

AGENDA

National Collegiate Athletic Association Division II Presidents Council

Microsoft Teams Videoconference

October 28, 2020 11 a.m. to 3:30 p.m. Eastern Time

- 1. Welcome and announcements. [Supplement No. 1] (Sandra Jordan)
- 2. Discussion with Mark Emmert, NCAA President, and Donald Remy, NCAA Chief Operating Officer and Chief Legal Officer.
- 3. Sport Science Institute update. [Supplement No. 2] (Brian Hainline and John Parsons)
- 4. Minutes. (Jordan)
 - a. Summer 2020 Management Council and Presidents Council meetings. [Supplement No. 3] (*Action*)
 - b. Administrative Committee. [Supplement No. 4] (Action)
 - c. Board of Governors. [Supplement No. 5]
- 5. Vice chair report. (Allison Garrett)
 - a. August 4 Planning and Finance Committee report. [Supplement No. 6]
 - b. September 24 Planning and Finance Committee report. [Supplement No. 7] (Action)
 - c. Fiscal year 2019-20 year-end unaudited budget-to-actual report. [Supplement No. 8]
- 6. Management Council report from October 19-20 meeting. (Chris Graham)
 - a. 2021 NCAA Convention items.
 - (1) Business session order of proposals. [Supplement No. 9] (Action)
 - (2) Suggested speakers for the 2021 Convention legislation. [Supplement No. 10]

- b. Presidents Council-sponsored legislation for the 2022 Convention. [Supplement No. 11] (Action)
- c. Other action items. [Supplement No. 12] (Action)
- d. Informational items. [Supplement No. 13]
- 7. Division II Presidents Council issues.
 - a. Chair election. [Supplement No. 14] (Garrett) (Action)
 - b. Presidents Council terms of service by expiration date. [Supplement No. 15] (Jordan)
 - c. Discussion regarding Presidents Council legislative authority. [Supplement No. 16] (Karen Wolf)
- 8. Division II updates.
 - a. 2020-21 Division II Priorities. [Supplement No. 17] (Terri Steeb Gronau)
 - b. Division II Convention Planning Project Team. [Supplement No. 18] (Maritza Jones)
 - c. Division II Enforcement and Infractions Task Force. [Supplement No. 19] (Garrett)
 - d. 2020 Report of NCAA Division II Directors of Athletics Executive Summary. [Supplement No. 20] (Haydyn Gibson)
 - e. Gallup Study of NCAA Student-Athletes: Undergraduate Experiences and Post-College Outcomes. [Supplement No. 21] (Lydia Bell)
- 9. Other business. (Jordan)
- 10. Future meetings. (Jordan)
 - a. January 11-15, 2021, in conjunction with the 2021 NCAA Convention.
 - (1) January 12 Division II Presidents Council/Management Council/Student-Athlete Advisory Committee meeting (10 a.m. to 12:30 p.m. Eastern time)
 - (2) January 12 Division II Presidents Council meeting (1 to 5 p.m. Eastern time)

- (3) January 14 NCAA Plenary Session State of College Sports (timing to be determined)
- (4) January 15 Division II Business Session (11 a.m. to 1 p.m. Eastern time)
- b. April 28, 2021, virtual meeting; timing to be determined.
- c. August 3-4, 2021, virtual meeting; Indianapolis.
- d. October 25-27, 2021, in-person meeting; site to be determined.
- e. January 19-22, 2022, in conjunction with 2022 NCAA Convention, Indianapolis.
- 11. Adjournment. (Jordan)





2020 NCAA Division II Presidents Council Roster

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Core Principles of Resocialization of Collegiate Basketball

As indicated below, these materials are intended as a resource for member schools to use in coordination with applicable government and related institutional policies and guidelines, and they remain subject to further revision as available data and information in this space continue to emerge and evolve. This document addresses basketball only, and future documents will address other winter sports. Unless stated otherwise (for example, testing recommendations), the guidance from Resocialization of Collegiate Sport: Developing Standards for Practice and Competition (Resocialization Standards) remains in place; athletics personnel are encouraged to review this document.

Introduction

The Resocialization Standards focused on the development of standards for practice and competition. Importantly, basketball was listed as a high contact risk sport with regard to COVID-19. Further, outdoor training was noted to be preferred over indoor training with good ventilation where feasible, and indoor training with good ventilation was noted to be preferred over indoor training with poor ventilation. This document serves as an update to the third publication, with a singular focus on basketball.

The information in this publication was developed in consultation with the NCAA COVID-19 Medical Advisory Group, which includes team physicians; infectious disease and public policy experts; representatives from the membership; and representatives from the NCAA COVID-19 Advisory Panel, National Athletic Trainers' Association, American Medical Society for Sports Medicine, the National Medical Association, the Autonomy-5 Medical Advisory Group, and the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. While the federal government has not yet published uniform federal guidance related to certain practices like diagnostic testing protocols, contact tracing and surveillance, these groups have, through their continued review and evaluation of available research data, anecdotal evidence and related analysis and discussion, identified certain practices that should be highlighted for more focused consideration by member schools. While the materials encourage consideration of various factors and actions, they do not speak to every possible scenario, and in no event should members fall below national or applicable public health standards set by their local or state communities.

As with prior NCAA publications, the materials are meant to be consistent with guidance published by the federal government and its health agencies. This document reflects the relevant scientific and medical information available at the time of print. These materials should not be used as a substitute for medical or legal advice. Rather, they are intended as a resource for member schools to use in coordination with applicable government and related institutional policies and guidelines, and they remain subject to further revision as available data and information in this space continue to emerge and evolve.

Behavioral Infection Risk Mitigation

Even with frequent testing for COVID-19, the most important risk mitigation strategy remains a combination of daily self-health checks, physical distancing, universal masking and hand sanitization. The <u>Centers for Disease Control and Prevention recommendations</u> include the following for proper wearing of face masks:

- Wash your hands before putting on your mask.
- Put it over your nose and mouth and secure it under your chin.
- Try to fit it snugly against the sides of your face.
- Make sure you can breathe easily.
- Masks with exhalation valves or vents should not be worn to help prevent the person wearing the mask from spreading COVID-19 to others (source control).

Basketball student-athletes and all athletics staff personnel who interact with the athletes should be appropriately educated about and actively participate in mitigation of COVID-19 infection through proper behavior at all times. Time away from athletics, especially social events, may be riskier than sport; therefore, all basketball athletes and staff should be vigilant at all times.

Testing Update

Two testing paradigms dominate the United States market at present. There continues to be no national testing standard, and testing availability remains problematic for certain tests and in certain parts of the country. We have attempted to highlight and summarize some of the considerations around recent advances in testing below but encourage all schools to work closely with applicable medical personnel to evaluate and discuss the benefits and limitations of each of these alternatives before deciding on a specific testing strategy. Further, schools are encouraged to proactively pursue discussions with local hospitals and/or local CLIA-certified labs. (The Clinical Laboratory Improvement Amendments regulate laboratory testing and require clinical laboratories to be certified by the Centers for Medicare and Medicaid Services before they can accept human samples for diagnostic testing.)

Nucleic Acid Amplification Tests

Nucleic acid amplification tests, including polymerase chain reaction, are considered the standard against which other tests are evaluated. This technology amplifies the RNA of the SARS-CoV-2 virus, thereby allowing detection of minimal quantities of virus particles. Samples are obtained via nasopharyngeal, oropharyngeal, or nasal swabs, or by collection of saliva. Traditionally, PCR tests were limited by the following:

• Proper collection, including personal protection equipment for those obtaining samples.

- Reagent availability for test completion.
- Laboratory and personnel capacity.
- Cost (approximately \$100-\$150 per test).

When access to a dedicated laboratory is not a challenge, and there are no public health contraindications to performing tests on asymptomatic or minimally symptomatic individuals, turnaround time for testing can be within 24 hours. However, due to lab access and other challenges, PCR lab-based testing in the general population will often have a turnaround time of more than 72 hours. Delayed turnaround can limit the utility of testing, especially when the individual being tested is not living within a bubble that minimizes the risk of disease transmission.

Two advances have improved PCR testing availability and turnaround time:

- 1. Saliva PCR testing that bypasses traditional nucleic acid extraction/reagent.
 - a. SalivaDirect was developed in partnership with Yale University and the National Basketball Association and was issued an emergency use authorization from the U.S. Food and Drug Administration on Aug. 15. SalivaDirect uses the collection of saliva in a container that does not require nucleic acid preservatives at sample collection, and it replaces nucleic acid extraction with a simple step that does not require reagents that may be in short supply. Therefore, use of SalivaDirect can help bypass resource risks related to sample collection and bottlenecking of reagent supply. SalivaDirect is a protocol, not a kit, and does require an authorized lab (meaning it is not point-of-care testing). This testing methodology can be performed using several common and available reagents. Any high complexity CLIA-certified lab within the Unites States may become authorized to use SalivaDirect through a submission process. Turnaround time for testing depends on the working arrangement with the lab and its dedicated personnel and lab infrastructure. The time will be highly reliant on laboratory automation. The estimated cost is \$5 per test, although commercial labs may charge up to \$30 per test. Researchers at the University of Illinois at Urbana-Champaign developed a similar saliva-based PCR test, which is being used for frequent testing of students, faculty and staff. The university's dedicated lab can process 1,000-2,500 tests every four hours. The SalivaDirect test is projected to have widespread availability over the next several weeks. More information about SalivaDirect protocol and lab authorization can be found here and on the FDA website.
 - b. Ambry Genetics offers a program that includes saliva-based PCR tests that can be self-collected as part of its broader CARE for COVID program, and results can be delivered within a fast turnaround through a portal compliant with federal privacy laws on the release of medical information. PCR tests can be further expedited through custom critical delivery services to meet the turnaround time necessary for each school or conference. More information about Ambry Genetics can be found here and on the FDA website.

2. Molecular-based point-of-care tests use PCR but do not require transport to a dedicated lab. Rather, the tests are performed on-site with a dedicated machine and test kits. Abbott ID NOW is another product issued an emergency use authorization and is a prototype for this type of test. Such testing requires oversight of a CLIA-certified physician (for example, a team physician who obtains the certificate), and testing can be performed by properly trained individuals who report to the CLIA-certified physician. The test kit includes a dedicated nasal swab, and tests are run individually, taking about 15 minutes per test. Each instrument costs \$5,000, and test kits cost \$41 per test. Given the individual nature of testing, use of this method likely would require five to seven instruments per school. Abbott ID NOW is currently not widely available and is approved for use with symptomatic individuals only (meaning testing asymptomatic individuals would be "off-label"). Production increases may lead to more widespread availability in November or December. More information about the test can be found here and on the FDA website.

Antigen Testing

Unlike nucleic acid amplification tests, antigen testing is performed by identification of an inner nucleocapsid protein of the virus using a fluorescent immunoassay. This means that the number of viral particles per sample must be substantially higher than PCR testing (thereby possibly increasing false negative tests). Although specificity in symptomatic individuals is high (thereby decreasing false positive tests), false positive test rates in asymptomatic populations is less well understood for antigen testing. Antigen testing is used with point-of-care instruments and/or test kits. Antigen testing that has been approved or is on the horizon includes the following:

- 1. Quidel Sofia/Sofia 2 is FDA authorized for emergency use and includes the analyzer and test kits. The most common pathway for obtaining the instruments and test kits is through a partnership with distributors who also may provide clinical services, although there are active discussions to centralize purchasing of instruments and test kits. The Department of Health and Human Services has purchased the majority of available Sofia instruments and test kits, and the next major shipment is expected in November. There may be alternative pathways before November, and we will provide additional updates as they become available. More information about Sofia/Sofia 2 can be found here and on the FDA website.
- 2. Abbott BinaxNOW is a newly released antigen test with emergency use authorization. The test does not require an instrument, but rather is a simple folding card test kit with nasal swab that provides a yes or no result in 15 minutes. A kit content is 40 test cards and nasal swabs. The cost is \$200 for 40 cards, meaning \$5 per test. This test requires CLIA physician oversight, similar to Sofia. HHS purchased 150 million test kits, and Abbott can produce 50 million per month beginning in October. Therefore, widespread availability is expected to begin around January. More information about BinaxNOW can be found here and on the FDA website.

3. Other point-of-care antigen tests are expected to enter the U.S. market in late November or December, including Quest Diagnostics, E25Bio and BD Veritor tests, as well as additional offerings through the Ambry CARE for COVID program. We will provide additional updates on emerging point-of-care antigen tests as they become available.

Testing Protocols

Training and competing in basketball require frequent, sustained close contact among players, coaching and other essential staff, and officials in an indoor setting. Schools are encouraged to proactively define those individuals who constitute the "inner bubble" (Tier 1), which includes student-athletes and essential basketball personnel whose job function requires direct access to players on a regular basis, specifically close contact (6 feet or less) for 15 minutes or more, as per CDC guidance. Tier 1 individuals may differ from school to school (for example, some coaches maintain physical distancing at all times and therefore are not part of Tier 1). Tier 1 individuals are considered to be at higher risk of becoming infected with COVID-19 if any other individual in the group is contagious and masking/physical distancing has not been maintained. The situation is further compounded because the nature of basketball makes it challenging to train in functional units (as described in the Resocialization Standards).

A typical basketball team has 15 players, all of whom typically train on a single basketball court at the same time in an enclosed space. Generally speaking, it is expected that the total number of Tier 1 individuals within a team would approximate 25-30. If any Tier 1 individual becomes infected, schools should consider quarantining the entire team, including coaching staff and other essential personnel who are part of Tier 1, for 14 days, provided determinations around who must be quarantined are ultimately the jurisdiction of applicable public health officials. At present, there is not a recommendation for consideration of testing out of quarantine.

Surveillance vs. Symptomatic Testing

If an individual has symptoms suggestive of or consistent with COVID-19, symptomatic testing performed via PCR is suggested. For asymptomatic surveillance screening during countable athletically related activities, the preseason, regular season and postseason, testing should be considered as outlined below via PCR or antigen testing.

Of note, <u>CDC guidance</u> provides that individuals who previously tested positive for COVID-19 do not need to quarantine or get tested again for up to three months (for example, even after a high-risk exposure) as long as they do not develop symptoms again. However, if such individuals develop symptoms consistent with COVID-19, they require reevaluation and may need to be tested again if there is no other cause identified for their symptoms.

Countable Athletically Related Activities

Based on the basketball start-of-season model adopted by the Division I Council, countable athletically related activities, also referred to as the transition period, run Sept. 21 through Oct. 13, 2020. During the period when countable athletically related activities are occurring but before the preseason begins, surveillance testing should be considered for 25%-50% of student-athletes and Tier 1 individuals every two weeks if physical distancing, masking and other protective features are not consistently maintained, plus additional testing for symptomatic and high contact risk individuals. This is consistent with the Resocialization Standards.

Preseason

Based on the basketball start-of-season model adopted by the Division I Council, the preseason period begins Oct. 14 and ends Nov. 24. During the preseason, it is anticipated that physical distancing and masking will be compromised. However, if there are no scrimmages with outside teams, student-athletes and other Tier 1 individuals will not be interacting with individuals outside the member school environment during practice. Based on this expectation, testing should be considered weekly for all Tier 1 individuals during this time. This is consistent with the Resocialization Standards. If scrimmages occur with outside schools, then the testing protocol for the regular season and postseason should be considered.

Regular-Season and Postseason Competition

Based on the basketball start-of-season model adopted by the Division I Council, the regular season begins Nov. 25. Because of the frequency of games and travel, coupled with the risk of infection in basketball, it is suggested that COVID-19 testing occur three times per week on nonconsecutive days for Tier 1 individuals during the regular season and postseason competition periods. It is suggested that the three-time-a-week testing begin one week before the first competition.

Even though some tests may be less sensitive and more prone to false negative results than others (for example, antigen vs. lab-based PCR), the frequency of testing decreases considerably the mathematical odds of the same individual obtaining a false negative test repeatedly. However, because false positive tests are more likely to occur in asymptomatic populations, schools may want to consider performing a confirmatory PCR test with any asymptomatic individual who tests positive.

As identified in the Resocialization Standards publication, game officials should be considered Tier 1 individuals during the regular season and postseason such that the same frequency of testing would be suggested for them. Schools should arrange for testing paradigms that make the most sense locally.

Membership is encouraged to work closely with school and conference medical and operations personnel to proactively identify and arrange for necessary testing paradigms that can be adequately supported through available school, local and conference resources.

Practice Without Competition

For schools that are holding basketball practice but are not competing against other schools, it is suggested that testing be performed as per the preseason recommendations.

Quarantine and Isolation Considerations

Tier 1 Individuals With High Risk Exposure

When a Tier 1 individual tests positive, it is suggested that all other Tier 1 individuals quarantine as soon as the results are known for a period of 14 days, with contact tracing beginning immediately to determine who was subject to a high-risk exposure. Ultimately, the applicable public health officials have jurisdiction to make these determinations. Schools can consider the need for and potential benefit of training on-site personnel in contact tracing through accepted courses such as the Coursera class, as access to additional trained staff can be an invaluable contact tracing resource with respect to institutional risk-management efforts and resources.

Exercise While in Quarantine

Consistent with the Resocialization Standards, it is suggested that student-athletes who are placed in quarantine for high risk contact but who are not infected with COVID-19 be permitted to exercise individually if such exercise does not cause cardiopulmonary symptoms. If individual exercise is performed outside, schools should consider monitoring all such outdoor activities to ensure physical distancing and masking as appropriate, and such exercise should be consistent with applicable public health official guidance. Group exercise is not recommended. It is suggested that all student-athletes placed in quarantine be monitored for the development of symptoms and undergo testing if symptoms develop.

Isolation and Return to Sport for Infected Individuals

It is suggested that schools continue to consider the isolation and return-to-sport guidance provided in the Resocialization Standards for individuals who test positive, including those considerations related to <u>cardiac testing</u>.

The Basketball Bench

The basketball bench has historically involved most Tier 1 individuals sitting or standing in close proximity to one another throughout the game. Because it is assumed that these Tier 1 individuals have tested negative and are already in close contact while on the court, it is not suggested that they must observe physical distancing and universal masking while on the bench. However, it is suggested that the basketball bench be physically separated from all other individuals who are not part of Tier 1. Logistics should be considered to address risks related to personnel who must be at the game but are not part of Tier 1. It is suggested that these individuals, referred to as Tier 2 individuals, including other essential basketball personnel who occasionally may need to be in close proximity to student-athletes and other Tier 1 individuals and who may need to access restricted areas periodically, observe masking and physical distancing at all times and be prevented from interacting with any of the basketball bench individuals unless physical distancing and masking are in place for all.

Similarly, other adjustments to address close contact risks within the bench area (for example, reduction/removal of unnecessary scoring, statistics and other paperwork, moving the scorers' table to the opposite side of the court, etc.) also are encouraged where feasible, provided it is acknowledged that these types of adjustments may require further evaluation of existing rules.

Travel Considerations

Schools should continue to evaluate the current data regarding the risks and considerations identified in the Resocialization Standards related to commercial plane and other travel. These considerations include, among others, travel protocols that maximize the opportunity for physical distancing and call for universal masking for all individuals traveling; the availability of alternative travel by private car, van, chartered bus or chartered plane; proper communication of all travel rules, protocols and expectations to everyone in the travel party; prepackaged meals, room service, takeout and outdoor dining options as alternatives to inside restaurant dining; and, when feasible, traveling and playing on the same day to avoid overnight stays. In addition, schools should consider restricting the size of travel parties as much as possible, ideally requiring they are not greater than 30 individuals. Many states still have in place quarantine protocols that make travel impractical. Therefore, state and local guidelines must be considered before any anticipated travel for competition.

Considerations for Symptomatic Management During Travel

Schools should consider management strategies for student-athletes and other essential basketball personnel who travel for competition and become symptomatic after departure. Traveling teams should consider confirming, ahead of time, whether host schools have adequate on-site testing capabilities to address symptomatic athletes from either team and adequate health care resources to properly isolate and care for anyone who tests positive or is symptomatic. The traveling team also should consider, ahead of time,

necessary arrangements for proper return transport of infected, isolated and quarantined student-athletes and personnel, in each case in accordance with applicable state and local public health requirements.

Considerations Related to the Discontinuation of Athletics

Although at the time of this writing, reported data reflects that the <u>rate of spread of COVID-19</u> has been decreasing or has stabilized in many regions of the country, athletics departments and member schools should continue to consider the parameters for discontinuing athletics, as per Resocialization Standards and the related NCAA Board of Governors mandate. Despite reported improvements, local circumstances and risks may still create uncertainty around safety in high contact risk sports such that schools should continue to work with applicable public health officials and consider pausing or discontinuing athletics activities. Some examples of such local circumstances that might trigger a conversation with applicable public health officials:

- A lack of ability to isolate new positive cases or quarantine high contact risk cases on campus.
- Unavailability or inability to perform symptomatic, surveillance and pre-competition testing when warranted and as recommended in this document.
- Campuswide or local community test rates that are considered unsafe by applicable public health officials.
- Inability to perform adequate contact tracing consistent with governmental requirements or recommendations.
- Applicable public health officials stating that there is an inability for the hospital infrastructure to accommodate a surge in hospitalizations related to COVID-19.



FAQ: Principles of Resocialization of Collegiate Basketball and Testing Considerations for All Sports

These frequently asked questions have been developed in support of the release of the Core Principles of Resocialization of Collegiate Basketball (Basketball Guidelines), the fourth in a series of resocialization documents intended to provide guidance to the NCAA membership about issues arising from the COVID-19 global pandemic. The Basketball Guidelines update and extend, and in some cases replace, the guidance provided in the previous three documents (Core Principles, Action Plan, and Developing Standards).

As with prior NCAA publications, the materials are meant to be consistent with guidance published by the federal government and its health agencies. This document reflects the relevant scientific and medical information available at the time of publication. These materials are not and should not be used as a substitute for medical or legal advice. Rather, they are intended as a resource for member schools to use in coordination with applicable government and related institutional policies and guidelines and remain subject to revision as available data and information emerge and evolve.

Questions can be directed to SSI@ncaa.org.

Why are the Basketball Guidelines considered recommendations and not requirements?

When the Board of Governors elected to mandate the considerations described in the Developing Standards document, there was considerable uncertainty in this country regarding both unprecedented infection rates and accessibility to testing. Further, there were concerns related to student-athletes who did not wish to compete because of COVID-related health issues. In this setting, the Board believed that a mandate would expedite and facilitate membership's identification and establishment of a reasonable and consistent baseline standard related to in-season safety and student-athlete protection regarding scholarships and eligibility. We now have a better projection regarding testing availability and options and have obtained more information regarding sport and societal resocialization. In this fluid environment, the Board agreed that the Basketball Guidelines should serve as a guidance resource, especially as we continue to assess emerging science and infrastructure.

Are there specific recommendations for student-athletes who may leave and return to campus for holiday break?

Schools should consider how best to encourage all student-athletes to continue strict health/infection control precautions while on break. Because of the combination of travel and possible social interactions, it is important that student-athletes always observe infection mitigation behavior. When they return, it is anticipated that they will self-quarantine, re-enter normal school testing protocols, and have at least one negative test prior to re-entering athletics and participate in transition period activities, as applicable. A

prescribed quarantine period for student-athletes returning to campus is not specified as part of the Basketball Guidelines.

What if a school cannot obtain testing three times per week for indoor high transmission risk sports, or for outdoor high transmission risk sports and intermediate transmission risk sports where antigen testing is considered?

The suggestions described in the Basketball Guidelines are not intended to vary based on an institution's ability to access or obtain testing. Rather, each school is encouraged to work closely with applicable institutional medical/legal/risk management personnel to evaluate all available health and safety information and guidance and to make an informed decision about whether and to what extent identified risks can be appropriately addressed through any other alternative, in each case with an eye toward unique institutional considerations and applicable state and local health agency requirements.

Will there be different guidelines for schools that can limit competitions to a single state or region?

No. The Basketball Guidelines are intended to apply to all schools, regardless of where competitions will occur and whether competing teams are from nearby locations.

Do the testing protocols described in the Basketball Guidelines change if teams are scheduled for back-to-back games over the weekend?

No. Testing is recommended to occur three times per week on nonconsecutive days, regardless of when a team plays. If a team travels to a school and there is a CLIA certified location on site or nearby, testing can be pre-arranged to be performed at this location. It is recommended that conferences and schools make plans for such arrangements in advance. Otherwise, it is anticipated that testing would resume upon return to school, ideally with tests not separated by more than three days.

Has the NCAA COVID-19 Medical Advisory Group considered the possibility of PCR testing two times per week rather than antigen testing three times per week for indoor high transmission risk sports, especially given the differences in sensitivity?

The Advisory Group discussed this matter and concluded that even though PCR testing is more sensitive, schools should still consider testing three times per week for indoor high transmission risk sports using any combination of PCR and/or antigen testing. *See exception below for student-athletes in indoor high transmission risk sports who practice universal masking and adherence to infection risk mitigation during all training and competition.

C

Can you clarify the differences between Tier 1 and Tier 2 as described in the Basketball Guidelines? Are there other tiers?

A recently published article in the British Journal of Sports Medicine provides the following explanation of the use of these references:

Tier 1: This is the highest exposure tier and consists of individuals for whom physical distancing and face coverings are not possible or effective during athletic training or competition. Examples of relevant individuals include student-athletes, coaches, athletic trainers and physical therapists, medical staff, equipment staff and officials.

Tier 2: This is a moderate exposure tier and consists of individuals who come into close contact with Tier 1 individuals but can reasonably maintain physical distance and use face coverings. Examples of relevant individuals include certain team staff (e.g., executives) and certain operational staff (e.g., security, event staff and league staff).

Tier 3: This is the lowest exposure tier and includes individuals who provide event services but do not come into close contact with Tier 1 individuals (and should this occur, would be reclassified into Tier 2). Examples of relevant individuals include certain operational staff (e.g., housekeeping, catering, sanitation and transportation) and media/broadcast.

When a Tier 1 individual tests positive, it is suggested that all other Tier 1 individuals quarantine as soon as the results are known for a period of 14 days, with contact tracing beginning immediately to determine who was subject to a high-risk exposure. Does this mean that all Tier 1 individuals are immediately quarantined for 14 days, or does it mean that all Tier 1 individuals are immediately quarantined, and if contract tracing determines they did not have a high-risk exposure, they can return to activity?

It means that all Tier 1 individuals are immediately quarantined for 14 days, and that contact tracing would proceed to determine if all such individuals should remain in quarantine and if there are additional individuals who may have had a high-risk exposure to an infected individual.

The Basketball Guidelines provide that individuals who previously tested positive for COVID-19 do not need to quarantine or get tested again for up to 90 days (for example, even after a high-risk exposure) as long as they do not develop symptoms again. Do these individuals move back into the testing pool after 90 days?

Emerging information reported on the CDC website suggests retesting of these individuals is unlikely to yield useful information, even if the person has had close contact with an infected person, so retesting is not suggested during the 90 days following a

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positive test unless individuals develop symptoms consistent with COVID-19 and there is no other cause identified for their symptoms. Emerging evidence also suggests that individuals can continue to test positive even after 90 days, yet there is a scarcity of reports that are consistent with individual reinfection. Antibody titers can fluctuate over time, and the clinical meaning of this fluctuation is uncertain. Given such data, in a given season for individuals who have tested positive, retesting should be performed only for those individuals who develop COVID-19 symptoms that are not otherwise explained by another condition. However, after this 90-day window, it is recommended that student-athletes and other individuals who experience a high-risk exposure enter quarantine for 14 days.

Is universal masking suggested during weight training and conditioning?

Yes, masking and physical distancing are suggested whenever feasible.

Will the NCAA be providing additional information about the testing of officials?

Considerations related to the testing of officials are being developed, and we anticipate that information will be circulated soon. Testing protocols for officials will not be managed or overseen by the NCAA but will be coordinated through conferences and schools.

The NCAA has said it is exploring potential supply arrangements with one or more testing companies. Is updated information available?

We anticipate providing additional information the week of Oct. 12, 2020.

The Basketball Guidelines include direct reference to Division I basketball timelines. Are the guidelines meant to apply equally to Divisions II and III basketball?

Yes. The Basketball Guidelines apply to all divisions. Specific reference was made to the Division I calendar for purposes of clarity, as the Division I Council had just recently determined the structure of both the men's and women's basketball seasons.

The Basketball Guidelines organize testing recommendations by the phase of activity that a basketball team will go through, moving from out-of-season countable athletically related activities, to preseason practice, and then competition and postseason. These phases are clearly described in the Division I basketball calendar materials but are less clear in the flexible championship frameworks created by Divisions II and III. How will schools in those divisions know how to progress their testing protocols in response to activity changes?

Blanket waivers in both Divisions II and III created flexible playing and practice season frameworks for all sports. These frameworks are intended to facilitate maximum flexibility for member schools and conferences to configure practice and competitive seasons to occur at times that make the most sense for them. But this flexibility also means that the boundaries between practice and playing seasons are less clear than usual, so it is anticipated that testing protocol decisions will be made at the institutional or conference level based on an assessment of the nature of the practice/competition activities in which the team is involved.

If practice activities are generally consistent with out-of-season activities (strength and conditioning, team meetings, limited skill instruction), it would be reasonable to interpret the Basketball Guidelines as suggesting surveillance testing for countable athletically related activities to be appropriate. If those practice activities are consistently on-court and resemble preseason activities that preclude scrimmages with teams outside the member school, then it would be reasonable to conclude that the Basketball Guidelines would suggest weekly testing until one week before competition begins. One week before the regular season begins, and extending into the postseason, testing would transition to three times per week.

Divisions II and III have provided scheduling flexibility for the conduct of the 2020-21 basketball season. As schools and conferences begin to configure and schedule practice and competition periods, do they need to build in and account for a separate transition period prior to the start of other preseason activities to adequately address health and safety concerns?

No. Previous guidance related to considerations around variability in the physiologic readiness of student-athletes, the conduct of mandatory medical examinations, and the importance of acclimatization and transition periods would apply equally in these circumstances. Schools are expected to establish an appropriate initial transition period during which student-athletes are afforded the time to properly progress through the physiologic and environmental stresses placed upon them as they return to required activities. It is anticipated that the period would be 7-10 days, completed before the start of any other required physical activities, and otherwise consistent with Interassociation Recommendations: Preventing Catastrophic Injury and Death in Collegiate Athletes. While it is expected that these principles would be applied any time there is a material break (e.g., greater than one week) between training segments, and that teams would work closely with applicable medical and strength and conditioning personnel to intentionally identify and apply appropriate protocols that best support the needs of their student-athletes, it has not been identified as necessary to include a separate transition period distinct from the preseason period within the broader scheduling calendar.

Sports other than basketball

FAQ: Principles of Resocialization of Collegiate Basketball and Testing Considerations for All Sports Page No. 6

As data and science evolves, formal modifications to previous resocialization documents will be presented through additional process and membership discussion. In the interim, the following approaches are offered for consideration.

All sports are classified as having low, intermediate or high risk for transmission, with appropriate testing strategies for each sport. Schools and conferences are urged to consider these strategies as they make decisions regarding return to practice and competition.

What are recommended testing protocols for sports other than basketball?

The NCAA COVID-19 Medical Advisory Group has assessed other sports and provided updated guidance based on emerging information. Importantly, the updated guidance differentiates high transmission risk sports that are played indoors versus outdoors. Further, the updated guidance differentiates high transmission risk indoor sports in which Tier 1 individuals universally mask versus Tier 1 individuals who do not universally mask during practice and competition. Highlighted text indicates a change from the Developing Standards document.

Sport classification

- Low transmission risk: bowling, diving, equestrian, fencing, golf, rifle, skiing, swimming, tennis, track and field.
- Intermediate transmission risk: acrobatics and tumbling, baseball, beach volleyball, cross country, gymnastics, softball, triathlon.
- High transmission risk: basketball, field hockey, football, ice hockey, lacrosse, rowing, rugby, soccer, squash, volleyball, water polo, wrestling.

Testing strategies

- Low transmission risk: Testing is performed in conjunction with a school plan for all students, plus additional testing for symptomatic and high infection risk individuals as warranted.
- Intermediate transmission risk:
 - Out-of-season athletic activities: Testing is performed in conjunction with a school plan for all students, plus additional testing for symptomatic and high infection risk individuals as warranted.
 - In-season: Testing once weekly by PCR testing, or three times weekly by antigen testing. [This is increased from 25-50% surveillance testing every two weeks and adds antigen testing as an option.]
- High transmission risk:

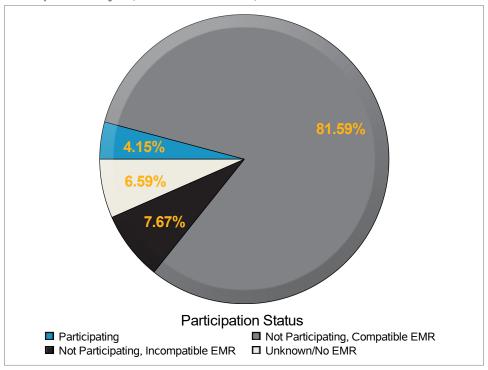
- Out-of-season athletic activities: Surveillance PCR testing, for example, 25%-50% of athletes and Tier 1 nonathlete personnel every one to two weeks if physical distancing, masking and other protective features are not maintained, plus additional testing for symptomatic and high infection risk individuals as warranted. [The option of testing every one to two weeks was added, as certain local circumstances may suggest weekly surveillance testing as a medically preferred alternative.]
- Preseason: Testing once weekly by PCR testing, or three times weekly by antigen testing. [The antigen testing is added as an option.]
- Regular and postseason, outdoor sports: Testing once weekly by PCR testing, or three times weekly by antigen testing. [The antigen test has been added.]
- Regular and postseason, indoor sports: Testing three times weekly on nonconsecutive days, beginning one week prior to the first competition. PCR or antigen testing may be used. If all training and competition are done with universal masking and adherence to infection risk mitigation, then testing can be considered in a manner consistent with outdoor high transmission risk sports. [This recommendation places all **indoor** high transmission risk sports on a testing recommendation protocol that is consistent with basketball, and it represents an increase in suggested testing frequency from the Developing Standards document, which did not differentiate indoor from outdoor sports. It also differentiates indoor high transmission risk sports where universal masking and adherence to infection risk mitigation occurs in all Tier 1 individuals even during training and competition.]



