

**REPORT OF THE
NCAA DIVISION II LEGISLATION COMMITTEE
NOVEMBER 2-3, 2011, MEETING**

Participants:

Curtis Campbell, Stillman College
Sarah Hebbard, Pfeiffer University
Dean Johnson, Caldwell College
Eliane Kebbe, South Atlantic Conference
Dan Kenney, University of North Carolina at Pembroke
Jill McCartney, Washburn University of Topeka, chair
Frances Nee, Indiana University of Pennsylvania
Jay Newton, University of Southern Indiana
Charles Pinckney, Livingstone College
Carol Rivera, California Collegiate Athletic Association
Ann M. Traphagen, Augustana College (South Dakota)
Christina Whetsel, Angelo State University
Amanda Conklin, NCAA
Jennifer Fraser, NCAA
Stephanie Smith, NCAA
Kelley Sullivan, NCAA
Jill Waddell, NCAA

Rick Cole, Dowling University, participated in a portion of the meeting via teleconference.

Maritza Jones, NCAA Consultant; Binh Nguyen, NCAA; Terri Steeb-Gronau, NCAA; Chris Strobel, NCAA; and Gregg Summers, NCAA, attended portions of the meeting.

ACTION ITEMS.

1. Legislative Action Items.

a. 2013 NCAA Convention Legislation – NCAA Bylaw 16.1.4.4 – Awards and Benefits – Purchase Restrictions – Student Contribution to Purchase.

- (1) Recommendation. Sponsor legislation for the 2013 NCAA Convention to amend NCAA Bylaw 16.1.4.4 (student contribution to purchase) to permit a student-athlete to make financial contributions to the purchase of an award up to the legislated limits in Bylaw 16.
- (2) Effective Date. August 1, 2013.

- (3) Rationale. Current legislation precludes a student-athlete from making a financial contribution to the purchase of an award regardless of whether the value of the award remains within the legislated limits or the student-athlete's contribution would cause the award to exceed the limits set forth in Bylaw 16. Permitting a student-athlete to contribute to the purchase of an award, provided the contribution does not cause the award to exceed the limits set forth in the legislation, provides flexibility for conferences and institutions while maintaining the integrity of the legislated limits on the value of awards. Financial constraints may limit the value of an award that an institution or conference can provide to its student-athletes, especially in situations involving large teams. Permitting student-athletes to contribute to the purchase of their awards ensures that those individuals are able to commemorate their accomplishments when institutional or conference resources are limited.
- (4) Estimated Budget Impact. Institutional budget impact will vary.
- (5) Student-Athlete Impact. Will vary.

b. Noncontroversial Legislation – Ease of Burden Initiative – NCAA Convention Proposal No. 2012-13 – Recruiting – Recruiting Materials – Printed Recruiting Materials, Electronic Media and Electronic Transmissions – Permissible Timing and Number of Recruiting Materials – During the Conduct of Athletics Contest.

- (1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.4.5 (electronic transmissions) to specify that electronically transmitted correspondence to a prospective student-athlete [or the prospective student-athlete's relatives or legal guardian(s)] may not be sent during the conduct of any of the institution's intercollegiate athletics contests in that sport from the time the institution's team reports on call at the competition site at the directions of the coach until the competition has concluded and the team has been dismissed by the coach.
- (2) Effective Date. June 15, 2012; for any prospective student-athlete entering his or her junior year in high school June 15, 2012, and thereafter.
- (3) Rationale. If the membership adopts Proposal No. 2012-13, it will become permissible for coaches to communicate with prospective student-athletes via text, instant messaging and other forms of electronic communication that were previously impermissible provided certain requirements are met. In addition, coaches will be permitted to begin

contacting prospective student-athletes via these modes of communication earlier. This noncontroversial change will ensure that a coach's focus is not diverted from his or her current student-athletes by the pressure to communicate with prospective student-athletes during the conduct of an institution's intercollegiate athletics contest. This recommendation is consistent with the prohibition of telephone calls to a prospective student-athlete during the conduct of an athletics contest per Bylaw 13.1.3.2.1 (during conduct of athletics contest).

