sports:**

You are **not eligible** if any organization or group of people outside your institution spent money recruiting you to attend your institution, including entertaining, giving gifts or services and providing transportation to you or your relatives or friends. [Bylaw 13.14.4]

**Tryouts – All Sports:**

You are **not eligible** if, after starting classes for the ninth grade, you displayed your abilities in any phase of any sport in a tryout conducted by or for your institution not conducted under the conditions specified in Bylaw 13.11.2.1.

Member institutions are permitted to host intercollegiate athletics competitions in conjunction with high school, preparatory school and two-year college contests. [Bylaw 13.11.1.3]

**Basketball Only:**

You are **not eligible** if a member of your institution's coaching staff participated in competition or in coaching activities involving a nonscholastic basketball team of which you were a member. [Bylaw 13.11.1.4]

**Sports Camps.**

You are **not eligible** if, before you enrolled at your institution, the institution, members of its staff or a representative of its athletics interests employed, or gave you free or reduced admission privileges to attend its camp or clinic after you started classes for the ninth grade. [Bylaw 13.12.1.5.1]

**Visits, Transportation and Entertainment – All Sports:**

You are **not eligible** under Bylaws 13.5, 13.6 or 13.7 if, before you enrolled at your institution, any of the following happened to you:

- You accepted expense-paid visits to more than five NCAA institutions or more than one expense-paid visit to one member institution;

- Your institution paid more than the actual round-trip cost by direct route between your home and the campus when you made your one expense-paid visit; or
- Your institution entertained you, your parents (or legal guardians) or your spouse excessively during your expense paid visit or entertained your friends or other relatives at any site.<sup>1</sup>

A prospect may not be provided an expense-paid visit earlier than the opening day of classes of the prospect's senior year in high school. Violations of this bylaw shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. [Bylaw 13.6.1.2.2]

A member institution may not provide an expense-paid visit to a high school or preparatory school prospect until he or she: (a) presents the institution with a score from a PSAT, an SAT, a PLAN or an ACT test taken on a national testing date under national testing conditions. The score must be presented in writing through a testing-agency document or on a high school (or college) academic transcript (official or unofficial) or through the use of the applicable testing agency's automated-voice system. A foreign or learning-disabled prospect who requires a special administration of the PSAT, SAT, PLAN or ACT may present such a score on the approval of the appropriate academic requirements committee; (b) registers with the NCAA Eligibility Center; and (c) is placed on the institution's institutional request list (IRL) with the Eligibility Center. [Bylaw 13.6.2]

You are **not eligible** if, at any time that you were visiting your institution's campus at your own expense, your institution paid for anything more than the following:

- During an unofficial visit, the institution may not pay any expenses or provide any entertainment except a maximum of three complimentary admissions to a campus athletics event in which the institution's intercollegiate team practices or competes. Such complimentary admissions are for the exclusive use of the prospect and those persons accompanying the prospect on the visit and must be issued on an individual-game basis. Providing seating during the conduct of the event (including intermission) for the prospect or those persons accompanying the prospect in the facility's press box, special seating box(es) or bench area is specifically prohibited. For violations of this bylaw in which the individual receives an excessive number of complimentary admissions, and the value of the excessive admissions is \$100 or less, the eligibility of the individual (i.e., prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit.

Violations of this bylaw remain institutional violations per Constitution 2.8.1, and

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<sup>1</sup> Unless the value of the benefit was \$100 or less.

documentation of the individual's repayment shall be forwarded to the enforcement staff. [Bylaw 13.7.2.1]

- During any unofficial recruiting visit, the institution may provide the prospect with transportation to view practice and competition sites in the prospect's sport and other institutional facilities and to attend an institution's home athletics contest (on or off-campus). An institutional staff member must accompany the prospect during such a trip. For violations of Bylaw 13.5.3 in which the value of the transportation is \$100 or less, the eligibility of the individual (i.e., prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the individual's repayment shall be forwarded to the enforcement staff with the institution's self-report of the violation. [Bylaw 13.5.3]
- A meal at the dining hall of your institution or a meal at an off-campus site if all institutional dining halls were closed and the institution normally provides similar meals to all visiting prospective students. [Bylaw 13.7.2.1.1]
- An institution shall not permit its athletics department staff members or representatives of its athletics interests to pay, provide or arrange for the payment of transportation costs incurred by relatives, friends or legal guardian(s) of a prospect to visit the campus or elsewhere. [Bylaw 13.5.2.8]

You are **not eligible** if, when you were being recruited, your institution gave you complimentary admissions to more than one regular-season home game scheduled outside your institution's community or gave you more than three complimentary admissions to that one regular-season home game scheduled outside your institution's community. [Bylaw 13.7.2.2]

You are **not eligible** if, when you were being recruited, a staff member of your institution's athletics department spent money other than what was necessary for the staff member's (or representative's) personal expenses during an off-campus visit with you. [Bylaw 13.14.2]

### **Precollege or Postgraduate Expense – All Sports:**

An institution or a representative of its athletics interests shall not offer, provide or arrange financial assistance, directly or indirectly, to pay (in whole or in part) the costs of the prospect's educational or other expenses for any period before his or her enrollment or so the prospect can obtain a postgraduate education. For violations of Bylaw 13.15 in which the

value of the benefit received directly by the prospective student-athlete is \$100 or less, the eligibility of the prospective student-athlete shall not be affected conditioned on the prospective student-athlete repaying the value of the benefit to a charity of his or her choice. However, the prospective student-athlete shall remain ineligible from the time the institution has knowledge of receipt of the direct impermissible benefit until the prospective student-athlete repays the benefit. Violations of this bylaw remain institutional violations per Constitution 2.8.1, and documentation of the prospective student-athlete's repayment shall be forwarded to the enforcement staff. [Bylaw 13.15.1]



Form 08-1

Academic Year 2008-09

### Certification of Compliance for Institutions

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<b>For:</b>	NCAA member institutions.
<b>Action:</b>	Keep on file in the office of the director of athletics.
<b>Due date:</b>	To be completed by <b>September 15</b> .
<b>Required by:</b>	NCAA Bylaw 30.3.
<b>Purpose:</b>	To certify compliance with NCAA rules.

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**TO: CHANCELLOR/PRESIDENT.**

Name and address of your institution: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chancellor/President telephone: \_\_\_\_\_

Division: \_\_\_\_\_

By signing and dating this form, you certify that your institution has met the requirements of NCAA Bylaw 30.3. You must do this certification each year in order for your institution to be eligible to enter a team or individual competitors in an NCAA championship. The following statements summarize the requirements of Bylaw 30.3:

You or your designated representative reviewed the NCAA rules and regulations with all staff members of your athletics department.

As of the date you sign this form, no current member of the coaching staff, within the past two years, has been:

1. Suspended from coaching by another member institution.
2. Prohibited from certain coaching-related activities as a result of violations while employed by another member institution, unless your institution has applied the prohibition equally.
3. Permitted to perform any coaching-related activities that the NCAA Committee on Infractions has prohibited by a disciplinary action.

As best you can determine, the policies, procedures and practices of your institution, staff and representatives are in compliance with NCAA legislation. You have attached your Certification of Compliance for Staff Members of Athletics Departments (Form 08-2). All returning staff

members of your athletics department have signed the form affirming that they have reported to you knowledge of violations of legislation.

Your institution has:

1. Published its regular entrance requirements.
2. Published its requirements for progress toward a degree.
3. Certified that each student-athlete is in good academic standing and is maintaining progress toward a degree as required by Division II Bylaws 14.4.1, 14.4.2 and 14.4.3.

Your institution intends to maintain compliance with NCAA legislation.

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Print or Type Name

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Date

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Signature of Chancellor/President  
(Acting Chancellor's/President's signature is not acceptable)

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**What to do with this form:**

1. Complete this form by September 15.
2. Keep a copy of this form in your files.
3. Forward this form to the office of the director of athletics. **It is not to be sent to the NCAA national office.**
4. Contact the NCAA membership services staff at 317/917-6222 if you have questions about Form 08-1.



Form 08-2

Academic Year 2008-09

**Certification of Compliance for Staff  
Members of Athletics Departments**

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**For:** NCAA member institutions.  
**Action:** Complete and keep on file in the office of the director of athletics.  
**Due date:** To be completed by **September 15**.  
**Required by:** NCAA Bylaw 30.3.  
**Purpose:** To certify compliance with NCAA rules.

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**TO: RETURNING STAFF MEMBERS OF THE ATHLETICS DEPARTMENT.**

Name of your institution: \_\_\_\_\_

Athletics department telephone: \_\_\_\_\_

Division: \_\_\_\_\_

Sign this form:

- If you were a staff member of the athletics department (including part-time staff members, graduate assistants and clerical staff) at this institution during the 2007-08 academic year and if you are returning for the 2008-09 academic year.

Do **not** sign this form:

- If you are a new employee for the 2008-09 academic year.

**[Note: Forms incomplete as of September 15 will result in loss of eligibility for NCAA championships.]**

Number of NCAA sports sponsored during the 2007-08 academic year: \_\_\_\_\_

**By SIGNING AND DATING this form, you certify that you have reported through the appropriate individuals on your campus to your chancellor/president any knowledge of violations of NCAA legislation involving your institution.**

Name (Print or type)	Title [include sport(s)]	Signature	Date M/D/Y
_____	<u>Director of Athletics</u>	_____	____/____/____
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____

[illegible]

### What to do with this form:

1. Attach completed form to Form 08-1 (Certification of Compliance for Institutions) by September 15 and keep on file in the office of the director of athletics. **It is not to be sent to the NCAA national office.**
2. Contact the NCAA membership services staff at the national office if you have questions regarding Forms 08-1 and 08-2.

**CERTIFICATION OF COMPLIANCE FOR INSTITUTIONS/  
CERTIFICATION OF COMPLIANCE FOR STAFF  
MEMBERS OF ATHLETICS DEPARTMENTS**

**Completion Checklist**

1. Have **ALL** returning athletics department staff members, including volunteers, signed this form?
2. Has an explanation been provided in the signature blank for each nonreturning staff member (e.g., "No Longer Employed" typed on the signature line)?
3. Have copies of Forms 08-1 and 08-2 been made in the event the originals are misplaced?
4. Have the forms been filed in the office of the director of athletics?