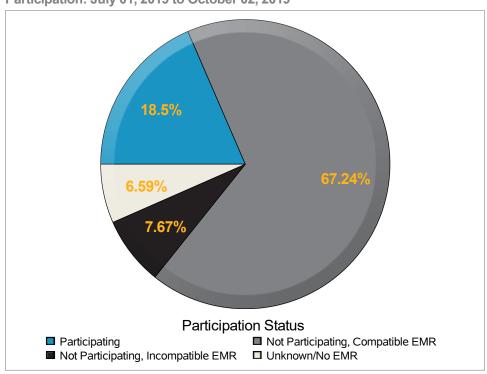
NCAA ISP Monthly Participation Report, October 2020

Overall Participation

Participation: July 01, 2020 to October 02, 2020

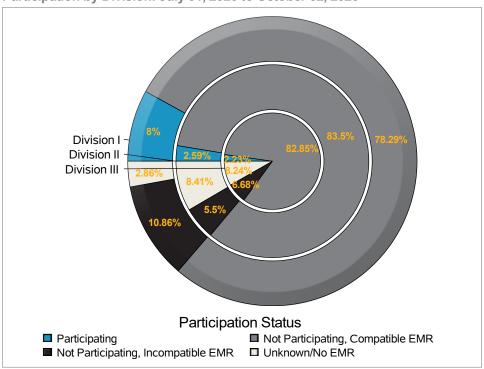


Participation: July 01, 2019 to October 02, 2019

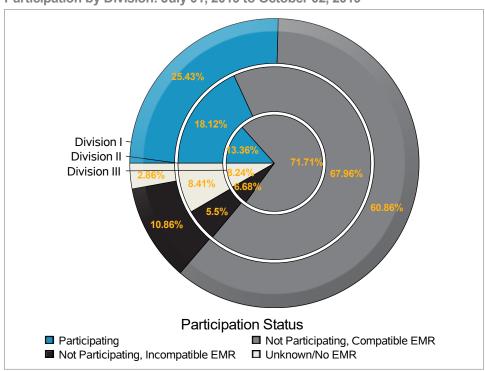


Participation by Division

Participation by Division: July 01, 2020 to October 02, 2020



Participation by Division: July 01, 2019 to October 02, 2019



Participation by Conference, Division I

Division I Conferences	Participating	Not Participating, Compatible EMR	Not Participating, Incompatible EMR	Unknown/No EMR
ASUN Conference	0%	71%	29%	0%
America East Conference	10%	80%	0%	10%
American Athletic Conference	18%	64%	18%	0%
Atlantic 10 Conference	0%	93%	7%	0%
Atlantic Coast Conference	7%	80%	13%	0%
Big 12 Conference	10%	60%	30%	0%
Big East Conference	0%	55%	45%	0%
Big Sky Conference	9%	82%	9%	0%
Big South Conference	30%	60%	10%	0%
Big Ten Conference	14%	57%	29%	0%
Big West Conference	10%	90%	0%	0%
Colonial Athletic Association	10%	90%	0%	0%
Conference USA	7%	86%	0%	7%
Horizon League	0%	100%	0%	0%
Independent	0%	100%	0%	0%
Metro Atlantic Athletic Conference	0%	91%	0%	9%
Mid-American Conference	8%	92%	0%	0%
Mid-Eastern Athletic Conf.	0%	82%	9%	9%
Missouri Valley Conference	0%	90%	0%	10%
Mountain West Conference	18%	45%	36%	0%
Northeast Conference	0%	89%	11%	0%
Ohio Valley Conference	8%	83%	0%	8%
Pac-12 Conference	0%	100%	0%	0%
Patriot League	10%	80%	10%	0%
Southeastern Conference	43%	36%	21%	0%
Southern Conference	0%	100%	0%	0%
Southland Conference	0%	92%	8%	0%
Southwestern Athletic Conf.	0%	60%	0%	40%
Sun Belt Conference	8%	92%	0%	0%

(Continued)

Division I Conferences	Participating	Not Participating, Compatible EMR	Not Participating, Incompatible EMR	Unknown/No EMR
The Ivy League	0%	88%	13%	0%
The Summit League	11%	78%	11%	0%
West Coast Conference	0%	90%	10%	0%
Western Athletic Conference	17%	33%	50%	0%

Participation by Conference, Division II

Division II Conferences	Participating	Not Participating, Compatible EMR	Not Participating, Incompatible EMR	Unknown/No EMR
ASUN Conference	0%	100%	0%	0%
Big West Conference	0%	100%	0%	0%
California Collegiate Athletic Association	0%	100%	0%	0%
Central Atlantic Collegiate Conference	0%	64%	14%	21%
Central Intercollegiate Athletic Association	0%	92%	8%	0%
Conference Carolinas	9%	91%	0%	0%
East Coast Conference	0%	67%	11%	22%
Great American Conference	8%	58%	0%	33%
Great Lakes Intercollegiate Athletic Conference	0%	100%	0%	0%
Great Lakes Valley Conference	7%	87%	7%	0%
Great Midwest Athletic Conference	0%	92%	0%	8%
Great Northwest Athletic Conference	0%	90%	0%	10%
Gulf South Conference	0%	69%	8%	23%
Independent	0%	20%	0%	80%
Lone Star Conference	6%	76%	12%	6%
Mid-America Intercollegiate Athletics Association	7%	86%	7%	0%
Mountain East Conference	0%	82%	9%	9%
Northeast Conference	0%	100%	0%	0%
Northeast-10 Conference	14%	86%	0%	0%
Northern Sun Intercollegiate Conference	6%	88%	6%	0%
Pacific West Conference	0%	82%	9%	9%
Peach Belt Conference	0%	100%	0%	0%
Pennsylvania State Athletic Conference	0%	78%	17%	6%
Rocky Mountain Athletic Conference	0%	93%	0%	7%
South Atlantic Conference	0%	100%	0%	0%
Southern Intercol. Ath. Conf.	0%	69%	8%	23%
Sunshine State Conference	0%	91%	9%	0%
Western Athletic Conference	0%	100%	0%	0%

Participation by Conference, Division III

Division III Conferences	Participating	Not Participating, Compatible EMR	Not Participating, Incompatible EMR	Unknown/No EMR
	0%	0%	0%	100%
Allegheny Mountain Collegiate Conference	0%	70%	0%	30%
American Rivers Conference	11%	78%	0%	11%
American Southwest Conference	0%	83%	8%	8%
Atlantic East Conference	0%	86%	0%	14%
Capital Athletic Conference Inc.	0%	73%	9%	18%
Centennial Conference	0%	91%	0%	9%
City University of New York Athletic Conference	0%	67%	22%	11%
College Conference of Illinois & Wisconsin	0%	100%	0%	0%
Colonial States Athletic Conference	0%	91%	0%	9%
Commonwealth Coast Conference	11%	89%	0%	0%
Empire 8	0%	89%	0%	11%
Great Northeast Athletic Conference	0%	79%	7%	14%
Heartland Collegiate Athletic Conference	10%	80%	10%	0%
Independent	0%	75%	0%	25%
Landmark Conference	0%	100%	0%	0%
Liberty League	0%	100%	0%	0%
Little East Conference	0%	67%	22%	11%
Lone Star Conference	0%	100%	0%	0%
Massachusetts State Collegiate Athletic Conference	0%	75%	25%	0%
Michigan Intercol. Ath. Assn.	11%	67%	22%	0%
Middle Atlantic Conference Commonwealth	0%	100%	0%	0%
Middle Atlantic Conference Freedom	0%	100%	0%	0%
Middle Atlantic Conferences	0%	93%	7%	0%
Midwest Conference	0%	90%	0%	10%
Minnesota Intercollegiate Athletic Conference	8%	85%	0%	8%
Mountain East Conference	100%	0%	0%	0%
New England Collegiate Conference	0%	71%	29%	0%
New England Small College Athletic Conference	0%	64%	27%	9%

(Continued)

Division III Conferences	Participating	Not Participating, Compatible EMR	Not Participating, Incompatible EMR	Unknown/No EMR
New England Women's and Men's Athletic Conference	0%	82%	9%	9%
New Jersey Athletic Conference	0%	60%	10%	30%
North Atlantic Conference	0%	83%	17%	0%
North Coast Athletic Conference	0%	80%	10%	10%
North Eastern Athletic Conference	13%	88%	0%	0%
Northern Athletics Collegiate Conference	0%	85%	0%	15%
Northwest Conference	0%	89%	11%	0%
Ohio Athletic Conference	10%	90%	0%	0%
Old Dominion Athletic Conf.	0%	100%	0%	0%
Presidents' Athletic Conference	0%	90%	0%	10%
Skyline Conference	0%	100%	0%	0%
Southern Athletic Association	0%	75%	13%	13%
Southern California Intercollegiate Athletic Conf.	0%	100%	0%	0%
Southern Collegiate Athletic Conference	0%	78%	0%	22%
St. Louis Intercollegiate Athletic Conference	11%	78%	0%	11%
State University of New York Athletic Conference	0%	90%	10%	0%
USA South Athletic Conference	6%	67%	6%	22%
University Athletic Association	0%	88%	13%	0%
Upper Midwest Athletic Conference	0%	67%	22%	11%
Wisconsin Intercollegiate Athletic Conference	0%	100%	0%	0%

Spotlight Sport Participation, Men

		NCAA Sponsorship	Schools submitting at least 1 injury in SY2020-21	Percent Participation
Basketball (M)	Overall	1082	16	1%
	Division I	350	11	3%
	Division II	306	3	1%
	Division III	426	2	0%
Football (M)	Overall	667	23	3%
	Division I	253	17	7%
	Division II	166	3	2%
	Division III	248	3	1%
Ice Hockey (M)	Overall	152	2	1%
	Division I	61	1	2%
	Division II	7	1	14%
	Division III	84	0	0%
Lacrosse (M)	Overall	395	6	2%
	Division I	73	3	4%
	Division II	74	2	3%
	Division III	248	1	0%
Soccer (M)	Overall	831	13	2%
	Division I	202	6	3%
	Division II	209	4	2%
	Division III	420	3	1%
Water Polo (M)	Overall	50	0	0%
	Division I	26	0	0%
	Division II	8	0	0%
	Division III	16	0	0%
Wrestling (M)	Overall	254	2	1%
	Division I	77	1	1%
	Division II	65	0	0%
	Division III	112	1	1%

Spotlight Sport Participation, Women

		NCAA Sponsorship	Schools submitting at least 1 injury in SY2020-21	Percent Participation
Basketball (W)	Overall	1096	18	2%
	Division I	348	12	3%
	Division II	307	3	1%
	Division III	441	3	1%
Gymnastics (W)	Overall	81	3	4%
	Division I	61	3	5%
	Division II	5	0	0%
	Division III	15	0	0%
Ice Hockey (W)	Overall	110	0	0%
	Division I	36	0	0%
	Division II	5	0	0%
	Division III	69	0	0%
Lacrosse (W)	Overall	528	6	1%
	Division I	118	3	3%
	Division II	113	2	2%
	Division III	297	1	0%
Soccer (W)	Overall	1038	19	2%
	Division I	335	14	4%
	Division II	263	2	1%
	Division III	440	3	1%
Water Polo (W)	Overall	65	0	0%
	Division I	35	0	0%
	Division II	11	0	0%
	Division III	19	0	0%

NCAA ISP Research Team at Datalys Center

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SUMMARY OF SUMMER 2020 QUARTERLY MEETINGS

National Collegiate Athletic Association
June 18, 2020, Division II Management Council and Division II Presidents Council
July 20-21, 2020, Management Council and August 5, 2020, Presidents Council, and
July 31, 2020, Management Council

JUNE 18, 2020, MANAGEMENT COUNCIL AND PRESIDENTS COUNCIL MEETING.

- Practice Seasons. The Presidents Council and Management Council received an update from the June 17 NCAA Division II Administrative Committee meeting and noted that the committee affirmed no changes to the first permissible dates for practice and competition for the playing and practice seasons in fall 2020. In addition, the committee affirmed no changes to the Division II championship start dates, format or timelines for fall 2020 championships. The councils were informed that if the local or national landscape change as a result of COVID-19, the Administrative Committee is supportive of potential revisions to championships schedules or formats in fall 2020, as needed. The councils were also informed that the Administrative Committee approved a blanket waiver to permit conferences and institutions that do not participate in the traditional fall championship segment, including the NCAA Division II Championship, to determine an alternate playing and practice season for Division II fall championship sports during the 2020-21 academic year.
- 2. Feedback Regarding Name, Image and Likeness Concepts. The Presidents Council and Management Council were provided an overview of the results of a membership survey on name, image and likeness concepts. The councils also provided feedback on the concepts to guide the Legislation Committee's final discussions and recommendations on this issue.

JULY 20-21, 2020, DIVISION II MANAGEMENT COUNCIL, AND AUGUST 5, 2020, DIVISION II PRESIDENTS COUNCIL MEETINGS.

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The Management Council convened its quarterly virtual meeting at 11 a.m. Eastern time Monday, July 20. The chair thanked the Council for their attendance at the Friday, July 17 Management Council/Student-Athlete Advisory Committee Summit.

The chair welcomed those in attendance, acknowledging staff who were present. He recognized that this was the first quarterly meeting attended by Amy Henkelman, director of athletics at Dominican University of California, as the new representative from the Pacific West Conference. He also noted that John Lewis from Bluefield State College had resigned as the Council's independent representative.

Finally, the chair highlighted the schedule for the meeting, after which the Council proceeded with its agenda.

<u>Presidents Council</u>. The Presidents Council convened its quarterly virtual meeting at 10:03 a.m. Eastern time Wednesday, August 5.

The chair welcomed those in attendance, acknowledging staff who were present. The chair highlighted the schedule for the meeting, after which the Council proceeded with its agenda.

2. REVIEW OF PREVIOUS MEETINGS.

a. April 20-21 Management Council and April 29 Presidents Council.

<u>Management Council</u>. The Management Council approved the summary of actions from its April meeting.

<u>Presidents Council</u>. The Presidents Council approved the summary of actions from its April meeting.

b. May 15 Management Council and May 19 Presidents Council.

<u>Management Council</u>. The Management Council approved the summary of actions from its May meeting.

<u>Presidents Council</u>. The Presidents Council approved the summary of actions from its May meeting.

c. April 28 Board of Governors.

<u>Management Council</u>. The Management Council reviewed the Board of Governors report from the April 28 videoconference. The report was informational in nature.

<u>Presidents Council</u>. The Presidents Council reviewed the report from the Board of Governors' April 28 videoconference.

d. Administrative Committee.

<u>Management Council</u>. The Management Council approved the interim actions by the committee.

<u>Presidents Council</u>. The Presidents Council approved the interim actions by the committee.

3. REVIEW AND APPROVAL OF THE 2020-21 DIVISION II PRIORITIES.

<u>Management Council</u>. The Management Council approved the priorities for 2020-21, as distributed.

<u>Presidents Council</u>. The Presidents Council approved the priorities for 2020-21, as distributed.

4. NCAA CONVENTION AND LEGISLATION.

a. Presidents Council-Sponsored Proposals for the 2021 NCAA Convention.

• Eligibility -- Freshman Academic Requirements and Two-Year College Transfers -- Nonqualifiers -- Access to Athletics Aid, which permits a nonqualifier to receive athletics aid during their first academic year in residence; further, it specifies that a two-year college transfer who does not meet requirements for practice and competition may receive athletics aid immediately on transfer from a two-year college, effective August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

<u>Management Council</u>. The Management Council recommended that the Presidents Council approve the proposal in legislative format.

<u>Presidents Council</u>. The Presidents Council approved the proposal in legislative format.

b. Proposed Legislation for the 2021 Convention Submitted by the Division II Membership.

<u>Management Council</u>. The Management Council received an update that there were no properly submitted proposals by the Division II membership for the 2021 Convention.

Presidents Council. No action was necessary.

c. Emergency Legislation.

<u>Management Council</u>. The Management Council reviewed the emergency proposals, which were previously adopted in legislative form. No action was necessary.

Presidents Council. No action was necessary.

d. Noncontroversial Legislation.

<u>Management Council</u>. The Management Council adopted in legislative form five noncontroversial proposals that had previously been approved in concept (Proposal Nos. NC-2021-8 through NC-2021-12), as presented. Proposal Nos. NC-2021-13 through NC-2021-15 were previously approved in legislative form. The five proposals are listed below.

- (1) Playing and Practice Seasons -- General Playing-Season Regulations -- Time Limits for Athletically Related Activities -- Weekly Hour Limitations -- Outside of Playing Season -- Sports Other Than Football -- Elite Athlete Training, which specifies that a student-athlete who has been designated by the U.S. Olympic and Paralympic Committee and the sport-affiliated national governing body (or the international equivalent) as an elite athlete may participate in an individual workout session conducted by a coaching staff member without such activity being considered countable athletically related activity, provided the student-athlete initiates the request to participate in the workout session and does not miss class time.
- (2) Recruiting -- Unofficial (Nonpaid) Visit -- Entertainment/Tickets -- Visit Unrelated to Recruitment -- Admitted Student Meeting with Coach, which specifies that during a visit to campus for reasons unrelated to athletics recruitment and for which expenses are provided by a department other than athletics, an institution may arrange a meeting between a prospective student-athlete who is admitted to the institution and the institution's coaching staff without such an arrangement constituting an official visit.
- (3) Playing and Practice Seasons -- Golf -- Number of Dates of Competition -- Annual Exemptions -- Augusta National Women's Amateur, which in women's golf, exempts the Augusta National Women's Amateur from the maximum dates of competition.
- (4) Division II Membership -- Membership Requirements -- Sports Sponsorship -- Minimum Contests and Participants Requirements for Sports Sponsorship -- Men's and Women's Wrestling, which reduces in the sports of men's and women's wrestling, the minimum number of contests and participants for sports sponsorship to nine contests with six participants.
- (5) Awards and Benefits -- Awards -- Purchase Restrictions -- Elimination of Student-Athlete Contribution to Cost of Awards, which eliminates the restriction on a student-athlete contributing to the purchase of an award.

Presidents Council. No action was necessary.

5. REVIEW OF COMMITTEE RECOMMENDATIONS AFFECTING DIVISION II.

- a. Division II Committees.
 - (1) Academic Requirements Committee.
 - (a) April 10 and 23 Videoconferences.

<u>Management Council</u>. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

- (c) June 4 Videoconference.
 - 2021 Convention Legislation -- Division II Bylaws 14.3.1.6.1 and 14.5.4.3.4 Eligibility -- Freshman Academic Requirements and Two-Year College Transfer Regulations -- Nonqualifiers -- Access to Practice.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2021 Convention to amend Division II Bylaws 14.3.1.6.1 (eligibility for aid, practice and competition – nonqualifier) and 14.5.4.3.4 (practice and receipt of athletics aid - nonqualifier) to permit nonqualifiers to practice in the first academic year of residence, effective August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

This proposal would allow access to practice to all incoming student-athletes and two-year college transfers in their first year of enrollment, regardless of their initial-eligibility status. During the last six certification cycles, 97 percent of all initial-eligibility waivers for nonqualifiers were granted access to athletics aid, at a minimum. This legislative change would allow an institution to make the determination as to whether to permit nonqualifiers to practice in their first year of enrollment. Access to practice may help institutions with

retention, enrollment management and a feeling of belonging for student-athletes.

[Note: The Management Council recommended two separate proposals: one for nonqualifier access to athletics aid and practice, and one for nonqualifier access to athletics aid only (which would only be voted on if the first proposal is defeated).]

<u>Presidents Council</u>. The Presidents Council agreed to sponsor the legislation for the 2021 Convention, as recommended.

(2) Championships Committee.

- (a) April 23 Videoconference.
 - Sport Committee Appointments.

<u>Management Council</u>. The Management Council ratified the following sports and rules committee appointments, effective September 1, 2020:

- i. Men's Basketball. Rick Costello, director of athletics director, Purdue University Northwest, to replace Jon Mark Hall, director of athletics, University of Southern Indiana, due to term expiration.
- ii. Women's Basketball. Joshua Prock, head women's basketball coach, Eastern New Mexico University, to replace Jason Martens, head women's basketball coach, St. Mary's University (Texas), due to term expiration.
- iii. Women's Basketball Rules. Tara Owens, director of athletics and recreation, Central State University, to replace Dean Walsh, head women's basketball coach, Converse College, who had been appointed earlier to replace Terry Rollins, director of athletics, Slippery Rock University of Pennsylvania, due to term expiration, but has since left the institution.

- iv. Men's and Women's Cross Country. Amelia Maher, director of external operations and administration, South Atlantic Conference, to replace Lee Glenn, associate director of athletics, University of North Georgia, due to term expiration.
- v. Football. Jon Anderson, head football coach, University of Sioux Falls, to replace John Wristen, head football coach, Colorado State University-Pueblo, due to term expiration.
- vi. Men's Golf. Sara Higley, associate director of athletics, Ferris State University, to replace Jon Vogl, head men's golf coach, Saginaw Valley State University, due to term expiration.
- vii. Women's Ice Hockey. Josh Berlo, director of athletics, University of Minnesota Duluth, to replace Abbey Strong, assistant director of athletics, University of Minnesota Duluth, due to term expiration.
- viii. Men's and Women's Ice Hockey Rules. Matt Curley, head men's ice hockey coach, University of Alaska Anchorage, to replace Thomas Wilkins, associate director of athletics, Southern New Hampshire University, due to term expiration.
- ix. Men's Soccer. Amanda Snodgrass, assistant director of athletics, Midwestern State University, to replace Claudio Arias, head men's soccer coach/director of soccer operations, Texas A&M International University, due to term expiration.
- **x. Women's Soccer. Stephen Fitzgerald**, senior associate director of athletics, Stonehill College, to replace James Moore, head women's soccer coach, University of North Georgia, due to term expiration.
- xi. Softball. Jason Anderson, head softball coach, Southern Arkansas University, to replace Kristy Bayer, deputy director of athletics/senior woman

administrator, Emporia State University, due to term expiration.

- xiii. Men's and Women's Swimming and Diving. D.J. Bevevino, associate director of athletics, Clarion University of Pennsylvania, to replace Barbara Parker, head diving coach, University of West Florida, due to term expiration.
- wiv. Women's Volleyball. Leanne Piscotty, head women's volleyball coach, Shippensburg University of Pennsylvania, to replace Karen Hjerpe, director of athletics, California University of Pennsylvania; Jim Boos, head women's volleyball coach, University of Minnesota Duluth, to replace Josh Collins, head women's volleyball coach, Southwestern Oklahoma State University; and Joel List, head women's volleyball coach, Regis University (Colorado), to replace Melanie Robotham, assistant commissioner, Lone Star Conference, all due to term expiration.

<u>Presidents Council</u>. No action was necessary.

(b) April 30, May 7, June 1, and June 10 Videoconferences.

<u>Management Council</u>. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

- (c) June 24-25 Videoconference.
 - i. Noncontroversial Legislation -- Bylaw 20.10.3.3 -- Division Membership -- Sports Sponsorship -- Minimum Contests and Participants Requirements for Sports Sponsorship -- Reduce Cross Country Minimum Contest Requirement and Eliminate Ability to Count Regional Qualifying Meets Toward Sports Sponsorship.

Management Council. The Management Council adopted noncontroversial legislation to eliminate Bylaw 20.3.3.3.2 (regional cross country qualifying meets), which, in cross country, allows regional qualifying meets to count toward

the minimum contest requirement for sports sponsorship, further, to reduce the number of minimum contests required for sports sponsorship from five to four, effective August 1, 2021.

Presidents Council. No action was necessary.

ii. Course Length for Minimum Contest Requirements and Selections in Cross Country.

Management Council. The Management Council approved eliminating the minimum course length requirements for championship selection purposes (6,000 meters for men and 4,000 meters for women) and instead using the minimum distance requirements for sports sponsorship, as outlined in the NCAA Track and Field and Cross Country Rules.

Presidents Council. No action was necessary.

iii. Misconduct Penalty in Football.

Management Council. The Management Council approved the Division II Football Committee assessing a \$3,000 fine (which is greater than what is permissible under Bylaw 31.1.8.3) for a misconduct violation that occurred during the 2019 Division II Football Championship. Also, the Council approved the Football Committee requiring the institution to provide additional sexual assault prevention training to its entire football team beyond what is currently required by the institution. This additional training would consist of two activities that are coordinated between the athletics department and the Title IX office on campus, and both activities must be concluded by the end of the regular season. The institution should submit to the chair of the Division II Football Committee the activities that the football team will participate in, as well as verification that all members of the team have completed the training by the end of the regular season.

<u>Presidents Council</u>. No action was necessary.

iv. Regional Alignment in Wrestling.

<u>Management Council</u>. The Management Council approved placing two institutions that have initiated sponsorship in wrestling (Glenville State College and Wheeling University) in Super Region Three.

Presidents Council. No action was necessary.

v. Nullification Penalties.

Management Council. The Management Council recommended the Presidents Council modify the nullification policy in all sports to assess a "two-for-one" penalty (i.e., the violating team would lose two contests for every one in which an ineligible student-athlete participated).

<u>Presidents Council</u>. The Presidents Council approved the modification to the nullification policy in all sports to assess a "two-for-one" penalty (i.e., the violating team would lose two contests for every one in which an ineligible student-athlete participated), as presented.

vi. Extension of the Neutrality Pilot.

<u>Management Council</u>. The Management Council approved extending the pilot program for neutrality in select championships for one more year through 2020-21.

Presidents Council. No action was necessary.

vii. Sport Committee Appointments.

<u>Management Council</u>. The Management Council ratified the following sports and rules committee appointments, effective September 1, 2020:

(a) Women's Basketball. Appoint Danelle Bishop, head women's basketball coach, California State Polytechnic University, Pomona, to replace Krista Montague, director of athletics, Montana State University Billings, due to term expiration.

- (b) Men's Golf. Renee Yuen, head men's golf coach, Chaminade University, to replace Craig Stensgaard, head men's golf coach, Northwest Nazarene University, due to term expiration. (Christopher Hill of St. Edward's University had been previously appointed but St. Edward's has since dropped the sport.)
- (c) Women's Golf. Brent Nicoson, head men's and women's golf coach, University of Indianapolis, to replace Susan Vail, head women's golf coach, Wheeling University, due to term expiration.
- (d) Men's Lacrosse. Vince Smith, head men's lacrosse coach, Colorado Mesa University, to replace Drew Howard, director of athletics, Florida Southern College, due to term expiration.
- (e) Women's Soccer (immediate vacancy). Ben Schlesselman, assistant commissioner, Great Midwest Athletic Conference, to replace Kelley Kish, director of athletics, Lake Erie College, who resigned.
- (f) Men's and Women's Track and Field. Brock Hime, head cross country and track and field coach, Arkansas Tech University, to replace Steve Blocker, head track and field coach, Emporia State University, due to term expiration.
- **(g) Wrestling. Adam Bracken**, assistant director of athletics, Ashland University, to replace Jackie Paquette, associate director of athletics, University of Indianapolis, due to term expiration.

<u>Presidents Council</u>. No action was necessary.

(3) Degree-Completion Award Committee.

<u>Management Council</u>. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(4) Legislation Committee.

(a) April 30, May 11, June 3, June 9 and June 16 Videoconferences.

<u>Management Council</u>. The Management Council reviewed the committee's reports. No action was necessary.

<u>Presidents Council</u>. No action was necessary.

(b) June 22-23 Videoconference.

• 2021 Convention Legislation – Various Bylaws – Student-Athlete Use of Name, Image and Likeness.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2021 Convention to permit Division II student-athletes to utilize their name, image and likeness, effective August 1, 2021, as follows:

- i. Permit student-athletes to use their name, image and likeness to promote their own athletically related work product (e.g., athletics apparel, athletics equipment, writing a book about the impact of athletics on their life);
- ii. Permit student-athletes to promote athletically or nonathletically related products or services, including, but not limited to, modeling noninstitutional athletics apparel and equipment, and establishing a monetized media platform, subject to institutional policies;
- iii. Permit student-athletes to be paid for autographs while not representing their institution, either in conjunction with an endorsement opportunity or otherwise independent of their institution;
- iv. Permit student-athletes to be paid for appearances at commercial businesses and charitable, educational or nonprofit agencies, subject to institutional policies, and permit student-athletes to include their athletics status and ability in any such promotions;

- v. Permit student-athletes to sell athletics apparel, used equipment and awards provided by the institution at any time in their career;
- vi. Permit student-athletes, their families and friends to organize fundraisers for student-athletes or their family members in extreme circumstances beyond the control of the student-athlete (e.g., house fire, medical needs), while maintaining current restrictions on fundraising for education-related items of need (e.g., tuition, laptop);
- vii. Permit student-athletes to promote their availability for private lessons. If institutional facilities are used, student-athletes must follow all applicable institutional processes for renting facility space in a manner consistent with that used by the general public;
- viii. Permit student-athletes to operate their own camps and clinics. If institutional facilities are used, student-athletes must follow all applicable institutional processes for renting facility space in a manner consistent with that used by the general public;
- ix. Permit a commercial business to advertise the presence of student-athletes at the establishment for an institutional fundraiser; and
- x. Permit student-athletes to license their name, image and likeness for commercial products unrelated to their work product (e.g., student-athlete would be allowed to license their nickname on commercial products sold by a third party).

Further, consistent with the Board of Governors' principles that any legislative changes be transparent and enforceable, the Management Council recommended the following administrative framework for the concepts above:

i. Permit institutions to assist student-athletes on name, image and likeness activities, but not arrange such

opportunities (e.g., providing education applicable NCAA rules, helping a student-athlete evaluate any compliance concerns with a particular opportunity, assisting with reporting expectations, offering resource materials to help the studentathlete evaluate and select professional service providers). An institution would be permitted, but not required, to establish a name, image and likeness counseling panel similar to the currently permissible professional sports counseling panel. Business activities that are developed as a result of a studentathlete's coursework would be exempt from the restrictions on institutional involvement;

- ii. Require student-athletes to obtain approval to use institutional marks for any commercial purposes through the normal process used by any potential license;
- iii. Prohibit student-athletes from using their name, image or likeness to promote products or services not permitted by NCAA legislation, including sports wagering and banned substances;
- iv. Prohibit student-athletes from missing class to participate in activities related to use of their name, image and likeness;
- v. Permit institutions to determine how to appropriately educate their student-athletes, boosters and other constituent groups on name, image and likeness rules;
- vii. Require reporting of name, image and likeness activities on an annual basis. (Note: The committee recommends that a template form be created, but institutions would be permitted to establish their own forms based on institutional needs and applicable state laws. Institutions may choose to require reporting on a more frequent basis. The committee also expressed support for exploration of a potential third-party administrator to oversee reporting to

reduce the burden on Division II athletics departments);

- viii. Permit prospective student-athletes to retain professional service providers (e.g., agents, tax advisors, marketing consultants) for name, image and likeness activities, as well as professional athletics opportunities, prior to initial full-time enrollment at a Division II institution. Any agreement related to professional sports opportunities must be terminated upon enrollment at a Division II institution. Institutional employees would not be permitted to serve in a professional service role for a prospective student-athlete; and
- ix. Permit student-athletes to retain professional service providers needed for name, image and likeness activities. Student-athletes; however, would be prohibited from hiring an agent for the purpose of a professional athletics opportunity. These service providers would be prohibited from providing anything that would constitute an extra benefit.

Following the referral from the NCAA Board of Governors for all divisions to immediately consider legislative changes consistent with the collegiate model, the Administrative Committee charged the Legislation Committee with the review of issues related to name, image and likeness.

This proposal would permit Division II student-athletes to benefit from the use of their name, image and likeness in a manner that is consistent with the Board's guiding principles and with the Board's direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. The committee's recommendations fall into two categories: (1) activities related to student-athlete business activities; and (2) promotion/endorsement of third-party products and services. The council believes student-athletes should have full use of their name, image and likeness related to their own business activities, including autographs and appearances, noting the direct tie between these activities and a student-athlete's identity.

Importantly, the council believes these opportunities can occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, in line with the Board's principles. Institutions will have the discretion to determine how to appropriately educate their student-athletes, boosters and other constituent groups on name, image and likeness rules.