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Noncontroversial Legislation – Ease of Burden Initiative – Bylaw 14.2.4.2.3 – Eligibility – Participation in Organized Competition Before Initial Collegiate Enrollment – Notification of Organized-Competition Legislation – NCAA Eligibility Center.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 14.2.4.2.3 (notification of organized-competition legislation) to specify that the NCAA Eligibility Center shall provide information regarding the organized competition legislation following a prospective student-athlete's registration.

(2) Effective Date. August 1, 2012; for any prospective student-athlete who registers with the NCAA Eligibility Center on or after August 1, 2012.

(3) Rationale. One of the themes that emerged from the 2010 NCAA Division II Chancellors and Presidents Summit was the need to ease the compliance and financial burdens that current regulations place on Division II intercollegiate athletics. Data from the NCAA Eligibility Center suggests that prospective student-athletes are often registering with the NCAA Eligibility Center prior to an institution initiating recruitment. Shifting the notification requirement regarding the organized-competition legislation from the institution to the NCAA Eligibility Center will ease the burden on institutional compliance administrators that are responsible for ensuring that the information has been received prior to a prospective student-athlete signing a National Letter of Intent or written offer of admission or financial aid. The NCAA Eligibility Center is supportive of this change.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

d. Noncontroversial Legislation – Bylaw 17.22.8-(b)-(2) – Playing and Practice Seasons – Out-of-Season and Nonchampionship Segment Athletically Related Activities – Exception – Intercollegiate Tennis Association (ITA).

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 17.22.8-(b)-(2) to specify that a student-athlete's practice for or participation in the Intercollegiate Tennis Association (ITA) National Indoor Championship is not considered part of the institution's declared nonchampionship segment, provided the student-athlete qualifies for the event.

(2) Effective Date. Immediate.

(3) Rationale. In 2005, noncontroversial legislation was adopted to specify that a student-athlete's practice for or participation in the ITA's National Small College Championships is not considered part of the institution's declared nonchampionship segment. During the month of October, the ITA National Small College Championships annually crowns men's and women's singles and doubles national champions in each of the ITA's four small college divisions (NCAA Divisions II and III, NAIA and junior/community college). The champions of Small College Championships qualify for the ITA National Indoor Championship which takes place after the conclusion of most institution's declared nonchampionship segment. Due to a lack of understanding of the ITA structure, the additional participation opportunity was omitted when Proposal No. NC-2005-20 was adopted. For the past several years, waivers have been granted to permit these student-athletes to participate in the indoor championship based on student-athlete well-being and the unique opportunity the event provides.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. The student-athletes that win the ITA Small College Championship would be permitted to participate in the indoor championship without receiving a waiver.

e. Incorporation of Interpretation into the Division II Manual – Recreational Activities During Official or Unofficial Visit.

- (1) Recommendation. Incorporate the following interpretation into the Division II Manual:

Recreational Activities During Official or Unofficial Visit. The Division II Legislation Committee determined that during an official or unofficial visit, a prospective student-athlete may participate in recreational activities in a facility (on- or off-campus) that is not open to the general public (e.g., campus recreation center, golf course, swimming pool), provided such activities are not organized or observed by members of the athletics department coaching staff (including strength and conditioning coaches) and are not designed to test the athletics abilities of the prospective student-athlete. Further, in situations in which there is a fee associated with the use of the facility (e.g., guest fee at a private facility used by the institution for practice or competition, admission fee for open swim session at institutional recreation center), a prospective student-athlete shall pay the going rate associated with the use of that facility. [References: Division II Bylaws 12.1.2.1.6 (preferential treatment, benefits, or services), 13.2 (offers and inducements), 13.6 (official (paid) visit), 13.7 (unofficial (nonpaid) visit) and 13.11.2.3 (recreational activities)]

- (2) Rationale. Incorporating the interpretation into the legislation eliminates the need for institutional staff members to search for what activities are permissible during official and unofficial visits.
- (3) Estimated Budget Impact. None.
- (4) Student-Athlete Impact. None.