REMINDER: FORMS 08-1 AND 08-2 ARE TO BE FILED IN THE OFFICE OF THE DIRECTOR OF ATHLETICS. **THE FORMS ARE NOT TO BE SENT TO THE NCAA NATIONAL OFFICE.**

**CERTIFICATION OF COMPLIANCE FOR INSTITUTIONS/  
CERTIFICATION OF COMPLIANCE FOR STAFF MEMBERS  
OF ATHLETICS DEPARTMENTS**

**COMMON QUESTIONS AND ANSWERS**

- Q: Is the institution required to submit Forms 08-1 and 08-2 to the NCAA national office by September 15?
- A: No. At the 1995 NCAA Convention, legislation was adopted to keep these compliance forms on campus. Therefore, the institution should not send Forms 08-1 and 08-2 to the NCAA national office. The forms should be completed and filed in the office of the director of athletics by September 15.
- Q: Which athletics department staff members are required to sign and date Form 08-2, the Certification of Compliance for Staff Members of Athletics Departments?
- A: Form 08-2 must be signed and dated by all athletics department staff members (including, but not limited to, part-time staff members, graduate assistants, clerical staff, volunteers and midyear hires) who were at the institution during the academic year (2007-08) preceding the September 15 deadline. New athletics department staff members for this academic year (2008-09) are not required to sign and date the form.
- Q: Must the names of 2007-08 staff members who are not returning be listed on the form?
- A: Though a nonreturning staff member does not have to sign the form, it is best to list his or her name, indicating in the respective signature blank that he or she is not returning. If names of nonreturning staff members are not listed, the timeliness of recording completed forms may be compromised.
- Q: Must a staff member with multiple responsibilities sign more than once?
- A: No. However, all titles and sports must be listed by his or her signature.
- Q: Must a staff member who is returning to the institution, but NOT returning to the athletics department, sign the form?
- A: No.
- Q: Must the entire date be completed?
- A: Yes.
- Q: Must volunteers sign the form?
- A: Yes.
- Q: How can I obtain a copy of Forms 08-1 and 08-2?
- A: These forms are available via the NCAA Web site at [www.ncaa.org](http://www.ncaa.org).



**Form 08-3b**

**Academic Year 2008-09**

**Student-Athlete Statement – Division II**

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<b>For:</b>	Student-athletes.
<b>Action:</b>	Sign and return to your director of athletics.
<b>Due date:</b>	Before you first compete each year.
<b>Required by:</b>	NCAA Constitution 3.2.4.5 and NCAA Bylaws 14.1.3 and 30.13.
<b>Purpose:</b>	To assist in certifying eligibility.
<b>Effective Date:</b>	This NCAA Division II statement/consent form shall be in effect from the date this document is signed and shall remain in effect until a subsequent Division II Student-Athlete Statement/Drug-Testing Consent form is executed.

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Student-Athlete: \_\_\_\_\_  
(Please Print Name)

Name of your institution: \_\_\_\_\_

Sport: \_\_\_\_\_

This form has six parts: a statement concerning eligibility, a Buckley Amendment consent, a statement concerning the promotion of NCAA championships and other NCAA events, results of drug tests, an affirmation of a valid ACT or SAT score and a statement concerning the amateur status of the student-athlete subsequent to the request of final certification by the NCAA Eligibility Center. If you are an incoming freshman, you must sign all six parts of this form to participate in intercollegiate competition. If you are a transfer or continuing student-athlete, you must sign Parts I through V.

By signing this form, you affirm you have received and will read the Summary of NCAA Regulations provided by your director of athletics or read the bylaws of the NCAA Division II Manual that deal with your eligibility. If you have any questions, you should discuss them with your director of athletics, you may contact the NCAA at 317/917-6222 or consult the NCAA Web site at [www.ncaa.org](http://www.ncaa.org).

The conditions that you must meet to be eligible and the requirement that you sign this form are indicated in the following articles and bylaws of the Division II Manual:

- NCAA Articles 10, 12, 13, 14, 15 and 16.
  - NCAA Bylaws 14.1.3, 18.4 and 31.2.3.
-

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**Part I: Statement Concerning Eligibility.**

You affirm that you have been provided and will read the Summary of NCAA Regulations or the relevant sections of the NCAA Division II Manual and that your director of athletics (or his or her designee) gave you the opportunity to ask questions about them.

By signing this part of the form, you affirm that, to the best of your knowledge, you have not violated any NCAA regulations.

You affirm that you meet the NCAA regulations for student-athletes regarding eligibility, recruitment, financial aid, amateur status and involvement in organized gambling.

You affirm that you are aware of the NCAA drug-testing program and that you have signed the 2008-09 Drug-Testing Consent (Form No. 08-3e).

You affirm that you will report to the director of athletics of your institution any violations of NCAA regulations involving you and your institution.

You affirm that you understand that if you sign this statement falsely or erroneously, you violate NCAA legislation regarding ethical conduct and you further will jeopardize your eligibility.

---

Name of Student-Athlete (Please Print)

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Date of Birth

---

Age

---

Signature of Student-Athlete

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Home Address (Street or P.O. Box)

---

Date

---

Home City, State, and Zip Code

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Sport(s)

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## **Part II: Buckley Amendment Consent.**

By signing this part of the form, you certify that you agree to disclose your educational records.

You understand that this entire form and the results of any NCAA drug test you may take are part of your educational records. These records are protected by the Family Educational Rights and Privacy Act of 1974 and they may not be disclosed without your consent.

You give your consent to disclose only to authorized representatives of this institution, its athletics conference (if any) and the NCAA, the following documents:

- This form;
- Results of NCAA drug tests;
- Results of positive drug tests done by non-NCAA national or international athletics organizations;
- Any transcript from your high school, this institution, or any junior college or any other four-year institution you have attended;
- Precollege test scores, appropriately related information and correspondence (e.g., testing sites, dates and letters of test-score certification or appeal) and ,where applicable, information relating to eligibility for or conduct of nonstandard testing;
- Graduation status;
- Race and gender identification;
- Diagnosis of any education-impact disabilities;
- Accommodations provided or approved and other information related to any education-impact disabilities in all secondary and postsecondary schools;
- Records concerning your financial aid; and
- Any other papers or information pertaining to your NCAA eligibility.

You agree to disclose these records only to determine your eligibility for intercollegiate athletics, your eligibility for athletically related financial aid, for evaluation of school and team academic success, for purposes of inclusion in summary institutional information reported to the NCAA (and which may be publicly released by it), for NCAA longitudinal research studies and for activities related to NCAA compliance reviews. You will not be identified by name by the NCAA in any such published or distributed information.

Further, you authorize the NCAA to disclose personally identifiable information from your educational records (including information regarding any NCAA violations in which you may become involved while you are a student-athlete) to a third party (including but not limited to the media) as necessary to correct inaccurate statements reported by the media or related to a student-athlete reinstatement case, infractions case or waiver request. You also agree that necessary case information (i.e., information from your student-athlete reinstatement case, infractions case or waiver request) may be published or distributed to third parties as required by NCAA bylaws, policies or procedures. You will not be identified by name by the NCAA in any such published or distributed information.

---

Name of Student-Athlete (Please Print)

---

Signature of Student-Athlete

---

Date

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**Part III: Promotion of NCAA Championships, Events, Activities or Programs.**

You authorize the NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] to use your name or picture to generally promote NCAA championships or other NCAA events, activities or programs.

---

Name of Student-Athlete (Please Print)

---

Signature of Student-Athlete

---

Date

---

**Part IV: Results of Drug Tests. If you have not tested positive for a banned substance by the NCAA and/or by a non-NCAA national or international athletics organization, sign A and C. If you have tested positive, complete B and C.****A. No Positive Drug Test.**

You affirm that you have not tested positive by the NCAA and/or by a non-NCAA national or international athletics organization for a banned substance; violated drug-testing protocol; or failed to show for a drug test.

---

Name of Student-Athlete (Please Print)

---

Signature of Student-Athlete

---

Date**B. Positive Drug Test.**

If you have ever tested positive for a substance banned by the NCAA and/or by a non-NCAA national or international athletics organization; violated drug-testing protocol; or failed to show for a drug test, the results must be declared here. The results of a non-NCAA national or international athletics organization positive drug test must be reported by your director of athletics to NCAA Education Services. Should you subsequently transfer, you are obligated to report NCAA positive drug-test results to the respective institution.

---

Date of test

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Organization conducting test

---

Substance

**C. Subsequent Positive Test.**

Should you test positive for a substance banned by the NCAA and/or by a non-NCAA national or international athletics organization; violate drug-testing protocol; or fail to show for a drug test at any time after you sign this statement, as described in the above paragraph, you must report the results to your director of athletics, who must then report the results to the NCAA. You will be subject to future NCAA drug-testing in which failure of the drug test could lead to the possible loss of eligibility.

---

Name of Student-Athlete (Please Print)

---

Signature of Student-Athlete

---

Date

---

**Part V: Affirmation of Status as an Amateur Athlete.**

You affirm that you have read and understand the NCAA amateurism rules.

By signing this part of the form, you affirm that, to the best of your knowledge, you have not violated any amateurism rules since you requested a final certification from the Eligibility Center or since the last time that you signed a Division II student-athlete statement, whichever occurred later.

You affirm that since requesting a final certification from the Eligibility Center, you have not provided false or misleading information concerning your amateurism status to the NCAA, the Eligibility Center and the institution's athletics department, including administrative personnel and the coaching staff.

---

Name of Student-Athlete (Please Print)

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Date

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Signature of Student-Athlete

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**Part VI: Incoming Freshmen – Affirmation of Valid ACT or SAT Score.**

You affirm that, to the best of your knowledge, you have received a validated ACT and/or SAT score. You agree that, in the event you are or have been notified by ACT or SAT of the possibility of an invalidated test score, you immediately will notify the director of athletics of your institution.

---

Name of Student-Athlete (Please Print)

---

Date

---

Signature of Student-Athlete

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**What to do with this form:** Sign and return it to your director of athletics before you first compete. This form is to be kept in the director of athletics' office for **six years**.

**Any questions regarding this form should be referred to your director of athletics or you may contact the NCAA at 317/917-6222.**



## **Drug-Testing Consent – Division II**

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**For:** Student-athletes.  
**Action:** Sign and return to your director of athletics.  
**Due Date:** In sports in which the Association conducts year-round drug-testing, at the time your intercollegiate squad first reports for practice or the first date of competition (whichever date occurs first).  
**Required by:** NCAA Constitution 3.2.4.6 and NCAA Bylaws 14.1.4 and 30.5.  
**Purpose:** To assist in certifying eligibility.

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### **TO: STUDENT-ATHLETE.**

Student-Athlete: \_\_\_\_\_  
(Please Print Name)

Name of your institution: \_\_\_\_\_

Sport: \_\_\_\_\_

You must sign this form to participate (i.e., practice or compete) in intercollegiate athletics. Per NCAA Bylaw 30.5.2-(b), the director of athletics or the director of athletics' designee shall disseminate a copy of the list of banned drug classes to each student-athlete.

The requirement that you sign this form is indicated in the following articles of the NCAA Division II Manual:

- Constitution 3.2.4.6; and
- Bylaws 14.1.4 and 30.5.

If you have any questions, you should discuss them with your director of athletics.

---

### **Drug-Testing Consent.**

By signing this form, you affirm that you are aware of the NCAA drug-testing program, which provides:

A student-athlete who tests positive for a banned substance as set forth in Bylaw 31.2.3.4, shall be declared **ineligible** for further participation in regular-season and postseason competition in all sports in accordance with the provisions in Bylaw 18.4.1.5.1. The certifying institution may appeal to the NCAA Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility if the institution concludes that circumstances warrant restoration. (Bylaw 18.4.1.5)

A student-athlete who tests positive (in accordance with the testing methods authorized by the NCAA Executive Committee) shall be **ineligible** to participate in regular-season and postseason competition for one calendar year (i.e., 365 days) after the collection of the student-athlete's positive drug test and shall be charged with the loss of a minimum of one season of competition in all sports. The student-athlete shall remain **ineligible** for all regular-season and postseason competition for one calendar year after the collection of the student-athlete's positive drug test and until the student-athlete retests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement. If a student-athlete transfers to another NCAA institution while ineligible due to a positive NCAA drug test, the institution from which the student-athlete transfers must notify the transfer institution that the student-athlete is ineligible due to a positive drug test.