The process of developing these changes included vast membership review and input. Additional individuals (e.g., athletics directors, coaches, student-athletes) were added to the Legislation Committee meetings during its name, image and likeness discussions to provide further input for the review. A survey taken by more than 1,000 representatives of member institutions and conferences, including studentathletes, helped gather feedback on ways to modernize legislation to allow for student-athletes to receive compensation for their name, image and likeness. Studentathlete voices also were prioritized throughout the process, with three national Division II Student-Athlete Advisory Committee members joining Legislation Committee members during its discussions. Issues related to name, image and likeness were a standing agenda item for the national SAAC throughout the 2019-20 academic year.

<u>Presidents Council</u>. The Presidents Council agreed to sponsor the legislation for the 2021 Convention.

(5) Committee for Legislative Relief.

(a) May 12 Videoconference.

• Guidelines for Review of Requests Seeking Relief of Bylaw 14.5 – Assertions that a Student-Athlete was "Run Off" by Previous Institution – COVID-19 Impact.

Management Council. The Management Council approved new guidelines for review of requests seeking relief of Bylaw 14.5.5 (four-year college transfer) for assertions of

"run off" by previous institution due to the impact of COVID-19.

President Council. No action was necessary.

(b) May 27 Videoconference.

• Guidelines for Review of Requests Seeking Relief of Bylaw 14.5 – Transfer-Residency Requirement Due to Institutional Denial of Transfer Release.

<u>Management Council</u>. The Management Council approved the updated guideline for requests involving institutional denial of transfer release.

President Council. No action was necessary.

(6) Membership Committee.

(a) April 24, May 5, June 1 and 9 Videoconferences.

<u>Management Council</u>. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(b) July 8-9 Videoconference.

• Institutions in the Membership Process.

<u>Management Council</u>. The Management Council noted that the Membership Committee had taken the following actions with regard to institutions in the membership process.

- i. Moved the following institution to active member status, effective September 1, 2020:
 - Savannah State University.
- ii. Moved the following institution to provisional year three, effective September 1, 2020:
 - University of Texas at Tyler.

- iii. Moved the following institutions to provisional year two, effective September 1, 2020:
 - (a) College of Staten Island; and
 - (b) Frostburg State University.
- iv. Approved the applications of the following institutions to enter provisional year one, effective September 1, 2020:
 - (a) Allen University; and
 - (b) D'Youville College.

<u>Presidents Council</u>. The Presidents Council reviewed the actions taken by the Membership Committee.

- (7) Nominating Committee.
 - (a) April 29 Videoconference.
 - i. Association-Wide Nomination Subcommittee Process.

Management Council. The Management Council approved a change to the Division II Nominating Committee policies and procedures regarding the process for Division II appointments on Association-wide, National Collegiate Championship Sport and Playing Rules Committees. The process establishes an Association-wide Nomination Subcommittee and the specific role the Nominating Committee has in reviewing nominees for vacancies that occur on these committees.

Presidents Council. No action was necessary.

ii. Committee Reappointment.

<u>Management Council</u>. The Management Council recommended that the Presidents Council approve the following reappointment, effective September 1, 2020:

 NCAA High School Review Committee. Michael Allison, principal, Hopewell High School, secondary school member.

<u>Presidents Council</u>. The Presidents Council approved the reappointment, as recommended.

(b) June 23 Teleconference.

• Committee Appointments.

Management Council. The Management Council recommended that the Presidents Council approve the following appointments, effective September 1, 2020, unless otherwise noted:

i. NCAA Competitive Safeguards and Medical Aspects of Sports. Tim McMurray, director of athletics, Texas A&M University-Commerce, effective immediately.

[Note: The appointment noted above was approved July 2 by the Division II Administrative Committee. It is included in the document for ease of reference.]

ii. NCAA Committee on Sportsmanship and Ethical Conduct. Angie Jabir, deputy athletic director/senior woman administrator, Lynn University.

<u>Presidents Council</u>. The Presidents Council approved the appointment, as recommended.

(8) Planning and Finance Committee.

(a) Budget-to-Actual Report Ending May 31.

Management Council. The Management Council reviewed the budget-to-actual report for the period ending May 31, 2020.

<u>Presidents Council</u>. The Presidents Council reviewed the budget-to-actual report for the period ending May 31, 2020.

(b) April 28 Videoconference.

i. NCAA Division II Long-Range Budget.

Management Council. The Management Council voted to endorse changes to the long-range budget previously approved by the Division II Presidents Council in light of the reduced Division II revenue allocation for the 2019-20 fiscal year due to the cancellation of 2020 winter and spring NCAA championships in response to the COVID-19 public health threat.

<u>Presidents Council</u>. No action was necessary as the Presidents Council approved the changes to the long-range budget during the April 2020 meeting.

ii. Division II Budget Requests for Fiscal Year 2020-21.

<u>Management Council</u>. The Management Council voted to endorse the budget requests for the 2020-21 fiscal year.

<u>Presidents Council</u>. No action was necessary as the Presidents Council approved the 2020-21 fiscal year budget requests during the April 2020 meeting.

iii. Division II Budget Guidelines and Principles.

Management Council. The Management Council approved the Division II Budget Guidelines and Principles, as recommended by the committee.

<u>Presidents Council</u>. The Presidents Council approved the Division II Budget Guidelines and Principles, as presented.

(9) Student-Athlete Advisory Committee.

• April 16, May, June 11 and June 17 Videoconferences.

<u>Management Council</u>. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

(10) Committee on Student-Athlete Reinstatement.

Noncontroversial Legislation –Bylaw 16.8.2.1 – Awards and Benefits – Expenses Provided by the Institution for Practice and Competition -- Nonpermissible -- Travel Expenses During the Winter Break – De Minimis Violations.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 16.8.2.1 (travel expenses during the winter break) to specify that travel expenses received by a student-athlete in conjunction with away-from-home competition during the winter break period shall be considered de minimis violations and do not impact a student-athlete's eligibility.

Presidents Council. No action was necessary.

- b. Division II Subcommittees, Project Teams and Task Forces.
 - (1) Enforcement and Infractions Task Force.
 - (a) 2022 NCAA Convention Legislation –Bylaw 32 Enforcement Policies and Procedures Responsibility to Cooperate Tools to Facilitate Cooperation.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2022 Convention to amend Bylaw 32 (enforcement policies and procedures) to: (a) Define full cooperation in the infractions process; (b) Establish that the Committee on Infractions may infer that failure or refusal to produce requested materials supports an alleged violation; (c) Establish that the Committee on Infractions may view the failure or refusal to interview as an admission that an alleged violation occurred; (d) Protect a "whistleblower" who voluntarily reports information about a potential violation; and (e) Confirm that information upon which the Committee on Infractions bases its decision could be information that both directly and circumstantially supports an alleged violation, effective August 1, 2022.

Following the review by the Management Council and Presidents Council of the increase in number of Division II major infractions cases opened and processed by the NCAA enforcement staff in recent years, the Enforcement and Infractions Task Force was created and charged with studying recent changes to the Division I infractions process and recommending any legislative/policy changes that would enhance the infractions process in Division II.

The process of developing these changes has included vast membership review and input, including a survey taken by close to 300 representatives of member institutions and conferences. This proposal is part of Phase One of a three-phase review that is expected to be voted as a comprehensive package at the 2022 Convention.

The Management Council recommends that investigators and adjudicators have the necessary tools and authority to effectively investigate and adjudicate violations, the failure to promptly respond to investigators' requests have significant consequences and "whistleblowers" be protected. Enhancing the tools available to the enforcement staff through defining full cooperation, extending the authority in decision-making available to the Committee on Infractions, and protecting whistleblowers will create efficiency in the investigation and adjudication of cases and strengthen the process. For instance, defining full cooperation educates parties on the enforcement staff's expectations during an investigation and what satisfies the responsibility to cooperate. Permitting the Committee on Infractions to make inferences based on a party's noncooperation will promote cooperation. Clarifying that the committee may rely on both direct and circumstantial information provides more transparency. Finally, protecting individuals with information about potential violations may prompt them to come forward. The whistleblower protection will only make institutions answer to the NCAA for retaliating against whistleblowers and does not protect individuals from actions that may be taken by an institution against them nor does it supersede any state or federal regulations regarding whistleblowers.

<u>Presidents Council</u>. The Presidents Council agreed to sponsor the legislation for the 2022 Convention.

(b) 2022 Convention Legislation – Bylaw 32 – Enforcement Policies and Procedures – Committee on Infractions Hearings – Basis of Decision – Importation.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2022 Convention to amend Bylaw 32 (enforcement policies and procedures) to specify that: (a) Facts established by a decision or judgment of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a

commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees, may be accepted as true in concluding whether an institution or individual violated NCAA legislation; and (b) Evidence submitted and positions taken in such a matter may be considered in the infractions process, effective August 1, 2022.

The Management Council recommends that the legislation expressly authorize the Committee on Infractions to import adjudicated facts, or consider evidence submitted and positions taken in judicial and other administrative proceedings. Current legislation does not expressly permit the Committee on Infractions to accept as true facts established by decisions or judgments from courts, agencies, accrediting bodies or other administrative tribunals, or by a commission, or similar review of comparable independence, authorized by an institution or the institution's university system's board of trustees. Likewise, the legislation does not expressly permit the Committee on Infractions to consider evidence submitted and positions taken in such matters. Investigators and adjudicators should be authorized to rely on such facts and information in their review of an infractions case. These modifications will clarify the acceptable use of such information and increase efficiency in the infractions process by saving the process time and resources. In addition, the modifications will help the enforcement staff close the gap between known and processed violations of legislation.

<u>Presidents Council</u>. The Presidents Council agreed to sponsor the legislation for the 2022 Convention.

(c) 2022 Convention Legislation – Bylaw 32 – Enforcement Policies and Procedures – Negotiated Resolution.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2022 Convention to amend Bylaw 32 (enforcement policies and procedures) to establish a negotiated resolution process to allow the enforcement staff to negotiate resolution of a case with an institution or involved individual, subject to the review and approval of the Committee on Infractions, effective August 1, 2022.

The Management Council recommends an additional means to resolve infractions cases to create efficiencies in the investigation

and resolution of cases. Presently, there is no mechanism for the enforcement staff to resolve a matter with an institution or involved individual beyond a contested hearing or summary disposition. The staff has and exercises discretion in alleging violations, but does not negotiate with parties or recommend penalties. This often frustrates cooperating member institutions that seek to negotiate a resolution in favor of a more expeditious investigative process. Beyond membership frustration, the inability to negotiate resolutions may tax the resources of the infractions process and forgo an opportunity to secure assistance from institutions or individuals who have useful information. This proposal would establish a process by which the enforcement staff may negotiate a resolution of a case with an institution or involved individual by agreeing to the facts, violations and penalties, subject to Committee on Infractions review and approval. Under the process, the committee will only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable under the legislation. Negotiated resolutions are final, not subject to appeal and have no precedential value.

Division I adopted a negotiated resolution process in August 2018. As of July 2020, the Division I Committee on Infractions has reviewed and approved approximately 20 cases through negotiated resolution. These cases have been processed in an expeditious manner with just days between final committee review and public release of the agreement. The negotiated resolution track has created efficiencies in the Division I process and met the membership's desire for a way to resolve cases more quickly.

<u>Presidents Council</u>. The Presidents Council agreed to sponsor the legislation for the 2022 Convention.

(2) Identity Subcommittee.

Management Council. The Management Council received an update on the discussions by the Identity Subcommittee, including proceeding with the 2021 Award of Excellence; the expiration of the regular-season media agreement; ideas to promote Division II branding; and social media analytics.

Presidents Council. No action was necessary.

c. Association-Wide and Common Committees.

- (1) Committee on Competitive Safeguards and Medical Aspects of Sports.
 - March 6, 17 and 27 Teleconferences.

<u>Management Council</u>. The Management Council reviewed the committee's reports. No action was necessary.

Presidents Council. No action was necessary.

- (2) Committee on Women's Athletics.
 - Division Membership, Personnel, Amateurism, Financial Aid and Playing and Practice Seasons -- Emerging Sports for Women -- STUNT.

Management Council. The Management Council discussed the committee's recommendation to add STUNT as an emerging sport for women and establish legislation related to athletics personnel, amateurism, recruiting, financial aid, playing and practice seasons and membership. The Management Council noted some concerns with the recommendation and referred it back to the committee to discuss the following concerns:

- Acrobatics and tumbling was recently added as an emerging sport for women and the Association is working to increase participation in this sport, according to the emerging sport for women process. Adding STUNT this soon could hinder the growth of sponsorship for acrobatics and tumbling.
- Would adding STUNT as an emerging sport for women add opportunities for women to compete? Or are most athletes who would compete in STUNT already competing in other NCAA sports?
- Adding an emerging sport during a pandemic could be hard for institutions.

Presidents Council. No action was necessary.

(3) Joint CWA and Minority Opportunities and Interests Committee.

<u>Management Council</u>. The Management Council reviewed the committees' report. No action was necessary.

Presidents Council. No action was necessary.

(4) Minority Opportunities and Interests Committee.

<u>Management Council</u>. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(5) Playing Rule Oversight Panel.

• April 20 and 29 Teleconferences.

Management Council. The Management Council reviewed the panel's reports. No action was necessary.

Presidents Council. No action was necessary.

(6) Postgraduate Scholarship Committee.

<u>Management Council</u>. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(7) Walter Byers Scholarship Committee.

<u>Management Council</u>. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

6. OPEN FORUM AND REPORTING OUT.

<u>Management Council</u>. The Management Council participated in breakout sessions Monday afternoon, which gave members the opportunity to discuss strategies for addressing social injustice, as well as any other concerns that the Management Council members wanted to discuss with their peers. No formal action was taken.

<u>Presidents Council</u>. No action was necessary.

7. DIVISION II MANAGEMENT COUNCIL.

a. Management Council Committee and Project Team Assignments.

<u>Management Council</u>. The Management Council reviewed its committee and project team assignments.

Presidents Council. No action was necessary.

b. Independent/At-Large Election.

<u>Management Council</u>. The Management Council elected Harry Stinson III, director of athletics, Lincoln University (Pennsylvania), as the independent/at-large representative. Mr. Stinson replaces John Lewis, who took another position at his institution. He will begin his term immediately for a four-year period of time, ending January 2025.

<u>Presidents Council</u>. The Presidents Council ratified the election, as recommended.

c. Management Council Vice Chair Election.

<u>Management Council</u>. The Management Council elected Courtney Lovely, director of athletics, Palm Beach Atlantic University, as the new vice chair of the Council, effective September 1, 2020, for a one-year period of time.

Presidents Council. The Presidents Council ratified the election, as recommended.

d. Management Council Chair Notice.

Management Council. The Management Council was informed that an election for a new chair would take place at the October meeting, with the term beginning at the conclusion of the 2021 Convention. Interested members should notify staff or the Council chair of their desire to chair the Council.

Presidents Council. No action was necessary.

e. Management Council/Student-Athlete Advisory Committee Summit.

<u>Management Council</u>. The Management Council discussed the positive feedback on the Summit that was held July 17.

<u>Presidents Council</u>. No action was necessary.

8. DIVISION II PRESIDENTS COUNCIL.

- **a.** Region 4 Vacancy Election. The Presidents Council elected John Y. Gotanda, president, Hawaii Pacific University, as the Region 4 representative to the Presidents Council. President Gotanda will begin his term on the council immediately, with his term expiring at the conclusion of the 2026 Convention.
- **b. Vice Chair Election.** The Presidents Council re-elected Allison Garrett, president, Emporia State University, to serve as vice chair of the Council, from September 1, 2020, through August 31, 2021.
- **c. Chair Election in October.** The Presidents Council was advised that a chair would be elected at the October meeting to serve from January 2021 to January 2022. President Council members who wish to serve should contact the chair or the vice president of Division II.

9. NATIONAL OFFICE UPDATES.

a. Executive.

<u>Management Council</u>. The Management Council received an update from the NCAA president.

<u>Presidents Council.</u> The Presidents Council received an update from the NCAA president as well as the NCAA chief legal officer and chief operating officer on issues surrounding the NCAA, which included the actions taken by the Board of Governors at its August 4 meeting, the impact that the COVID-19 pandemic has had on college sports; federal government interest in name, image and likeness; NCAA action items to address racial justice and equity; and amendments to the Policy to Prevent Campus Sexual Violence.

b. Legal.

<u>Management Council</u>. The Management Council received a legal update from the director of law, policy and governance.

<u>Presidents Council</u>. The Presidents Council received an update from the NCAA chief operating officer and chief legal officer.

c. Sport Science Institute.

<u>Management Council</u>. The Management Council received an update from Sport Science Institute staff on some initiatives that the office is working on, including the Association's response to the COVID-19 pandemic, including the Core Principles for Resocialization in Sports and Developing Standards for Practice and

Competition; student-athlete mental health; the Injury Surveillance Program; concussion reporting process; and Medical Care and Coverage for Student-Athletes at Away Events.

<u>Presidents Council</u>. The Presidents Council received an update from Sport Science Institute staff on the Association's response to the COVID-19 pandemic, including the Core Principles for Resocialization in Sports and Developing Standards for Practice and Competition.

d. Health and Safety Survey.

<u>Management Council</u>. The Management Council was provided an overview of the results from the Division II Health and Safety Survey.

<u>Presidents Council</u>. The Presidents Council was provided an overview of the results from the Division II Health and Safety Survey.

e. 2019 APPLE Training Institute Final Report.

<u>Management Council</u>. The Management Council received an update regarding the final report from the 2019 APPLE Training Institute.

Presidents Council. No action was necessary.

f. 2021 Inclusion Forum.

<u>Management Council</u>. The Management Council received an update regarding the initial plans for the 2021 Inclusion Forum.

Presidents Council. No action was necessary.

g. Division II ADA Mentor Program.

<u>Management Council</u>. The Management Council was updated on the ADA Mentor Program.

Presidents Council. No action was necessary.

h. Division II Community Engagement.

<u>Management Council</u>. The Management Council was updated on the community engagements efforts of the division at Division II national championships.

Presidents Council. No action was necessary.

i. Division II Identity Workshop.

<u>Management Council</u>. The Management Council was updated on the virtual professional development programming that was offered to the 2020 Identity Workshop participants.

Presidents Council. No action was necessary.

j. Division II Coaches Connection Program.

<u>Management Council</u>. The Management Council was updated on the coaches connection program.

Presidents Council. No action was necessary.

k. Division II Diversity Grants.

<u>Management Council</u>. The Management Council was provided information on the division's diversity grants, including the Coaches' Enhancement Grant, the Ethic Minority and Women's Internship Grant and the Strategic Alliance Matching Grant.

<u>Presidents Council</u>. No action was necessary.

l. Division II University.

Management Council. The Management Council was reminded that the deadline for coaches to complete the annual certification has been extended to August 31, 2020. Coaches must complete the 2020-21 required coaches curriculum by September 1, 2020, in order to recruit off campus and participate in countable athletically related activities.

Presidents Council. No action was necessary.

m. NCAA Convention.

<u>Management Council</u>. The Management Council was provided an update that the Convention management staff is exploring virtual options for the 2021 Convention.

<u>Presidents Council</u>. The Presidents Council was provided an update on the decision by the Board of Governors that the 2021 Convention will be held virtually January 11-15 and was provided a draft schedule. No action was necessary.

10. AFFILIATED ASSOCIATION UPDATES.

<u>Management Council</u>. The Management Council was updated on the activities of the following affiliated associations.

- a. Division II Athletics Directors Association.
- b. Division II Conference Commissioners Association.
- c. CoSIDA.
- d. Faculty Athletics Representative Association.
- e. Minority Opportunities Athletics Administrators Association.
- f. National Association for Athletics Compliance.
- g. Women Leaders in College Sports.

Presidents Council. No action was necessary.

11. OTHER BUSINESS.

Management Council. No action was necessary.

Presidents Council. No action was necessary.

12. MEETING RECAP/THINGS TO REPORT BACK TO CONFERENCES.

Management Council. The Management Council was provided with a list of topics/issues to report to its member institutions. These topics included: legislation for the 2021 and 2022 Conventions; COVID-19 Resources; Strategies Addressing Racial Injustice resource; Division II University; Division II Health and Safety Survey results; and the feedback from the Management Council/Student-Athlete Advisory Committee Life on Campus roundtable session.

Presidents Council. No action was necessary.

13. FUTURE MEETINGS.

<u>Management Council</u>. The Management Council reviewed the upcoming meetings for 2020 through January 2022.

<u>Presidents Council</u>. The Presidents Council reviewed the upcoming meetings for 2020 through 2022.

14. ADJOURNMENT.

Management Council adjourned at 3:56 p.m. Eastern time July 21.

Presidents Council. The Presidents Council adjourned at 3:04 p.m. Eastern time August 5.

JULY 31, 2020, DIVISION II MANAGEMENT COUNCIL MEETING.

1. Overview of Financial Scenarios for 2020 Division II Fall Championships.

<u>Management Council</u>. During its July 31 meeting, the Management Council received an overview of financial scenarios for hosting fall championship in the fall, as well as hosting fall championships in the spring.

<u>Presidents Council.</u> During its August 5 meeting, the Presidents Council received an overview of the financial scenarios for hosting fall championships in the fall, hosting fall championships in the spring and hosting only winter and spring championships.

2. Recommendation from the Division II Championships Committee Regarding 2020 Division II Fall Championships.

<u>Management Council</u>. During its July 31 meeting, the Management Council recommended that the Presidents Council postpone conducting the seven 2020 Division II fall sport championships until the spring semester, so long as health and safety conditions allow, and it is viable to do so in a financially responsible manner.

<u>Presidents Council.</u> During its August. 5 meeting, the Presidents Council canceled Division II championships in fall sports for the 2020-21 academic year due to the continuing COVID-19 pandemic and the related administrative and financial challenges of hosting the fall championships at any point in the upcoming academic year.

NCAA Division II Management Council and Presidents Council June 18, 2020, Videoconference July 20-21, 2020, Videoconference July 31, 2020, Videoconference August 5, 2020, Videoconference

Management CouncilPresidents CouncilBrenda Cates, University of Mount OliveM. Christopher Brown II, Kentucky State UniversityJessica Chapin, American International CollegeCarlos Campo, Ashland UniversityTeresa Clark, Cedarville UniversityJohn Denning, Stonehill CollegeLaura Clayton Eady, University of West GeorgiaMichael Driscoll, Indiana University of PennsylvaniaMark Corino, Caldwell UniversityRex Fuller, Western Oregon UniversityJ. Lin Dawson, Clark Atlanta UniversityAllison Garrett, Emporia State UniversityRobert Dranoff, East Coast ConferenceChris Graham, Rocky Mountain Athletic Conference	August 5, 2020, videocomerence				
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	Jim Johnson, Pittsburg State University	Colleen Perry Keith, Goldey-Beacom College			
Kristi Kiefer, Fairmont State University Elwood Robinson, Winston-Salem State University	Kristi Kiefer, Fairmont State University				
Braydon Kubat, University of Minnesota Duluth Steven Shirley, Minot State University	Braydon Kubat, University of Minnesota Duluth	Steven Shirley, Minot State University			
David B. Kuhlmeier, Valdosta State University William Thierfelder, Belmont Abbey College					
Courtney Lovely, Palm Beach Atlantic University	Courtney Lovely, Palm Beach Atlantic				
David Marsh, Northwood University	· · · · · · · · · · · · · · · · · · ·				
Madeleine McKenna, California University of	Madeleine McKenna, California University of				
Pennsylvania	•				
Carrie Michaels, Shippensburg University of	·				
Pennsylvania	11 0				
Doug Peters, Minnesota State University Moorhead					
Julie Rochester, Northern Michigan University	Julie Rochester, Northern Michigan University				

NCAA Division II Management Council and Presidents Council Summary of Actions—Summer 2020 Meetings Page No. 34

Attendees:				
Management Council	Presidents Council			
Judy Sackfield, Texas A&M University-				
Commerce				
Christie Ward, Georgia Southwestern State				
University				
Jeff Williams, East Central University				
Steven Winter, Sonoma State University				
Jerry Wollmering, Truman State University				
Absentees:				
Management Council	Presidents Council			
Braydon Kubat, University of Minnesota Duluth	Allison Garrett, Emporia State University (June			
(June 18, 2020)	18, 2020)			
Steven Winter, Sonoma State University (July 31,				
2020)				
Guests in Attendance:				

Jill Willson, Double L Consulting (July 20-21, 2020)

NCAA Staff Members in Attendance:

Markie Cook, Mark Emmert (*July 20-21, 2020, and August 5, 2020*), Haydyn Gibson (*July 20-21,2020, July 31, 2020, and August 5, 2020*), Terri Steeb Gronau, Brian Hainline (*July 20-21, 2020, and August 5, 2020*), Liz Homrig, Chelsea Hooks, Maritza Jones, Ryan Jones, Jessica Kerr (*July 20-21, 2020*), Corbin McGuire, Roberta Page, John Parsons (*July 20-21, 2020, and August 5, 2020*), Stephanie Quigg, Donald Remy (*August 5, 2020*), Jill Waddell and Karen Wolf



Interim Actions of the NCAA Division II Administrative Committee

- 1. On July 15, July 22, July, 29, August 14, August 19, September 2 and September 30, the Administrative Committee took action on Division II regulations and policies impacted by COVID-19, including issues related to eligibility, awards and benefits, championships, financial aid, membership requirements, playing and practice seasons, recruiting and reinstatement [see Attachment].
- 2. On August 14, the Division II Administrative Committee approved the following items:
 - a. Management Council Committee and Project Team Assignments.
 - (1) **Jim Johnson:** Removed Division II Administrative Committee, Division II Management Council/Championships Appeals Subcommittee and Division II Planning and Finance Committee and removed the ex officio designation from the Division II Championships Committee and Division II Management Council Identity Subcommittee;
 - (2) Courtney Lovely: Added Division II Administrative Committee, Division II Management Council/Championships Appeals Subcommittee and Division II Planning and Finance Committee, and added the ex officio designation to Division II Championships Committee and Division II Management Council Identity Subcommittee;
 - (3) Carrie Michaels: Removed NCAA Minority Opportunities and Interests Committee; and
 - (4) **Harry Stinson:** Added Division II Convention Planning Project Team, Management Council Liaison to the Minority Opportunities Athletics Administrators Association, and NCAA Minority Opportunities and Interests Committee.
 - b. Immediate Appointments to the Division II Student-Athlete Advisory Committee. The committee approved the following appointments, effective immediately.
 - (1) <u>Peach Belt Conference</u>. **Zach Brown**, men's basketball, University of North Georgia.
 - (2) At-Large Position. **Kiana Wiggins**, women's tennis, Caldwell University.
- 4. On August 19, the Administrative Committee approved a temporary extension to September 30, 2020, of the term of Harry Stinson III, director of athletics, Lincoln University (Pennsylvania), on the Division II Committee on Infractions due to a pending infractions case.

- 5. On August 26, the Division II Administrative Committee approved the following items:
 - a. Presidents Council-Sponsored Legislation for the 2021 NCAA Convention in Legislative Form. The Administrative Committee reviewed the proposals that were approved in concept by the Management Council and Presidents Council during their July and August meetings. The committee approved the proposals in legislative form.
 - b. **Immediate Appointment to Sport Committee.** The committee approved the following appointment, effective immediately.
 - <u>Wrestling Committee</u>. **Todd Steidley**, head coach, University of Central Oklahoma.
- 6. On September 2, the Administrative Committee approved the following item:
 - **2021 NCAA Division II National Championships Festival.** The committee approved not conducting the 2021 NCAA Division II National Championships Festival originally scheduled for March 10-13 in Birmingham, Ala., and instead conduct those championships separately.
- 7. On September 25, the Administrative Committee approved the following items:
 - a. Immediate Appointment to the Division II Student-Athlete Advisory Committee. The committee approved the following appointment, effective immediately.
 - <u>Central Intercollegiate Athletic Association</u>. **Bianca Lockamy**, women's basketball, Virginia Union University.
 - b. **Immediate Appointments to Sport Committee.** The committee approved the following appointments, effective immediately.
 - <u>Women's Rowing Committee</u>. **Jeanette McKillop**, associate athletics director/senior woman administrator, Franklin Pierce University; and **Matt Weise**, head coach, Humboldt State University.



Actions Approved by the Division II Administrative Committee Related to Regulations and Policies Impacted by COVID-19 Updated: September 30, 2020

For more information related to the COVID-19 pandemic, visit the following resources on the NCAA's COVID-19 webpage:

- 1. Resources on the resocialization of collegiate sport: <u>Core Principles of Resocialization of Collegiate Sport, Action Plan</u> Considerations and FAQ.
- 2. Interpretative guidance on existing Division II legislation and action taken based on the impact of the COVID-19 pandemic: 2020-21 Division II COVID-19 Question and Answer Guide.

Bylaw 13: Recruiting Issues	Outcome	Decision Date
Recruiting calendars in all sports.	Adopted noncontroversial legislation to end the quiet period as of September 1. For those sports that have a recruiting calendar, the	7/15/20
	legislation would apply effective September 1.	Updated 8/14/20
Annual coaches certification requirement.	Issued a blanket waiver to extend the 2019-20 certifications through August 31, 2020.	3/18/20
	Coaches must complete the 2020-21 required coaches curriculum by September 1, 2020 in order to recruit off campus and participate in countable athletically related activities.	
Institutional camps and clinics.	Confirmed institutional camps and clinics can be held during a quiet period and take place at any location, subject to applicable public health guidance and institutional and conference decisions.	3/25/20 Updated 4/8/20,
	Confirmed coaching staff members are permitted to be employed at a noninstitutional camp or clinic during the quiet period.	5/13/20, 5/20/20, 6/10/20
Student-athlete involvement in virtual recruitment.	Issued a blanket waiver to permit student-athletes to be involved in recruiting correspondence (e.g., phone call, videoconference) at the	4/15/20

Actions Approved by the Division II Administrative Committee Related to Regulations and Policies Impacted by COVID-19 Page No. 2

Bylaw 13: Recruiting Issues	Outcome	Decision Date
	direction of a coaching staff member through the 2020-21 academic year with any contactable prospective student-athletes.	Updated 5/6/20, 7/15/20
Transcript requirement prior to issuing National Letter of Intent or athletics aid agreement.	(1) Allowed institutions to provide a grade report in the event an unofficial transcript is unavailable; and(2) If a grade report is unavailable, institutions may submit a waiver for review on a case-by-case basis.	4/15/20
Advertisements and promotions (Bylaw 13.4.3.1)	Issued a blanket waiver to permit institutions to produce any promotional material for purposes of recruiting, provided publicity legislation (Bylaw 13.10) is followed.	5/6/20
Recruiting activity with multiple uncommitted prospective student-athletes.	Issued a blanket waiver to permit coaching staff members and current student-athletes to participate on a telephone/video call with any number of uncommitted prospective student-athletes (and their family members) through the 2020-21 academic year. All other publicity restrictions (Bylaw 13.10) apply.	5/20/20 Updated 7/15/20

Bylaw 14.2: Seasons of Competition Issues	Outcome	Decision Date
Impact on student-athletes that were required to serve a drug testing penalty in fall 2020 but are unable to do so due to the institution's cancellation of fall 2020 sports.	Questions on the application of drug testing penalties should be submitted through RSRO for clarification on application of penalties.	4/22/20
Impact on student-athletes that were required to serve a reinstatement withholding condition in fall 2020 but are unable to do so due to the	Questions on the application of reinstatement withholding conditions should be addressed on a case-by-case basis with the case manager.	4/22/20

Bylaw 14.2: Seasons of Competition Issues	Outcome	Decision Date
institution's cancellation of fall 2020 sports.		
Season-of-competition waivers – fall sports.	Allowed institutions to self-apply season-of-competition waivers for fall sport student-athletes who compete in up to the maximum permissible amount of competition during the 2020-21 academic year, provided all of the following criteria are met:	9/2/20
	 The student-athlete used a season of competition during the 2020-21 academic year; and The student-athlete was eligible for competition when he or she competed during the 2020-21 academic year. 	
Season-of-competition waivers – winter and spring sports.	Allowed institutions to self-apply season-of-competition waivers for winter and spring student-athletes for the 2020-21 academic year, provided all of the following criteria are met:	7/22/20 Updated 7/29/20,
	 The student-athlete's team participated in 50% or less of the sport's Bylaw 17 maximum contests/dates of competition during the 2020-21 season due to ongoing impact from COVID-19; The student-athlete used a season of competition during the 2020-21 academic year; and The student-athlete was eligible for competition when he or she competed during the 2020-21 academic year. 	8/14/20, 9/2/20
	Clarified the requirement that a team's participation in 50% or less of the sport's Bylaw 17 maximum contests/dates of competition during the 2020-21 season could apply to institutions that choose to schedule limited competition based on COVID-19. The calculation of 50% is specific to regular-season contests/dates of competition and includes	

Bylaw 14.2: Seasons of Competition Issues	Outcome	Decision Date
	all regular-season competition (including scrimmages and other discretionary exemptions).	
	Clarified that, in individual sports, a student-athlete may not participate in more than 50% of the sport's Bylaw 17 maximum in addition to the team not participating in more than 50%.	
Extension of eligibility waivers.	Allowed institutions to self-apply an extension of eligibility waiver (two semesters/three quarters) for student-athletes for the 2020-21 academic year, as follows: (1) If the student-athlete qualifies for the season of competition waiver (see above); (2) For a student-athlete who is unable to participate due to a cancellation of the sport season; or (3) For a student-athlete who opts out of countable athletically related activities. Clarified that a student-athlete may opt out at any time, regardless of whether they have previously participated in countable athletically related activities, including practice or competition and retain access to the extension of eligibility waiver in Option No. 3 above.	7/22/20 Updated 8/21/20, 9/30/20
	In order to qualify for the self-applied extension of eligibility waiver, the student-athlete must have been otherwise eligible for competition during 2020-21 academic year.	