2. Nonlegislative Action Items.

a. Legislative Referral to Other Division II Committee – Ease of Burden Initiative.

- (1) Recommendation. That the NCAA Division II Management Council refer the following concept to the NCAA Division II Academic Requirements Committee for its review and possible action:

Bylaw 15.02.4.3 (exempted institutional financial aid – academic awards). Whether the Division II membership should consider amending the legislation to eliminate the required criteria for exempting academic

awards from a student-athlete's full grant-in-aid or cost of attendance and the institution's financial aid limitations; further, to permit institutions to exempt all academic awards provided they are awarded in accordance with institutional policy.

- (2) Rationale. During discussions regarding the Ease of Burden initiative, it was suggested the membership consider whether eliminating the required criteria, and permitting institutions to exempt all academic awards provided they are awarded in accordance with institutional policy, would reduce the burden on senior compliance administrators and financial aid officers when determining a student-athlete's financial aid package. If the additional criteria are eliminated, institutions would only have to determine if the academic award was provided in accordance with institutional policy for academic awards for all students, and would not have to take the additional step of determining if the academic award meets additional specified criteria.
- (3) Estimated Budget Impact. Will vary. Institutions would be permitted to exempt academic awards provided in accordance with institutional policy.
- (4) Student-Athlete Impact. May provide student-athlete's with additional opportunities to receive institutional financial aid without that aid counting towards the individual or team's financial aid limits.

b. Legislative Referral to Other Division II Committee – Ease of Burden Initiative.

- (1) Recommendation. That the Management Council refer the following concept to the Academic Requirements Committee for its review and possible action:

NCAA Constitution 3.2.4.10 (academic success rate) and 3.2.4.11 (academic performance census). Whether the Academic Success Rate (ASR) and Academic Performance Census (APC) could be combined into one reporting requirement once cohorts align; further whether the due date for both reports should be adjusted to ease the burden on compliance administrators.

- (2) Rationale. All the information requested in the ASR is already gathered in APC. Therefore, once the cohorts sync, ASR should be eliminated. It is recommended that both reports be due 15 weeks after the start of the fall semester. The June 1 deadline of ASR is difficult as it is a very busy time

for compliance administrators (end of school year, Institutional Self-Study Guide deadline, Regional Rules Seminars).

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. None.

c. Referral to Other NCAA Committee – Ease of Burden Initiative.

(1) Recommendation. That the Management Council refer the following concept to the NCAA Committee on Women's Athletics for its review and possible action:

NCAA Gender-Equity Reporting. Whether deadlines and reporting requirements for the federal Equity in Athletics Disclosure Act (EADA) survey and the gender-equity reporting could be aligned.

(2) Rationale. Both surveys gather similar information that is often duplicative. The federal survey is due in October, while the NCAA survey is due in January. Institutional administrators spend significant time preparing for these submissions. Time and resources could be alleviated if both reports were aligned in terms of data requested and due dates.

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. None.

d. Referral to Other Division II Committee - Ease of Burden Initiative.

(1) Recommendation. That the Management Council refer the following concept to the NCAA Division II Championships Committee for review and possible action:

Bylaw 31.2.1.7.1 (midseason eligibility verification form). Whether the Division II membership should amend legislation to eliminate the requirement that an institution must submit a midseason eligibility verification form.

(2) Rationale. This form is required three times per year (for each sport season) and includes information that is already provided in an institution's squad list. Eliminating the form or requiring only teams that

participate in championships to submit the form would reduce the burden on compliance administrators.

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. None.

e. Referral to Other Division II Committee - Ease of Burden Initiative.

(1) Recommendation. That the Management Council refer the following concept to the Championships Committee for review and possible action:

Code of Conduct Form. Whether the code of conduct form could be made available online in an editable format in order to ease the burden on institutional personnel.

(2) Rationale. Currently the code of conduct form is only available in PDF format. It would ease the burden on institutional personnel if it was available as a Microsoft Word document, or if institutions could just type the form online.

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. Legislation Committee Recommendations Regarding the Ease of Burden Review.