If the student-athlete tests positive a second time for the use of any drug, other than a "street drug" as defined in Bylaw 31.2.3.4, he or she shall lose all remaining regular-season and postseason eligibility in all sports. A combination of two positive tests involving street drugs (e.g. marijuana, heroin), in whatever order, will result in the loss of an additional year of eligibility. [Bylaw 18.4.1.5.1.2] In addition, the penalty for missing a scheduled drug test is the same as the penalty for testing positive for the use of a banned drug other than a street drug.

If the student-athlete tests positive for the use of a "street drug" after being restored to eligibility, he or she shall be charged with the loss of a minimum of one additional season of competition in all sports and also shall remain **ineligible** for regular-season and postseason competition at least through the next calendar year. [Bylaw 18.4.1.5.1.2]

If the student-athlete transfers to another NCAA institution while ineligible, the institution from which the student-athlete transferred must notify the institution that the student-athlete is ineligible due to a positive drug test result. If the student-athlete immediately transfers to a non-NCAA institution while ineligible and competes in collegiate competition within the 365 day period at a non-NCAA institution, the student-athlete will be ineligible for all NCAA regular-season and postseason competition until the student-athlete does not compete in collegiate competition for a 365 day period. Additionally, the student-athlete must retest negative (in accordance with the testing methods authorized by the Executive Committee) and request that eligibility be restored by the Committee on Student-Athlete Reinstatement. [Bylaw 18.4.1.5.1.3]

The Executive Committee shall adopt a list of banned drug classes and shall authorize methods for drug testing of student-athletes on a year-round basis. This list of banned drugs classes and the procedure for informing member institutions about authorized methods for drug testing are set forth in Bylaws 31.2.3.4 and 31.2.3.6 respectively. The list is subject to change and the institution and student-athlete shall be held accountable for all banned drug classes on the current list. The current list is located on the NCAA Web site at [www.ncaa.org](http://www.ncaa.org) or may be obtained from the NCAA health and safety staff in education services. [Bylaw 18.4.1.5.2]

You agree to allow the NCAA to test you in relation to any participation by you in any NCAA championship or in any postseason football game certified by the NCAA for the banned drugs listed in Bylaw 31.2.3.4. If you participate in an NCAA Division II sport, you also agree to be tested on a year-round basis for anabolic agents, diuretics, ephedrine, urine manipulators, peptide hormones and masking agents.

You agree to allow your drug-test sample to be used by the NCAA drug-testing laboratories for research purposes to improve drug-testing detection. Individual samples will not be personally identified.

You were provided an opportunity to review the procedures for NCAA-drug testing that are described in the NCAA Drug-Testing Program brochure.

You understand that this consent and the results of your drug tests, if any, only will be disclosed in accordance with the provisions of the Buckley Amendment Consent.

You agree to disclose your drug-testing results only for purposes related to your eligibility for participation in regular-season and postseason competition.

You agree that you have received a copy of the NCAA list of banned substances.

You affirm that you understand that if you sign this statement falsely or erroneously, you violate NCAA legislation regarding ethical conduct, and you further will jeopardize your eligibility.

---

Date

---

Signature of Student-Athlete

---

Date

---

Signature of Parent (if student-athlete is a minor)

---

Name of Student-Athlete (Please Print)

---

Date of Birth

---

Age

---

Home Address

---

Sport(s)

---

**What to do with this form:** Sign and return it to your director of athletics at the time your intercollegiate squad first reports for practice or before the first date of competition (whichever date occurs first). This form is to be kept in the director of athletics office for **six years**.

## NCAA Banned-Drug Classes

### 2008-09

The NCAA list of banned-drug classes is subject to change by the NCAA Executive Committee. Contact NCAA education services or [www.ncaa.org/health-safety](http://www.ncaa.org/health-safety) for the current list. The term "related compounds" comprises substances that are included in the class by their pharmacological action and/or chemical structure. **No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example.**

Many nutritional/dietary supplements contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry; therefore purity and safety of nutritional dietary supplements cannot be guaranteed. Impure supplements may lead to a positive NCAA drug test. The use of supplements is at the student-athlete's own risk. Student-athletes should contact their institution's team physician or athletic trainer for further information.

### Bylaw 31.2.3. Banned Drugs

The following is a list of banned-drug classes, **with some examples of substances under each class. No substance belonging to the banned drug class may be used, regardless of whether it is specifically listed as an example.**

#### (a) Stimulants:

amiphenazole	methylenedioxymethamphetamine
amphetamine	(MDMA, ecstasy)
bemigrade	methylphenidate
benzphetamine	nikethamide
bromantan	pemoline
caffeine <sup>1</sup> (guarana)	pentetrazol
chlorphentermine	phendimetrazine
cocaine	phenmetrazine
cropropamide	phentermine
crothetamide	
diethylpropion	phenylpropanolamine (ppa)
dimethylamphetamine	picrotoxine
doxapram	pipradol
ephedrine	prolintane
(ephedra, ma huang)	strychnine
ethamivan	synephrine
ethylamphetamine	(citrus aurantium, zhi shi, bitter orange)
fencamfamine	
meclufenoxate	<b>and related compounds</b>
methamphetamine	

**The following stimulants are not banned:**

phenylephrine	pseudoephedrine
---------------	-----------------

#### (b) Anabolic Agents:

##### anabolic steroids

androstenediol	gestrinone
androstenedione	mesterolone
boldenone	methandienone
clostebol	methyltestosterone

dehydrochlormethyltestosterone	nandrolone
dehydroepiandrosterone (DHEA)	norandrostenediol
dihydrotestosterone (DHT)	norandrostenedione
dromostanolone	norethandrolone
epitrenbolone	oxandrolone
fluoxymesterone	oxymesterone
	oxymetholone
	stanozolol
	testosterone2

tretrahydrogestrinone (THG)  
trenbolone

##### and related compounds

#### Other anabolic agents

clenbuterol

#### (c) Substances Banned for Specific Sports:

Rifle:

alcohol	pindolol
atenolol	propranolol
metoprolol	timolol
nadolol	<b>and related compounds</b>

#### (d) Diuretics and other urine manipulators:

acetazolamide	hydrochlorothiazide
bendroflumethiazide	hydroflumethiazide
benziazide	methyclothiazide
bumetanide	metolazone
chlorothiazide	polythiazide
chlorthalidone	quinethazone
ethacrynic acid	spironolactone
flumethiazide	triamterene
furosemide	trichlormethiazide
	<b>and related compounds</b>

#### (e) Street Drugs:

heroin	tetrahydrocannabinol
marijuana3 (THC)3	

#### (f) Peptide Hormones and Analogues:

corticotrophin (ACTH)	
growth hormone (hGH, somatotrophin)	
human chorionic gonadotrophin (hCG)	
insulin like growth factor (IGF-1)	
leutenizing hormone (LH)	
<b>(all the respective releasing factors of the above-mentioned substances also are banned.)</b>	
erythropoietin (EPO)	sermorelin
darbypoetin	

#### (g) Anti-Estrogens

anastrozole
clomiphene
tamoxifen
<b>and related compounds</b>

**(h) Definitions of positive depends on the following:**

1for caffeine—if the concentration in urine exceeds 15 micrograms/ml.

2for testosterone—if the administration of testosterone or use of any other manipulation has the result of increasing the ratio of the total concentration of testosterone to that of epitestosterone in the urine to greater than 6:1, unless there is evidence that this ratio is due to a physiological or pathological condition.

3for marijuana and THC—if the concentration in the urine of THC metabolite exceeds 15 nanograms/ml.

**31.2.3.4.1 Drugs and Procedures**

**Subject to Restrictions.**

The use of the following drugs and/or procedures is subject to certain restrictions and may or may not be permissible, depending on limitations expressed in these guidelines and/or quantities of these substances used:

(Revised: 8/15/89)

**(a) Blood Doping.** The practice of blood doping (the intravenous injection of whole blood, packed red blood cells or blood substitutes) is prohibited, and any evidence confirming use will be cause for action consistent with that taken for a positive drug test. (Revised: 8/15/89, 5/4/92)

**(b) Local Anesthetics.** The Executive Committee will permit the limited use of local anesthetics under the following conditions:

(1) That procaine, xylocaine, carbocaine or any other local anesthetic may be used, but not cocaine; (Revised: 12/9/91, 5/6/93)

(2) That only local or topical injections can be used (i.e., intravenous injections are not permitted); and

(3) That use is medically justified only when permitting the athlete to continue the competition without potential risk to his or her health.

**(c) Manipulation of Urine Samples.** The Executive Committee bans the use of substances and methods that alter the integrity and/or validity of urine samples provided during NCAA drug testing.

Examples of banned methods are catheterization, urine substitution and/or tampering or modification of renal excretion by the use of diuretics, probenecid, bromantan or related compounds, and epitestosterone administration. (Revised: 8/15/89, 6/17/92, 7/22/97)

**(d) Beta 2 Agonists.** The use of beta 2 agonists is permitted by inhalation only. (Adopted: 8/13/93)

**(e) Additional Analysis.** Drug screening for select nonbanned

substances may be conducted for nonpunitive purposes.

(Revised: 8/15/89)

**Form 08-5g****Academic Year 2008-09****Instructions for Squad Lists – Division II**


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<b>For:</b>	NCAA Divisions II institutions; NCAA Division III institutions with multidivision classification.
<b>Action:</b>	Complete appropriate squad list for each sport and file in the director of athletics' office.
<b>Due date:</b>	First day of outside competition in the sport.
<b>Required by:</b>	NCAA Bylaw 15.5.5.2.
<b>Purpose:</b>	To qualify student-athletes for intercollegiate competition and assess compliance with NCAA financial aid rules.

---

**TO: DIRECTOR OF ATHLETICS.**

To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be included on the institution's squad lists. (NCAA Bylaw 15.5.5.1)

You must complete a squad list (Form 08-5g) for each sport by the first day of outside competition and keep the lists on file in your office. During the year, revise the list whenever a student-athlete joins the squad or a current squad member's status changes. All student-athletes listed on the squad lists must have signed a drug-testing consent form. [Bylaws 15.5.5.3 and 30.14-(b)]

Use the version of the squad list that is appropriate for your division and sport. This set of instructions tells you how to fill out the Division II form:

<b><u>Form</u></b>	<b><u>Division/Sport</u></b>
08-5g	All Division II sports.

---

**Column on Squad Lists.****Name/ID Number.****Instructions.**

Type or print the name and ID number of each student-athlete in the specified sport. Include partial qualifiers, nonqualifiers and students who are fulfilling a transfer residence requirement or an injury-hardship waiver.

[Note: Any student-athlete who signs a drug-testing consent form must be included on the institution's squad lists and any student-athlete who is included on the squad lists must have signed a drug-testing consent form pursuant to Bylaw 14.1.4. See Bylaws 14.1.4.1, 15.5.5.3 and 30.14-(b).]