Bylaw 14.2: Seasons of Competition Issues	Outcome	Decision Date
	This relief is applicable to all eligible student-athletes, regardless of year in school or number of semesters previously used.	
Extension of eligibility waivers for fall sport student-athletes whose 10 th semester/14 th and 15 th quarter is fall 2020 term.	The Division II Committee on Student-Athlete Reinstatement previously approved list allows for a one semester/two quarter extension to permit participation during the 2021 spring season.	8/14/20
Organized competition legislation.	Issued a blanket waiver of the organized competition legislation to permit students who have not previously enrolled full time at a collegiate institution, and whose legislated grace period concluded before the 2020-21 academic year, to engage in organized competition during the 2020-21 academic year without using a season of competition.	7/29/20
	The waiver will be applied by the NCAA staff during the NCAA Eligibility Center amateurism certification process and reflected in the student-athlete's certification.	

Bylaw 14.3: Initial Eligibility Issues	Outcome	Decision Date
How will the Eligibility Center approach schools that issue pass/fail grades for core courses completed in spring/summer 2020?	Credits earned in pass/fail core courses in spring/summer 2020 will apply toward the core-course requirement, but quality points (2.3) for passed core units will only be included for GPA purposes if the student's core GPA would increase with their inclusion. Note: This policy will apply to students from all grade levels (e.g., freshmen, sophomores) who successfully complete NCAA-approved pass/fail courses in Spring/Summer 2020.	4/15/20

Bylaw 14.3: Initial Eligibility Issues	Outcome	Decision Date
Given the unique circumstances and cancellations (e.g., spring terms, leaving exams, ACT/SAT dates), will there be any flexibility in the initial-eligibility standard for students with an expected winter 2020 graduation date who initially enroll full time in 2020-21?	Students will receive an automatic initial-eligibility waiver (athletics aid, practice and competition) in the academic certification process if they successfully complete at least 10 core-course units before starting the seventh semester and present a 2.2 or higher core GPA in such courses. Students will receive an automatic initial-eligibility waiver for athletics aid and practice (i.e., partial qualifier) relief of initial-eligibility requirements for expected Spring/Summer/Winter 2020 graduates who present at least 10 core units with a 2.000 GPA before starting the seventh semester of high school.	4/15/20
Will there be any flexibility in requiring official academic documents for students with an expected winter 2020 graduation date who initially enroll full time in 2020-21?	If official documents are unavailable, unofficial documents may be used in the certification, provided such documents are submitted to the Eligibility Center directly from the email address associated with the student's Eligibility Center account.	4/15/20
Should the current application of COVID-19 alternative standards be adjusted to provide enhanced flexibility?	Students who initially enroll full-time in 2020-21 will receive an automatic initial-eligibility waiver if they meet current COVID-19 alternative standards or legislated requirements without test scores.	8/14/20
Given continued uncertainty due to COVID-19, will there be any flexibility in the initial-eligibility standard for students who initially enroll full time in 2021-22?	Students who initially enroll full-time in 2021-22 will receive an automatic initial-eligibility waiver if they meet legislated requirements (qualifier, early academic qualifier, partial qualifier) without test scores.	8/14/20
Should current policies regarding pass/fail grades and unofficial	Students who successfully complete pass/fail courses in 2020-21 will receive 2.3 quality points for such courses, and unofficial documents	8/14/20

Bylaw 14.3: Initial Eligibility Issues	Outcome	Decision Date
documents be extended for students who	may be used in the certification for students who initially enroll full-	
initially enroll full time in <u>2021-22</u> ?	time in 2021-22.	

Bylaws 14.1/14.4: Full-Time Enrollment and Progress-Toward- Degree Issues	Outcome	Decision Date
Impact on student-athletes who utilized Bylaw 14.1.7.1.7.3 (practice or competition – final semester/quarter) during the 2020 spring semester and implications for full-time enrollment in fall 2020.	Issued a blanket waiver to waive the application to permit student-athletes to retain their eligibility if they are not able to complete their graduation requirements in the spring 2020 term due to COVID-19 impact.	3/18/20
Eligibility requirements for the 2020-21 academic year (full-time enrollment, term-by-term, academic year and annual credit hour requirements, GPA requirement).	r (full-time enrollment, ademic year and requirements for the 2020-21 academic year remain the same.	
Full-time enrollment for 2020-21 academic year.	Issued a blanket waiver to allow student-athletes who will exhaust their 10-semester/15-quarter period of eligibility during the 2020-21 academic year to participate in <u>practice</u> while enrolled part-time in at least nine-semester/eight-quarter hours for undergraduate and six-semester or six-quarter hours for graduate.	8/14/20

Bylaws 14.1/14.4: Full-Time Enrollment and Progress-Toward- Degree Issues	Outcome	Decision Date
	(Note: student-athletes who practice while enrolled less than full-time would use a semester/quarter.)	
Impact on student-athletes who utilized Bylaw 14.1.7.1.7.3 (practice or competition – final semester/quarter) during the 2020 fall semester and implications for full-time enrollment in spring 2021. Issued a blanket waiver to waive the application to permit stude athletes to retain their eligibility if they are not able to complete graduation requirements in the fall 2020 term.		8/14/20
Progress-toward-degree requirements for the 2020-21 academic year.	Confirmed that progress-toward-degree requirements remain as legislated for the 2020-21 academic year.	8/14/20
Application of the missed term exception.	Issued a blanket waiver to allow the following student-athletes who choose to not enroll for the 2020 fall term to use the missed term exception: (1) A student-athlete in their first academic year in residence; and (2) A student-athlete who has previously used the missed term	8/21/20
	exception once during their collegiate enrollment.	

Bylaw 14.5: Transfer Eligibility Issues	Outcome	Decision Date
Two-year college transfer requirements	Allowed institutions to self-apply a two-year college transfer waiver	5/6/20
for prospective student-athletes who are	for prospective student-athletes transferring for the 2020-21 academic	
impacted by COVID-19 related issues	year provided all of the following criteria were met and the student-	Updated 5/13/20
(e.g., certifying institution does not	athlete was enrolled in the courses necessary entering the 2020 spring	5 p 4.110 2 0
accept pass/fail grades, two-year college	term:	
ceased operations, two-year college	(1) The student-athlete was on track to complete at least two full-time	
transitioned to remote learning).	semesters or three quarters at the two-year college;	

Bylaw 14.5: Transfer Eligibility Issues	Outcome	Decision Date
	 (2) The student-athlete was on track to satisfactorily complete an average of 12-semester or 12-quarter hours of transferable credit for each full-time term of attendance at the two-year college; (3) The student-athlete was on track to satisfactorily complete the following transferable credit-hour requirements: a) six semester or eight quarter hours of English; b) three semester or four quarter hours of Math; and c) three semester of four quarter hours of natural or physical science; and (4) The student-athlete has presented a minimum transferable gradepoint average of 2.2. 	
	The institution is responsible for maintaining documentation on campus as is currently required for progress-toward-degree waivers in the <u>previously approved waiver checklist</u> .	

Bylaw 14.7: Outside Competition Issues	Outcome	Decision Date
Application of outside competition (including unattached competition) legislation for the 2020-21 academic year.	Confirmed the legislation for outside competition apply as is for the 2020-21 academic year. If needed, institutions can file individual waiver requests.	8/14/20

Outcome	Decision Date
Issued a blanket waiver to allow student-athletes who would have used their fourth season of competition or exhausted their 10-semester/15-quarter period of eligibility during the spring 2020 term	3/13/20
sei	sued a blanket waiver to allow student-athletes who would have ed their fourth season of competition or exhausted their 10-

	counting toward team equivalency limits (i.e., treat these student-athletes as if they are receiving exhausted eligibility athletics aid). This relief only applies if the student-athlete remains at their original	Criteria amended 3/18/20 and 3/25/20
	institution. If the student-athlete transfers, the athletics aid received at the new institution would count toward team equivalency limits.	
Financial aid equivalency limits for the 2020-21 academic year.	Issued a blanket waiver to exempt from team equivalency limits athletics aid received by a fall sport student-athlete whose 10th semester/14th and 15th quarter is fall 2020 term (or for a student-athlete who has previously qualified for an extension of eligibility waiver) and qualifies for a one semester/two quarter extension to permit participation during the 2021 spring season.	9/2/20
If a student-athlete fails to report for practice or competition for reasons related to COVID-19 (e.g., unable to obtain visa, uncomfortable traveling to institution's locale, opting out of participation in countable athletically related activities), does this constitute voluntary withdrawal and the institution can reduce/cancel athletics aid?	Adopted noncontroversial legislation to amend NCAA Bylaw 15.5.4.3 (reduction or cancellation not permitted) to prohibit an institution from reducing or cancelling athletics aid for a student-athlete who, by October 1, 2020, chooses to opt out of countable athletically related activities during the 2020-21 academic year due to concerns about contracting COVID-19; further, to clarify that a student-athlete's decision to opt out of participation by October 1, 2020 does not constitute a voluntary withdrawal from the team.	3/18/20 Updated 8/21/20
Degree-Completion Awards for 2020-21.	For spring sports student-athletes who were awarded an extension request, waived current requirements so they can participate in their last season during the 2020-21 academic year and still receive the award. Additionally, a student-athlete may still receive athletics aid.	3/25/20 Updated 3/30/20
2020-21 academic year athletics aid reductions or cancellations due to COVID-19	Confirmed it is permissible for an institution to include a nonathletically related condition [see Bylaw 15.5.4.1.1] in its 2020-21 financial aid agreements related to COVID-19 (e.g., reduction of room	5/6/20

	and board if an institution only conducts online courses for the fall 2020 term). Institutions are encouraged to consult with legal counsel and risk management.	
Conference postgraduate scholarships for the 2020-21 academic year.	Issued a blanket waiver to permit student-athletes with remaining eligibility to receive a postgraduate scholarship from a conference office during the 2020-21 academic year and exempt the aid from institutional team equivalency limits.	8/14/20
Financial aid equivalency limits for the 2021-22 academic year.	Issued a blanket waiver to permit a student-athlete, regardless of sport, who would have used their fourth season of competition or exhausted their 10-semester/15-quarter period of eligibility during the 2020-21 academic year to receive athletics aid for the 2021-22 academic year without counting toward team equivalency limits (i.e., treat these student-athletes as if they are receiving exhausted eligibility athletics aid).	9/2/20
	This relief only applies if the student-athlete remains at their original institution. If the student-athlete transfers for the 2021-22 academic year, the athletics aid received at the new institution will count toward team equivalency limits.	

Bylaw 16: Awards and Benefits Issues	Outcome	Decision Date
Extra benefits (e.g., meals, lodging, travel).	Flexibility already exists for institutions to provide necessary housing and meals through the Committee for Legislative Relief incidental expense waiver list.	3/13/20
	Issued a blanket waiver to provide flexibility for institutions to provide any necessary transportation (e.g., flights to/from campus) to ensure the health and well-being of student-athletes.	

Bylaw 16: Awards and Benefits Issues	Outcome	Decision Date
Reimbursement of costs associated with a foreign tour.	Issued a blanket waiver to provide flexibility for institutions to reimburse student-athletes for any costs paid for a foreign tour that is cancelled.	4/15/20
Student-athlete housing blocks.	Issued a blanket waiver for the 2020-21 academic year to permit institutions to make housing arrangements as determined to be necessary with COVID-19 considerations, including student-athlete specific housing blocks.	6/10/20
Providing benefits (e.g., housing and meals) prior to the first permissible date of preseason practice.	Confirmed that it is permissible per Bylaw 16.4 (medical expenses) to provide benefits (e.g., housing and meals) to a student-athlete who needs to return to campus for medical reasons (e.g., COVID-19 testing, quarantine) prior to the start of preseason practice, as the institution has determined that an earlier return to campus is medically necessary.	6/10/20

Bylaw 17: Playing and Practice Seasons Questions	Outcome	Decision Date
Rescheduling a foreign tour during an otherwise impermissible period.	Kept the legislation as is. If needed, institutions can file individual waiver requests.	4/15/20
2020-21 playing and practice seasons – Division II fall championship sports.	Approved a blanket waiver that allows schools to adjust schedules during a fall sport's championship segment and nonchampionship segment for the 2020-21 academic year only. Please see July 29, 2020, membership communication for additional details. Additional educational resources will be developed and distributed to the membership.	6/17/20 Updated 7/15/20, 7/22/20
2020-21 playing and practice seasons – basketball.	Approved a blanket waiver that allows schools to adjust schedules for the 2020-21 academic year only. Please see July 29, 2020, membership	7/29/20

Bylaw 17: Playing and Practice Seasons Questions	Outcome	Decision Date
	communication for additional details. Additional educational resources will be developed and distributed to the membership.	
2020-21 playing and practice seasons – all other Division II winter championship sports.	Approved a blanket waiver that allows schools to adjust schedules during a winter sport's championship segment and nonchampionship segment for the 2020-21 academic year only. Please see July 29, 2020, membership communication for additional details. Additional educational resources will be developed and distributed to the membership.	7/29/20
2020-21 playing and practice seasons – Division II spring championship sports.	Approved a blanket waiver that allows schools to adjust schedules during a spring sport's championship segment and nonchampionship segment for the 2020-21 academic year only. Please see July 29, 2020, membership communication for additional details. Additional educational resources will be developed and distributed to the membership.	7/29/20
Nonchampionship and out-of-season hour limitations during the fall 2020 term.	Confirmed the nonchampionship segment and out-of-season daily and hour limitations will remain as is for the 2020-21 academic year.	7/29/20
Voluntary workouts for prospective student-athletes prior to the start of the 2020-21 academic year.	Issued a blanket waiver to permit incoming prospective student-athletes to participate in voluntary workouts prior to the start of the 2020-21 academic year, as follows:	8/14/20
	(a) Incoming fall sport prospective student-athletes who have moved into the dorms (or, for individuals living off-campus, in the locale of the institution) on/after the move-in date for all students may request voluntary workouts with their sport coaches prior to the start of the 2020-21 academic year (Note: fall sport prospective	

Bylaw 17: Playing and Practice Seasons Questions	Outcome	Decision Date
	student-athletes are already permitted to request voluntary workouts with strength and conditioning coaches during the summer vacation period after June 1); and (b) Incoming winter or spring sport prospective student-athletes who have moved into the dorms (or, for individuals living off-campus, in the locale of the institution) on/after the move-in date for all students may request voluntary workouts with their sport coaches and/or strength and conditioning coaches prior to the start of the 2020-21 academic year.	

Bylaw 20: Membership Issues	Outcome	Decision Date
Impact of furloughs on membership requirements (e.g., full-time compliance administrator, athletics healthcare administrator).	Legislation remains the same. Waivers to be submitted as needed.	4/8/20
Waiving legal rights as a condition of participation.	Adopted noncontroversial legislation for the 2020-21 academic year only to amend NCAA Constitution 3.3.4 (conditions and obligations of membership) to prohibit an institution from requiring student-athletes to waive their legal rights regarding COVID-19 as a condition of athletics participation.	8/21/20
COVID-19 medical expenses.	Adopted noncontroversial legislation to amend NCAA Constitution 3.3.4 (conditions and obligations of membership) to specify that, prior to a student-athlete participating in fall 2020 term competition (e.g., championship segment or nonchampionship segment competition; scrimmages combining teams from two different institutions; and	8/21/20

Bylaw 20: Membership Issues	Outcome	Decision Date
	practices combining teams from two different institutions), the institution shall:	
	(1) Provide information on the waivers and legislative changes approved by Division II for student-athletes due to the impact of COVID-19 (e.g., accommodations for student-athletes who opt out, season-of-competition waivers);	
	(2) Review the institution's institutional insurance coverage with student-athletes who plan to compete in the fall 2020 term, and advise student-athletes to review their own existing coverage;	
	(3) Inform student-athletes of the risk classification of their sports according to the NCAA Resocialization of Sport: Developing Standards for Practice and Competition; and	
	(4) Provide information about how the institution is complying with the NCAA Resocialization of Sport: Developing Standards for Practice and Competition.	
Sports sponsorship.	Issued a blanket waiver of the sports sponsorship requirements for the 2020-21 academic year.	9/2/20
Five-sport/three-season requirement.	Issued a blanket waiver of the five-sport/three-season requirement for the 2020-21 academic year.	9/2/20
Annual SAAC meeting.	Issued a blanket waiver of the in-person conference student-athlete advisory committee annual meeting requirement for the 2020-21 academic year. Conferences will still be required to conduct an annual SAAC meeting, either in person or virtually.	9/30/20



REPORT OF THE NCAA BOARD OF GOVERNORS JUNE 11, 2020, VIDEOCONFERENCE

ACTION ITEMS:

• None.

INFORMATIONAL ITEMS:

- 1. Welcome and announcements. NCAA Board of Governors Chair President Michael Drake welcomed the Governors and thanked them for taking the time to participate in the videoconference.
- **2. Report of the NCAA Board of Governors April 28, 2020, videoconference.** The Board of Governors approved the report of its April 28, 2020, videoconference.
- 3. NCAA President's report. President Mark Emmert provided brief comments on several issues facing the Association that were part of the Board of Governors' videoconference agenda, as well as others that the board will have to address in the very near future and in August.
- 4. Discussion of college sports and racial and social justice. The chair noted the events that have unfolded recently with the tragic death of George Floyd and the resulting civil unrest that has transpired since then are unlike anything most of us have ever experienced in our lifetimes. At the request of the chair, each board member shared with the group the impact of the unrest and any resulting activity on their campuses. Many expressed their appreciation for the leadership displayed by student-athletes, coaches, staff and administrators in facilitating difficult conversations and participating in peaceful protest activity. The sense of the group was that the NCAA and its members should aspire to be agents of progress in advancing racial equity and justice.

5. NCAA championships update.

- **a.** Fall sports championships. NCAA Senior Vice President of Championships Joni Comstock provided an overview of planning for fall championships, including the health and safety considerations, which have been at the forefront of all discussions. Staff continues to monitor evolving medical information as planning moves forward on several options for fall championship events.
- **b. Division I Men's Basketball Championship.** NCAA Senior Vice President of Basketball Dan Gavitt shared with the board contingency planning for the 2021 NCAA Division I Men's Basketball Championship, which includes consideration of a variety of issues that could impact the conduct of the championship.

- 6. Resocialization of Collegiate Sport. NCAA Chief Medical Officer Brian Hainline provided an overview of the Resocialization of Collegiate Sport: Action Plan Considerations document that recently was distributed to the membership. The document was developed in consultation with the NCAA COVID-19 Advisory Panel and is intended to be a resource for member schools to use in coordination with applicable government and related institutional policies and guidelines. As available data and information continue to emerge and evolve, the document will be reviewed and revised as appropriate.
- 7. Litigation update. NCAA General Counsel Scott Bearby facilitated a brief privileged and confidential discussion regarding several matters of ongoing litigation. The chair advised the board that another meeting will be scheduled in the very near future to continue the conversation about current litigation and explore next steps in greater detail.
- **8. Agenda items not reviewed with the board.** Due to time constraints, the board was made aware that updates on the following agenda items would be made available via Boardvantage:
 - NCAA media contracts.
 - 2021 NCAA Convention.
 - Government relations Update on state and federal legislative actions and proposals.
 - NCAA strategic plan update.
 - NCAA national office finances update.
- **9. Other resource materials**. The chair reminded board members of the following resource materials provided for their information, noting that staff is available to answer any questions:
 - a. Summary of Divisions I, II and III governance actions to provide COVID-19 relief to the membership.
 - b. Status of NCAA Campus Sexual Violence Policy attestation.
- 10. Adjournment. The videoconference adjourned at approximately 1:30 p.m. Eastern time.

Board of Governors chair: Michael Drake, The Ohio State University
Staff liaisons:

Jacqueline Campbell, Law, Policy and Governance
Donald M. Remy, Law, Policy and Governance

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NCAA Board of Governors June 11, 2020, Videoconference

Attendees:

Heather Benning, Midwest Conference

Grace Calhoun, University of Pennsylvania.

Eli Capilouto, University of Kentucky.

Mary Sue Coleman, Association of American Universities.

John DeGioia, Georgetown University.

Philip DiStefano, University of Colorado.

Michael Drake, The Ohio State University.

Mark Emmert, NCAA.

Allison Garrett, Emporia State University.

Christopher Graham, Rocky Mountain Athletic Conference.

Burns Hargis, Oklahoma State University.

Grant Hill, CBS/Warner Media/Atlanta Hawks.

Sandra Jordan, University of South Carolina Aiken.

Renu Khator, University of Houston.

Ronald Machtley, Bryant University.

Fr. James Maher, Niagara University.

Denis McDonough, Former White House Chief of Staff.

Fayneese Miller, Hamline University.

Tori Murden-McClure, Spalding University.

Vivek Murthy, 19th United States Surgeon General.

Denise Trauth, Texas State University.

Satish Tripathi, University at Buffalo, The State University of New York.

David Wilson, Morgan State University.

Randy Woodson, North Carolina State University.

Absentees:

Ken Chenault, General Catalyst.

Guests in Attendance:

None.

NCAA Staff Liaisons in Attendance:

Jacqueline Campbell and Donald Remy.

Other NCAA Staff Members in Attendance:

Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Maritza Jones, David Lafiosca, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Cari Van Senus, Stan Wilcox and Bob Williams.

Report is not final until approval of the Board of Governors



REPORT OF THE NCAA BOARD OF GOVERNORS JUNE 19, 2020, VIDEOCONFERENCE

ACTION ITEMS:

• None.

INFORMATIONAL ITEMS:

- 1. Welcome and announcements. NCAA Board of Governors Chair President Michael Drake convened the videoconference at approximately 11 a.m. and welcomed the Governors. President Drake noted the primary agenda item for this meeting is the litigation update; however, the board will begin with a discussion of the NCAA Confederate Flag Policy.
- 2. NCAA Confederate Flag Policy. NCAA President Mark Emmert noted that the current Confederate Flag Policy prohibits conducting NCAA championship contests (games) at predetermined sites within a state that officially recognizes the Confederate battle flag. The policy does not, however, prohibit the conduct of championships at sites that are awarded based on competitive record, ranking or championship seeding. The only sport in which all championship sites are predetermined is the Division I men's basketball championship. Currently, the only state in which the policy applies is Mississippi.

President Emmert commented that over the years, individuals and groups have encouraged the NCAA to extend this ban to non-predetermined sites for any state recognizing the Confederate battle flag. He also noted a memorandum recently received from a group of current and former student-athletes from NCAA member schools in Mississippi requesting the Board of Governors expand the policy to apply to non-predetermined championship sites as well.

It was VOTED

"That the Board of Governors expand the NCAA Confederate Battle Flag Policy to apply to all NCAA championships (both predetermined and non-predetermined sites), effective immediately." **Approved** (Unanimous voice vote)

- **3.** Litigation update. NCAA General Counsel and Vice President of Legal Affairs Scott Bearby provided a privileged and confidential briefing and facilitated dialogue on current litigation.
- **4. Other business.** President Drake noted that due to time constraints, there were several items the board was unable to discuss during its June 11 videoconference. Staff will be communicating with board members as board feedback is needed on several of the agenda items.
- **5. Adjournment.** The videoconference adjourned at approximately 11:04 a.m. Eastern time.

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Board of Governors chair: Michael Drake, The Ohio State University

Staff liaisons: Jacqueline Campbell, Law, Policy and Governance

Donald M. Remy, Law, Policy and Governance

NCAA Board of Governors June 19, 2020, Videoconference

Attendees:

Heather Benning, Midwest Conference

Grace Calhoun, University of Pennsylvania.

Ken Chenault, General Catalyst.

Mary Sue Coleman, Association of American Universities.

John DeGioia, Georgetown University.

Philip DiStefano, University of Colorado.

Michael Drake, The Ohio State University.

Mark Emmert, NCAA.

Allison Garrett, Emporia State University.

Christopher Graham, Rocky Mountain Athletic Conference.

Burns Hargis, Oklahoma State University.

Grant Hill, CBS/Warner Media/Atlanta Hawks.

Renu Khator, University of Houston.

Ronald Machtley, Bryant University.

Fr. James Maher, Niagara University.

Denis McDonough, Former White House Chief of Staff.

Fayneese Miller, Hamline University.

Tori Murden-McClure, Spalding University.

Vivek Murthy, 19th United States Surgeon General.

Denise Trauth, Texas State University.

David Wilson, Morgan State University.

Randy Woodson, North Carolina State University.

Absentees:

Eli Capilouto, University of Kentucky.

Sandra Jordan, University of South Carolina Aiken.

Satish Tripathi, University at Buffalo, The State University of New York.

Guests in Attendance:

None.

NCAA Staff Liaisons in Attendance:

Jacqueline Campbell and Donald Remy.

Other NCAA Staff Members in Attendance:

Scott Bearby, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Cari Van Senus, and Bob Williams.

Report is not final until approval of the Board of Governors



REPORT OF THE NCAA BOARD OF GOVERNORS JULY 24, 2020, VIDEOCONFERENCE

ACTION ITEMS:

None.

INFORMATIONAL ITEMS:

- 1. Welcome and announcements. NCAA Board of Governors Chair President Michael Drake convened the videoconference at approximately 2:30 p.m. Eastern time and welcomed the Governors. President Drake noted the purpose of this meeting is to further the board's discussion on the conduct of NCAA fall sports championship events.
- 2. NCAA championships planning. The board received operational, logistical and financial information related to championships planning.
 - **a. Fall, winter and spring championships.** Staff shared with the board information regarding the number of championships, number of sites, number of participants and the number of participants that would be tested for Covid-19 for fall, winter and spring championships. The board also was informed of which championship sports have been identified as high risk, medium risk and low risk based on the amount of contact of the athletes during competitions.
 - b. Fall sports championships planning. Staff identified all NCAA fall sports championships and the options being considered: 1) Conduct championships in the fall, potentially with reductions in the number of competitors; 2) Conduct fall championships in the spring; and 3) Cancel fall sports championships. Staff also noted institutions and conferences in each division that have taken action as of the time of the board meeting to delay the start of fall sports competition, move fall sports competition to the spring or to cancel fall sports seasons. Further, input from several divisional governance bodies and conference commissioners also was reviewed. The board recognized that institutions and conferences will continue to make their own decisions about continuing with competition. Lastly, modifications necessary to conduct fall sports championships in the fall and those necessary to conduct them in the spring were provided to the board.
 - c. Financial and logistical implications of championships scenarios. Staff shared with the board the increase in costs and decrease in revenues associated with conducting championships in a manner that aligns with the Core Principles of Resocialization of College Sport and the Resocialization of Collegiate Sport: Developing Standards for Practice and Competition guidelines. The board also heard about potential external supply factors that could affect the ability to conduct quality championships, such as reduced, scheduled and charter air service.
- 3. Board of Governors discussion. All board members shared their thoughts on the information provided and the complexity of decision-making due to the continually changing dynamics. Deep concern was expressed about the infection trend lines. The board agreed to monitor health conditions across the country and the implementation of the COVID-19 guidelines issued the previous week. The board agreed to continue its discussion in August.
- **4. Other business.** As board members prepare for their next meeting, the chair asked that they consider a number of questions that will assist as they consider a decision relative to NCAA fall sports championships. Staff was directed to distribute the questions for consideration to the board.
- **5. Adjournment.** The videoconference adjourned at approximately 4:40 p.m. Eastern time.

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Board of Governors chair: Michael Drake, The Ohio State University

Staff liaisons: Jacqueline Campbell, Law, Policy and Governance

Donald M. Remy, Law, Policy and Governance

NCAA Board of Governors July 24, 2020, Videoconference

Attendees:

Heather Benning, Midwest Conference

Grace Calhoun, University of Pennsylvania.

Eli Capilouto, University of Kentucky.

Mary Sue Coleman, Association of American Universities.

John DeGioia, Georgetown University.

Philip DiStefano, University of Colorado.

Michael Drake, The Ohio State University.

Mark Emmert, NCAA.

Allison Garrett, Emporia State University.

Christopher Graham, Rocky Mountain Athletic Conference.

Burns Hargis, Oklahoma State University.

Grant Hill, CBS/Warner Media/Atlanta Hawks.

Sandra Jordan, University of South Carolina Aiken.

Renu Khator, University of Houston.

Fr. James Maher, Niagara University.

Denis McDonough, Former White House Chief of Staff.

Fayneese Miller, Hamline University.

Tori Murden-McClure, Spalding University.

Vivek Murthy, 19th United States Surgeon General.

Denise Trauth, Texas State University.

Satish Tripathi, University at Buffalo, The State University of New York.

David Wilson, Morgan State University.

Randy Woodson, North Carolina State University.

Absentees:

Ken Chenault, General Catalyst.

Guests in Attendance:

None.

NCAA Staff Liaisons in Attendance:

Jacqueline Campbell and Donald Remy.

Other NCAA Staff Members in Attendance:

Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Maritza Jones, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Stan Wilcox, and Bob Williams.

Report is not final until approval of the Board of Governors



REPORT OF THE NCAA BOARD OF GOVERNORS AUGUST 4, 2020, VIDEOCONFERENCE

ACTION ITEMS:

• The NCAA Board of Governors directed each division to determine through its governance process whether fall sports competitions and NCAA fall sports championships shall occur and if so, to conduct them in accordance with the requirements identified and approved by the Board of Governors (See Attachment A).

[Note: Given the dynamic environment around COVID-19 issues, the board extended the deadline for divisional action on all sections of the directive to August 21, 2020.]

INFORMATIONAL ITEMS:

- 1. Welcome and announcements. NCAA Board of Governors Chair President Michael Drake convened the videoconference at approximately 12:30 p.m. Eastern time and welcomed the Governors. President Drake noted the full agenda for the meeting, including the continued discussion on NCAA fall sports championships, as well as an executive session to review presidential performance. Because they were participating in their last meeting, President Drake thanked the following members for their service: Presidents Eli Capilouto and James Maher. President Drake also thanked independent member Denis McDonough who was leaving the board to join the faculty at the Keough School of Global Affairs at the University of Notre Dame.
- 2. Reports of the NCAA Board of Governors June 11, June 19, July 14 and July 24, 2020, videoconferences. The Board of Governors approved the reports of its June 11, June 19, July 14 and July 24, 2020, videoconferences.
- 3. NCAA president's report. NCAA President Mark Emmert began his report by recognizing President Drake for his service on the Board of Governors. President Emmert thanked President Drake for serving as chair of the board and the Board of Governors Executive Committee during an unprecedented time in intercollegiate athletics. President Emmert then provided brief comments on several issues facing the Association, paying particular attention to the continued discussion of NCAA fall sports championships and the ongoing review of the NCAA Transgender Student-Athlete Participation Policy.

4. Association-wide issues.

a. NCAA fall sports championships. The Board of Governors expressed concerns about the trajectory of COVID-19 infections, insufficient physical distancing/universal masking across much of society and stressed testing capabilities, which has put safe competition of college sports at risk. The board noted that the most important consideration for whether fall sports postseason competition involving NCAA student-athletes can occur as scheduled is that it can be conducted safely. The board agreed that it will only support moving forward with fall championships and other postseason play involving NCAA student-athletes if strict conditions are applied and adhered to

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and there is significant reduction in COVID-19 spread. The board determined the best course of action to ensure appropriate consideration of the wide-ranging concerns of the membership and the health and safety priorities of student-athletes is to direct each division to take appropriate actions based on requirements identified and approved by the board. The board discussed a draft set of requirements that each division must follow if a division makes the decision to move forward with competitions occurring in the fall (including NCAA fall sports championships and other postseason competition involving NCAA student-athletes).

It was VOTED

"That staff amend the requirements for conducting sports competitions occurring in the fall (including NCAA fall sports championships and other postseason competition involving NCAA student-athletes) to reflect the Board of Governors' recommended changes and that a revised document be distributed to the board for final comment this evening. Once revised, the document shall be distributed to the three divisional presidential bodies for review during their meetings the following day. In addition, the board directs the three divisions to determine through their governance processes whether fall sports competitions and NCAA fall sports championships shall be conducted and, if so, to conduct them in accordance with requirements identified and approved by the board (See Attachment A)." **Approved** (For 18, Against 0, Abstain 0).

b. NCAA Policy on Campus Sexual Violence.

- (1) Annual report of membership compliance with the NCAA Campus Sexual Violence Policy. The board received a list of all member schools that appropriately completed the attestation form required by the Association-wide sexual violence policy. It was reported that three schools did not complete the form as required; however, two of those schools have closed and one is in the process of closing. The board also was informed of the modifications made to this year's attestation process as well as the membership communication and outreach conducted to assist member schools as they worked through the process during the COVID-19 pandemic.
- (2) <u>Update on implementation of expanded policy</u>. Since the Board of Governors action in April to expand the NCAA Campus Sexual Violence Policy, the United States Department of Education released its final regulations governing campus sexual assault under Title IX, effective August 14, 2020. Staff is reviewing the new guidelines to determine if any revisions to the NCAA policy are necessary and will update the board and membership as appropriate.