The committee continued its review of NCAA Division II legislation, procedures and processes in an effort to ease the compliance burden on Division II intercollegiate athletics.

The committee made the following recommendations to the staff:

a. Review due dates for reporting requirements. Reviewing due dates, including due dates for championships reporting, and ensuring that those due dates are appropriately staggered, will ease the burden on compliance administrators. The committee directed staff to bring a complete list of reporting requirements to a future meeting so the committee may begin to determine what changes are appropriate.

- b. Update compliance calendar and make it interactive. The compliance calendar is an excellent resource for compliance administrators to keep track of their duties. There are updates that can be made to make the document an all-inclusive document as it relates to NCAA requirements. In addition, making the compliance calendar interactive (e.g., provide links directly to database, allow institutions to add institutional or conference due dates) will further assist compliance coordinators. The committee directed the staff to provide an updated version of the compliance calendar for review at the March in-person meeting.
- c. Provide Ease of Burden updates through NCAA communication platforms. The committee recommended that changes to procedures and processes that ease the burden on Division II intercollegiate athletics be highlighted on the NCAA website and through NCAA News. Changes to procedures and processes may not be as readily evident to the membership because they do not result in legislative proposals. The committee wants to ensure that all of the division's efforts to ease the burden are recognized and communicated to the membership.
- d. Keep Academic Success Rate (ASR) reporting open all year or make it available for a longer period of time. Currently the ASR reporting process is only available for a few weeks. Providing compliance administrators the opportunity to begin entering information earlier will allow those individuals to complete the process more conveniently as their schedule allows. The research staff will review this recommendation and consider making updates and adjustments to the system right after the submission deadline rather than in the summer in order to make the process available for an extended period of time.
- e. Make ethnicity and residence status consistent among all reporting requirements. NCAA reporting requirements differ slightly as to the options available for selecting ethnicity and residence status. The committee referred this issue to the research staff for review and recommended that this information be made standard for all NCAA reports.
- f. Refer recommendations regarding upgrades to Compliance Assistant. During the ease of burden review, a number of upgrades to the Compliance Assistant software have been recommended by the membership. The committee referred the recommendations to the staff and asked that the feasibility of implementing the recommended changes be reviewed.
- g. Refer review of streamlined appeals to NCAA waiver teams. Review methods for streamlining appeals processes for waivers. The guidelines for "common sense" appeals should be amended to reduce the amount of paperwork necessary for submitting a waiver (e.g., see process for intercept cases).

- h. Enhance the AMA Online Case Management System to be able to submit secondary violations. With the move to a single-source sign-on system, institutions would benefit by also being able to submit their secondary violations through AMA Online. The enforcement staff is currently working on developing a system for submitting secondary violations and will take the committee's recommendation under advisement.
- i. Make compliance forms available online. The NCAA staff accommodated this request, and released the 2011-12 compliance forms through an online system. The committee directed staff to amend some language on the forms, and address any "bugs" in the online system.
- j. Make the compliance resources on the Division II website available in a format that can be downloaded and used by institutions. Currently, forms are available only in PDF format. Therefore, institutions may only use the example forms as a guide when creating an institutional form. Providing the forms in Microsoft Word, allows institutions to modify the forms without much of a time commitment. The staff agreed to consult with legal counsel before proceeding.
- k. Collaborate with National Association of Athletics Compliance (NAAC) to develop best practice documents. The committee recommended working with NAAC to develop best practice documents that would assist compliance administrators with their duties. Compliance administrators in Division II have to balance multiple duties at the same time. In addition, there are certain "peak times" during the academic year when compliance administrators have an increased workload (e.g., start of the academic year). By creating and making widely available resources or best practices, compliance administrators would benefit significantly. For example, some institutions have created videos to be used for initial meetings with student-athletes that assist with education of those new athletes and also with completing paperwork. This is an excellent example of a resource that could alleviate some compliance burdens for compliance administrators. In addition, developing a model compliance administration document, similar to the model athletics department document, could be beneficial to compliance administrators.
- l. Increase the number of cross references in the Division II Manual. Many times compliance administrators would be assisted if the Manual would cross-reference sections. The committee directed staff to keep this recommendation in mind when drafting legislation in the future.
- m. Educate on the availability of electronic request to archive interpretations in LSDBi. Discussions with the membership yielded a recommendation that staff

conduct a thorough review of interpretations in LSDBi. In response to that request, the committee directed staff to educate the membership regarding the opportunity to submit a request to archive an interpretation or educational column in LSDBi. This information should be communicated in the NCAA Division II Conference Commissioners Association newsletter and posted in an LSDBi announcement.