<b>Eligible to Compete.</b>	Use this column to indicate whether a student-athlete is eligible ( <b>Y</b> ) or not eligible ( <b>N</b> ) to represent the institution in competition pursuant to all NCAA, conference and institutional eligibility requirements.
<b>Status of Student.</b>	Describe the status of the student-athlete in these five columns:
<b>Term First Enrolled at Any Institution.</b>	Indicate the term and year of the regular academic year (excluding summer) that the student-athlete first enrolled at any collegiate institution full time. Use <b>F</b> for fall, <b>W</b> for winter and <b>S</b> for spring.
<b>Term First Enrolled at Your Institution.</b>	Indicate the term and year of the regular academic year (excluding summer) that the student-athlete first enrolled at your institution full time. Use <b>F</b> for fall, <b>W</b> for winter and <b>S</b> for spring.
<b>Number of Years Received Financial Aid.</b>	Indicate the number of years the student-athlete has received institutional financial aid, not including this year. (See Bylaw 15.02.4.1 for applicable definition of “institutional financial aid.”)
<b>Number of Seasons Used.</b>	Indicate the number of seasons of competition the student-athlete has used, not including this year. [Note: For student-athletes who do not qualify for four years of competition (e.g., nonqualifiers, partial qualifiers), a notation may be used to indicate the total number of seasons of eligibility available.]
<b>Recruited Per Bylaw 13.02.10.1.</b>	Indicate whether your institution recruited the student-athlete as defined in Bylaw 13.02.10.1. Use <b>Y</b> for yes and <b>N</b> for no.
<b>Financial Aid.</b>	Describe the financial aid each student is receiving in these four columns:
<b>Period of Award.</b>	Use <b>FY</b> if the award is for the full academic year. Use <b>IS</b> for one semester or <b>IQ</b> for one quarter if the award is for less than the full academic year.

**Amount of Athletics Grant.**

Indicate the dollar amount your institution awarded the student-athlete in athletics grants-in-aid.

**Amount of Other.**

Indicate the dollar amount of institutional financial aid (other than athletics grants-in-aid) as set forth in Bylaw 15.02.4.1. (See Bylaw 15.02.4.3 and Bylaw 15.5.2.2.1 in reference to institutional financial aid that is not countable for equivalency purposes.)

**Total Countable Aid.**

Indicate the dollar amount of the total countable financial aid by adding the amounts of any athletics grants-in-aid and other countable aid. [Note: **Do not** include the countable aid awarded to **exempt** student-athletes (See "Exempt" below.) **except** for student-athletes who have exhausted their eligibility in a sport during a previous academic year (Bylaw 15.5.1.4) or have a medical exception per Bylaw 15.5.1.5.] Enter the total in the box provided.

**Exempt.**

Indicate whether the student-athlete is exempt from counting against your team limits on financial aid awards. Use **Y** for yes. Student-athletes are exempt if they meet one of the following conditions:

- They receive institutional financial aid as set forth in Bylaw 15.02.4.1 for which you have on file a statement that the aid was granted without regard to athletics ability (Bylaw 15.5.1-(b)); or

Multiple-sport student-athletes must be listed on all squad lists for sports in which the student-athlete participates. For purposes of counting against your team limit; however, the student-athlete shall be counted in one or more sports as specified on the individual's financial aid agreement. (See Bylaw 15.5.3 to determine which sports take precedence in counting against team limits).

**Countable Players.**

Fill in the columns for each student-athlete who is not exempt. Be sure that you are using the right version of the squad list for your division and sport. The instructions that follow for the "Countable Players" section are different depending on the version.

**Change in Status.**

Use this section to indicate a student-athlete's change in status during the academic year. Be sure you are using the right version of the squad list for your division and sport. The instructions that follow for the "Change in Status" section are different depending on the version.

**These instructions are for use with: Form 08-5g (All Division II Sports).**

**Countable Players.**

**Total Cost for Tuition and Fees, Room and Board and Books.**

Indicate the total of each student-athlete's cost for tuition and fees, room and board, and required course-related books, based on the actual cost or average cost of a full grant-in-aid for all students at your institution. [Note: If you use the average-cost method, do not combine in-state and out-of-state tuition to arrive at a single average cost for tuition. Calculate separate average educational costs for in-state and out-of-state students.]

**Equivalent Award.**

Indicate a figure by dividing each student-athlete's total countable aid by his or her cost for tuition and fees, room and board, and required course-related books, rounded off to two decimal places (e.g., .75). [Note: If you use the **actual** cost for tuition and fees, room and board, and books, the equivalent award is calculated by dividing the **actual** amount of institutional financial aid received by the student-athlete (numerator) by the actual value of a full grant-in-aid (denominator). If you use the **average** cost for tuition and fees, room and board, and books, the equivalent award is calculated by dividing the **average** amount of institutional financial aid received by the student-athlete (numerator) by the **average** value of a full grant-in-aid for all students at your institution (denominator). In addition, an institution may use either the actual or average amount of institutional financial aid received by a student-athlete as the numerator and either the actual or average amount of the full grant-in-aid value in the denominator.]

**How to Calculate Your Total Countable Players:**

**Equivalent award.** Add the figures and compare this total to the limits specified in Bylaw 15.5.2.1.

**Change in Status.** Use these two columns to indicate a student-athlete's change in status during the academic year (i.e., student-athlete is no longer an active participant in the sport).

**Reason.** Indicate a reason for a change in status as follows:

- Cut or dismissed from team;
- Exhausted eligibility in the sport;
- Graduated;
- Medical exception resulting from career-ending injury or condition;
- Quit the team; or
- Withdrew.

Use **C** for cut or dismissed, **E** for exhausted eligibility, **G** for graduated, **M** for medical exception, **Q** for quit the team and **W** for withdrew from institution.

**Date.** Indicate the effective date of the change in status.

**2008-09 Squad List**  
**Form 08-5g**  
**All Division II Sports**

Page \_\_\_\_\_ of \_\_\_\_\_

Sport: \_\_\_\_\_

Institution: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Name/ID Number	Eligible to Compete?	Date of high school graduation	Status of Student					Financial Aid			Total countable aid	Exempt	Countable Players		Change in Status		
			Any institution	Your institution	Term first enrolled	No. of years received financial aid	No. of seasons used	Recruited per NCAA Bylaw 13.02.9	Period of award	Amount of athletics grant			Amount of other countable aid	Total cost for tuition and fees, room and board, and books	Equivalent Award	Reason	Date

**Total:**

**Form completed by:** \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature Title  
**Form approved by:** \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature (Athletics Director) Title  
**Form approved by:** \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature (Head Coach) Title



Form 08-10b

Academic Year 2008-09

## General Amateurism and Eligibility Form for International and Select Student-Athletes – Division II

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**For:** NCAA Division II institutions.  
**Action:** Complete for each international student-athlete and file at your institution with other eligibility documents.  
**Due Date:** The student-athlete's first day of practice or outside competition.  
**Required by:** NCAA Bylaw 14.1.6.  
**Purpose:** To qualify international student-athletes for intercollegiate practice or competition and assess compliance with NCAA general amateurism and eligibility rules.

(Note: This form is required in addition to the amateurism certification completed by the NCAA Eligibility Center).

---

**Student-Athlete:** \_\_\_\_\_  
 (Please Print Name)

Name of your institution: \_\_\_\_\_

Sport: \_\_\_\_\_

---

### **Part I: Institutional Guidelines.**

To be eligible to represent an institution in intercollegiate athletics practice or competition, an international/select student-athlete shall be certified as eligible using this form. An international/select student-athlete is a student-athlete who either: (a) is not a United States citizen; or (b) resides in an unincorporated or commonwealth territory of the United States; or (c) has participated in foreign athletics activities or was associated as an athlete with a foreign athletics organization.

Each international/select student-athlete who is participating for the first time in intercollegiate athletics at the certifying institution should be given this form to complete and to sign. The form should be completed in the presence of the institution's eligibility-certification official. It will be necessary for an institutional administrator to assist the student-athlete in understanding terms and to ensure that the student-athlete responds to all items. Subsequent to the student-athlete completing the form, the institution's eligibility official is responsible for investigating any answers that may result in ineligibility. Further, the statement must be signed by the institution's eligibility official and the student-athlete's head coach prior to the student-athlete engaging in competition. The completed form shall be maintained on file at the institution with other eligibility documents. [See Bylaw 14.1.6]

Please be aware that your institution is responsible for:

- Reviewing Bylaw 10.1 with the student-athlete to ensure that all information is provided truthfully and that the student-athlete is aware that further eligibility consequences could result if false and misleading information is provided.
- Verifying the validity of the information provided by the student-athlete.
- Analyzing the information submitted by the student-athlete and applying NCAA general amateurism and eligibility rules, particularly those related to amateurism, to determine the student-athlete's general eligibility. (NCAA Manual citations are included after each item to assist in this effort).
- Contacting the NCAA membership services staff for assistance in determining the correct application of NCAA rules.
- Advising the student-athlete that the information being provided through this form can affect the individual's eligibility.

**[Note: International/Select student-athletes also must sign the NCAA student-athlete statement, NCAA affirmation of eligibility and NCAA drug-testing consent form.]**

---

## **Part II – International/Select Student-Athlete Information.**

[Please note that this section is to be completed by the student-athlete.]

To be eligible for intercollegiate athletics practice and competition, every student-athlete must meet all applicable NCAA eligibility requirements. As an international/select student-athlete, you are being asked to complete this form because it will make it easier for your institution to determine your eligibility under NCAA rules.

This questionnaire does not relate to your admission to the school -- the admissions office of your institution will handle that process separately.

You must respond to each item below and sign the form to compete in intercollegiate athletics at an NCAA institution. (Use "N/A" if the question does not apply to you). Ask an administrator at your institution for help if you do not understand an item. (References to NCAA Bylaws that follow each item are for your institution's use). The institution's eligibility-certification official and your head coach also must sign the completed form and keep it on file at the institution with other eligibility documents.

Please note that the information you provide on this form will be used to certify your eligibility and thus may impact your eligibility to compete at an NCAA institution. In addition, under NCAA legislation you are required to provide accurate information. The knowing provision of false and misleading information on this form may result in additional consequences to your NCAA eligibility.

[Note: In completing the following items, please use the back of the pages if you need additional space.]

**A. General Information.**

Full Name: \_\_\_\_\_ Sport(s): \_\_\_\_\_

Home Country: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of High School Graduation: \_\_\_\_/\_\_\_\_  
Month Day Year Month Year

Government Identification Number: \_\_\_\_\_

[Note: This is similar to the United States Social Security Number.]

**International student-athletes must provide appropriate visa and/or other government documentation in accordance with local, state and federal laws and member institutions will be required to maintain copies of such documentation on file in the athletics department.**

**B. Educational Background.**

Please describe below your educational experience:

Please list all schools attended (e.g., high schools, preparatory schools, etc.)