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- c. Update on NCAA Transgender Student-Athlete Participation Policy review and federal and state legislative activity.
 - (1) Transgender Student-Athlete Participation Policy review. Staff noted that the review by several Association-wide committee continues to determine whether the current Transgender Student-Athlete Participation Policy should be modified based on the current principles of inclusion and fairness. The board was informed that the NCAA inclusion and Sport Science Institute staffs are conducting a Summit next month that includes sociological and scientific experts, as well as student-athletes and other representatives from the membership. The board will hear an update regarding the policy review at its October meeting. The board heard an update regarding application of its championship host anti-discrimination policy.
 - (2) <u>Federal and state legislative update</u>. The board received an update on federal and state legislative activity related to transgender athletes' participation in sports. Highlighted was Idaho House Bill 500, which was signed into law effective July 1, 2020, and requires participation in sports based on an individual's assigned gender at birth. Staff is monitoring a recent lawsuit involving Idaho HB 500 and will review the court's decision when it is made.
- 5. NCAA Board of Governors Finance and Audit Committee report. President Satish Tripathi, chair of the Finance and Audit Committee, presented the committee's report.
 - **a. FY 2019-20 external audit plan presented by Crowe**. The Crowe external audit plan for the 2019-20 fiscal year was shared with the board, noting that the committee had no concerns with the material presented.

It was VOTED

"To accept the external audit plan from Crowe for the 2019-20 fiscal year." **Approved** (For 18, Against 0, Abstain).

b. FY 2020-21 NCAA internal audit plan. The committee received a report of the internal audit plan for 2020-21 fiscal year from staff. The plan is based on a risk assessment that is performed annually by staff. The committee had no concerns and accepted the report.

It was VOTED

"That the Board of Governors approve the internal audit plan for the 2020-21 fiscal year." **Approved** (For 18, Against 0, Abstain).

c. Third quarter fiscal year 2019-20 budget-to-actual review. The committee reviewed a comparison of actual revenues and expenses versus budgeted revenues and expenses

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during the third quarter of the current fiscal year (2019-20). The report reflects the cancellation of NCAA winter and spring championships.

d. FY 2020-21 budget. The NCAA chief financial officer presented the fiscal year 2020-21 budget to the committee. Initially, the budget allocation was approved through the 10-year financial plan in December 2019 and included an overall increase of \$29.3 million in the expense budget. The revised FY2020-21 budget reflects a net decrease of \$45.7 million. The only increase in the overall budget is a \$13.6 million increase in revenue distribution.

It was VOTED

"That the Board of Governors approve the FY2020-21 NCAA budget as presented." **Approved** (For 18, Against 0, Abstain).

- 6. NCAA national office financial report. The NCAA chief financial officer reported to the board that the remediation plan related to FY 2019-20 budget has been successful, as the national office has surpassed goals set for the budget cuts. The NCAA is now projecting a positive net income for FY2019-20 year-end. The board also reviewed the costs of NCAA championships in 2020-21 due to the added safety measures resulting from the COVID-19 pandemic. Staff continues to review FY2020-21 budget to determine if any additional reduction in expenses will be necessary.
- 7. Law, Policy and Governance Strategic Discussion.
 - NCAA Sport Science Institute/Committee on Competitive Safeguards and a. Medical Aspects of Sports. The board was informed of the results of a review of the provision of medical care by a host institution's primary athletics health care provider to visiting teams' student-athletes when those teams do not travel with their own primary athletics health care provider. The issue was addressed using the board endorsed Uniform Standards of Care approach. The CSMAS and an internal working group collaborated with external experts to develop guidelines and a frequently asked questions (FAQ) document. These documents are intended to provide guidance to the membership on the institutional obligations, and some of the more relevant corresponding considerations, related to the provision of medical care and coverage for NCAA student-athletes who are participating in school-sponsored practice and competition at locations other than their home institutional facilities. Members are encouraged to review these materials with applicable campus medical, legal and risk management authorities to determine whether and how best to use this information to address individual institutional risks and requirements.
 - **b.** Government relations report. The board was informed of the quarterly government relations activity report included in their meeting materials. Staff noted continued interest in name, image and likeness by both chambers of the United States Congress, as well as their ongoing discussion on developing related legislation.

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- **c.** Legal and litigation update. NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.
- 8. Update on NCAA strategic planning process. Following its June 11 videoconference, the Board of Governors agreed to suspend fully introducing and executing the draft strategic plan, noting that while the way forward is not clear for any segment of American enterprise, including higher education, college athletics must not and will not suspend its core values. The board noted that the Association will focus the next 12 to 24 months on priorities within the plan that it finds to be the most impactful during this critical time. Those priorities include health, safety and well-being; governance; diversity, equity and inclusion; financial stability; and legal constraints, government relations and realities (See Attachment B).
- 9. 2021 NCAA Convention update. Recognizing the financial and planning uncertainty as a result of the ongoing COVID-19 pandemic, including safe travel, meeting space and available lodging, local restrictions on size of gatherings, and recognizing the need for presidents/chancellors and athletics directors to attend to campus matters as they work through the implications of COVID-19, the board supported moving to a virtual 2021 NCAA Convention. The virtual Convention will be conducted the same week the Convention originally was scheduled (January 12-16) and online educational programming will be offered throughout the month of January. Information on Convention registration and programming will be posted to ncaa.org/convention as plans for the virtual event develop.
- **10.** NCAA Independent Accountability Oversight Committee update. Denis McDonough, chair of the IAOC, updated the board on the work of the IAOC.
- 11. NCAA Board of Governors Executive Committee report. President Drake reported that the Executive Committee, serving as the nominating committee, engaged in a review process that yielded an excellent individual to serve on the Board of Governors. President Drake reported that the nominating committee recommends Robert Gates, former U.S. Secretary of Defense and Central Intelligence Agency director, to replace Denis McDonough as an independent member of the Board of Governors.

It was VOTED

"That the Board of Governors approve Robert Gates to serve as an independent member of the Board of Governors, effective at the conclusion of this meeting." **Approved** (Unanimous voice vote)

- **12. Executive session.** The board convened in executive session to discuss various administrative matters, including the annual performance evaluation of the NCAA president and items considered during the Board of Governors' Executive Committee meeting earlier in the day.
- 13. Adjournment. The videoconference adjourned at approximately 6 p.m. Eastern time.

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Board of Governors chair: Michael Drake, The Ohio State University

Staff liaisons: Jacqueline Campbell, Law, Policy and Governance

Donald M. Remy, Law, Policy and Governance

NCAA Board of Governors August 4, 2020, Videoconference

Attendees:

Heather Benning, Midwest Conference

Grace Calhoun, University of Pennsylvania.

Eli Capilouto, University of Kentucky.

Ken Chenault, General Catalyst.

Mary Sue Coleman, Association of American Universities.

John DeGioia, Georgetown University.

Philip DiStefano, University of Colorado.

Michael Drake, The Ohio State University.

Mark Emmert, NCAA.

Allison Garrett, Emporia State University.

Christopher Graham, Rocky Mountain Athletic Conference.

Burns Hargis, Oklahoma State University.

Grant Hill, CBS/Warner Media/Atlanta Hawks.

Sandra Jordan, University of South Carolina Aiken.

Renu Khator, University of Houston.

Fr. James Maher, Niagara University.

Denis McDonough, Former White House Chief of Staff.

Fayneese Miller, Hamline University.

Tori Murden-McClure, Spalding University.

Vivek Murthy, 19th United States Surgeon General.

Denise Trauth, Texas State University.

Satish Tripathi, University at Buffalo, The State University of New York.

Randy Woodson, North Carolina State University.

Absentees:

David Wilson, Morgan State University.

Guests in Attendance:

Rita Cheng, University of Northern Arizona.

NCAA Staff Liaisons in Attendance:

Jacqueline Campbell and Donald Remy.

Other NCAA Staff Members in Attendance:

Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Maritza Jones, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Stan Wilcox and Bob Williams.

Report is not final until approval of the Board of Governors

NCAA Board of Governors decision on fall sports championships during 2020-21 and requirements for each division related to the conduct of fall sports and championships.

During this period of extraordinary disruption to our nation, higher education, student-athletes, member schools, and indeed all of sport around the world, the Board of Governors has made difficult and unprecedented decisions, each based on a bedrock commitment to the health and safety of student-athletes. As the COVID-19 pandemic continues — even intensifies — and new decision points are approaching with respect to the return of fall athletics generally and NCAA fall championships specifically, the board recognizes the myriad factors under consideration and varied circumstances across the country and across Divisions I, I and III. The board has determined the best course of action to ensure appropriate consideration of the wide-ranging concerns of the membership and the health and safety priorities of student-athletes is to direct each division to take appropriate actions based on requirements identified and approved by the board.

The most important consideration shall be whether championships can be conducted safely. We have very serious concerns about the continuing high levels of COVID-19 infection in many parts of our nation. The board has determined that it will only support moving forward with fall championships and other postseason play if strict conditions are applied and adhered to and there is significant reduction in COVID-19 spread. We understand that each division's primary focus is health and safety, and some may not be similarly situated in terms of whether its members and governance structure have the resources available to take the necessary precautions (for regular-season competition or championships) given the health data trends and the spread of COVID-19. There are other student-athlete well-being determinations that also must be taken into account even if safety measures can be met and exceeded, such as mental and personal health concerns of student-athletes, available funding, logistics limitations and the quality of the championships experience.

This direction from the board requires each division to take action through its governance process and must include the requirements below for conducting fall sports seasons and related championships. The board will actively monitor any fall championship approach, and after receiving information from a division, retains the ability to make a final determination that fall sports championships will be cancelled. Further, this decision and direction only applies to fall sports and related championships, and decisions regarding winter and spring sports and related championships will be made at a later date.

Health and Safety

The Board of Governors directs the divisions in the following manner:

- All member schools must adhere to federal, state and local guidelines related to COVID-19. Further, the conduct of NCAA fall sports championships must be in line with federal, state and local guidelines.
- All member schools conducting fall sports programs must employ and adhere to the protocols set forth in the <u>Resocialization of Collegiate Sport: Developing Standards for Practice and Competition</u> document and subsequent updates. Such protocols should be implemented for all athletically related activities (voluntary, required and out of season) and in-season practice and

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competition (preseason, regular season and postseason). If a change in local circumstances warrants a discontinuation of athletics activities, schools should make that decision in conjunction with public health officials as outlined in the resocialization document. We have set guidelines that schools must follow, but these guidelines do not support attempting sports in areas where there is significant spread of the virus.

- Because the resocialization document (and later updates) cannot speak to every scenario or circumstance involving potential exposure to COVID-19, it must not be used as an absolute fail-safe document but rather should be augmented with guidance from campus, local, state and federal authorities and other bodies most familiar with the specific circumstances of a community.
- All fall sports postseason competition involving NCAA student-athletes must adhere to the
 protocols set forth in the Resocialization of Collegiate Sport: Developing Standards for
 Practice and Competition document and subsequent updates.

Timeframe: The deadline for divisional governance action is Aug. 14.

Student-Athlete Well-Being

The Board of Governors directs the divisions in the following manner:

- All student-athletes must be provided an opportunity to opt out of participation due to concerns about contracting COVID-19, and if a student-athlete chooses to opt out, the individual's athletics scholarship commitment must be honored.
- Appropriate eligibility-related accommodations must be made for student-athletes who opt out
 of participating this fall or those whose seasons are interrupted or cut short due to COVID-19.
- While statements of personal commitment to health and safety are acceptable, member schools
 may not require student-athletes to waive their legal rights regarding COVID-19 as a condition
 of athletics participation.
- Divisions must develop rules providing that member schools will cover COVID-19-related health costs related to infections that local health officials reasonably believe were the result of student-athletes' sports participation.

Timeframe: The deadline for divisional governance action is Aug. 14.

Championships-Related Issues

If a division moves forward with planning for any fall championships, the Board of Governors further directs the division as follows:

- NCAA fall sports championships must be conducted using the principles associated with developing enhanced safety for student-athletes and essential athletics personnel. Such enhanced safety includes regular testing, separation of student-athletes and essential personnel from all other nonessential personnel, and physical distancing and masking policies during all aspects of noncompetition.
- If 50% or more of eligible teams in a particular sport in a division cancel or postpone their fall season, there will be no NCAA fall championship in that sport.
- If any division elects to postpone fall sports championships, the decision to conduct the championships at later dates must be based on the scientific data available at that time, as well as an assessment of the operational, logistical and financial impact of proceeding. When a championship is set to occur on a new date, an additional assessment must be made using the same factors (scientific data available at the time and operational, logistical and financial impact), and the division will report its determinations to the Board of Governors for its review.
- If a decision is made to move forward with fall sports championships, there must be a plan for scaling down the number of championship sites, including the possibility of single sites where appropriate, reduced bracketing, fewer competitors, and similar actions to create efficient and effective events.
- A division may allow for some fall sports championships to occur and others not be conducted
 based on level of risk to the student-athlete, but in all instances, decisions must comport with
 the Association's commitment to gender equity.

Timeframe: Based on when 50% threshold is met or divisional governance action is taken, which may be no later than Aug. 21.

Hotline

Further, the NCAA will publicize a phone number and email address for concerns to be raised about whether an athletics department is meeting the obligations reflected in the resocialization standards or otherwise engaged in behavior that puts student-athletes at risk of COVID-19. Upon receiving a concern, the NCAA will notify the campus athletics health care administrator and conference office about the concern. The athletics health care administrator will be expected to take immediate reasonable measures to review the concern and notify the NCAA of action taken, if action is necessary.

Timeframe: The deadline for NCAA national office action is Aug. 14.

The 2020-2022 NCAA Strategic Priorities

Over the course of the past two years, the NCAA Board of Governors embarked upon a strategic planning initiative. This initiative involved developing a shared roadmap for all three divisions, member conferences and schools to collaborate, anticipate, innovate and respond as we plan for a bright future. 2020 has presented a very different reality for higher education and intercollegiate athletics. America and the world are battling a deadly virus that almost certainly will alter the traditional forums for education. The pandemic has also spawned a financial crisis within the NCAA membership that will likely be existential for some institutions and debilitating for many others. At the same time, America is "facing up" to a level of systemic racism and other forms of social injustice that will likely engage every campus and athletics program across the nation. As we have come to understand over the last few months, we are at the very beginning of finding a new normal.

As a result, we have suspended fully introducing and executing the draft strategic plan. While the way forward is not clear for any segment of American enterprise, including higher education, it is certain that intercollegiate athletics must not and will not suspend its core values – commitment to the total student-athlete, acting with integrity, leading by example, promoting and demonstrating diversity and inclusion, and engaging respectfully. These are the day-to-day practices and behaviors that will sustain intercollegiate athletics as an integral part of higher education in America.

Below we have communicated our focus for the next 12 to 24 months, which will be specifically on the following priorities within the plan that we find to be the most impactful during this critical time.

Health, Safety and Well-Being: The global COVID-19 pandemic has changed higher education as we know it. Student-athletes, staff and faculty were abruptly sent home in spring of 2020 as a precautionary measure to help stop the spread of the novel coronavirus. Many were forced to complete the school year in a virtual environment. However, with the fall semester on the horizon and the ongoing yet inconclusive research and findings being published, membership has health, safety and well-being at the forefront of every decision for the 2020-2021 academic year. Our "new normal" includes hybrid class formats with requirements around COVID testing, contact tracing, physical distancing, face masks, isolation and quarantine space, just to name a few. We must work together to ensure student-athlete health, safety and well-being remains our highest priority and is being addressed across membership.

Governance: It is clear that we need to increase communication and collaboration, enforce accountability, address legal challenges, simplify our governance structure and prepare for the future. As many are already aware of our recent discussions around name, image and likeness (NIL), we want to continue moving the needle when it comes to modernizing our bylaws, policies, practices and procedures. In addition, any pending litigation and lawsuits will continue to be managed by Association counsel with direction from the Board of Governors. The Association also will continue to forge appropriate policy solutions at the local, state, and national governmental levels to benefit student-athletes. The world is rapidly evolving, and we will commit

to optimizing the governance model to better support intercollegiate athletics and student-athletes during these unprecedented times and in the future.

Diversity, Equity and Inclusion: If ever there has been a time for intercollegiate athletics to confront America's systemic racism, it is now. But, a series of recent events involving police brutality and misconduct, as well as other social injustices, have catalyzed the Black Lives Matter and other movements to highlight systemic racism and biases, which are consciously and unconsciously embedded within many institutions and target the Black, Indigenous, and People of Color (BIPOC) community. Our focus will be to empower student-athletes and fellow member institutions in unprecedented ways to expand diversity, embrace inclusive practices and amplify success for underrepresented groups. This involves assessing and refining existing policies and practices, as well as providing programming and education. The status quo is no longer acceptable.

Financial Stability: As colleges and universities contend with obstacles to fully reopening their campuses, potential for decreased enrollments, dramatically constricted revenue streams and other financial ramifications of a pandemic and a global recession, athletics programs will not be immune to these stresses. At a time when the vast majority of intercollegiate athletics programs are dependent on university funds for much or most of their financial support, the ability of the institutions to provide such support at current levels will be diminished. Simultaneously, modifications to contest schedules, reduced or canceled sports seasons and other fiscal impacts will reduce the ability of athletics programs to help underwrite the costs of programs. In the near term, college sports must examine ways to "rescale" the cost impact of athletics to university budgets. Depending on the duration of the pandemic and its fiscal fallout, intercollegiate athletics may likely have to consider new financial models that dramatically reduce costs and increase revenue.

Legal Constraints, Government Relations and Realities: Over the last two or three decades, the whole of intercollegiate athletics and the NCAA as its umbrella organization, increasingly has been challenged through the courts on its collective decisions. Indeed, the fundamental precepts of amateurism, competitive equity and the right to associate have been scrutinized more than ever. The financial impact of defending such fundamental concepts has eliminated reserves of the Association, impinged on the quality of programs offered by the Association and pushed the support of legal defenses in some cases to conference and institutional levels. All of this impacts the quality and quantity of opportunities for student-athletes. Indeed, this has made it difficult, and in some cases impossible, to enhance our rules to the benefit of students. Solutions to this growing and besieging problem must consider efforts to seek state and federal relief from what are often expansive and frequently frivolous legal attacks that consume resources and reduce opportunities.

The pathway to a new normalcy across the broad spectrum of higher education and intercollegiate athletics is unclear even as we write and distribute this information. Ideas and input are expansive, important and sometimes even contradictory. Our collective jobs over the next 12 to 24 months is to listen, learn, evaluate, accommodate and look for the emerging way forward - together.



REPORT OF THE NCAA BOARD OF GOVERNORS SEPTEMBER 25, 2020, VIDEOCONFERENCE

ACTION ITEMS:

None.

INFORMATIONAL ITEMS:

- 1. Welcome and announcements. NCAA Board of Governors interim chair President Tori Murden McClure convened the videoconference at approximately 10 a.m. Eastern time and welcomed the Governors. President Murden McClure gave a special welcome to new Board of Governors members Rebecca Blank, Rita Cheng, Robert Gates, James Harris and Jere Morehead who were attending their first meeting.
- **2.** Consent agenda. By way of a consent agenda, the Board of Governors approved the report of its August 4, 2020, videoconference and the appointment of two new members to the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity.
- **3.** NCAA president's report. NCAA President Mark Emmert provided brief comments on several issues facing the Association and the NCAA national office, paying particular attention to planning for winter and spring sports seasons and championships, and recent budget-related national office staffing measures, which include mandatory furloughs and the offering of voluntary separation and early retirement packages.
- 4. Update on NCAA winter and spring sports planning.
 - a. Core Principles of Resocialization of Collegiate Basketball. The Core Principles of Resocialization of Collegiate of Basketball publication was reviewed with the Board of Governors. This is the latest set of health and safety guidelines focused on COVID-19, and the first set of guidelines recommended by the newly created NCAA COVID-19 Medical Advisory Group. The guidelines focus singularly on basketball and were developed with input from all three divisions. The guidelines include updates on testing, travel considerations, and access to the court and bench areas.
 - b. NCAA men's and women's basketball 2020-21 playing season update. The board was updated on actions taken through the divisional governance processes to amend the start of season dates in the sport of basketball. Divisions II and III took action to establish a specified number of days in the basketball season, while providing institutions and conferences the flexibility to determine the starting date. Division I took action to establish specific dates for the basketball transition period, preseason practice period and first permissible contest date. Other actions related to minimum and maximum number of contests in Division I also were taken. Staff noted that at this time, the plan is to conduct the men's and women's basketball championships in all three divisions as scheduled. The basketball championships committees will continue to monitor the evolving science, data

and testing around COVID-19 as they continue to plan for the 2021 basketball championships.

c. Championships planning update. The board received an update on planning for Division I fall sports championships to be conducted in the spring, which will include reduced bracket sizes, predetermined sites, access by automatic qualifying conferences and adherence to guidelines established in the Resocialization of Collegiate Sports: Practice and Competition publication. With regard to winter and spring sports championships, planning includes providing flexibility in regular season competition, maintaining current championship dates and final sites, full bracket and field sizes at predetermined sites, travel related modifications and adherence to guidelines established in the Resocialization of Collegiate Sports publication.

It was VOTED

"Recognizing that information, data, science and testing around COVID-19 are evolving, the Board of Governors supports the NCAA COVID-19 Medical Advisory Group's release of the current Core Principles of resocialization of Collegiate Basketball to the membership as guidance to be used in conjunction with guidance of appropriate authorities (e.g., federal, state, local). **Approved** (For 19, Against 1 (Garrett), Abstain 0)

- **5.** Legal and litigation update. NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.
- **6. NCAA Board of Governors Executive Committee report.** President Murden McClure reported that the Executive Committee discussed the financial challenges facing higher education and intercollegiate athletics and agreed that it would be prudent to include the chair of the NCAA Board of Governors Finance and Audit Committee in Executive Committee discussions. The Executive Committee agreed to recommend that the Board of Governors approve adding the chair of the Finance and Audit Committee as an ex-officio, nonvoting member of the Executive Committee.

It was VOTED

"That the Board of Governors amend the Executive Committee Charter of Responsibilities to include the chair of the Finance and Audit Committee as an ex-officio, nonvoting member." **Approved** (Unanimous voice vote)

- **7. Executive session.** The board convened in executive session to discuss various administrative, legal and financial matters.
- **8.** Adjournment. The videoconference adjourned at approximately 12:10 p.m. Eastern time.

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Board of Governors interim chair: Tori Murden McClure, Spalding University

Staff liaisons: Jacqueline Campbell, NCAA Director Law, Policy and Governance

Donald M. Remy, NCAA Chief Operating Officer

NCAA Board of Governors September 25, 2020, Videoconference

Attendees:

Heather Benning, Midwest Conference

Rebecca Blank, University of Wisconsin-Madison.

Grace Calhoun, University of Pennsylvania.

Ken Chenault, General Catalyst.

Rita Cheng, Northern Arizona University.

Mary Sue Coleman, Association of American Universities.

John DeGioia, Georgetown University.

Philip DiStefano, University of Colorado.

Mark Emmert, NCAA.

Allison Garrett, Emporia State University.

Robert Gates, Former U.S. Secretary of Defense.

Christopher Graham, Rocky Mountain Athletic Conference.

Burns Hargis, Oklahoma State University.

James Harris, University of San Diego.

Grant Hill, CBS/Warner Media/Atlanta Hawks.

Sandra Jordan, University of South Carolina Aiken.

Renu Khator, University of Houston.

Fayneese Miller, Hamline University.

Jere Morehead, University of Georgia.

Tori Murden-McClure, Spalding University.

Vivek Murthy, 19th United States Surgeon General.

Denise Trauth, Texas State University.

Satish Tripathi, University at Buffalo, The State University of New York.

David Wilson, Morgan State University.

Absentees:

Randy Woodson, North Carolina State University.

Guests in Attendance:

None.

NCAA Staff Liaisons in Attendance:

Jacqueline Campbell and Donald Remy.

Other NCAA Staff Members in Attendance:

Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Maritza Jones, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Cari Van Senus, Stan Wilcox and Bob Williams.

Report is not final until approval of the Board of Governors



REPORT OF THE NCAA BOARD OF GOVERNORS COMMITTEE TO PROMOTE CULTURAL DIVERSITY AND EQUITY MAY 22, 2020, VIDEOCONFERENCE

ACTION ITEMS.

None.

INFORMATIONAL ITEMS.

- **1. Welcome and introductions**. President Dianne Harrison, serving as committee chair for this meeting, welcomed participants to the videoconference.
- 2. Approval of March 4, 2020, meeting report. The committee reviewed and approved the report of its March 4, 2020, teleconference.
- 3. NCAA equity, diversity, and inclusion committee updates.
 - a. NCAA Minority Opportunities and Interests Committee. Staff noted that MOIC identified next steps to advance and operationalize the Athletics Diversity and Inclusion Designation throughout the Association and will develop online educational resources to assist the membership. MOIC also selected campaign themes for the 2020 NCAA Diversity and Inclusion Social Media Campaign, which will take place October 27 29, 2020. Additionally, the committee was informed of the changes to the selection process of the NCAA Champions of Diversity and Inclusion honorees. Lastly, the committee elected Dena Freeman-Patton, University New Orleans, as the new committee chair and Marquetta Dickens as vice chair, effective September 1, 2020.
 - **b. NCAA Committee on Women's Athletics.** Staff updated the committee on the NCAA Emerging Sports for Women Program. In April, CWA recommended to add STUNT as an emerging sport for women. Additionally, Divisions II and III adopted legislation to add acrobatics and tumbling and women's wrestling as an emerging sport for women, effective August 1, 2020. The NCAA Division I Council may vote on the legislative proposals to add acrobatics and tumbling and women's wrestling during one of its summer meetings.
 - c. NCAA Gender Equity Task Force. During its February meeting, the task force identified as a focus area its recommendation to develop best practices and examples for how campuses and conferences can provide professional development programming that highlights career options in athletics for women and ethnic minorities The task force also engaged with NCAA legal staff to discuss name, image, and likeness, emphasizing the importance of gender equity and Title IX ramifications as legislative proposals are developed. Legal staff noted that implications for gender equity and Title IX were being considered in name, image, and likeness discussions. In May, the task force sent a letter to the leadership of the Division I Board of Directors, Division II Presidents Council, DIII Presidents Council, and the three divisional Student-Athlete Advisory Committees commending them for prioritizing gender equity in their actions

Report of the NCAA Committee to Promote Cultural Diversity and Equity May 22, 2020 Videoconference Page No. 2

related to rule changes and legislative waivers due to effects of the COVID-19 pandemic. The task force offered its support for these ongoing discussions and decisions.

4. COVID-19 and diversity, equity, and inclusion.

- a. Results from SAAC COVID-19 Survey. NCAA research staff provided an overview of results from the NCAA Student-Athlete COVID-19 Well-Being Study that was administered from April 10 through May 1 and had nearly 38,000 student-athlete responses. Mental health concerns were highest among respondents of color, those whose families were facing economic hardship and those living alone. In addition, racial disparities were reported in housing and food stability and access to medical care. The committee agreed that it was important to focus on these survey results as it prioritizes goals for the upcoming academic year.
- b. Prioritization of goals for 2020-21. The committee discussed the opportunity to align its goals with the Association-wide strategic plan that is being developed under the direction of the NCAA Board of Governors. A priority for the committee's August teleconference is to strategize about how to support the Association-wide plan, particularly the strategic priority of advancing diversity, equity, and inclusion.. In addition, staff informed the committee that the national office budget reductions due the impacts of COVID-19 have reduced funding that would have supported the committee's goals.
- 5. NCAA Transgender Student-Athlete Participation Policy. NCAA office of inclusion staff provided an overview of the current policy that has been in effect since 2011 and briefly described federal and state legislative activity related to transgender student-athlete participation. The committee will further review the policy during a July meeting and consider feedback from the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, CWA and MOIC.
- 6. NCAA Governance Structure and Committee Review Project. The committee was reminded that in April 2019, it requested that the NCAA office of inclusion prioritize a research study on the NCAA governance structure through the lens of diversity, equity and inclusion. The office of inclusion partnered with 3 Fold Group to carry out the project. 3 Fold Group consultants joined the call to provide a brief overview of the report and to introduce a framework of questions to guide the committee's discussion. The committee acknowledged that establishing the desired level and nature of "representativeness" in the governance structure is foundational to any further efforts to enhance current requirements and processes. A key point for consideration is whether a diverse and representative governance structure is achieved when it reflects the diversity of the student-athlete population. The committee discussed the possibility of a more intentional focus on student affairs specialists in the governance structure; of supporting diverse committee rosters by eliminating barriers to service such as change in professional position during committee tenure; and of capturing more inclusive data on committee member service (e.g. tracking LGBTQ committee member representation). The committee will continue to review the report with the framework of guiding questions during future meetings.

Report of the NCAA Committee to Promote Cultural Diversity and Equity May 22, 2020 Videoconference Page No. 3

- 7. Future Meeting Dates. The committee reviewed its future meeting schedule
 - a. August 12, 2020, teleconference.
 - b. April 15-16, 2021, Indianapolis (In conjunction with the 2021 NCAA Inclusion Forum).
- **8.** Other business. NCAA staff recognized committee member, Dylan Gladney, for completing his term of service on May 31, 2020. The thanked them for their commitment and service.
- **9. Adjournment.** The videoconference adjourned at 1:30 p.m. Eastern time.

Committee chair: Mark Lombardi, Maryville University

Staff liaisons: Terri Steeb Gronau, Office of Inclusion and Human Resources

Amy Wilson, Office of Inclusion

NCAA Committee to Promote Cultural Diversity and Equity May 22, 2020, Videoconference

Attendees:

Dylan Gladney, Prairie View A&M University.

Dianne Harrison, California State University, Northridge.

Sue Henderson, New Jersey City University.

Tom Jackson, Humboldt State University.

Brit Katz, University of South Carolina-Upstate.

Jennifer Lynn Williams, Alabama State University.

Absentees:

Mark Lombardi, Maryville University.

Fayneese Miller, Hamline University.

Satish Tripathi, University at Buffalo, The State University of New York.

Guests in Attendance:

Azure Davey and Leah Kareti, 3-Fold Group.

NCAA Staff Liaisons in Attendance:

Terri Steeb Gronau and Amy Wilson.

Other NCAA Staff Members in Attendance:

Lydia Bell, Niya Blair, Jackie Campbell, Brian Hainline, Jessica Kerr, Craig Malveaux, Jean Merrill, Tiana Myers, and Jared Tiedmann.



REPORT OF THE NCAA DIVISION II PLANNING AND FINANCE COMMITTEE AUGUST 4, 2020, VIDEOCONFERENCE

ACTION ITEMS.

- 1. Legislative Items.
 - None.
- 2. Nonlegislative Items.
 - None.

INFORMATIONAL ITEMS.

- 1. April 28 Planning and Finance Committee Virtual Meeting Report. The committee approved the report from the April virtual meeting, as presented.
- 2. Division II Conference Grant Program Guidelines and Principles. In preparation for the review of the 23 conference grant reports for 2019-20, the committee reviewed the guidelines and principles for the Conference Grant Program. This document governs the grant program and is used to evaluate each conference's report. Decisions made by the committee are final. The committee was also reminded of the flexibility provided for the 2019-20 and 2020-21 reporting cycles due to the impact of the COVID-19 pandemic.
- 3. Conference Grant Carryover Dollars from 2018-19. The committee reviewed the request for carryover dollars from 2018-19 to 2019-20. The committee noted that all carryover dollars from 2018-19 were spent. Per the Conference Grant Program Guidelines and Principles, conferences are required to use their carryover funds within the next 12-month period.
- 4. 2019-20 Conference Grant Reports. The committee reviewed the 2019-20 reports from the 23 Division II conferences. When the committee had a question concerning a report, staff was directed to follow-up with the conference concerning the subject matter. The committee approved 13 reports with no follow up and eight reports pending clarification by the conference on minor items contained within the reports that will be reviewed by the Division II staff.

Two conference reports were considered incomplete by the committee, lacking detail and pertinent information to move them forward. The committee requested each conference address those specific issues. The committee asked the staff to hold a teleconference with those two conferences to discuss the issues identified. In addition, the committee noted that the staff will bring the report(s) back for the committee's review during its September teleconference, if needed.

Finally, the committee decided to place the Pacific West Conference on a "watch" status for the 2020-21 reporting cycle. The committee did not note concerns with how the conference grant funds were used but continued to be concerned about lack of attention to detail while reporting over the last several reporting cycles. The committee is alarmed that the conference submitted the 2019-20 report without reviewing it prior to submission. The conditions of the watch are as follows:

- Conversation between the chair of the Planning and Finance Committee and the chair of the conference's presidential body.
- A complete rewrite of the 2019-20 conference grant report.
- A request that the 2020-21 report submission require additional individuals outside of the conference office to review the report before it is submitted.
- 5. Conference Grant Carryover Dollars for 2019-20. The committee reviewed the amount requested as carryover from 2019-20 funding to the 2020-21 grant cycle due to the impact of the COVID-19 pandemic, as follows:

California Collegiate Athletic Association	\$31,575
Central Atlantic Collegiate Conference	\$28,000
Conference Carolinas	\$14,808
East Coast Conference	\$18,759
Great Lakes Valley Conference	\$23,751
Great Midwest Athletic Conference	\$20,000
Great Northwest Athletic Conference	\$19,163
Northeast-10 Conference	\$38,013
Northern Sun Intercollegiate Conference	\$39,353
Pacific West Conference	\$340
Peach Belt Conference	\$9,863
Pennsylvania State Athletic Conference	\$25,899
Rocky Mountain Athletic Conference	\$14,194
Southern Intercollegiate Athletic Conference	\$159
Sunshine State Conference	\$8,320

The committee approved the carryover amounts for the conferences, as requested, with the request that staff track on making sure that the amount is used in the next fiscal year.