2. **Review of 2012 Convention Legislation and the Legislative Proposal Question and Answer Guide.** The committee reviewed the 2012 Convention proposals and the Legislative Proposal Question and Answer Guide in an attempt to resolve all possible questions prior to the 2012 Convention Division II business session January 14, 2012. Staff provided the committee with an update on the release of the Question and Answer Guide. The Question and Answer Guide for the Strategic Membership Growth Package and the Sickle Cell Solubility Testing proposal will be released to the membership November 18. The final version of the guide for the 2012 Convention will be available January 4, 2012, and will only be produced electronically.
3. **Recommendations Regarding NCAA Division II Coaches Certification Test.** The committee reviewed options and feedback regarding the administration of the NCAA Division II Coaches Certification Test and recommended maintaining the test in its current format for the 2012-13 academic year. However, the committee directed staff to increase the number of questions in the test bank and to maintain the requirement that an individual outside the athletics department proctor the exam. The committee also recommended decreasing the number of questions and eliminating the answers to the questions that appear on the practice exam. The committee suggested reviewing the possibility of incorporating video education materials into the practice and/or actual exam in future years.
4. **Review of Recruiting/Scouting Service Frequently Asked Questions Document.** The committee reviewed the second draft of an educational resource document related to recruiting and scouting services. In 2006, a similar document was created and distributed to the membership. Since that time, the landscape of recruiting and scouting services has changed causing the document to become antiquated. The committee provided feedback and added questions to the document. The committee will review a final draft of the document for approval at a future meeting.
5. **Review of NCAA Regional Rules Seminar Division II Topics.** The committee reviewed the tentative schedule for Division II topics to be presented at the 2012 NCAA

Regional Rules Seminar. The committee recommended including a financial aid session and a session regarding best practices for working with the NCAA Eligibility Center.

6. **Discussion of Removing Bylaw 21 (Committees) from the NCAA Division II Manual.** The committee discussed a recommendation regarding Bylaw 21 that emerged from the NCAA staff's Manual Consistency Project. The staff recommended that Bylaw 21 be eliminated from the Manual in its entirety, with its provisions being moved to a committee handbook, which would be overseen and maintained by the Management Council with the assistance of the staff. The committee took no action on the recommendation.
7. **Review of the NCAA Division II Legislation Committee Policies and Procedures.** The committee reviewed its conflict of interest policy for informational purposes. The committee also reviewed the policies and procedures related to the duties and responsibilities of the NCAA Legislative Review Subcommittee of the Division II Legislation Committee. A Legislative Review Subcommittee meeting was not conducted in conjunction with the November meeting in an effort to determine whether the subcommittee's duties should be adjusted to avoid duplication of efforts by the subcommittee and the full committee. The subcommittee's duties will be reviewed by the full committee at a future meeting.
8. **Review of Minutes Issued by the NCAA Interpretations Subcommittee of the Division II Legislation Committee.** The committee approved the July 11 and October 3 minutes of the Interpretations Subcommittee.
9. **Subcommittee Appointments.** The committee took the following actions regarding subcommittee appointments:

The Legislation Committee appointed Curtis Campbell, Stillman College and Ann Traphagen, Augustana College (South Dakota) to the Interpretations Subcommittee. The committee also appointed Charles Pinckney, Livingstone College to the Legislative Review Subcommittee.

Committee Chair: Jill McCartney, Washburn University of Topeka

Staff Liaisons: Amanda Conklin, Academic and Membership Affairs

Jennifer Fraser, Academic and Membership Affairs

Stephanie Smith, Academic and Membership Affairs