Year	School	Country	Tuition Required & Amount	Degree Received

- | <u>SCHOOL</u> | <u>TUITION PAID BY</u> |
|---------------|------------------------|
|               |                        |
|               |                        |
|               |                        |
|               |                        |

- | <u>INSTITUTION</u> | <u>YEARS ATTENDED</u> |
|--------------------|-----------------------|
| _____              | _____                 |
| _____              | _____                 |

[illegible]

Please respond to the following questions regarding your participation on the teams mentioned.

- a. Did you or any of your teammates receive actual and necessary expenses for your participation on any of the teams mentioned above? (Bylaw 12.02.4 and 12.1.1) **YES NO**

If the answer is Yes, please indicate which team provided the expenses and what expenses were paid.

<u>TEAM</u>	<u>EXPENSES</u>
_____	_____
_____	_____
_____	_____
_____	_____

- b. Did you sign any type of contract or agreement to participate on any of the teams mentioned in section one? (Bylaw 12.1.2) **YES NO**

If yes, for which team and please provide a copy of the agreement signed.

\_\_\_\_\_

## 2. Participation as an individual.

Please list all events in which you participated, the years participated, and the amount of prize money and or expenses you received for your participation.

<u>EVENT</u>	<u>YEAR</u>	<u>PRIZE MONEY</u>	<u>EXPENSES</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

## 3. Additional issues.

- a. Have you accepted any other benefits not listed on this form from individuals other than your parents or legal guardians? (Bylaw 12.1.2.1.6) **YES NO**

- b. Have you ever been involved in an advertisement or promotional activity?  
(Bylaw 12.5.1) **YES NO**

If yes, please list activities. \_\_\_\_\_  
\_\_\_\_\_

- c. Have you ever accepted any remuneration (e.g., pay) of any kind for your participation in an advertisement or promotional activity? (Bylaw 12.5.1) **YES NO**

- d. Did you or someone on your behalf ever pay a recruiting service or another individual to assist you in finding an institution or obtaining an athletics scholarship? (Bylaw 12.3.3.1) **YES NO**

- e. Who paid for your transportation to the United States?  
\_\_\_\_\_

- f. When did you first arrive in the United States?  
\_\_\_\_\_

- g. Where did you live once you arrived in the United States?  
\_\_\_\_\_

- h. Did you ever have any contact with an agent or a runner? (Bylaw 12.3.1)  
**YES NO**

If yes, did you sign any kind of agreement with the agent? **YES NO**

Did you accept any benefits from an agent or a runner? **YES NO**

---

**Part III – International/Select Student-Athlete Information.**

**Part III of this form is to be completed by your institution's eligibility certification officer based on the above responses.**

**PLEASE PROCEED TO THE LAST PAGE AND COMPLETE THE INTERNATIONAL STUDENT-ATHLETE AFFIRMATION AND RETURN THIS FORM TO THE APPROPRIATE ATHLETICS DEPARTMENT OFFICIALS.**

The purpose of the information below is to ascertain whether the individual has previously been involved with a team or in individual competition that would compromise the individual's amateur status pursuant to Bylaw 14.2.4.2.

The following questions will enable the NCAA member institution to better determine the individual's eligibility status.

Did the student-athlete graduate from high school pursuant to his or her expected date of high-school graduation? **YES NO** (Please see the NCAA Web site and the NCAA Guide to International Academic Standards for Athletics Eligibility for information on high school graduation dates for various countries.)

If no, proceed to Part A.

If yes, did the student-athlete enroll in a collegiate institution as a full-time student in a regular academic term at his or her first opportunity immediately following his or her graduation?

**YES NO**

If no, proceed to Part A.

If yes, skip to Part B.

**Part A: Amateurism Issues.**

For every calendar year or sports season after the individual's first opportunity to enroll immediately following the individual's expected date of high school graduation, please answer the following questions:

**Yes No**

- |      |      |   |
|------|------|---|
| ____ | ____ | 1. Did the individual participate in any team competition or training in which compensation was provided to any of the participants (including actual and necessary expenses)? Compensation includes, but is not limited to salary, gratuity, prize money, travel expenses, meals and housing. [Bylaw 14.2.4.2.3-(b)] |
| ____ | ____ | 2. Did the individual participate in any individual competition or training in which any participant received compensation (including actual and necessary expenses)? Compensation includes, but is not limited to salary, gratuity, prize money, travel expenses, meals and housing. [Bylaw 14.2.4.2.3-(c)]          |
| ____ | ____ | 3. Did the individual participate in any competition pursuant to the signing of a contract for athletics participation? [Bylaw 14.2.4.2.3-(d)]  |
| ____ | ____ | 4. Did the individual participate in any competition pursuant to involvement in a professional draft? [Bylaw 14.2.4.2.3-(e)]  |

- |       |       |    |   |
|-------|-------|----|---|
| _____ | _____ | 5. | Did the individual participate in any competition funded by a professional sports organization (excluding not-for-profit organizations affiliated with professional sports organizations)? [Bylaw 14.2.4.2.3-(f)] |
| _____ | _____ | 6. | Did the individual participate in any competition funded by a representative of an institution's athletics interests that was not an open event? [By-law 14.2.4.2.3-(g)]  |
| _____ | _____ | 7. | Did the individual practice with a professional athletics team (excluding a 48-hour tryout), regardless of who paid the expenses? [Bylaw 14.2.4.2.3-(h)]  |

**If the answer to any of the questions in Part A is "YES", then the individual may be subject to the organized competition or training prior to collegiate enrollment rule (Bylaw 14.2.4.2) and it is the responsibility of the institution to determine how many seasons of eligibility were used based on the participation history of the student-athlete. Further, if the student-athlete is subject to the provisions in Bylaw 14.2.4.2, then he or she must fulfill an academic year in residence without competing in the specific sport at any NCAA institution. Please note that there are exceptions to Bylaw 14.2.4.2 stated in Bylaws 14.2.4.2.3.2 (United States armed services), 14.2.4.2.3.3 (national/international competition exception), 14.2.4.2.3.4 (post-graduate college preparatory) and 14.2.4.2.3.5 (skiing exception).**

**Part B: Additional Amateurism Issues.**

**Yes      No**

- |       |       |    |  |
|-------|-------|----|--|
| _____ | _____ | 1. | Has the individual ever agreed (orally or in writing) to be represented by an agent for the purposes of marketing his or her athletics ability? [Bylaw 12.3.1]       |
| _____ | _____ | 2. | Has the individual ever entered into an agreement (verbal or written) with an agent for representation in future professional sports organizations? [Bylaw 12.3.1.1] |
| _____ | _____ | 3. | Has the individual, his or her relatives or friends ever accepted transportation or other benefits from an agent? [Bylaw 12.3.1.2]                                   |

**If the answer to any of the questions in Part B is "YES" the individual may have jeopardized his or her amateur status and may not be eligible for intercollegiate competition in a particular sport. Therefore, it is incumbent on the institution to further investigate the individual's amateur status.**

**INTERNATIONAL/SELECT STUDENT-ATHLETE'S AFFIRMATION**

By signing below, I, \_\_\_\_\_, affirm that I have  
(Student-Athlete's Name)  
discussed the information I provided on this form with the eligibility-certification  
official at \_\_\_\_\_ to determine my eligibility for  
(Name of Your NCAA Institution)  
participation in intercollegiate athletics. I have completed and reviewed the responses to the  
questionnaire above and agree that the information is correct. I understand that if I  
knowingly have given false or misleading answers to these questions, I will jeopardize my  
eligibility for participation in intercollegiate athletics at NCAA member institutions.

\_\_\_\_\_  
Student-Athlete Signature

\_\_\_\_\_  
Date

[Note: You may wish to keep a copy of this form should you enroll at or transfer to another  
NCAA institution.]

---

**ELIGIBILITY-CERTIFICATION OFFICIAL'S AFFIRMATION**

By signing below, I, \_\_\_\_\_, affirm  
(Eligibility-Certification Official's Name)  
that I have reviewed the responses to the questionnaire above as well as other information  
and agree that \_\_\_\_\_ has met all academic-  
(Student-Athlete's Name)  
eligibility requirements (including certification by the NCAA Eligibility Center, if a  
freshman) and other general-eligibility requirements and, therefore, is eligible for  
participation in intercollegiate athletics.

\_\_\_\_\_  
Eligibility-Certification Official's Signature

\_\_\_\_\_  
Date

---

**HEAD COACH'S AFFIRMATION**

By signing below, I, \_\_\_\_\_, affirm that the information provided by  
the student-athlete is accurate to the best of my knowledge. I understand that I am responsible  
under Bylaw 10.1 to provide truthful information.

\_\_\_\_\_  
Head Coach's Signature

\_\_\_\_\_  
Date

**Student-Athlete Authorization/Consent for  
Disclosure of Protected Health Information to the  
National Collegiate Athletic Association for  
Monitoring and Research of Sports Injuries/Illnesses**

I, \_\_\_\_\_ hereby authorize \_\_\_\_\_  
Name of Student-Athlete Name of My Institution

and its physicians, athletic trainers and health care personnel to disclose my protected health information including any information regarding any injury, illness, treatment or participation related to or affecting my training for and participation in intercollegiate athletics to the National Collegiate Athletic Association (NCAA) and its employees or agents.

I understand that my participation and injuries or illnesses resulting from or affecting training for or participation in athletics will be used by the NCAA Injury Surveillance System (ISS), an ongoing surveillance database maintained by the NCAA. The ISS provides NCAA committees, athletic conferences, individual schools and NCAA-approved researchers with injury, relevant illness and participation information that do not identify individual athletes or schools. The data provides the NCAA and other groups with an information resource to base and evaluate the effectiveness of health and safety rules and policy and to study other sports medicine questions. Selected de-identified summary (aggregate) data also are made accessible to the general public as a service to further the general understanding of athletics injury patterns.

I understand that my protected health information is protected by federal regulations under either the Health Information Portability and Accountability Act (HIPAA) or the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment) and may not be disclosed without either my authorization under HIPAA or my consent under the Buckley Amendment. I understand that my signing of this authorization/consent is voluntary and that my institution will not condition or withhold any health care treatment or payment, enrollment in a health plan or receipt of any benefits (if applicable) on whether I provide the consent or authorization requested for this disclosure. I also understand that I am not required to sign this authorization/consent in order to be eligible for participation in NCAA athletics.

I understand that while HIPAA regulations may not apply to NCAA use or disclosure of my injury/illness information, the NCAA is committed to protecting my privacy. I understand that the protected health information and any personal identifiers will be encrypted while being transmitted from my institution to the NCAA and that all data will be stored on a secure server at the NCAA national office in Indianapolis. I further understand that neither the NCAA nor the ISS will identify me personally in any publication or disclosure of research results.

This authorization/consent for transfer of protected health information expires 545 days from the date of my signature below but I have the right to revoke it in writing at any time by sending written notification to the director of athletics at my institution. I understand that a revocation takes effect on its request date and does not affect any action taken prior to that date.

\_\_\_\_\_  
Printed Name of Student-Athlete

\_\_\_\_\_  
Signature of Student-Athlete

\_\_\_\_\_  
Date

(ADD DATE STAMP PLEASE)



MEMORANDUM

March 5, 2009

P.O. Box 6222  
Indianapolis, Indiana 46206  
Telephone: 317/917-6222

Shipping/Overnight Address:  
1802 Alonzo Watford Sr. Drive  
Indianapolis, Indiana 46202

[www.ncaa.org](http://www.ncaa.org)

TO: NCAA Division II Legislation Committee.