- **6. Fines for Late Submission.** The committee noted that all conferences submitted their grant reports by the deadline.
- 7. Conference Audit Selections. The committee selected three conferences to be audited in the upcoming fiscal year: (1) Pacific West Conference for cause; (2) Pennsylvania State

Athletic Conference – random; and (3) the Southern Intercollegiate Athletic Conference – random. Audits will be performed by an internal NCAA auditor and completed in the September to December 2020 timeframe.

8. Affiliated Organizations' Reports. The committee reviewed the reports from the seven affiliated organizations that receive Division II grants. The committee approved a \$50,000 grant to each organization for the 2020-21 fiscal year. Due to the impact of COVID-19, the committee approved the carryover amounts for the organizations, as requested, with the request that staff track on making sure that the amount is used in the next fiscal year.

Division II Athletics Directors Association\$20,766.29Division II Conference Commissioners Association\$14,180.32Minority Opportunities Athletics Association\$48,045

- 9. Final Year of Foundation for the Future Funding for the National Association for Athletics Compliance. The committee received an update that the National Association for Athletics Compliance will forego the last year of the Foundation for the Future funding that was awarded to the organization.
- 10. Financial Scenarios for Fall 2020 Championships. The committee received an overview of financial scenarios for hosting fall championship in the fall, as well as hosting fall championships in the spring.
- 11. Items Moved to Future Meetings. The committee agreed that the following items would be addressed during a future meeting: Division II enhancement fund, Division II budget information and the update regarding the Division II strategic plan.
- 12. Future Meetings. The committee reviewed the upcoming teleconference date in September and was reminded that another teleconference would be scheduled in December.

Committee Chair: Allison Garrett, President, Emporia State University

Staff Liaisons: Terri Steeb Gronau, Division II Governance

Maritza Jones, Division II Governance Ryan Jones, Division II Governance Andrea Worlock, Administrative Services

Division II Planning and Finance Committee August 4, 2020, Videoconference

Attendees:

Carlos Campo, Ashland University.

Mark Corino, Caldwell University.

Amy Foster, Seattle Pacific University.

Report of the NCAA Division II Planning and Finance Committee August 4, 2020, Videoconference Page No. 4

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Allison Garrett, Emporia State University.

Chris Graham, Rocky Mountain Athletic Conference.

Gayle Hutchinson, California State University, Chico.

Jim Johnson, Pittsburg State University.

Sandra Jordan, University of South Carolina Aiken.

Steven Shirley, Minot State University.

Absentees:

None.

Guests in Attendance:

None.

NCAA Staff Support in Attendance:

Terri Steeb Gronau, Maritza Jones, Ryan Jones and Andrea Worlock.

Other NCAA Staff Members in Attendance:

Haydyn Gibson, Ann Martin, Corbin McGuire, Kathleen McNeely, Roberta Page, Jill Waddell and Karen Wolf.

REPORT OF THE NCAA DIVISION II PLANNING AND FINANCE COMMITTEE SEPTEMBER 24, 2020, VIDEOCONFERENCE

ACTION ITEMS.

- 1. Legislative Items.
 - None.
- 2. Nonlegislative Items.
 - Extension of the 2015-21 NCAA Division II Strategic Plan.
 - a. Recommendation. To extend the current strategic plan through 2023 and adopt the timeline [see Attachment] to develop its successor. In addition, issue an addendum at the 2021 NCAA Convention that summarizes the implementation of plan-related initiatives to date and also details how the division managed the COVID-19 crisis by: (1) Relying on the governance structure to follow established processes and procedures (especially those related to budgetary matters); (2) Communicating and collaborating with the Division II membership to assess both short- and long-term issues that needed to be addressed; and (3) Demonstrating leadership to make decisions swiftly yet remain nimble enough to react to a fluid and ever-evolving landscape caused by the pandemic.
 - b. Effective Date. Immediate.
 - c. <u>Rationale</u>. The current plan has proven to be effective and is consistently aligned with the Division II membership's values to address operational needs. Despite the pandemic, the primary goals of the plan remain relevant and intact and should stay as such through 2023. By targeting a successor plan for 2024, it aligns procedurally with the next Division II Membership Census and the beginning of the next phase of the NCAA's broadcast agreement.
 - d. Estimated Budget Impact. None.
 - e. Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. Approval of August 2020 Planning and Finance Committee Report. The committee approved the report from the August 2020 videoconference, as submitted.

2. Division II Conference Grant Updates.

- **a. Pacific West Report.** The committee reviewed the updated report from the Pacific West Conference. The conference provided responses to all the questions/requests from the committee's initial review of the report during its August meeting. It was noted during the rewrite of the report that the conference did not have correct data entered in a few areas, resulting in inaccurate disbursement of funds and an overall carry over of funds in the amount of \$3,163. The committee approved the report and carryover funds, as updated.
- **b. Southern Intercollegiate Athletic Conference.** The committee reviewed the updated report from the Southern Intercollegiate Athletic Conference. The conference provided responses to all the questions/requests from the committee's initial review of the report during its August meeting. The committee approved the report, as updated.
- c. Document Shared by Staff with All Conferences as a Follow-Up to Their Reports. The committee reviewed the email that was sent to all conferences after the committee's review of the conference grant reports in August. The document included helpful items for consideration by conferences when completing their 2020-21 grant reports.
- d. Any Other Follow-Up on Conferences That Were Asked to Provide Additional Information. Staff reported on the follow-up by conferences that were requested to either provide more information or to clarify an expense. All questions/requests from the committee's initial review of the reports were satisfactory. It was noted that three conferences will have a portion of their grant allocation withheld for impermissible uses.
- **e. Exemplary Program Recommendations.** The committee approved a \$2,000 award to the following conferences to be recognized for exemplary grant reporting and/or exemplary programs from their 2019-20 grant report:
 - (1) Central Atlantic Collegiate Conference Exemplary Report Writing
 - (2) East Coast Conference Exemplary Report Writing
 - (3) Lone Star Conference Exemplary Report Writing
 - (4) Northern Sun Intercollegiate Conference

Membership and Positioning Initiatives - Green Bandana Project

- (5) Pennsylvania State Athletic Conference Exemplary Report Writing
- f. Conference Grant Program Guidelines and Principles. The committee approved the recommended updates to the Division II Conference Grant Program guidelines and principles. The updates include:
 - (1) A note for 2020-21 in the minimum allocation section that due to the impact of COVID-19 the conferences are not required to spend a minimum of 10% in each of the strategic positioning outcomes;
 - (2) A note for 2020-21 in the reporting requirements section that due to the impact of COVID-19 there will be no limit on the amount a conference can carry over to the following academic years; and
 - (3) A clarification to the nonpermissible uses for conference grant funds to add an example of a capital improvement.
- g. Discussion Regarding Potential Flexibility for 2020-21 Regarding Annual Conference Office Audit. The committee discussed whether to waive the requirement that the annual conference office audit be conducted for the 2020-21 reporting cycle. The committee agreed that the conference office audit requirement should not be waived for the 2020-21 reporting cycle.

3. NCAA Division II Enhancement Fund.

Enhancement Fund Disbursement Date. The committee discussed a possible a. change to the timing of the distribution of the Division II Enhancement Fund from mid-March to mid-to-late-April following the receipt of payment for the Division I Men's Basketball Championship. The COVID-19 pandemic and the cancellation of NCAA championships has presented financial challenges to the Division II championships and initiatives budgets. Changing the fund release date from March to April would provide the Planning and Finance Committee an opportunity to consider the economic impact of any canceled championships prior to a fund release. The committee agreed to change the distribution of the Enhancement Fund to April. Finally, the committee noted that the Division II Budget Guidelines and Principles guarantee that, at a minimum, \$5.1 million will be distributed annually to Division II institutions and conferences via the current Division II enhancement fund distribution formula or any other formula(s) that may be adopted. Therefore, the committee did not entertain a discussion related to a possible reduction on the budget and the discussion solely focused on the timing of the distribution.

- _____
 - **b.** Impact of COVID-19 on Enhancement Fund Calculation for 2022 Distribution. The committee discussed how to allocate funds budgeted for conference sports sponsorship in the Enhancement Fund line item due to the waiver of sport sponsorship requirements for Division II membership purposes for the 2020-21 academic year. The committee agreed to use the units that each conference will receive for the 2021 distribution for the 2022 distribution (which originally would have been based on sports sponsorship in 2020-21). The 2021 distribution is based on actual sponsorship for fall and winter sports in 2019-20 and intended sponsorship in spring 2020. The committee also agreed to review on a case-by-case basis requests submitted by September 1, 2021, from conferences if they were planning on adding one or more sports in 2020-21 due to increased sponsorship at the institutional level. Finally, the committee agreed that sports sponsorship verification by Division II conferences would not be required for the purposes of the 2022 Enhancement Fund distribution.
 - **c. Policies and Procedures.** The committee reviewed and approved the changes that had been made to the Enhancement Fund policy.
- 4. **Division II Budget Discussion for Fiscal Year 2020-21.** The committee received an overview of the Division II budget for Fiscal Year 2020-21. The committee reviewed a list of initiatives and programs that the committee could consider reallocating/suspending to continue efforts to maintain financial stability for the division. The committee will make recommendations during its December meeting on possible reallocations/suspensions, once the Fiscal Year 2019-20 year-end statement and the Fiscal year 2020-21 revenue estimates are available.
 - **a. Financial Scenarios for Winter and Spring Championships.** The committee was provided an overview on the financial scenarios for hosting winter and spring championships with a range of full brackets to half brackets.
 - **b. Budget Guidelines and Principles.** The committee reviewed the Budget Guidelines and Principles. No action was needed.
- 5. Other Business. The committee reviewed a request from a Division II conference asking for consideration to allow the use of a portion of their conference grant dollars to fund Women Leaders in College Sports and WeCOACH memberships for the 2020-21 reporting cycle only since some organizations are including convention registration fees in their membership dues due to the COVID-19 pandemic. The committee agreed that using Division II conference grant dollars for these membership dues would continue to be impermissible.
- **6. Future Meetings.** The committee was reminded to complete the availability request for the December meeting.

Report of the NCAA Division II Planning and Finance Committee September 24, 2020, Videoconference Page No. 5

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Committee Chair: Allison Garrett, President, Emporia State University

Staff Liaisons: Terri Steeb Gronau, Division II Governance

Maritza Jones, Division II Governance Ryan Jones, Division II Governance Andrea Worlock, Administrative Services

Division II Planning and Finance Committee September 24, 2020, Videoconference

Attendees:

Carlos Campo, Ashland University.

Mark Corino, Caldwell University.

Allison Garrett, Emporia State University.

Chris Graham, Rocky Mountain Athletic Conference.

Gayle Hutchinson, California State University, Chico.

Sandra Jordan, University of South Carolina Aiken.

Courtney Lovely, Palm Beach Atlantic University.

Steven Shirley, Minot State University.

Absentees:

Amy Foster, Seattle Pacific University

Guests in Attendance:

Gary Brown.

NCAA Staff Support in Attendance:

Terri Steeb Gronau, Maritza Jones and Ryan Jones.

Other NCAA Staff Members in Attendance:

Haydyn Gibson, Roberta Page, Jill Waddell and Karen Wolf.



Division II Strategic Plan Timeline

January 2021 to August 2021	Facilitate strategic planning discussions for the new plan and gather feedback from committees and associations.
Summer to Fall 2021	From feedback and discussions, create questions for the 2022 Division II Census.
January 2022	Launch the new census with the membership.
April 2022	Management and Presidents Councils review census results.
May 2022 to April 2023	Use census results to facilitate changes to the strategic plan.
July/August 2023	Management and Presidents Councils approve the plan.
January 2024	Launch the new strategic plan at the NCAA Convention.

SUPPLEMENT NO. 9 DII Presidents Council 10/20



MEMORANDUM

September 25, 2020

TO: NCAA Division II Management Council and Presidents Council.

FROM: Chelsea Hooks

Assistant Director of Academic and Membership Affairs

Stephanie Quigg

Director of Academic and Membership Affairs for Division II

Karen Wolf

Associate Director of Academic and Membership Affairs

SUBJECT: 2021 NCAA Convention Division II Legislation Groupings.

NCAA staff has reviewed the three proposals that have been properly sponsored for the 2021 NCAA Convention. The following recommendations are for the consideration of the NCAA Division II Management Council and Presidents Council to determine how these proposals should be grouped, for purposes of production of the 2021 NCAA Convention Division II Official Notice for the Division II business session Friday, January 15, 2021. Please refer to the 2021 NCAA Convention Division II Second Publication of Proposed Legislation that is included as Supplement No. 11 in your materials. The proposal numbers in parentheses listed below refer to the SPOPL.

Name, Image and Likeness

*No. 2021-1 (2-1)	Various Bylaws	Student-Athlete	Use of Name,	Image and Likeness.
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Eligibility

*No. 2021-2 (2-2)	Eligibility Freshman Academic Requirements and Two-Year College
	Transfers Elimination of Nonqualifier Qualification Status Access to
	Athletics Aid and Practice for All Incoming Student-Athletes.

*No. 2021-3 (2-3) Eligibility -- Freshman Academic Requirements and Two-Year College Transfers -- Nonqualifiers -- Access to Athletics Aid.

Those proposals marked with an asterisk (*) have been identified by staff as recommendations for roll-call votes. The Management Council and/or Presidents Council may delete from or make additions to these recommendations.

Note: If Proposal No. 2021-2 is adopted, it will render Proposal No. 2021-3 moot and the membership will not vote on that proposal.

SUPPLEMENT NO. 9 DII Presidents Council 10/20

2021 NCAA CONVENTION

DIVISION II SECOND PUBLICATION OF PROPOSED LEGISLATION

115th Annual Convention January 12-15, 2021





THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

P.O. Box 6222 Indianapolis, Indiana 46206-6222 317-917-6222 www.ncaa.org September 2020

Legislation Prepared By: Stephanie Quigg, *Director of Academic and Membership Affairs for Division II*; Karen Wolf, Associate Director of Academic and Membership Affairs for Division II; Chelsea Hooks, Assistant Director of Academic and Membership Affairs; and Michael Woo, Assistant Director of Academic and Membership Affairs.

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Second Publication of Proposed Legislation

115th Annual Convention

This publication presents all proposed amendments to NCAA Division II legislation that were properly submitted in accordance with the September 1 deadline in the NCAA legislative calendar. The proposals herein appear in the order in which they would appear, if adopted, in the NCAA Division II Manual. No attempt has been made to place them in topical groupings or in the order in which they eventually might appear in the Convention agenda. Each proposal is accompanied not only by the traditional statement of intent and proposed effective date, but also by a statement of rationale.

The order of the three proposals in the second publication will change in the Official Notice. The numeral 2 has been placed in front of the proposal number to help identify its position in the second publication. [Note: There were no proposals properly sponsored by the Division II membership by the July 15 deadline. As a result, there was not an Initial Publication of Proposed Legislation for the 2021 Convention.]

No new proposals may be submitted for the 2021 Convention inasmuch as the July 15 and September 1 deadlines have passed. Member institutions and conferences, as well as the Presidents Council, have until 5 p.m. Eastern time November 1 to submit amendments to these proposals. Such amendments-to-amendments may not increase the modification set forth in the printed proposal. Amendments-to-amendments submitted by the membership must have eight sponsors from active member institutions in Division II. In addition, amendments-to-amendments may be sponsored by at least one member conference (on behalf of eight or more of their active member institutions) in Division II. It should be noted that an amendment-to-amendment of a dominant provision of Constitution 1 and 2 and elsewhere may only be sponsored by the Board of Governors. It should also be noted that proposals that are withdrawn after the September 15 sponsor-modification deadline appear in the Second Publication of Proposed Legislation; however, information will be included in the Official Notice to indicate the sponsor's intent to withdraw the proposal at the Convention.

Member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Refer to Appendix A for information about how to request an interpretation.

This publication represents the second of three publications dealing with Convention legislation, as dictated by the provisions of Constitution 5. [Note: There were no proposals properly sponsored by the Division II membership by the July 15 deadline. As a result, there was not an Initial Publication of Proposed Legislation for the 2021 Convention]. The third publication will be as follows:

November 15 - Official Notice of the 2021 Convention. This publication will contain all Division II legislation for the Convention, including all amendments-to-amendments submitted by the November 1 deadline.

2020-21 Legislative Calendar

The legislative calendar, as set forth in Constitution 5, is summarized here for convenience of reference.

- **July 15:** Deadline for submission of amendments by the Division II membership. Each amendment must include a statement of intent and a separate statement of rationale (200 words or less), as well as identification of the designated primary contact person. [Note: There were no proposals properly sponsored by the Division II membership by the July 15 deadline.]
- **July 15:** Legislation Committee Review. The committee reviews proposals by the membership and works with the primary contact person for each amendment to ensure that the proposal meets the intent of the sponsor, to ensure that the placement of the amendment is consistent with the organizational integrity of the Manual, and to edit the intent and rationale statements of the sponsors for clarity and brevity. [Note: The committee did not meet on this date as there were no proposals properly sponsored by the Division II membership by the July 15 deadline.]
- **August 5:** Presidents Council Consideration. The NCAA Division II Presidents Council considers legislative proposals that it may wish to sponsor. It also reviews the proposals submitted by the membership in accordance with the July 15 deadline.
- **August 15:** Posting of Initial Publication of Proposed Legislation. [Note: There was not an Initial Publication of Proposed Legislation as there were no proposals properly sponsored by the Division II membership by the July 15 deadline.]
- **August 15-September 15:** Sponsor-Modification Period. Sponsors are permitted to refine and change their proposals in any manner germane to the original proposal. Member institutions and conferences are invited to offer any suggested revisions of a proposal to the primary contact person listed with the proposal. Additionally, members that believe an amendment should not be modified should inform the primary contact person.
 - September 1: Deadline for submission of amendments sponsored by the Division II Presidents Council.
- **September 15:** Deadline for submission by all sponsors (with submission by the primary contact person) of any modification to their original amendments. These modifications may represent either greater or lesser changes; they need only be germane to the original proposal.
- **September 23:** Posting of Second Publication of Proposed Legislation. This publication includes all Division II membership-sponsored proposals (as modified) and includes all proposals sponsored by the Division II Presidents Council.
- **September 23-November 1:** Amendment-to-Amendment Period. The Division II Presidents Council as well as the membership (see Constitution 5.3.5.3) may submit amendments to the Division II proposals in the Second Publication of Proposed Legislation. These amendments-to-amendments may not increase the modification of the provisions to be amended; they must fall between the provisions of the circularized amendment and the current provisions.
- **November 1:** Deadline for all resolutions and amendments-to-amendments to be received in the national office. No amendments-to-amendments sponsored by the membership may be submitted after this date. The Division II Presidents Council and Board of Governors are authorized to submit further amendments-to-amendments at the Convention if it deems such action necessary.
- **November 15:** Mailing and Posting of the Official Notice of the Convention. This publication includes all Division II proposed legislation, resolutions and properly submitted amendments-to-amendments. [Note: The 2021 NCAA Official Notice will only be available in an electronic format on www.ncaa.org.]
- **January 12-15, 2021:** NCAA Convention. All delegates have the opportunity to download the NCAA Events app prior to the Convention. The NCAA Events app contains the most up-to-date schedule and other helpful Convention information.

Division II Legislation Committee

Chair - Scott Larson, Lubbock Christian University Brenda Cates, University of Mount Olive Carlin Chesick, Pennsylvania State Athletic Conference Diana Kling, Peach Belt Conference Kara Lindaman, Winona State University Christine Lowthert, Assumption College David Marsh, Northwood University Mackenzie O'Neill, Missouri Western State University Pennie Parker, Rollins College Jason Stock, California State University, San Marcos Brian Summers, Christian Brothers University Scott Young, University of Indianapolis

115th Annual Convention

Legislative Proposals Submitted by the NCAA Division II Presidents Council and by the Division II Membership

[Note: Pursuant to Constitution 5.3.12, all amendments shall become effective not earlier than the first day of August following adoption by the Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Further, all amendments with an effective date other than the first day of August following the Convention will contain in the rationale statement reasons for such an effective date. Those proposals that receive the required vote to carry an immediate effective date and that are adopted, become effective upon adjournment of the Convention.]

[Note: In the following proposals:

- Those letters and words that appear in italics and strikethrough are to be deleted;
- Those letters and words that appear in **bold** and <u>underlined</u> are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division II legislation.]

Various Bylaws

No. 2-1 VARIOUS BYLAWS - STUDENT-ATHLETE USE OF NAME, IMAGE AND LIKENESS

Intent: To permit Division II student-athletes to utilize their name, image and likeness, as specified; further, consistent with the Board of Governors' principles that any legislative changes be transparent and enforceable, to recommend the necessary administrative framework, as specified.

- A. Bylaws: Amend 11.1.4, as follows:
- 11.1.4 Representing Individuals in Marketing Athletics Ability/Reputation. Staff members of the athletics department of a member institution shall not represent, directly or indirectly, any individual in the marketing of athletics ability or reputation to an agent, a professional sports team or a professional sports organization, including receiving compensation for arranging commercial endorsements or personal appearances for **prospective**, **current or** former student-athletes, except as specified in Bylaw 11.1.4.1, and shall not receive compensation or gratuities of any kind, directly or indirectly, for such services.
 - [11.1.4.1 unchanged.]
 - 11.1.4.2 <u>Professional Service Provider.</u> <u>Institutional staff members shall not serve as a professional service provider (see Bylaw 12.02.7) for a prospective student-athlete's name, image and likeness activities.</u>
- B. Bylaws: Amend 12.02, as follows:
- 12.02 Definitions and Applications.
- 12.02.1 Agent. An agent is any individual who, directly or indirectly: represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation in order to secure a professional sports opportunity.
- (a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain; or
- (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.
 - 12.02.1.1 Application. An agent may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.
- [12.02.2 through 12.02.6 unchanged.]
- 12.02.7 Professional Service Provider. A professional service provider is an individual who provides third party services to an individual regarding their name, image and likeness. A professional service provider includes, but shall not be limited to, an agent, tax advisor, marketing consultant, attorney or anyone who is employed or associated with such persons.
- [12.02.7 through 12.02.9 renumbered as 12.02.8 through 12.02.10, unchanged.]
- C. Bylaws: Amend 12.1.2, as follows:
- 12.1.2 Activities Prior to Initial Full-Time Collegiate Enrollment. An individual <u>loses may retain</u> amateur status and thus <u>shall not</u> be eligible for intercollegiate participation in a particular sport if the individual <u>previously enters entered</u> into an agreement with or <u>receives received</u> benefits from an agent, <u>provided the agreement is terminated upon initial full-time enrollment at a Division II institution</u> (See Bylaws 12.02.1 and 12.3 for additional information regarding agents.)
- **D. Bylaws:** Amend 12.1.3, as follows:
- 12.1.3 Permissible Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, participation in the following activities and receipt of the following benefits will not jeopardize the amateur status of an individual:
- [12.1.3-(a) through 12.1.3-(h) unchanged.]
- (i) <u>Professional Service Providers.</u> A student-athlete may retain a professional service provider (see Bylaws 12.02.7 and 12.3) for assistance with name, image and likeness activities (see Bylaws 12.4.2 and 12.5.1.2).
- E. Bylaws: Amend 12.1.4, as follows:

- 12.1.4 Impermissible -- Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, an individual's participation in the following activities or receipt of the following benefits will jeopardize the individual's amateur status and eligibility for intercollegiate participation in a particular sport:
- [12.1.4-(a) through 12.1.4-(g) unchanged.]
- (h) Agreement With or Benefits From an Agent. Entrance into an agreement with or receipt of benefits from an agent in order to secure a professional sports opportunity.
- [12.1.4-(i) through 12.1.4-(r) unchanged.]
- F. Bylaws: Amend 12.2.4.2, as follows:
- 12.2.4.2 Draft List. An enrolled student-athlete may enter a professional league's draft an unlimited number of times during his or her collegiate career and be drafted by any team in the league without jeopardizing eligibility in that sport, provided the student-athlete does not ever agree (orally or in writing) to be represented by an agent for the purposes of marketing his or her athletics ability or reputation in that sport, sign a professional sport contract in order to secure a professional sports opportunity or otherwise jeopardize his or her amateur status.
- **G.** Bylaws: Amend 12.3, as follows:
- 12.3 Use of Agents and Professional Service Providers.
- 12.3.1 General Rule -- Agents. An individual A student-athlete shall be ineligible for participation in an intercollegiate sport, if, after initial full-time enrollment at a Division II institution, he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport in order to secure a professional sports opportunity. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.
 - 12.3.1.1 Nonbinding Agreements. An individual A student-athlete who signs a contract or commitment in order to secure a professional sports opportunity that does not become binding until the agent also signs the document, is ineligible, even if the contract remains unsigned by the other parties until after the student-athlete's eligibility is exhausted.
 - 12.3.1.2 Representation for Future Negotiations. An individual A student-athlete shall be ineligible per Bylaw 12.3.1, if he or she enters into a verbal or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed his or her eligibility in that sport.
 - 12.3.1.3 Benefits From Prospective Agents. An individual A student-athlete shall be ineligible per Bylaw 12.3.1, if he or she (or his or her relatives or friends) accepts transportation or other benefits from: any person who represents any individual in the marketing of his or her athletics ability in order to secure a professional sports opportunity. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2).
 - (a) Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or
 - (b) An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport.
 - [12.3.1.3.1 unchanged.]
 - 12.3.1.4 Exception -- Career Counseling and Internship/Job Placement Services. A student-athlete may use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses his or her athletics ability.
- [12.3.2 unchanged.]
- 12.3.3 Athletics Scholarship Agent. Any individual, agency or organization that represents a prospective student-athlete for compensation in placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.

- 12.3.3.1 Talent Evaluation Services and Agents. A prospective student-athlete may allow a scouting service or agent to distribute personal information (e.g., high school academic and athletics records, physical statistics) to member institutions without jeopardizing his or her eligibility, provided the fee paid to such an agent is not based on placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid.
- 12.3.43 Professional Sports Counseling Panel. It is permissible for an institution to have an authorized institutional professional sports counseling panel appointed and overseen by the institution's president or chancellor (or his or her designated representative from outside the athletics department).
- 12.3.4 General Rule -- Professional Service Providers. A student-athlete may use the services of a professional service provider (see Bylaw 12.02.7) in the following name, image and likeness activities:
- (a) Advice regarding name, image and likeness activities;
- (b) Representation in contract negotiations related to name image and likeness activities; and
- (c) Marketing of the student-athlete's name, image and likeness activities.
 - 12.3.4.1 Limitation on Marketing Athletics Ability or Reputation. A professional service provider that represents a student-athlete in name, image and likeness activities may not also represent a student-athlete for the purpose of marketing his or her athletics ability or reputation in order to secure a professional sports opportunity.
 - 12.3.4.2 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating professional service providers related to such activities. However, an institution may not identify or select a professional service provider or arrange for or provide payment for services rendered to the student-athlete.
 - 12.3.4.3 Fees and Payment Arrangements for Services. A student-athlete is required to pay the rate commensurate with the going rate for services provided by a professional service provider, consistent with payment arrangements (e.g., flat fee, profit share, upfront guarantee) the service provider makes with nonstudent-athlete clients. A student-athlete may receive the same benefits (e.g., meals, copies, mailing) from a professional service provider that nonstudent-athletes receive but may not receive anything that would constitute an extra benefit. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2).
- 12.3.5 Name, Image and Likeness Counseling Panel. It is permissible for an institution to have an authorized institutional name, image and likeness counseling panel appointed and overseen by the institution's president or chancellor (or his or her designated representative from outside the athletics department).
- H. Bylaws: Amend 12.4, as follows:
- 12.4 Employment and Student-Athlete Business Activities.
- 12.4.1 Criteria Governing Compensation to Student-Athletes. All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete: [R]
- (a) Only for work actually performed; and
- (b) At a rate commensurate with the going rate in that locality for similar services; and.
- (c) An employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's product or services.
- 12.4.2 Specific Athletically Related Employment Activities.
 - 12.4.2.1 National Team Practice and Competition. A student-athlete may receive actual and necessary expenses and reasonable benefits associated with national team practice and competition (e.g., health insurance, broken-time payments). [R]
 - 12.4.2.2 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided all compensation received by the student-athlete is consistent with the criteria governing compensation to student-athletes (see Bylaw 12.4.1). [R]
- 12.4.2 <u>Student-Athlete Business Activities.</u> A student-athlete may use his or her name, image and likeness to promote his or her athletically and nonathletically related business activities (e.g., products, services, personal appearances).

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- 12.4.2.1 Restrictions. A student-athlete shall not receive compensation for athletics performance or participation. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2). (See also Bylaw 16.11.2.1.)
- 12.4.2.2 Autographs. A student-athlete is not permitted to receive compensation for signing an autograph while he or she is representing the institution (e.g., reported for practice or competition, community engagement event, institutional promotional activity).
- 12.4.2.3 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided all compensation received by the student-athlete is consistent with the criteria governing compensation to student-athletes (see Bylaw 12.4.1). If institutional facilities are used, a student-athlete must adhere to all applicable institutional processes for facility rentals in a manner consistent for members of the general public. (See 13.12.2.2.1.1 for camps and clinics.) [R]
- 12.4.2.4 Merchandise and Memorabilia. A student-athlete is permitted to sell items provided by the institution, conference or NCAA, including awards, used equipment and apparel retained by the student-athlete that the institution will not reuse, at any time. A student-athlete may sell institutional merchandise he or she has purchased, subject to institutional restrictions related to the resale of items that include institutional marks.
- 12.4.2.5 <u>Missed Class Time</u>. A student-athlete shall not miss class to participate in activities related to the use of their name, image and likeness.
- 12.4.2.6 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating professional service providers related to such activities (see Bylaw 12.3.5). Neither the institution nor an institutional staff member shall be involved in the arrangement, development, operation or promotion of a student-athlete's business activity.
 - 12.4.2.6.1 Exception. A business activity that is developed as part of the student-athlete's coursework is not subject to these restrictions.
- 12.4.2.7 Use of Institutional Marks. A student-athlete's promotion of his or her business activity may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the institution he or she attends, consistent with institutional policies applicable to any student. A student-athlete must adhere to all applicable institutional processes for use of institutional marks in a manner consistent for members of the general public.
- 12.4.2.8 Use of Professional Service Providers. See Bylaw 12.3.
- 12.4.2.9 Reporting of Name, Image and Likeness Activities. A student-athlete shall report to the institution's athletics department information related to business activities that involve the use of his or her name, image or likeness on an annual basis.
- I. Bylaws: Amend 12.5, as follows:
- 12.5 Promotional Activities.
- 12.5.1 Permissible.
 - 12.5.1.1 Institutional, Charitable, Educational or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational, nonprofit or government agency (e.g., the armed services) may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:
 - [12.5.1.1-(a) unchanged.]
 - [12.5.1.1-(a)-(1) through 12.5.1.1-(a)-(3) unchanged.]
 - (4) A commercial establishment may use the appearance, name or picture of an enrolled student-athlete to promote an institutional fundraising activity;
 - [12.5.1.1-(b) through 12.5.1.1-(c) unchanged.]
 - (d) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;

- (e) Any commercial items with names or pictures of student-athletes (other than items specified per Bylaws 12.5.1.6 and 12.5.1.7) may be sold only by the member institution, member conference or NCAA, through outlets controlled by the member institution, member conference or the NCAA or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event);
- [12.5.1.1-(f) through 12.5.1.1-(g) relettered as 12.5.1.1-(d) through 12.5.1.1-(e), unchanged.]
 - 12.5.1.1.1 Exception Promotional Activities Not Sponsored or Organized by a Member Institution's Athletics Department or Member Conference. The promotional activity conditions apply to activities sponsored or organized by an institution's athletics department or a conference office. Promotional activities in which a student-athlete participates independent of his or her status as a student-athlete (e.g., institutional community service requirement) are not subject to the legislation. **See Bylaw 12.5.1.2.**
 - [12.5.1.1.2 through 12.5.1.1.3 unchanged.]
 - 12.5.1.1.4 Promotions Involving Commercial Locations/Sponsors. A member institution or a charitable, educational, nonprofit or government agency may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment; provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a cosponsor, if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity. The commercial establishment may use the appearance, name or picture of an enrolled student-athlete to promote an institutional fundraising activity.
 - [12.5.1.1.5 through 12.5.1.1.7 unchanged.]
- 12.5.1.2 Modeling and Other Nonathletically Related Promotional Activities. An individual may accept remuneration for or permit the use of his or her name or picture to advertise or promote the sale or use of a commercial product or service without jeopardizing his or her eligibility to participate in intercollegiate athletics only if all of the following conditions apply:
- (a) The individual became involved in such activities for reasons independent of athletics ability;
- (b) No reference is made in these activities to the individual's involvement in intercollegiate athletics;
- (c) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way on the individual's athletics ability or reputation.
- 12.5.1.3 Congratulatory Advertisement. It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:
- (a) The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team;
- (b) The advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;
- (c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;
- (d) The student-athlete has not signed a consent or release granting permission to use the student-athlete's name or picture in a manner inconsistent with the requirements of this section; and
- (e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a member institution's promotional activities and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3.
- 12.5.1.4 Educational Products Related to Sport-Skill Instruction. It is permissible for a student-athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport-skill demonstration, analysis or instruction, provided:
- (a) Such print and electronic media productions are for educational purposes;

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- (b) There is no indication that the student-athlete expressly or implicitly endorses a commercial product or service;
- (c) The student-athlete does not receive remuneration for such participation; however, the student-athlete may receive actual and necessary expenses related to his or her participation;
- (d) The student-athlete does not miss class time to participate in the activity; and
- (e) The student-athlete has signed a release statement ensuring that the student-athlete's name or image is used in a manner consistent with the requirements of this section and a copy of the statement is kept on file and shall be available for examination on request by an authorized representative of the NCAA.
- 12.5.1.2 Advertisements and Promotions. A student-athlete may permit the use of his or her name, image or likeness and receive compensation to advertise or promote the sale or use of a commercial product or service.
 - 12.5.1.2.1 Restrictions. A student-athlete shall not receive compensation for athletics performance or participation. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2). (See also Bylaw 16.11.2.1.)
 - 12.5.1.2.2 Specifically Prohibited Promotional Activities. A student-athlete shall not engage in name, image and likeness activities involving a commercial product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances).
 - 12.5.1.2.3 Conflicts with Institutional Agreements and Other Considerations. An institution or conference, at its discretion, may prohibit a student-athlete's involvement in name, image and likeness activities based on other considerations, such as a conflict with institutional or conference values, as defined by the institution or conference. An institution or conference shall have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage.
 - 12.5.1.2.4 Missed Class Time. A student-athlete shall not miss class to participate in activities related to use of their name, image and likeness.
 - 12.5.1.2.5 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities. Neither the institution nor an institutional staff member shall be involved in the arrangement, development or promotion of the relationship between the student-athlete and an involved individual or commercial entity.
 - 12.5.1.2.6 Use of Institutional Marks. A student-athlete's promotion or endorsement of a commercial product or service may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the institution he or she attends, consistent with institutional policies applicable to any student. Institutional marks may not be used in the advertisement or promotion.
 - 12.5.1.2.7 Use of Professional Service Providers. See Bylaw 12.3.
 - 12.5.1.2.8 Reporting of Name, Image and Likeness Activities. A student-athlete shall report to the institution's athletics department information related to the use of his or her name, image or likeness in the advertising or promotion of a commercial product or service on an annual basis.
- [12.5.1.5 renumbered as 12.5.1.3, unchanged.]
- 12.5.1.64 Promotion by Third Party of Highlight Film, Videotape, Media Guide or Photographs. Any party other than the institution or a student-athlete (e.g., a distribution company) or any party hired by the institution, conference or NCAA may sell and distribute an institutional highlight film or videotape or an institutional or conference highlight film, videotape or media guide that contains the names and pictures of enrolled student-athletes or a picture of a student-athlete only if:
- (a) The institution, conference or NCAA specifically designates any agency that is authorized to receive orders for the film, videotape, media guide or photograph; **and**
- (b) The distribution company, retail store or a third party is precluded from using the name or picture of an enrolled student-athlete in any poster or other advertisement to promote the sale or distribution of the film, videotape, media guide or photograph; and.
- (c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution, conference or NCAA endorses the product or services of the advertiser or third party.
- [12.5.1.7 renumbered as 12.5.1.5, unchanged.]