FROM: Jenn Fraser  
Assistant Director of Academic and Membership Affairs for Division II.

SUBJECT: Future Meeting Dates.

The proposed dates for the 2010 in-person meetings are as follows:

March Meeting:

1. March 18-19, 2010 (Thursday and Friday);
2. March 22-23, 2010 (Monday and Tuesday); or
3. March 25-26, 2010 (Thursday and Friday).

June Meeting:

1. June 21-22, 2010 (Monday and Tuesday);
2. June 24-25, 2010 (Thursday and Friday); or
3. June 28-29, 2010 (Monday and Tuesday).

November Meeting:

1. November 1-2, 2010 (Monday and Tuesday); or
2. November 4-5, 2010 (Thursday and Friday).

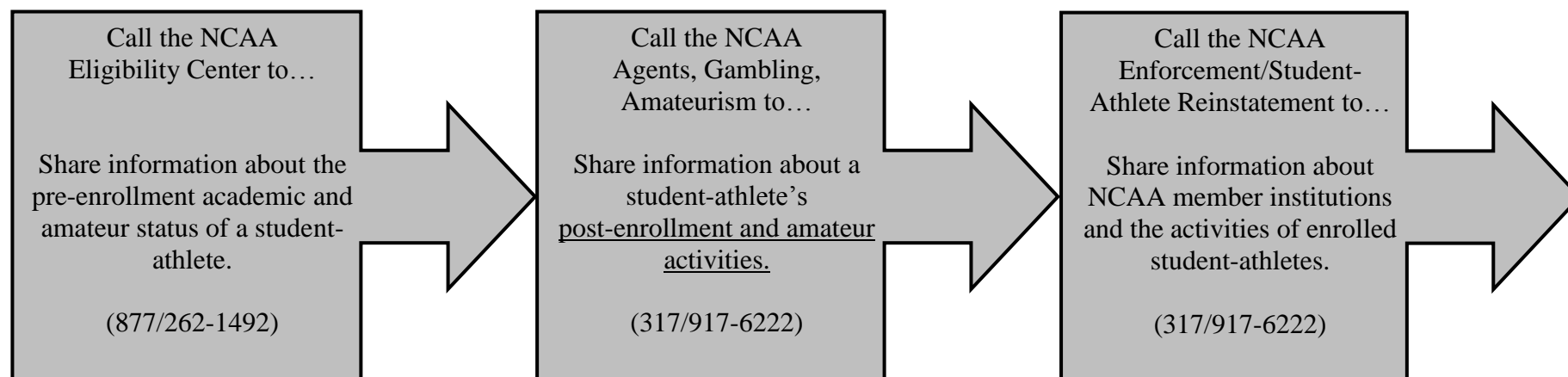
All meetings will be held in Indianapolis, Indiana, when practical.

JF:tw



**SHARED RESPONSIBILITY REGARDING  
STUDENT-ATHLETE ELIGIBILITY...  
HELP THE NCAA HELP YOU!**

If you have information about the eligibility of a student-athlete, don't hold on to it. To keep a level playing field, call the numbers listed in this document to share the information you have. Calls can be made anonymously.



**REPORT OF THE  
NCAA DIVISION II LEGISLATION COMMITTEE**

**ACTION ITEMS.**

**1. Legislative Action Items.**

- None.

**2. Nonlegislative Action Items.**

- None.

**INFORMATIONAL ITEMS.**

- 1. Review of an Appeal by Division II Institution Regarding an NCAA Academic and Membership Affairs Staff Interpretation [Participation in Organized Competition or Training Prior to Initial Collegiate Enrollment – Activities Constituting Use of Season – Exception – Postgraduate College Preparatory School Exception (II)].** The NCAA Division II Legislation Committee reviewed an appeal by a Division II institution regarding an academic and membership affairs staff interpretation. A prospective student-athlete from Canada, who did not graduate from secondary school in Quebec, enrolled in a Collège d'Enseignement Général et Professionnel (CEGEP) program immediately after completion of the prescribed academic path of the prospective student-athlete's home province, and continued participation in organized competition. Since enrollment in the CEGEP was not a continuation of the prospective student-athlete's secondary education, the individual was certified by the NCAA Eligibility Center as having used three seasons of competition per NCAA Bylaw 14.2.4.2 (participation in organized competition or training prior to initial collegiate enrollment), and was required to serve one academic year in residence at an NCAA institution prior to being eligible to compete at the certifying institution. The institution asserted that the individual should be allowed to use the exception in Bylaw 14.2.4.2.3.4 (postgraduate college preparatory school exception) to receive one year of relief from the participation in organized competition or training legislation, based on the premise that enrollment in a CEGEP is akin to enrollment in a preparatory school. Based on the information provided by the institution, the academic and membership affairs staff provided an interpretation stating that because the prospective student-athlete did not graduate from secondary school in Quebec, enrollment in the CEGEP program was not a continuation of secondary school and, thus, the exception set forth in Bylaw 14.2.4.2.3.2 could not be used. The committee upheld the academic and membership affairs interpretation, and noted that the appropriate avenue for relief would be through an NCAA Division II Committee for Legislative Relief waiver. The committee also referred to the NCAA Foreign Student Records

Committee the issue of whether international students can use the postgraduate preparatory school exception to the organized competition or training legislation in Bylaw 14.2.4.2, when an individual is enrolled at a secondary school in a foreign country.

2. **Review of Proposed Legislation at the 2009 NCAA Convention.** The committee reviewed the 13 proposals that would be voted on during the Division II business session at the 2009 NCAA Convention. The committee did not have additional questions or discussion regarding the proposed legislation.
3. **Discussion Regarding the 2009-10 NCAA Division II Coaches Certification Test.** The committee discussed the method that will be used for reviewing the 2009-10 NCAA Division II Coaches Certification Test and determined that the questions and answers from the 2008-09 test would be divided equally among the committee members, and each member would make recommended changes via e-mail. In addition, each member of the committee was asked to create a minimum of five new test questions. The committee further agreed to review the questions and answers for the 2009-10 test via teleconference prior to the release of the test March 30.

*Committee Chair: Ann Martin, Regis University*  
*Staff Liaison(s): Jennifer Fraser, Academic and Membership Affairs*  
*Maritza Jones, Academic and Membership Affairs*  
*Meeting Date: January 16, 2009*

**REPORT OF THE  
NCAA DIVISION II LEGISLATION COMMITTEE**

**ACTION ITEMS.**

**1. Legislative Action Items.**

**a. 2010 NCAA Convention Legislation – NCAA Bylaw 11.1 – Personnel – Conduct of Athletics Personnel – Sports-Safety Training.**

- (1) Recommendation. Sponsor legislation for the 2010 NCAA Convention to amend NCAA Bylaw 11.1 (conduct of athletics personnel) to specify that each head coach shall be certified in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.
- (2) Effective Date. August 1, 2010.
- (3) Rationale. Legislation requiring first aid, CPR and AED certification promotes student-athlete safety and well-being. A survey of the NCAA death claims since 1992 reports 60 percent of all nonvehicle-related deaths have been due to heart-related conditions and 83 percent of all deaths occurred during practice or conditioning. Similar legislation was defeated by the membership at the 2007 Convention. This legislative concept does not require the certified individual to be present during athletically related activities, nor does it specify the certifying organization. Safety and well-being of student-athletes are of the utmost concern; this concept helps to strengthen these areas, at a very minimum, by requiring any individual designated as a head coach (full time, part time or volunteer) to be certified in first aid, CPR and AED use. Division II grant and initiative funding may be used to certify head coaches in first aid and to purchase an AED if an institution so desires. However, the concept does not require that an institution purchase an AED (only that each head coach be certified in AED use).
- (4) Estimated Budget Impact. Minimal for certification (\$0 to \$30 per coach) since institutions can outsource the training or train their own staffs as instructors. Moreover, this is not an annual cost since first-aid certification is valid for three years and CPR certification is valid for one to two years (depending on the certifying organization). Division II grant and initiative funding may be used to offset these costs.
- (5) Student-Athlete Impact. None.

**b. Noncontroversial Legislation – Bylaws 13.02.5.1 and 13.6.6.5 – Recruiting – Official (Paid) Visit – Entertainment/Tickets on Official Visit – Student Host.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaws 13.02.5.1-(f) (official visits) and 13.6.6.5 (student host) to specify that a student host may receive a complimentary meal or a complimentary admission to a campus athletics event each time he or she accompanies a prospective student-athlete to a meal or campus athletics event, respectively, during the prospective student-athlete's official visit.
- (2) Effective Date. Immediate.
- (3) Rationale. Under current legislation, a student host accompanying a prospective student-athlete during a prospective student-athlete's official visit is only allowed to receive one complimentary meal and one complimentary admission, even if the student host accompanies the prospective student-athlete on more than one meal or more than one campus athletics event. The proposed concept would allow a student host to receive a complimentary meal or a complimentary admission to a campus athletics event each time he or she accompanies a prospective student-athlete to a meal or campus athletics event, respectively, during the prospective student-athlete's official visit.
- (4) Estimated Budget Impact. Contingent on the number of meals and complimentary admissions each institution will provide during a prospective student-athlete's official visit.
- (5) Student-Athlete Impact. None.

**c. Noncontroversial Legislation – Bylaw 13.1.9 – Recruiting – Contacts and Evaluations – Banquets and Meetings – All Sports.**

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.1.9 (banquets and meetings – all sports) to specify that in all sports, a coach may speak at a meeting or banquet without using one of the institution's permissible contacts or evaluations, provided the coach does not make a recruiting presentation in conjunction with the appearance, the coach does not have any direct contact with any prospective student-athlete (or the prospective student-athlete's relatives or legal guardians) in attendance and the coach does not engage in any evaluation activities; further, to specify that in all sports, a coach may speak at a meeting or banquet in conjunction with a community engagement activity and have

contact with a prospective student-athlete(s) (or the prospective student-athlete's relatives or legal guardians), provided the coach does not make a recruiting presentation in conjunction with the appearance, the contact is not for the purpose of securing the enrollment or ultimate participation of the prospective student-athlete(s) in the institution's intercollegiate athletics program and the meeting or banquet does not take place during a dead period.

(2) Effective Date. Immediate.