- 12.5.1.86 Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universide) and World University Championships. A student-athlete's name or picture may be used to promote Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universide) or World University Championships as specified in this section.
 - 12.5.1.86.1 Sale and Distribution of Promotional Items. Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete's name or picture. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item.
 - 12.5.1.8.1.1 Corporate Sponsors. A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete.

12.5.2 Nonpermissible.

- 12.5.2.1 Advertisements and Promotions Following Enrollment. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics, if the individual:
- (a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or
- (b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.
 - 12.5.2.1.1 Exceptions. The individual's eligibility will not be affected, provided the individual:
 - (a) Meets the conditions set forth in Bylaw 12.5.1.2; or
 - (b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of his or her name or picture and ceases receipt of any remuneration for such an arrangement.
 - 12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected.
- 12.5.2.2 Use of a Student-Athlete's Name or Picture Without Knowledge or Permission. If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters, photographs) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.
- 12.5.2.31 Specifically Restricted Activities. A student-athlete's involvement in promotional activities specified in this section is prohibited.
 - 12.5.2.3.1 Name-the-Player Contest. A student-athlete may not permit use of his or her name or picture in a "name-the-player" contest conducted by a commercial business for the purpose of promoting that business.
 - [12.5.2.3.2 through 12.5.2.3.3 renumbered as 12.5.2.1.1 through 12.5.2.1.2, unchanged.]
- 12.5.3 Media Activities. A student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such an appearance or participation is related in any way to athletics ability or prestige provided:
- (a) The student-athlete is eligible academically to represent the institution at the time of appearance or participation;
- (b) The student-athlete does not receive any remuneration for the appearance or participation in the activity;
- (c) The student-athlete does not make any endorsement, expressed or implied, of any commercial product or service.

 The institution or the entity sponsoring the activity may pay the actual and necessary expenses directly related to the appearance or participation by the student-athlete in the activity; and

- (d) The student-athlete does not miss class to participate in the activity, except for class time missed in conjunction with away-from-home competition or to participate in NCAA or conference-sponsored media activity.
 - 12.5.3.1 Writing Activities for a Commercial Entity. It is permissible for a student-athlete to write a column in a newsletter produced by a commercial company provided the individual meets the conditions set forth in Bylaw 12.5.1.2.
- [12.5.4 renumbered as 12.5.3, unchanged.]
- J. Bylaws: Amend 13.2, as follows:
- 13.2 Offers and Inducements.
- [13.2.1 through 13.2.2 unchanged.]
- 13.2.3 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following: [R]
- [13.2.3-(a) through 13.2.3-(j) unchanged.]
- (k) Involvement of a prospective student-athlete in an institutional fundraiser or promotional activity if the prospective student-athlete has not signed a National Letter of Intent or the institution's written offer of admission and/or financial aid or the institution has not received his or her financial deposit in response to its offer of admission; or
- (I) Educational expenses or services (e.g., tuition, fees, room and board, books, tutoring, standardized test preparatory classes).; or
- (m) An arrangement for use of a student-athlete's name, image or likeness (see Bylaws 12.4.2.1 and 12.5.1.2.1).
- [13.2.4 through 13.2.11 unchanged.]
- **K. Bylaws:** Amend 13.12.2.2.1.1, as follows:
- 13.12.2.2.1.1 Self-Employment. A student-athlete with remaining eligibility is not permitted to conduct his or her own camp or clinic. If institutional facilities are used, a student-athlete must adhere to all applicable institutional processes for facility rentals in a manner consistent for members of the general public. [R]
- L. Bylaws: Amend 15.2.3, as follows:
- 15.2.3 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:
- (a) The compensation is only for work actually performed; and
- (b) The compensation is at a rate commensurate with the going rate of that locality for similar services; and.
- (c) The employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's products or services. (See Bylaw 12.4.)
- M. Bylaws: Amend 16.11.1, as follows:
- 16.11.1 Permissible.
 - [16.11.1.1 through 16.11.1.7 unchanged.]
 - 16.11.1.8 Fundraisers for Student-Athletes or Their Relatives. An institution, student-athletes, their relatives and their friend may organize a fundraiser for a student-athlete (or their relatives) under the following conditions: [R]
 - (a) Extreme circumstances should be extraordinary in the result of events beyond the control of the studentathlete;
 - (b) The proceeds must be designated for a specific purpose;
 - (c) The proceeds may be given directly to the beneficiaries, with receipt kept on file by the institution, which must include the amount of expenses incurred and the total amount received; and
 - (d) The excess proceeds must be given to a not-for-profit organization with the receipt kept on file by the institution.

16.11.1.89 Miscellaneous Benefits. An institution may provide or arrange for the following benefits for a student-athlete: [R]

[16.11.1.8-(a) through 16.11.1.8-(d) renumbered as 16.11.1.9-(a) through 16.11.1.9-(d) unchanged.]

- (e) Fundraisers for student-athletes (or their family members) under the following conditions:
 - (1) Extreme circumstances should be extraordinary in the result of events beyond the control of the studentathlete;
 - (2) The proceeds must be designated for a specific purpose;
 - (3) The proceeds may be given directly to the beneficiaries, with receipt kept on file by the institution, which must include the amount of expenses incurred and the total amount received; and
 - (4) The excess proceeds must be given to a not-for-profit organization with the receipt kept on file by the institution.

[16.11.1.8-(f) through 16.11.1.8-(g) relettered as 16.11.1.8-(e) through 16.11.1.8-(f) renumbered as 16.11.1.9-(f) through 16.11.1.9-(g) relettered as 16.11.1.9-(e) through 16.11.1.9-(f), unchanged.]

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

Effective Date: August 1, 2021

Rationale: This proposal would permit Division II student-athletes to benefit from the use of their name, image and likeness in a manner that is consistent with the NCAA Board of Governors' guiding principles and with the Board's direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. These recommendations fall into two categories: (1) activities related to student-athlete business activities; and (2) promotion/endorsement of third-party products and services. Student-athletes should have full use of their name, image and likeness related to their own business activities, including autographs and appearances, noting the direct tie between these activities and a student-athlete's identity. Importantly, these opportunities can occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, in line with the Board's principles. A survey taken by more than 1,000 representatives of member institutions and conferences, including student-athletes, helped gather feedback on ways to modernize NCAA legislation to allow for student-athletes to receive compensation for their name, image and likeness. Student-athlete voices also were prioritized throughout the process.

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Eligibility

Please note that, if adopted, Division II Proposal No. 2-2 (eligibility – freshman academic requirements and two-year college transfers – elimination of nonqualifier qualification status – access to athletics aid and practice for all incoming student-athletes) would render Proposal No. 2-3 (eligibility – freshman academic requirements and two-year college transfers – nonqualifiers – access to athletics aid) moot. If Proposal No. 2-2 is defeated, the Division II membership will vote on Proposal No. 2-3.

No. 2-2 ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS AND TWO-YEAR COLLEGE TRANSFERS -- ELIMINATION OF NONQUALIFIER QUALIFICATION STATUS -- ACCESS TO ATHLETICS AID AND PRACTICE FOR ALL INCOMING STUDENT-ATHLETES

Intent: To eliminate the nonqualifier qualification status and permit an incoming student-athlete who does not meet qualifier requirements to receive athletics aid and participate in practice during their first academic year in residence.

A. Bylaws: Amend 13.6.6.5, as follows:

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

[13.6.6.5-(a) through 13.6.6.5-(c) unchanged.]

[13.6.6.5.1 unchanged.]

13.6.6.5.2 Nonqualifier Prohibition. The student host must be enrolled in the member institution being visited by a prospective student-athlete. A nonqualifier (see Bylaw 14.02.13.3) may not serve as a student host during his or her first academic year in residence. [D]

[13.6.6.5.3 renumbered as 13.6.6.5.2, unchanged.]

B. Bylaws: Amend 14.02.13, as follows:

14.02.13 Qualification Status.

[14.02.13.1 unchanged.]

14.02.13.2 Partial Qualifier. A partial qualifier is a student who does not meet the requirements for a qualifier but who has met all of the following academic requirements (see Bylaw 14.3):

- (a) Graduation from high school;
- (b) Successful completion of a required core curriculum consisting of a minimum number of courses in specified subjects; and
- (c) Specified minimum grade-point average in the core curriculum and minimum SAT or ACT score based on the initial-eligibility index for partial qualifiers (see Bylaw 14.3.1.2.1).

14.02.13.3 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), presented neither the core-curriculum grade-point average and SAT/ACT score required for a qualifier.

C. Bylaws: Amend 14.02.14, as follows:

14.02.14 Residence. Residence is enrollment in a full-time academic program (as defined by the institution) at a collegiate institution during a regular term of an academic year. A summer term may not be used to satisfy an academic term or year of residence. Any student-athlete (e.g., qualifier, nonqualifier, transfer student) admitted after the 12th class day may not use that semester or quarter for the purpose of satisfying an academic term or year of residence.

[14.02.14.1 unchanged.]

D. Bylaws: Amend 14.1.10, as follows:

14.1.10 Eligibility for Male Students or Male Student-Athletes to Practice With Women's Teams. A male student or male student-athlete (see Bylaw 17.02.9) may engage in practice sessions with women's teams under the following conditions:

[14.1.10-(a) through 14.1.10-(d) unchanged.]

- (e) It is not permissible for a male student or male student-athlete who is serving an academic year in residence as a nonqualifier to participate in practice sessions with a women's team. However, it is permissible for a nonrecruited, male student who is serving an academic year of residence as a nonqualifier to participate in practice sessions with a women's team.
- [14.1.10-(f) relettered as 14.1.10-(e), unchanged.]
- E. Bylaws: Amend 14.3, as follows:
- 14.3 Freshman Academic Requirements.
- 14.3.1 Eligibility for Financial Aid, Practice and Competition -- Qualifiers, and Partial Qualifiers and Nonqualifiers.

[14.3.1.1 unchanged.]

14.3.1.2 Partial Qualifier. A partial qualifier is defined as a student who does not meet the requirements for a qualifier (see Bylaw 14.3.1.1) but who, at the time of graduation from high school, meets the requirements of the initial eligibility index for partial qualifiers set forth in Bylaw 14.3.1.2.1. A student-athlete is required to successfully complete a core curriculum of 16 academic courses as outlined in Bylaw 14.3.1.1-(a) in order to achieve partial qualifier status.

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

Core GPA	Combined SAT	Sum ACT	Core GPA	Combined SAT	Sum ACT	Core GPA	Combined SAT	Sum ACT
3.050 above	* 400	37	2.675	550	47	2.300	700	57
3.025	410	38	2.650	560	48	2.275	710	58
3.000	420	39	2.625	570	49	2.250	720	59
2.975	430	40	2.600	580	49	2.225	730	60
2.950	440	41	2.575	590	50	2.200	740	61
2.925	450	41	2.550	600	50	2.175	750	61
2.900	460	42	2.525	610	51	2.150	760	62
2.875	470	42	2.500	620	52	2.125	770	63
2.850	480	43	2.475	630	52	2.100	780	64
2.825	490	44	2.450	640	53	2.075	790	65
2.800	500	44	2.425	650	53	2.050	800	66
2.775	510	4 5	2.400	660	54	2.025	810	67
2.750	520	46	2.375	670	55	2.000	820	68
2.725	530	46	2.350	680	56			&
2.700	540	47	2.325	690	56		above	above

[14.3.1.2.2 through 14.3.1.2.5 renumbered as 14.3.1.2.1 through 14.3.1.2.4, unchanged.]

[14.3.1.3 through 14.3.1.5 unchanged.]

14.3.1.6 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulations, did not satisfy the requirements of the initial-eligibility indices for qualifiers set forth in Bylaw 14.3.1.1 or partial qualifiers set forth in Bylaw 14.3.1.2.

14.3.1.6.1 Eligibility for Aid, Practice and Competition -- Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics

director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.

14.3.1.6.2 Practice-Session Attendance -- Nonqualifier. A student-athlete who is a nonqualifier and who, therefore, is not eligible for practice may not attend any practice sessions in any capacity, nor may the student-athlete attend any meeting characterized as practice (see Bylaw 17.02.1).

14.3.1.6.3 Outside Competition -- Nonqualifier. A nonqualifier may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but during the first year in residence, such an individual is not permitted to practice or compete on an institutional club team or on an outside sports team.

14.3.1.6.4 Residence Requirement -- Nonqualifier. A nonqualifier must fulfill an academic year of residence in order to be eligible for practice, competition and financial aid other than that permitted per Bylaw 14.3.1.6.1 (see Bylaw 14.02.14 regarding the requirements that must be met to fulfill an academic year in residence).

[14.3.2 unchanged.]

14.3.2.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the high school core-curriculum grade-point average and test score have been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have established minimum requirements been certified as a qualifier (as certified by the NCAA Eligibility Center) to continue practicing or to compete, or the minimum requirements as a partial qualifier to continue practicing.

14.3.2.1.1 Effect of Violation. A violation of Bylaw 14.3.2.1 in which the student-athlete is subsequently certified as a qualifier or partial qualifier shall be considered an institutional violation per Constitution 2.8.1 but shall not affect the student-athlete's eligibility.

[14.3.2.2 through 14.3.2.4 unchanged.]

[14.3.3 through 14.3.4 unchanged.]

F. Bylaws: Amend 14.5.1, as follows:

14.5.1 Residence Requirement – General Principle. A student who transfers (see Bylaw 14.5.2) to a member institution from any collegiate institution is required to complete one full academic year of residence (see Bylaw 14.02.14) at the certifying institution before being eligible to compete for or to receive travel expenses from the member institution (see Bylaw 16.8.1), unless the student satisfies the applicable transfer requirements or receives an exception or waiver as set forth in this bylaw.

[14.5.1.1 unchanged.]

14.5.1.2 Outside Competition — Partial Qualifier or Nonqualifier. A two-year college transfer student who is a nonqualifier or partial qualifier and does not meet the applicable transfer requirements may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but such an individual is not permitted to practice or compete on an institution's club team or an outside sports team during the first academic year in residence. A four-year college transfer student who is a nonqualifier or partial qualifier and who has not completed an academic year in residence may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but such an individual is not permitted to practice or compete on an institution's club team or an outside sports team during the first academic year in residence.

[14.5.1.3 through 14.5.1.4 unchanged.]

G. Bylaws: Amend 14.5.4, as follows:

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence (see Bylaw 14.02.14), unless the student meets the following eligibility requirements applicable to the division of which the certifying institution is a member. (See Bylaw 14.4 for progress-toward-degree requirements for transfer student-athletes.)

[14.5.4.1 through 14.5.4.2 unchanged.]

14.5.4.3 Eligibility for Competition, Practice and Athletics Aid – All Other Qualifiers, <u>and Partial Qualifiers</u> and <u>Athletics and Athletics</u> and athletics aid during the first academic year in residence at the certifying institution, provided:

[14.5.4.3-(a) through 14.5.4.3-(c) unchanged.]

[14.5.4.3-(d) unchanged.]

[14.5.4.3.1 through 14.5.4.3.2 unchanged.]

14.5.4.3.3 Practice and Receipt of Athletics Aid -- Qualifiers and Partial Qualifiers. *Qualifiers and partial qualifiers* **A two-year college transfer** who does not meet the requirements set forth in Bylaw 14.5.4.3 may practice and receive athletics aid (but may not compete) at the certifying institution during their first academic year in residence.

14.5.4.3.4 Practice and Receipt of Athletics Aid -- Nonqualifier. A nonqualifier who meets the requirements set forth in Bylaw 14.5.4.3-(a) through 14.5.4.3-(c) and presented a transferable minimum grade-point average of 2.000, may practice and receive athletics aid (but may not compete) at the certifying institution during the first academic year of residence.

14.5.4.4 Subvarsity Competition. A transfer from a two-year college who has not met the eligibility requirements set forth in Bylaws 14.5.4.1, 14.5.4.2 or 14.5.4.3 shall be eligible to compete only at the subvarsity level at the certifying institution. Such subvarsity competition shall count as a season of competition in the sport involved. A transfer student from a two-year college who was *not a qualifier* a partial qualifier and who has not met the eligibility requirements set forth in Bylaws 14.5.4.1 or 14.5.4.3 shall not be eligible to compete at the subvarsity level during the first year in residence at the certifying institution. However, such a student who is a nonqualifier may participate in subvarsity practice sessions, provided they are conducted separate from varsity sessions.

[14.5.4.5 unchanged.]

14.5.4.6 Exceptions or Waivers for Transfer From Two-Year Colleges. A transfer student from a two-year college or from a branch school that conducts an intercollegiate athletics program is not subject to the residence requirement at the certifying institution, if any one of the following conditions is met. An individual who is a partial qualifier *or nonqualifier* shall not be permitted to use the exceptions under this bylaw.

[14.5.4.6.1 through 14.5.4.6.4 unchanged.]

[14.5.4.7 unchanged.]

H. Bylaws: Amend 14.5.5, as follows:

14.5.5.1 General Rule. A transfer student from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student has fulfilled a residence requirement of one full academic year (two full semesters or three full quarters) at the certifying institution (see Bylaw 14.02.14).

[14.5.5.1.1 unchanged.]

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was a partial qualifier (as defined in Bylaw 14.02.13.2) or a nonqualifier (as defined in Bylaw 14.02.13.3) and who attended the four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.1.2 (partial qualifiers) and Bylaw 14.3.1.6 (nonqualifiers).

[14.5.5.1.2.1 unchanged.]

14.5.5.2 Subvarsity Competition. A transfer student from a four-year institution who was a qualifier shall be eligible to compete immediately at the subvarsity level only at the certifying institution before meeting the transfer eligibility requirements. Such subvarsity competition shall count as a season of competition in the sport involved. A transfer student from a four-year institution who was not a qualifier shall not be eligible to compete at the subvarsity level during the first academic year in residence at the certifying institution. However, such a student who is a nonqualifier may participate in subvarsity practice sessions, provided they are conducted separate from varsity practice sessions.

I. Bylaws: Amend 16.2, as follows:

16.2 Complimentary Admissions and Ticket Benefits.

[16.2.1 unchanged.]

Date Printed: 09/28/2020

16.2.1.2 General Regulations. Complimentary admissions shall be distributed only to persons designated by the student-athlete who have identified themselves and signed a receipt therefore. A violation of this administrative procedure shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. The student-athlete's eligibility shall be affected by involvement in action contrary to the provisions of Bylaws 16.2.1.1 and 16.2.2 (e.g., receipt of more than the permissible four complimentary admissions or the sale or exchange of a complimentary admission for any item of value).

16.2.1.2.1 Partial Qualifier or Nonqualifier. A partial qualifier or nonqualifier (per Bylaws 14.02.13.2 and 14.02.13.3) may receive a complimentary admission to all of the institution's regular-season home intercollegiate athletics contests during the first academic year of residence.

[16.2.1.3 unchanged.]

[16.2.2 unchanged.]

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

Effective Date: August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

Rationale: This proposal would allow access to practice and athletics aid to all incoming student-athletes and two-year college transfers in their first year of enrollment, regardless of their initial-eligibility certification status. During the last six certification cycles, 97 percent of initial-eligibility waivers submitted for nonqualifiers were granted access to athletics aid and 65 percent were granted access to athletics aid and practice. Given the high percentage of approvals for athletics aid, this legislative change would allow an institution to determine whether to provide institutional athletics aid during the required academic year in residence or on transfer from a two-year college. Institutional athletics aid provided to an individual who does not meet the requirements to be a qualifier would count toward the individual limit and team maximum equivalency limits, which would eliminate any recruiting or competitive advantage. This proposal would also allow an institution to make the determination as to whether an individual who is not a qualifier should have access to practice in their first year of enrollment. Access to practice may help institutions with retention, enrollment management and a feeling of belonging for student-athletes.

No. 2-3 ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS AND TWO-YEAR COLLEGE TRANSFERS -- NONQUALIFIERS -- ACCESS TO ATHLETICS AID

Intent: To permit a nonqualifier to receive athletics aid during their first academic year in residence; further, to specify that a two-year college transfer who does not meet requirements for practice and competition may receive athletics aid immediately on transfer from a two-year college.

A. Bylaws: Amend 14.3, as follows:

14.3 Freshman Academic Requirements.

[14.3.1 unchanged.]

14.3.1.6 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulations, did not satisfy the requirements of the initial-eligibility indices for qualifiers set forth in Bylaw 14.3.1.1 or partial qualifiers set forth in Bylaw 14.3.1.3.

14.3.1.6.1 Eligibility for Aid, Practice and Competition — Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment may receive athletics aid (see Bylaw 15.2.1) based on institutional and conference regulations, but shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.

[14.3.1.6.2 through 14.3.1.6.4 unchanged.]

[14.3.2 through 14.3.4 unchanged.]

B. Bylaws: Amend 14.5.4, as follows:

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence (see Bylaw 14.02.14), unless the student meets the following eligibility requirements applicable to the division of which the

Date Printed: 09/28/2020

certifying institution is a member. (See Bylaw 14.4 for progress-toward-degree requirements for transfer student-athletes.)

[14.5.4.1 through 14.5.4.3 unchanged.]

14.5.4.3.4 Practice and Receipt of Athletics Aid -- Nonqualifier. A nonqualifier who meets the requirements set forth in Bylaw 14.5.4.3-(a) through 14.5.4.3-(c) and presented a transferable minimum grade-point average of 2.000, may practice and receive athletics aid (but may not practice or compete) at the certifying institution during the first academic year of residence.

14.5.4.3.4.1 Exception for Practice -- Nonqualifier. A nonqualifier who meets the requirements set forth in Bylaw 14.5.4.3-(a) through 14.5.4.3-(c) and presented a transferable minimum grade-point average of 2.000 may practice (but may not compete) at the certifying institution during the first academic year of residence.

[14.5.4.4 through 14.5.4.7 unchanged.]

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

Effective Date: August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

Rationale: This proposal would allow access to athletics aid to all incoming student-athletes and two-year college transfers regardless of their initial-eligibility certification status. During the last six certification cycles, 97 percent of initial-eligibility waivers submitted for nonqualifiers were granted access to athletics aid at a minimum. Given the high percentage of approvals for athletics aid, this legislative change would allow an institution to determine whether to provide institutional athletics aid during the required academic year in residence or on transfer from a two-year college. Institutional athletics aid provided to a nonqualifier would count toward the individual limit and team maximum equivalency limits, which would eliminate any recruiting or competitive advantage.

Appendix A

Request for Interpretation

Member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Interpretations related to the proposed legislation in this Second Publication of Proposed Legislation may be requested via electronic mail to the primary contact persons at kwolf@ncaa.org or chooks@ncaa.org, not later than November 20, 2020. When submitting such a request, please include the proposal number in question, your institution's name and your title. All resulting interpretations will be distributed to the delegates in time for the conference meetings held in conjunction with the Convention.



2021 NCAA CONVENTION – DIVISION II BUSINESS SESSION

Official Notice No. (SPOPL No.)	Title	Effective Date	Presidents Council Position (Source)	Speaker (Back-Up)	Topical Grouping	Type of Vote	FARA Position	SAAC Position	Notes
2021-1 (2-1)	VARIOUS BYLAWS STUDENT- ATHLETE USE OF NAME, IMAGE AND LIKENESS.	August 1, 2021.	NCAA Division II Presidents Council [Management Council (Legislation Committee)].	Speaker 1: Robinson Speaker 2: Larson (Cates)	Name, Image and Likeness	Roll Call			
2021-2 (2-2)	ELIGIBILITY FRESHMAN ACADEMIC REQUIREMENTS AND TWO-YEAR COLLEGE TRANSFERS ELIMINATION OF NONQUALIFIER QUALIFICATION STATUS ACCESS TO ATHLETICS AID AND PRACTICE FOR ALL INCOMING STUDENT-ATHLETES.	August 1, 2021.	NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].	Hutchinson (F. Johnson)	Eligibility	Roll Call			
2021-3 (2-3)	ELIGIBILITY FRESHMAN ACADEMIC REQUIREMENTS AND TWO-YEAR COLLEGE TRANSFERS NONQUALIFIERS ACCESS TO ATHLETICS AID.	August 1, 2021.	NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].	Denning (Peters)	Eligibility	Roll Call			If Proposal No. 2021-2 is adopted, this proposal is rendered moot and will not be voted on by the membership.

SUPPLEMENT NO. 11 DII Presidents Council 10/20



PRESIDENTS COUNCIL

Attached for your review are the legislative drafts of the proposals being sponsored by the NCAA Division II Presidents Council for the 2022 NCAA Convention. Proposal Nos. PC-1 through PC-3 are new for you to review in legislative format. These proposals were previously reviewed and approved by the NCAA Division II Management Council and NCAA Division II Presidents Council in concept, but have not yet been approved in legislative form.

Division: ||

Proposal Number: PC-1

Title: ENFORCEMENT POLICIES AND PROCEDURES -- COOPERATIVE PRINCIPLE -- TOOLS TO FACILITATE

COOPERATION

Convention Year: 2022

Date Submitted: July 22, 2020

Status: Ready for Consideration by Management Council

Effective Date: August 1, 2022

Source: NCAA Division II Presidents Council [Management Council (Enforcement and Infractions Task Force)]

Category: Presidents Council

Topical Area: Enforcement

Intent: To amend enforcement policies and procedures related to cooperation as follows: (a) To further define full cooperation in the infractions process; (b) To establish that the Committee on Infractions may infer that failure or refusal to produce requested materials supports an alleged violation; (c) To establish that the Committee on Infractions may view the failure or refusal to interview as an admission that an alleged violation occurred; (d) To protect a "whistleblower" who voluntarily reports information about a potential violation; and (e) To confirm that information upon which the Committee on Infractions bases its decision could be information that both directly and circumstantially supports an alleged violation.

A. Administrative: Amend 32.1.3, as follows:

32.1.3 Cooperative Principle. The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information to determine whether a possible violation of NCAA legislation has occurred and the details of the infraction. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of the investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution.

- 32.1.3.1 Full Cooperation. Full cooperation pursuant to the cooperative principle and responsibility to cooperate set forth in Bylaw 19.01.3 includes, but is not limited to:
- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;
- (b) Timely participation in interviews and providing complete and truthful responses;
- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;
- (e) <u>Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;</u>
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and
- (g) Instructing legal counsel and/or other representatives to also cooperate fully.
- B. Administrative: Amend 32.3, as follows:

32.3 Investigative Procedures.

[32.3.1 through 32.3.10 unchanged.]

32.3.11 Failure to Cooperate. In the event that a representative of an institution refuses to submit relevant information to the Committee on Infractions or the enforcement staff on request fails to satisfy the responsibility to cooperate, a notice of allegations may be issued alleging a violation of the cooperative principles of the NCAA bylaws and enforcement policies and procedures. Institutional representatives and the involved individual may be requested to appear before the Committee on Infractions at the time the allegation is considered.

32.3.11.1 Failure or Refusal to Produce Materials. If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the Committee on Infractions may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5 (see Bylaw 32.8.8.3.2).

32.3.11.2 Failure or Refusal to Participate in Interview. If an individual fails or refuses to participate in an interview requested by the enforcement staff, and he or she is later deemed to be an involved individual, the Committee on Infractions may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred (see Bylaw 32.8.8.3.3).

<u>32.3.12</u> Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to his or her conference, member institution and/or the Association.

[32.3.12 renumbered as 32.3.13, unchanged.]

C. Administrative: Amend 32.8.8.3, as follows:

32.8.8.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.

32.8.8.3.2 Materials Not Produced. The Committee on Infractions may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.5.

32.8.8.3.3 Failure or Refusal to Participate in Interview. The Committee on Infractions may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.5, occurred.

Rationale: Following the NCAA Division II Management Council and Presidents Councils' review of the increase in Division II major infractions cases in recent years, the NCAA Division II Enforcement and Infractions Task Force was created and charged with studying recent changes to the Division I infractions process and recommending legislative/policy changes to enhance the process in Division II. After membership input, the task force recommends enhancing the tools available to the enforcement staff to facilitate cooperation by further defining full cooperation, clarifying the information the Committee on Infractions (COI) may rely upon and protecting whistleblowers. Identifying common examples of cooperation during an investigation promotes cooperation, educates parties on the membership's expectations and makes the process more transparent and efficient. Confirming that the COI may make inferences based on a party's non-cooperation promotes cooperation, provides transparency of potential repercussions for failing to cooperate and makes the process more efficient. Similarly, confirming the COI's discretion to rely on information that both directly and circumstantially supports alleged violations provides transparency and creates efficiency in case processing. Finally, protecting staff members, prospects and student-athletes from retaliation for voluntarily reporting information about potential violations within the context of major cases may prompt them to come forward.

Review History:

Jun 29, 2020: Recommends Approval - Enforcement and Infractions Task Force

Jul 21, 2020: Approved in Concept - Management Council

Aug 5, 2020: Approved in Concept - Presidents Council

Division: ||

Proposal Number: PC-2

Title: ENFORCEMENT POLICIES AND PROCEDURES -- COMMITTEE ON INFRACTIONS HEARINGS --

POSTHEARING COMMITTEE DELIBERATIONS -- BASIS OF DECISION -- IMPORTATION OF FACTS

Convention Year: 2022

Date Submitted: July 22, 2020

Status: Ready for Consideration by Management Council

Effective Date: August 1, 2022

Source: NCAA Division II Presidents Council [Management Council (Enforcement and Infractions Task Force)]

Category: Presidents Council

Topical Area: Enforcement

Intent: To specify that: (a) Facts established by a decision or judgment of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees, may be accepted as true in concluding whether an institution or individual violated NCAA legislation; and (b) Evidence submitted and positions taken in such a matter may be considered in the infractions process.

Administrative: Amend 32.8.8.3, as follows:

32.8.8.3 Basis of Decision. The Committee on Infractions shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the committee bases its decision may be information that directly or circumstantially supports the alleged violation.