(3) Rationale. Current legislation is not clear as to the requirements for coaches' speaking engagements at a meeting or banquet that does not take place at a prospective student-athlete's educational institution. With the adoption of NCAA Proposal No. 2007-5, the legislation for banquets and meetings was amended to allow a coach to have contact with a prospective student-athlete in conjunction with a meeting or banquet, provided the contact was not for the purpose of securing the enrollment or ultimate participation of the prospective student-athlete in the institution's intercollegiate athletics program. This change was motivated by institutions' participation in community engagement activities. However, the legislation still does not address coaches' speaking engagements that are not initiated or conducted by an educational institution. The proposed concept creates two different rules for coaches' speaking engagements at banquets or meetings, depending on whether they are in conjunction with a community engagement activity or not and removes the requirement that the banquet or meeting has to be initiated and conducted by an educational institution. This will clarify that coaches' speaking engagements at banquets or meetings that are initiated by an entity other than an educational institution are still permissible, provided certain requirements are met.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

**d. Noncontroversial Legislation – Bylaw 16.8.1.2.1.1 – Awards and Benefits – Expenses Provided by the Institution for Practice and Competition – Departure/Return Expense Restrictions – Exceptions – Travel Following Championship Events and Postseason Football Games.**

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 16.8.1.2.1.1 (exceptions) to specify that return transportation following

contests in NCAA championship events, National Governing Body (NGB) championships in emerging sports or certified postseason football games that take place during the institution's official vacation period during the academic year or between regular academic terms is exempt from the requirement that a student-athlete remain not longer than 36 hours following the conclusion of the competition in order to receive actual and necessary expenses to return to campus.

- (2) Effective Date. Immediate.
- (3) Rationale. Current legislation provides an exception to the 48-hour departure restriction for travel prior to contests in NCAA championship events, National Governing Body (NGB) championships in emerging sports or certified postseason football games; however, there is no exception for departing the competition site more than 36 hours following the conclusion of a competition. When these events take place during institutional vacation periods and classes are not in session, many student-athletes and their families choose to stay in the locale of the competition for an extended period after the competition. However, under the current rule, if a student-athlete remains at the site more than 36 hours after the conclusion of the competition, the institution is not permitted to pay for that student-athlete's return transportation. Current legislation provides an exception to the 36-hour return restriction for regular-season competition that takes place during the institution's official vacation period during the academic year and between terms. This proposal would bring consistency to the application of the return restriction for regular-season and championship competition that occurs during the institution's vacation period. The same rationale for an exception for regular-season competition would logically apply to championship competition and postseason football games.
- (4) Estimated Budget Impact. Potential increase in costs to provide transportation expenses to student-athletes remaining in the locale of competition beyond 36 hours.
- (5) Student-Athlete Impact. None.

**2. Nonlegislative Action Item.**

- **Legislative Referral to Other Division II Committee.**

- (1) Recommendation. That the NCAA Division II Management Council refer the following concept to the NCAA Division II Membership Committee for review and possible action:

Bylaw 20.10.3.5.5 (Individual Sports – One or More Sites). Whether the Division II membership should consider adding an exception to the minimum contests and participant requirements for sports sponsorship in track and field to specify that 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 required for sports sponsorship and the meet is conducted on consecutive days, an institution may use the competition as a contest in meeting the minimum contest requirements. (See NCAA Division I Proposal No. 2008-63.)

- (2) Rationale. In track and field, many meets are conducted over the course of two days for a variety of reasons, including facility availability, weather, hours of daylight, large field sizes and the safety of involved student-athletes. Currently, in the case of a multiday meet, 14 student-athletes must compete on at least one day of the meet in order for the meet to count toward the institution's minimum number of contests for the purpose of sports sponsorship. As a result, in many instances involving multiday meets, coaches are forced to make roster and travel decisions that are not based on competitiveness or the student-athlete's well-being, but on satisfying the requirement that 14 student-athletes participate on at least one day. This concept would help assure that student-athletes will no longer be asked to compete in meets based solely on the day that an event is contested and that coaches will not be required to transport an unnecessarily high number of student-athletes. Further, institutions will not be penalized for choosing to attend two-day meets rather than single-day meets.
- (3) Estimated Budget Impact. Potential savings to the institution from traveling with fewer student-athletes.
- (4) Student-Athlete Impact. Potential for fewer student-athletes being required to travel.

**INFORMATIONAL ITEMS.**

1. **Discussion Regarding the Alignment of Bylaw 17 (Playing and Practice Seasons) and Championships Policies with the Division II Strategic Positioning Platform.** At the direction of the NCAA Division II Presidents Council, the NCAA Division II Championships Committee and NCAA Division II Legislation Committee have been asked to discuss whether the current playing and practice seasons in Bylaw 17 are in alignment with the strategic positioning platform and to review them with the foresight of developing better business practices to assist with championships policies and travel issues. The committee reviewed a discussion document prepared by staff identifying the overarching issues and summarizing the actions taken by the Championships Committee at its February meeting. In order to assist the committee in discussing issues related to the preseason practice legislation, the NCAA educational affairs staff, who works with the Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS), shared data regarding the appropriate number of days from a safety perspective that a student-athlete needs to prepare for his or her first contest. In addition, to assist the committee in evaluating possible reductions to the maximum number of contests or dates of competition in each sport, the NCAA research staff shared data on the number of contests and dates of competition that the majority of Division II institutions participate in during the championship season and during a week while in season. Further, the staff shared feedback received from different coaches' associations as to a possible amendment of the playing and practice season legislation. The committee discussed different options for amending Bylaw 17, including reductions in the length of the playing season, reductions to the maximum number of contests and dates of competition for different sports and a change in championships dates. The committee directed staff to draft possible legislative options that address the concerns raised by the committee for further review at its joint meeting with the Championships Committee in June for possible legislative recommendations.
2. **Discussion Regarding a Legislative Concept to Amend Bylaw 14.2.4.2 (Participation in Organized Competition or Training Prior to Initial Collegiate Enrollment).** The committee received additional feedback from different groups since its last in-person meeting regarding the legislative concept to amend Bylaw 14.2.4.2. The staff noted that representatives from different coaches' associations have also been requested to provide feedback regarding the concept. The committee also reviewed the guidelines used by the NCAA Division II Committee for Legislative Relief when considering an institution's request to grant relief of the application of Bylaw 14.2.4.2, to determine whether some of the guidelines should be incorporated into the legislation. The committee directed staff to prepare a single legislative concept for the committee's review at its June in-person meeting for a possible legislative recommendation, as follows:

- a. Expansion of the "Grace Period" to One Year.** To specify that an individual who does not enroll in a collegiate institution as a full-time student within one year following the date that the individual's high school class normally graduates from high school (or the international equivalent as specified in the NCAA Guide to International Academic Standards for Athletics Eligibility) shall use one season of intercollegiate competition for each year or sports season (following that date) in which the individual has participated in organized competition. The committee believes that by expanding the grace period to one year, individuals will have the opportunity to participate in organized competition for a reasonable period of time, without compromising the original intent of the rule. In addition, the committee noted that it is often that coaches begin recruiting individuals during the first year after high school graduation; therefore, an expanded grace period would allow these individuals ample time to make a decision regarding enrollment in college without compromising their opportunity to participate in Division II athletics. Finally, the committee noted that an expansion of the grace period will balance the impact of the amended definition of organized competition [see letter (c) below].
- b. Date of High School Graduation.** To incorporate two different interpretations that clarify the application of the organized-competition legislation to individuals who either graduate high school early or are required to repeat an entire year of high school prior to graduating. [See 10/22/01 official interpretation Item No. 1 and 02/22/06 staff action Item No. 2.] The committee noted that by including such interpretations in the legislation it will provide the membership with ease of reference to these issues.
- c. Definition of Organized Competition.** To specify that athletics competition shall be considered organized for purposes of this rule, if any of the following conditions exist: (1) competition is scheduled in advance; (2) official score is kept; (3) individual or team standings or statistics are maintained; (4) official timer or game officials are used; (5) admission is charged; (6) teams are regularly formed or team rosters are predetermined; (7) team uniforms are used; (8) an individual or a team is privately or commercially sponsored; or (9) the competition is either directly or indirectly sponsored, promoted or administered by an individual, an organization or any other agency. The committee believes that even though this definition of organized competition might cast a wider net than the definition under the current legislation, the determining factor for triggering the rule would be frequency and level of competition, rather than compensation. It would no longer be of importance if the individual, his or her teammate(s) or other individuals participating in an event received compensation, including a salary, prize money, actual and necessary expenses, etc.

- d. **Exception to the Academic Year in Residence.** To create an exception to the year in residence requirement for a student who has attended a two-year or four-year institution for at least two full-time semesters or three full-time quarters and who has satisfactorily completed an average of at least 12 semester or 12 quarter hours of transferable degree credit for each full-time academic term of attendance at the two-year or four-year collegiate institution. The committee noted that the requirement of a year in residence for individuals who trigger the organized-competition legislation is a very important piece of the legislation, as it requires individuals to demonstrate a commitment to academics prior to being allowed to participate in intercollegiate athletics. However, the committee believes that a transfer student should not be required to serve an academic year in residence at the certifying institution if he or she has already demonstrated that commitment by presenting the certifying institution with the required academic information.
- e. **Postgraduate College Preparatory School Exception.** To eliminate the current exception to the organized-competition legislation for individuals who trigger the rule during the initial year of enrollment in a postgraduate college preparatory school. The committee believes that individuals who delay initial full-time collegiate enrollment to enroll in a postgraduate college preparatory school would not need an exception if there is an extended one-year grace period for the application of the organized-competition legislation.
- f. **Waiver Criteria Provision.** Add a provision to specify that the Committee for Legislative Relief may approve waivers of the organized-competition legislation. The waiver provision should include the waiver criteria, as well as a list of circumstances that are considered within or beyond the control of the individual or the institution. The committee directed staff to use the guidelines currently in place for the Committee for Legislative Relief to create the waiver provision. The committee believes the waiver provision would help institutions when deciding whether or not to request a waiver of the application of the organized-competition legislation.
- g. **Notification of Organized-Competition Legislation.** To add a provision to specify that a Division II institution is required to provide information regarding the organized-competition legislation to prospective student-athletes at the first practical opportunity but not later than the day prior to the student-athlete's signed acceptance of the National Letter of Intent or institution's written offer of admission and/or financial aid. The committee believes that this requirement makes sense because it requires institutions to provide the information early in the recruiting process. In addition, the committee believes that such provision would reduce the instances of lack of information or misadvisement in waiver requests.

The committee agreed to review this concept and additional feedback at its June 2009 in-person meeting for a possible legislative recommendation. In addition, the committee agreed to review a concept related to discontinued collegiate enrollment in conjunction with an overall review of the post-enrollment amateurism rules in Bylaw 12 during future meetings to determine whether there are any further legislative changes that need to be made.

3. **Discussion Regarding Legislative Concept for Sand Volleyball as an Emerging Sport for Women.** At the 2009 Convention, the Division II membership adopted Proposal No. 2009-5, which added sand volleyball as an emerging sport for women. Effective August 1, 2010, institutions that sponsor sand volleyball must be in full compliance with legislation regarding recruiting, financial aid and minimum contests and participant requirements for sports sponsorship. The committee reviewed a legislative concept proposed by the American Volleyball Coaches Association to add the necessary regulations for sand volleyball. The committee discussed different issues that need to be addressed prior to recommending legislation for the 2010 Convention. The committee directed staff to draft two possible legislative options that address the issues discussed by the committee for review at its June in-person meeting.
4. **Referral from the Management Council Regarding a Possible Amendment to Bylaw 17.12.8-(b) (Nonchampionship Segment Activities).** The committee reviewed a referral from the Management Council regarding a recommendation to amend Bylaw 17.12.8-(b) (nonchampionship segment activities) to specify that in golf, during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation, provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that in golf, an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment. The committee noted that it is currently undertaking a larger review of the current playing and practice seasons in Bylaw 17 to determine whether they are in alignment with the strategic positioning platform. The committee decided to review this issue in conjunction with the overall discussion regarding playing and practice seasons and to determine whether the nonchampionship segment activities in golf need to be amended.
5. **Discussion Regarding an Exception to Allow Electronic Transmissions during an Official Visit.** The committee discussed the issue of whether an exception should be created to permit an institution to send a prospective student-athlete other forms of

electronically transmitted correspondence (e.g., instant messages, text messages) during the 48-hour period of an official visit. The committee noted that when the Division II membership adopted Proposal No. 2008-4, the intent was to reduce the burdens that had been created with the overuse of text messages sent to cell phones and other portable electronic communication devices. In addition, the committee noted there is already an exception that allows institutions to use instant messages and text messages after the signing of a National Letter of Intent or other written commitment. The committee further noted that there are many ways of communicating with a prospective student-athlete during an official visit (e.g., by calling the prospective student-athlete's cell phone, by text messaging the student host). The committee agreed that there is not enough reason for amending the current legislation.

6. **Discussion Regarding Definition of Fee for Purposes of Participation in Organized Competition or Training Prior to Initial Collegiate Enrollment Legislation.** The committee reviewed an interpretation provided by staff regarding the definition of a fee. The staff believes that in situations where a club has more than one team under the umbrella of the club, the exception for reasonable expenses and fees (Bylaw 14.2.4.2.3.1.1) is met when members of each team pay the same fee to participate, even if the fee for each team is different. When an individual participates on multiple teams within one club, and the fee for each of those teams differs, as long as the "home" team fee is identical for each member, the fee exception is met. The committee agreed with the interpretation as provided by staff.

7. **Issuance of Official Interpretation.** The committee discussed the issue of whether it is permissible for a coach who is employed at a camp or clinic to recruit a prospective student-athlete attending such camp or clinic. The committee agreed that coaches should be allowed to recruit at camps or clinics. The committee decided to issue an official interpretation to clarify the application of Bylaw 13.12.1.3, as follows:

Coach Employed at Camp/Clinic – Recruiting Activities. The Division II Legislation Committee determined that it is permissible for a coach employed at a sports camp or clinic to recruit a prospective student-athlete attending such camp or clinic. [Reference: Bylaw 13.12.1.3 (recruiting calendar exceptions)]

8. **Discussion of Division II Legislation Adopted and Defeated at the 2009 Convention.** The committee reviewed the proposals that were adopted and defeated at the 2009 Convention. The committee directed staff to request an annual report from the NCAA enforcement staff on how Bylaw 11.1.2.1 (responsibility of head coach) has been applied in secondary- and major-infracton cases.

9. **Review of Minutes Issued by the Interpretations Subcommittee of the Legislation Committee.** The full committee approved the minutes of the Interpretations Subcommittee since its last in-person meeting in November 2008. The committee approved the minutes from the following dates: November 3, 2008; December 1, 2008; and December 15, 2008.
10. **Update Regarding the NCAA Eligibility Center and the Amateurism Certification Process.** Staff from the NCAA Eligibility Center provided an update regarding amateurism certification trends in Division II. Between October 15, 2008, and March 1, 2009, the Eligibility Center processed 35 cases resulting in imposition of season(s) of competition due to participation in organized competition or training prior to initial collegiate enrollment.
11. **Review of the 2008 Enforcement Statistics.** The committee reviewed a report related to secondary cases for the 2008 calendar year. According to the report, there were approximately 724 Division II secondary cases processed and/or reviewed during 2008. Of those cases, approximately 44 percent were processed by institutions and/or conferences as Level II secondary violations.
12. **Review of Shared Responsibility Flyer.** The committee reviewed a flyer created by staff to continue educating institutions as to the requirement to share information related to a student-athlete's eligibility and amateur status. The staff noted that the document has been placed on the NCAA Web site and disseminated through various other means to the membership.
13. **Review Recommendations for Revisions to Bylaw 30.** In 2007, the NCAA academic and membership affairs staff started conducting a systematic review of the three divisional Manuals to identify issues and develop recommendations relating to consistency in terminology, structure of bylaws, figures versus text, necessity of legislation to be kept within the Manuals, etc. During the review of Bylaw 30, the staff noted that most of the provisions contained therein could be more appropriately located in other sections of the Manual. For example, Bylaw 30.11 (recruiting calendars) would be more appropriately located in Bylaw 13. The staff recommended that an editorial revision be drafted to move Bylaw 30 to other sections within the Manual. The committee reviewed a chart outlining where the different provisions would be moved. The committee agreed with the staff recommendations.

- 14. Division II Editorial Revisions.** The committee reviewed the following editorial revisions:
- a. NCAA and Division Membership – Division II Membership Process – Provisional and Reclassifying Institutions – Candidacy Period.** The committee reviewed an editorial revision to amend Constitution 3.3 (member conference) and Bylaw 20.3 (Division II membership process) to revise the title of the first two years of the membership process from exploratory to candidacy period. The term "candidacy" more accurately reflects the process in that there is an expectation that an institution in the first two years of the membership process should have already "explored" the feasibility of becoming an active member institution. In addition, institutions in the first two years of the membership process are "candidates" to be invited into the provisional period.
  - b. Executive Regulations – General Financial Management – Defense and Indemnification – Determination Regarding Conditions for Defense and Indemnification – Vote by Administrative Subcommittee.** The committee reviewed an editorial revision to amend Bylaw 31.7.3.1.1 (determination regarding conditions for defense and indemnification) to make the legislation consistent with the adoption of an amendment to the NCAA defense and indemnification policy by the NCAA Executive Committee in April 2004.
  - c. Committees – Division II Committees – Conflict of Interest Policy.** The committee reviewed an editorial revision to move Bylaw 21.8.4 (conflict of interest) to Bylaw 21.02.5. This eliminates the need to update regularly the conflict of interest policy if any amendments are made by the NCAA Executive Committee.
  - d. Enforcement Policies and Procedures – Appeal Procedure – Enforcement Staff Information – Period of Notification of Submitted Rebuttal Materials.** The committee reviewed an editorial revision to amend Bylaw 32.10.3 (enforcement staff information) to clarify the start of the period from which the enforcement staff may provide written information to the NCAA Division II Infractions Appeals Committee for an appeal.
- 15. Review of NCAA Divisions I and III Editorial Revisions.** The committee reviewed editorial revisions issued in Divisions I and III in 2008 and 2009 and directed the staff to draft the following editorial revisions for Division II:
- a. Division I Proposal No. ER-2008-4 (eligibility – freshman academic requirements – core-curriculum requirements – students with learning**

**disabilities).** The committee directed the staff to draft an editorial revision to amend Bylaw 14.3.1.2.5 (courses for students with education-impacting disabilities) to clarify that the Eligibility Center is the entity that reviews disability documentation.

- b. Division I Proposal No. ER-2008-12 (amateurism – promotional activities – congratulatory advertisement – distribution of institutional items and schedule cards).** The committee directed the staff to draft an editorial revision to move Bylaws 12.5.1.4.1 (schedule cards) and 12.5.1.5 (distribution of institutional items through commercial outlets) to a more appropriate location since those provisions relate more closely to institutional promotional activities; further, to provide a more appropriate title to Bylaw 12.5.1.4 (commercial advertisements) as "Congratulatory Advertisements".
- c. Division I Proposal No. ER-2008-13 (recruiting – definitions and applications – enrolled student-athlete – recruiting activities).** The committee directed the staff to draft an editorial revision to amend Bylaws 13.02.5.1 (permissible recruitment activities for enrolled student-athletes) and 13.1.2.4 (student-athlete) to eliminate duplicative provisions from the definitions and applications sections, and move other provisions to the appropriate bylaw regarding recruiting activities for student-athletes.
- d. Division I Proposal No. ER-2008-14 (eligibility – general principles – removal of duplicative provisions).** The committee directed the staff to draft an editorial revision to amend Bylaws 14.01.2 (academic status), 14.04.2.1 (good academic standing) and 14.4.1 (progress-toward-degree requirements) to remove language that goes beyond the scope of what should be included in general principles and provisions that are addressed in other, more appropriate, sections of the Manual.
- e. Division I Proposal No. ER-2008-15 (eligibility – general eligibility requirements – eligibility requirements for male students to practice with women's teams).** The committee directed the staff to draft an editorial revision to move Bylaw 14.1.8.1.7 (eligibility for male students or male student-athletes to practice with women's teams) to a more appropriate location. The requirements go beyond issues related to full-time enrollment.

- f. **Division I Proposal No. ER-2008-16 (financial aid – maximum limit on financial aid – individual – recruited student-athlete receiving institutional financial aid).** The committee directed the staff to draft an editorial revision to amend Bylaw 15.1.2 (recruited student-athlete receiving institutional financial aid) to clarify that unearned financial aid administered by an institution to an athletically recruited student is considered to be athletically related financial aid only if the faculty athletics representative and the director of financial aid cannot certify that the aid was granted without regard in any degree to athletics ability.
- g. **Division I Proposal No. ER-2008-26 (amateurism – involvement with professional teams – tryouts – tryout before enrollment).** The committee directed the staff to draft an editorial revision to amend Bylaw 12.2.1.1 (tryout after enrollment) to clarify the application of the 48-hour tryout period.
- h. **Division I Proposal No. ER-2008-27 (eligibility – ineligibility – application of ineligibility ruling pending appeal – interpretations).** The committee directed the staff to draft an editorial revision to amend Bylaw 14.11.1.1 (application of ineligibility ruling pending appeal) to clarify that staff and official interpretations are binding on institutions, and to more clearly specify the applicable bylaws.
- i. **Division I Proposal No. ER-2009-1 (recruiting – telephone calls – additional regulations – during conduct of athletics contest).** The committee directed the staff to draft an editorial revision to amend Bylaw 13.1.3.2.1 (during conduct of athletics contest) to clarify the definition of "the conduct of the institution's intercollegiate athletics contests" for purposes of the prohibition on placing telephone calls to prospective student-athletes.
- j. **Division III Proposal No. ER-2009-12 (playing and practice seasons – golf – number of dates of competition – annual exemptions – College All-American Golf Classic).** The committee directed the staff to draft an editorial revision to amend Bylaw 17.12.7.3 (annual exemptions) to remove the Sun Bowl All-American Classic from the list of annual exemptions. The Sun Bowl All-American Classic has been renamed as the College All-American Golf Classic, for which an exception already exists in the list of annual exemptions.

**16. Committee Staffing Issues.** The committee discussed issues related to staffing of the committee:

- **Election of a New Chair – Legislative Review Subcommittee.** The current subcommittee's chair's term of service on the committee will end in August. The remaining members were asked to send nominations for a new chair to the staff liaisons by June 1 and an election of a new chair will take place at the June meeting.

*Committee Chair: Ann Martin, Regis University*

*Staff Liaisons: Jennifer Fraser, Academic and Membership Affairs*

*Maritza Jones, Academic and Membership Affairs*

*Meeting Dates: March 23-24, 2009*