32.8.8.3.1 Importation of Facts. Facts established by a decision or judgment of a court, agency, accrediting body, or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees and regardless of whether the facts are accepted by the institution or the institution's university system's board of trustees, may be accepted as true in the infractions process in concluding whether an institution or individual participating in the previous matter violated NCAA legislation. Evidence submitted and positions taken in such a matter may be considered in the infractions process.

Rationale: Following the NCAA Division II Management Council and Presidents Councils' review of the increase in Division II major infractions cases in recent years, the NCAA Division II Enforcement and Infractions Task Force was created and charged with studying recent changes to the Division I infractions process and recommending legislative/policy changes to enhance the process in Division II. After membership input, the task force recommends that legislation expressly authorize the Committee on Infractions (COI) to import adjudicated facts, or consider evidence submitted and positions taken in judicial and other administrative proceedings. Current legislation does not expressly permit the COI to accept as true facts established by decisions or judgments from courts, agencies, accrediting bodies or other administrative tribunals, or by a commission, or similar review of comparable independence, authorized by an institution or the institution's university system's board of trustees. Likewise, legislation does not expressly permit the COI to consider evidence submitted and positions taken in such matters. These modifications will clarify the acceptable use of such information and increase efficiency in the process. Further, the modifications will help the enforcement staff close the gap between known and processed violations of legislation.

Review History:

Jun 29, 2020: Recommends Approval - Enforcement and Infractions Task Force

Jul 21, 2020: Approved in Concept - Management Council

Aug 5, 2020: Approved in Concept - Presidents Council

Division: ||

Proposal Number: PC-3

Title: ENFORCEMENT POLICIES AND PROCEDURES -- NEGOTIATED RESOLUTION

Convention Year: 2022

Date Submitted: July 22, 2020

Status: Ready for Consideration by Management Council

Effective Date: August 1, 2022

Source: NCAA Division II Presidents Council [Management Council (Enforcement and Infractions Task Force)]

Category: Presidents Council

Topical Area: Enforcement

Intent: To establish a negotiated resolution process to allow the enforcement staff to negotiate resolution of a case with an institution or involved individual about alleged violations and proposed penalties, subject to the review and approval of the Committee on Infractions, as specified.

A. Bylaws: Amend 19.1.3, as follows:

19.1.3 Duties. The committee shall:

[19.1.3-(a) through 19.1.3-(d) unchanged.]

(e) Upon concluding that one or more violations occurred, prescribe an appropriate penalty or "show-cause" requirement on a Division II member found to be involved in a major violation (or on appeal on a Division II member found to be involved in a secondary violation) or recommend to the Division II Presidents Council suspension or termination of membership; *and*

(f) Review negotiated resolutions (see Bylaw 32.6); and

[19.1.3-(f) relettered as 19.1.3-(g), unchanged.]

B. Administrative: Amend 32, as follows:

32 Enforcement Policies and Procedures

[32.1 through 32.5 unchanged.]

32.6 Negotiated Resolution.

32.6.1 Scope. At any time from the beginning of the enforcement staff investigation until Committee on Infractions review of a summary disposition report pursuant to Bylaw 32.8.1.4 or an infractions hearing held pursuant to Bylaw 32.9.7, the enforcement staff may negotiate a resolution with an institution or involved individual about alleged violations and proposed penalties. The negotiated resolution is subject to approval by the Committee on Infractions and must resolve all known violations for which the party or parties included in the negotiated resolution may be subject to penalty pursuant to Bylaw 19.5.

32.6.2 Written Agreement.

32.6.2.1 All Participating Parties Agree on Resolution. If all parties participating in the case agree on a resolution of the case, they shall submit the written agreement of negotiated resolution to the chair of the Committee on Infractions for Committee on Infractions review and approval. The enforcement staff shall include the violations by and penalties related to any party not participating in the case in the written agreement. The Committee on Infractions shall review the negotiated resolution if the parties submit the written agreement prior to issuance of the summary disposition report or notice of

allegations.

- 32.6.2.2 Not All Participating Parties Agree on Resolution. If some, but not all, parties participating in the case agree on resolution of the case, the enforcement staff shall include the written agreement of negotiated resolution in the summary disposition report or notice of allegations submitted in connection with parties who are not included in the negotiated resolution, or amended summary disposition report or notice of allegations if the agreement is reached after issuance of the summary disposition report or notice of allegations.
- 32.6.2.3 Elements of Written Agreement. Any written agreement of a negotiated resolution shall contain the following:
- (a) A brief description of the case, including the involvement of the parties included in the negotiated resolution;
- (b) The agreed-upon violation(s);
- (c) Other violations the enforcement staff considered and agreed or opted not to allege;
- (d) The agreed-upon type of agreed-upon violation(s) (i.e., major or secondary);
- (e) The agreed-upon penalties:
- (f) The nature of any participation or cooperation provided by a party pursuant to the negotiated resolution, and consequences for a party's failure or refusal to strictly adhere to the agreed-upon participation and cooperation conditions;
- (g) Waiver of appellate opportunities; and
- (h) Other material terms of the agreement.
- 32.6.3 Scope of Review. The Committee on Infractions shall only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.5.
- 32.6.4 Preliminary Assessment of Penalties. Prior to submission of a written agreement of negotiated resolution, parties included in the negotiated resolution may request the Committee on Infractions to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.5. The preliminary assessment is not binding.
- 32.6.5 <u>Negotiated Resolution Approved.</u> If the Committee on Infractions approves the negotiated resolution, the committee shall forward the approval to the enforcement staff and the other parties, and publicly announce the resolution of the case. The approval shall be final and have no precedential value.
 - 32.6.5.1 Approval When Not All Participating Parties Agree on Resolution. If some, but not all parties participating in the case agree on resolution of the case, the Committee on Infractions shall not approve the negotiated resolution until the committee resolves the remainder of the case.
 - 32.6.5.2 Approval in Conjunction with Preliminary Assessment. If all parties participating in the case request a preliminary assessment of penalties in accordance with Bylaw 32.6.4 and the parties submit all required elements of an agreement of negotiated resolution set forth in Bylaw 32.6.2.3, the Committee on Infractions may approve the negotiated resolution in conjunction with its preliminary assessment unless the parties instruct otherwise in their request for preliminary assessment.
- 32.6.6 Negotiated Resolution Not Approved. If the Committee on Infractions does not approve the negotiated resolution, the committee may return the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues identified by the committee that preclude approval of the negotiated resolution, and request that the parties submit an amended written agreement of negotiated resolution in response. In the alternative, the committee may reject the negotiated resolution and issue instructions for processing of the case pursuant to Bylaw 32.8 or Bylaw 32.9.

Rationale: Following the NCAA Division II Management Council and Presidents Councils' review of the increase in Division II major infractions cases in recent years, the NCAA Division II Enforcement and Infractions Task Force was created and charged with studying recent changes to the Division I infractions process and recommending legislative/policy changes to enhance the Division II process. After membership input, the task force recommends establishing a process where the enforcement staff may negotiate a resolution of a major case with an institution or involved individual when there is agreement on the facts, violations and penalties, subject to Committee on Infractions review and approval. Presently, the enforcement staff cannot resolve a major case with an institution or involved individual beyond a hearing or summary disposition. The staff has and exercises discretion in alleging violations but does not negotiate with parties or recommend penalties. This often frustrates cooperating member institutions who seek to negotiate resolution in favor of more expeditious case processing. Beyond membership frustration, the inability to negotiate resolutions taxes the resources of the infractions process and forgoes an opportunity to secure assistance from institutions or individuals who have useful information. Negotiated resolution creates efficiencies in processing cases.

Review History:

Jun 29, 2020: Recommends Approval - Enforcement and Infractions Task Force

Jul 21, 2020: Approved in Concept - Management Council

Aug 5, 2020: Approved in Concept - Presidents Council

SUPPLEMENT NO. 12 DII Presidents Council 10/20



NCAA Division II Management Council Report Other Action Items

At its October 19-20 meeting, the Management Council took action on the following items and recommends that the Presidents Council take the appropriate action, as indicated below.

NOTE: These items can be taken as a package unless an item is pulled for separate consideration.

- 1. Management Council Chair Election. Approve the election of Jim Johnson, director of athletics, Pittsburg State University, as the chair of the Division II Management Council, effective at the adjournment of the 2021 Division II Business Session, for a one-year term.
- 2. Management Council Elections. Approve the following elections to the Management Council. The **Attachment** shows the Management Council composition if the appointments are approved as recommended.
 - a. Central Intercollegiate Athletic Association (replacing Felicia Johnson, senior woman administrator, Virginia Union University). **Marcus Clarke**, conference administrator, Central Intercollegiate Athletic Association.
 - b. Northeast-10 Conference (replacing Jessica Chapin, senior woman administrator, American International College). **Danny McCabe**, director of athletics, Adelphi University.
 - c. Rocky Mountain Athletic Conference (replacing Chris Graham, conference administrator, Rocky Mountain Athletic Conference). **Jackie Wallgren**, senior woman administrator, Colorado State University-Pueblo.



Division II Management Council Composition Following October 2020 Election

Danuagantativa	A D	SWA	EAD	Conf	SAAC	Mala	Famala	Ethnic
Representative	AD	SWA	FAR	Conf Admin	SAAC	Male	Female	Etnnic Min
				Aumm				IVIIII
<u>California Collegiate</u>								
Steve Winter			•			•		
Sonoma State University								
Conference Carolinas								
Brenda Cates			•				•	
University of Mount Olive								
Central Atlantic								
Mark Corino	•					•		
Caldwell College								
Central Intercollegiate								
Marcus Clarke				•		•		•
Conference Administrator								
East Coast Conference								
Robert Dranoff				•		•		
Conference Administrator			1					
Great American Conference								
Jeff Williams	•					•		
East Central University						•		
Great Lakes Intercollegiate								
Dave Marsh								
	•					•		
Northwood University			1					
Great Lakes Valley			1					
Jerry Wollmering	•		1			•		
Truman State University								
Great Midwest Athletic								
Teresa Clark			•				•	
Cedarville University								
Great Northwest Athletic								
Amy Foster		•	1				•	
Seattle Pacific University								
Gulf South								
Laura Clayton Eady		•					•	
University of West Georgia								
Lone Star								
Judy Sackfield		_						
Texas A&M University-		•	1				•	
Commerce			1					
Mid-America								
Jim Johnson	•					•		
Pittsburg State University			1					
Mountain East Conference								
Kristi Kiefer		•					•	
Fairmont State University								
Northeast-10								
Danny McCabe								
Adelphi University								
			 					
Northern Sun								
Doug Peters	•					•		
Minnesota State University								
Moorhead								

Representative	AD	SWA	FAR	Conf	SAAC	Male	Female	Ethnic
	112	2,111		Admin	21112	112010		Min
Pacific West Conference								
Amy Henkelman	•						•	
Dominican University of								
California								
Peach Belt								
Christie Ward		•					•	
Georgia Southwestern State								
University								
Pennsylvania State								
Carrie Michaels		•					•	
Shippensburg University of								
Pennsylvania								
Rocky Mountain Athletic								
Jackie Wallgren		•					•	
Colorado State University- Pueblo								
South Atlantic								
Marty Gilbert						•		
Mars Hill University								
Southern Intercollegiate				 				
J. Lin Dawson	•					•		•
Clark Atlanta University								
Sunshine State								
Courtney Lovely								
Palm Beach Atlantic		•					•	•
University								
At-Large								
Julie Rochester								
Northern Michigan			•				_	
University								
At-Large								
David Kuhlmeier			•			•		•
Valdosta State University								
<u>At-Large</u>								
Harry Stinson III	•					•		•
Lincoln University								
(Pennsylvania)								
SAAC Reps								
Madeleine McKenna					•		•	
California University of								
Pennsylvania					•			
Braydon Kubat						•		
University of Minnesota Duluth								
Composition Before								
Vacancies	9	9	6	2	2	14	14	5
Composition Following	<u>10</u>	<u>8</u>	<u>6</u>	<u>2</u>	<u>2</u>	<u>15</u>	<u>13</u>	<u>5</u>
Election (if Approved)		_ =	_	_ =	=	=	<u> </u>	<u> </u>



NCAA Division II Management Council Report Informational Items

1. Committee on Student-Athlete Reinstatement.

a. Season-of-Competition Waiver for Winter Sport Student-Athletes. The Management Council approved a recommendation to allow institutions to self-apply season-of-competition waivers for winter sport student-athletes who compete in up to the 2020-21 Bylaw 17 maximum permissible dates of competition while eligible as a result of the disruption and uncertainty caused by the COVID-19 pandemic. Winter sport seasons are likely to be impacted by COVID-19 concerns, including a reduction in the overall length and number of competitions. Providing winter sport student-athletes with similar flexibility provided to spring and fall 2020 student-athletes accounts for the widespread impact of COVID-19 and its associated impact on student-athletes' participation. Flexibility provided to 2020 winter sport student-athletes ensures that all Division II student-athletes have received the maximum COVID-19 season-of-competition waiver flexibility on one occasion.

[NOTE: Financial aid flexibility was proactively provided by the Administrative Committee during its September 2 meeting. For the 2021-22 academic year, schools may exempt athletics aid given to all student-athletes who would have exhausted their eligibility during this academic year. This relief applies only to student-athletes who remain at their current schools. Transfers who would have exhausted their eligibility this academic year and receive athletics aid in 2021-22 will count toward team equivalency limits.]

b. Application of Self-Applied Season-of-Competition Waiver for Indoor and Outdoor Track and Field. The Management Council approved a recommendation to clarify the application of the self-applied season-of-competition waiver in indoor and outdoor track and field to specify that, for institutions that sponsor both indoor and outdoor track and field, a student-athlete is eligible for a self-applied seasonof-competition waiver provided the student-athlete's team does not participate in more than four dates of competition in each sport season during the 2020-21 academic year. For the 2020-21 academic year, the Bylaw 17 maximum is 14 dates of competition for institutions that sponsor both indoor and outdoor track and field. The dates of competition can be divided at the institution's discretion between indoor and outdoor track and field. As a result, the current 50-percent criteria for winter and spring sport self-applied season-of-competition waivers is challenging to apply as there is not a uniform standard for scheduling across the two sport seasons. This recommendation acknowledges the unique nature of the sport while allowing for a similar participation opportunity to other winter and spring sports. This recommendation also aligns with the sport sponsorship minimums for indoor and outdoor track and field.

For those institutions that only sponsor one of the two sport seasons, the 50-percent analysis would remain (e.g., the institution's team could participate in up to seven dates of competition).

All other criteria (student-athlete was eligible to compete and used a season during the 2020-21 academic year) would continue to apply.

[Note: This is only applicable to outdoor track and field since the season-of-competition waiver for winter sports was approved.]

2. Championships Committee.

a. Triennial Championships Budget Requests. The Management Council endorsed the requests for the triennial budget cycle beginning in fiscal year 2021-22, as recommended by the Division II Championships Committee (see Attachment). The requests will be reviewed by the Planning and Finance Committee in November, and, if approved, by the Presidents Council in January.

b. Men's and Women's Basketball.

- **(1)** Men's and Women's Basketball Championships. The Management Council received an update regarding NCAA Senior Vice President of Basketball Dan Gavitt's conversation with the Championships Committee regarding ongoing plans for the Division I Men's and Women's Basketball Championships, noting that at this time both championships are expected to be conducted on the existing dates. It was noted that Mr. Gavitt emphasized the holistic nature of NCAA basketball from a planning and sequencing perspective, and the importance of maintaining strong relationships with the current broadcast partners. Accordingly, the Association will maintain the current schedule for the men's and women's basketball championships, unless extreme health and safety conditions dictate otherwise. While some within the Division II membership have expressed an interest in pursuing whether the Division II Men's and Women's Basketball Championships could be moved to mitigate what is already expected to be a compressed regular season, Mr. Gavitt said doing so would cause significant logistical, operational and financial (contractual) challenges that would not be in the NCAA's best interests to encounter.
- (2) Minimum Contests Requirements for Championships Selection for Men's and Women's Basketball for the 2020-21 Academic Year. The Management Council approved a recommendation to reduce the minimum number of contests requirements for championships selection for men's and women's basketball for the 2020-21 academic year from 15 contests to 11 contests. The recommendation reflects the desire to protect participant

health and safety and provide maximum flexibility for institutions and conferences to be eligible for championship competition given the scheduling challenges they are likely to face due to COVID-19. The majority of Division II conferences already have stated they will not begin athletics activities until January 1, and Division II also will not be moving the previously scheduled championship dates. This will result in a compressed regular season for basketball. The only winter sport with an exception to move championships dates is swimming and diving, which will move back one week given the cancellation of the 2021 Division II National Championships Festival.

The Division II Men's and Women's Basketball Committees had recommended reducing the minimum only to 13 games; however, the Management Council and the Championships Committee are recommending 11 for a number of reasons, including consistency with the 50-percent reduction in other sports, and to protect the health and safety of participants. The council and committee believe an 11-game season will accommodate conferences – most of which will be conducting conference-only competition – and still position the division to stage a viable championship as scheduled. Primarily, however, the council and committee emphasized the health and safety perspective with the reductions in all winter sports and the feasibility for conferences and institutions to meet a reasonable standard for championship selections.

Date Change for the 2021 NCAA Division II Men's and Women's Swimming c. **Diving Championships.** The Management Council approved a recommendation that the 2021 NCAA Division II Men's and Women's Swimming and Diving Championships be moved from March 10-13 to March 17-20. The 2021 NCAA Division II Men's and Women's Indoor Track and Field, Men's and Women's Swimming and Diving, and Wrestling championships were to have comprised the 2021 Division II National Championships Festival that had been scheduled March 9-13 at the CrossPlex in Birmingham, Ala. However, given the recent decision to cancel the 2021 festival and separate the championships due to health and safety concerns, sport committees overseeing the three championships involved were asked to propose alternative dates and sites. The track and field and swimming and diving championships were recommended to remain at the CrossPlex. To accommodate this recommendation, one of the championships needed to identify different dates. Therefore, to mitigate some of the congestion concerns that affected the festival's cancellation, the recommendation is to hold the swimming and diving championships a week following the indoor track and field championships. Staying at the CrossPlex allows for contractual agreements already established with the competition venue and hotels to remain intact. Dates for both championships were adjusted to align with the number of dates used in non-festival years.

C

d. Dates and Sites for Other Winter Sport Championships. The Management Council received an update on the Men's and Women's Indoor Track and Field, Men's and Women's Swimming and Diving, and Wrestling championships. These championships were to have comprised the 2021 festival scheduled for March 9-13 at the CrossPlex in Birmingham, Ala. However, given the recent decision to cancel the 2021 festival and to separate the championships due to health and safety concerns, sport committees overseeing the three championships involved were asked to propose alternative dates and sites. The track and field and swimming and diving championships were recommended to remain at the CrossPlex. accommodate this recommendation, one of the championships needed to identify Therefore, to mitigate some of the congestion concerns that different dates. affected the festival's cancellation, the Management Council approved holding the swimming and diving championships a week following the indoor track and field championships. Staying at the CrossPlex allows for contractual agreements already established with the competition venue and hotels to remain intact. Dates for both championships were adjusted to align with the number of dates used in non-festival years. The dates for the wrestling championships remain the same; however, the Wrestling Committee will seek a site that is more centralized among sponsoring institutions to assist with reduced travel and other costs. The Wrestling Committee will work on identifying potential sites and bring forward such recommendations.

Winter 2021 Championships Dates and Locations

Sport	Championship Dates	Site
Men's Basketball	March 24-27	The Ford Center
		Evansville, IN
Women's Basketball	March 23-26	Alumni Hall
		Columbus, OH
Men's and Women's Indoor	March 12-13	CrossPlex
Track and Field		Birmingham, AL
Men's and Women's	March 17-20	CrossPlex
Swimming and Diving		Birmingham, AL
Wrestling	March 12-13	TBD

- e. Extension of the 2020-21 Swimming and Diving Playing and Practice Season. The Management Council approved a blanker waiver to increase the length of the 2020-21 swimming and diving playing and practice season from 144 days to 151 days due to the date change of the Division II Men's and Women's Swimming and Diving Championships.
- 2. Planning and Finance Committee | Extension of the 2015-21 Division II Strategic Plan. The Management Council approved extending the current Division II strategic plan

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through 2023 and adopting the timeline to develop its successor. [Supplement No. 7 in the Presidents Council packet.]

3. Convention Planning Project Team. The Management Council approved the Division II schedule and the Division II-specific educational programming for the 2021 Convention. [Supplement No. 18 in the Presidents Council packet.]



Triennial Championships Budget Recommendations for 2021-24

Women's basketball	Coordinator of officials	\$17,500
Men's and Women's basketball	Rest day between quarterfinals and semifinals at Elite 8	\$28,080
Football	Video Replay during quarterfinal games	\$20,000
Women's golf	Increase travel party by 1 student athlete for final site (to be equitable with the men)	\$28,000
Men's and Women's lacrosse	Squad size increase	\$832
Men's and women's soccer	Headsets for officials	\$5,000
Men's and women's tennis	Rest day between quarterfinal and semifinal rounds	\$4,760
Women's volleyball	Travel party increase	\$50,000
Total expenditure		\$154,172



SUPPLEMENT NO. 14 DII Presidents Council 10/20

NCAA Division II Presidents Council Chair Position

The Presidents Council will need to take action to either re-elect Chancellor Sandra Jordan for a second term as chair of the Council or elect another president to serve in that capacity.

Listed below are the duties and responsibilities of the Division II Presidents Council chair:

- 1. Serve as a spokesperson for Division II;
- 2. Preside at Presidents Council meetings;
- 3. Preside at the Division II business session at the annual Convention;
- 4. Serve as a member of the Association's Board of Governors;
- 5. Serve as chair of the Division II Administrative Committee; and
- 6. Serve as an ex officio, nonvoting member of the Division II Planning and Finance Committee.

The elected individual will take office at the conclusion of the 2021 NCAA Convention and serve a one-year term.

Chancellor Sandra Jordan, University of South Carolina Aiken, has been nominated to serve a second term as chair.



2020 NCAA Division II Presidents Council Updated: August 5, 2020

REGION	NAME	Conference Affiliation	Public/ Private	Term Start/ End Date	2020	2021	2022	2023	2024	2025	2026
1	John Denning, Stonehill College	NE-10	Private	Aug 2016 Jan 2022	Denning	Denning	OPEN				
1	Michael Driscoll, Indiana University of Pennsylvania	PSAC	Public	Jan 2018 Jan 2024	Driscoll	Driscoll	Driscoll	Driscoll	OPEN		
1	Colleen Perry Keith, Goldey-Beacom College	CACC	Private	Jan 2020 Jan 2026	Perry Keith	Perry Keith	Perry Keith	Perry Keith	Perry Keith	Perry Keith	OPEN
1	Donna Henry, University of Virginia's College at Wise	SAC	Public	May 2020 Jan 2026	Henry	Henry	Henry	Henry	Henry	Henry	OPEN
2	Elwood Robinson, Winston-Salem State University	CIAA	Public	Aug 2016 Jan 2022	Robinson	Robinson	OPEN				
2 At-Large	Sandra Jordan, University of South Carolina, Aiken ¹	PBC	Public	Jan 2017 Jan 2023	Jordan	Jordan	Jordan	OPEN			
2	William Thierfelder, Belmont Abbey College	Conference Carolinas	Private	Aug 2018 Jan 2024	Thierfelder	Thierfelder	Thierfelder	Thierfelder	OPEN		
2	Bruce McLarty, Harding University	GAC	Private	Jan 2019 Jan 2025	McLarty	McLarty	McLarty	McLarty	McLarty	OPEN	
2	T. Dwayne McCay, Florida Institute of Technology	SSC	Private	Jan 2020 Jan 2026	McCay	McCay	McCay	McCay	McCay	McCay	OPEN
3 At-Large	Allison Garrett, Emporia State University ¹	MIAA	Public	Aug 2017 Jan 2023	Garrett	Garrett	Garrett	OPEN			
3	M. Christopher Brown II, Kentucky State University	SIAC	Public	Jan 2019 Jan 2025	Brown	Brown	Brown	Brown	Brown	OPEN	
3	Steven Shirley, Minot State University	NSIC	Public	Aug 2019 Jan 2025	Shirley	Shirley	Shirley	Shirley	Shirley	OPEN	
3	Carlos Campos, Ashland University	GLIAC	Private	Jan 2020 Jan 2026	Campos	Campos	Campos	Campos	Campos	Campos	OPEN
4	Rex Fuller, Western Oregon University	GNAC	Public	Jan 2018 Jan 2024	Fuller	Fuller	Fuller	Fuller	OPEN		
4	Gayle Hutchinson, California State University, Chico	CCAA	Public	Aug 2017 Jan 2023	Hutchinson	Hutchinson	Hutchinson	OPEN			
4	John Gotanda, Hawaii Pacific University	PWC	Private	Aug 2020 Jan 2026	Gotanda	Gotanda	Gotanda	Gotanda	Gotanda	Gotanda	OPEN
						No Openings	Two Openings	Three Openings	Three Openings	Three Openings	Five Openings

¹ Serving in at-large positions | Five members are females; 11 are males; four members are ethnic minorities | 7 are private institutions; 9 are public institutions.

SUPPLEMENT NO. 16 DII Presidents Council 10/20



NCAA Constitution 5.3.1.1.2, 5.3.5 and 5.4.2 – Legislative Authority and Process – Emergency Legislation, Special Convention and Resolutions

Issue:

Whether the NCAA Division II Presidents Council should sponsor legislation for the 2022 NCAA Convention to:

- 1. Amend NCAA Constitution 5.3.1.1.2 (emergency legislation) to specify that the Presidents Council shall have authority to adopt emergency legislation when significant values or harm are at stake and the use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division II membership because of the delay in its effective date;
- 2. Amend Constitution 5.4.2 (resolutions) to specify that the Presidents Council may sponsor and adopt a resolution at any time; and
- 3. Amend Constitution 5.3.5 (submission deadline) to reduce the special Convention sponsorship deadlines for division dominant and federated provision amendments sponsored by the Presidents Council from 90 days to 30 days.

Background:

Since March 13, the Division II Administrative Committee has met almost weekly to take action on regulations and policies impacted by COVID-19. While Constitution 4.10.2 (duties) authorizes the Administrative Committee to transact items of business clearly necessary to promote the normal and orderly administration of Division II in the interim between meetings of the Presidents Council and Management Council, the committee has to abide by existing legislative and waiver authority. Due to the nature of some of the issues presented by COVID-19, which were not necessarily contemplated when the existing legislation was adopted, the committee (as well as Presidents Council and Management Council) was limited in their options when adopting legislative changes. The Presidents Council is asked to consider whether an expansion of legislative authority is appropriate should the division be faced with similar challenges in the future.

Current Legislative and Waiver Authority:

Current legislation grants the Presidents Council (or, in the interim between meetings of the Presidents Council and Management Council, the Administrative Committee) the authority to take the following actions, outside of sponsoring legislation for the NCAA Convention:

1. Adopt noncontroversial legislation clearly necessary to promote the normal and orderly administration of the division's legislation. (Constitution 4.3.2-e);

NCAA Constitution 5.3.1.1.2, 5.3.5 and 5.4.2 – Legislative Authority and Process -- Emergency Legislation, Special Convention and Resolutions Page No. 2

2. Grant relief (or waivers) from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date (Constitution 4.3.2-f); and

3. Adopt emergency legislation in situations where the NCAA must respond to, or comply with, a court, alternate dispute resolution (ADR) or government order or when the Council deems it appropriate to limit or avoid NCAA liability (Constitution 5.3.1.1.2).

If a legislative action does not meet the legislated definition of emergency legislation, the only legislative option available to the Presidents Council for immediate adoption is noncontroversial legislation. Noncontroversial legislation requires a three-fourths majority vote of Presidents Council (or the Management Council) and must be deemed "clearly necessary to promote the normal and orderly administration of the division's legislation."

The division's response to COVID-19 has illustrated examples where the Presidents Council needs to act immediately but may not fit under the scope of its emergency authority. For example, the Presidents Council was not able to adopt the reduction to Bylaw 17 maximum contests/dates of competition for the 2020-21 academic year through emergency legislation because the action was not necessary as a response to, or comply with, a court, alternate dispute resolution (ADR) or government order or to limit or avoid NCAA liability. This action had to be done through noncontroversial legislation.

Resolutions:

Legislation of a temporary nature and effective only for a specified time period may be enacted through resolutions. Currently, resolutions may only be sponsored for a vote by the full membership at the annual Convention. Resolutions must be submitted by November 1, except the Presidents Council may sponsor resolutions at any time after that deadline, provided copies are distributed at the Division II business sessions.

The adoption of resolutions requires a majority vote of the Division II membership present and voting at an annual or special Convention. The legislation does not currently provide the Presidents Council the authority to adopt a resolution without a full membership vote at the annual Convention.

The division's response to COVID-19 illustrated examples where the Presidents Council may need to adopt temporary legislation but cannot wait until the next annual Convention (or special Convention) to adopt a resolution. For example, the Presidents Council was not able to adopt the reduction to Bylaw 17 maximum contests/dates of competition for the 2020-21 academic year through a resolution due to the timing of the issue. While the legislative change is temporary and the maximum limitations will return to normal for the 2021-22 academic year, this action had to

NCAA Constitution 5.3.1.1.2, 5.3.5 and 5.4.2 – Legislative Authority and Process -- Emergency Legislation, Special Convention and Resolutions Page No. 3

be done through noncontroversial legislation with a sunset provision included to clarify for the membership that it was not a permanent change.

Divisions I and III Legislative Authority:

The legislative authority for emergency legislation and resolutions is different in Divisions I and III.

1. Division I:

a. *Emergency legislation*: Emergency legislation is not defined in the Division I Manual but is addressed in the Division I Council policies and procedures as follows:

"Legislative proposals shall be considered emergency legislation only if:

- a. Significant values or harm are at stake; and
- b. The use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division I membership because of the delay in its effective date.

Examples of situations in which it may be appropriate to consider legislation emergency include, but are not limited to, the following:

- Immediate health and safety concerns or issues."
- b. *Resolutions*: While resolutions are defined legislatively in the same manner as Division II, Division I does not require resolutions of federated provisions to be adopted at an annual or special Convention. As such, the Division I Board of Directors or Division I Council may adopt a resolution at any time. In order to adopt temporary legislation as a resolution outside of the normal legislative process, the change must be determined to be emergency or noncontroversial in nature and adopted with the corresponding voting requirement of a three-fourths majority vote.

2. Division III:

a. *Emergency legislation*: Division III does not have emergency legislation authority. Division III utilizes noncontroversial legislation to address issues that would be considered emergency legislation in Division II.

b. *Resolutions*: Division III legislation pertaining to resolutions is the same as Division II legislation. As such, the Division III Presidents Council may only sponsor a resolution to be voted on by the full membership at an annual or special Convention.

Special Conventions:

The Presidents Council is authorized to call a special Convention of Division II to vote on amendments to division dominant and federated provisions. Constitution 5.3.5 (submission deadline) requires such amendments to be sponsored 90 days in advance of a special Convention. The submission deadlines are consistent across the three divisions. A special Convention is like an annual Convention. Each Division II school and conference will have a vote on each proposal.

Questions to Consider:

- 1. Are there any unintended consequences that may result from expanding the Presidents Council's emergency legislative authority?
- 2. Are there any unintended consequences that may result if the Presidents Council is permitted to sponsor and adopt resolutions at any time?
- 3. Should resolutions adopted by the Presidents Council outside of the NCAA Convention be required to meet the definition of emergency or noncontroversial? Or should the Presidents Council have the authority to adopt a resolution for any reason?
- 4. Should resolutions adopted by the Presidents Council be subject to membership ratification at the next annual Convention?
- 5. With the ability to conduct a Convention virtually, is 30 days enough notice to call for a special Convention?

Conclusions:

[NOTE: Because any changes will be considered at the 2022 Convention, the Presidents Council gave provide its initial thoughts on sponsoring legislative changes as well as request other committees and the Management Council to provide their feedback.]

Emergency Legislation

1. The Presidents Council **agrees** to sponsor legislation for the 2022 NCAA Convention to amend Constitution 5.3.1.1.2 (emergency legislation) to specify that the Presidents Council shall have authority to adopt emergency legislation when significant values or harm are at

stake and the use of the regular legislative cycle is likely to cause undue hardship to the Association or the Division II membership because of the delay in its effective date.

2. The Presidents Council **does not support** the sponsorship of legislation to revise Constitution 5.3.1.1.2.

Resolutions

- 1. The Presidents Council **agrees** to sponsor legislation for the 2022 Convention to amend Constitution 5.4.2 (resolutions) to specify that the Presidents Council shall have authority to sponsor and adopt resolutions at any time; further, that resolutions adopted by the Presidents Council <u>shall be ratified</u> by the Division II membership at the next regularly scheduled NCAA Convention.
- 2. The Presidents Council **does not support** the sponsorship of legislation to revise Constitution 5.4.2.

Special Conventions

- 1. The Presidents Council **agrees** to sponsor legislation for the 2022 Convention to amend Constitution 5.3.5 (submission deadline) to reduce the special Convention sponsorship deadlines for division dominant and federated provision amendments sponsored by the Presidents Council from 90 days to 30 days.
- 2. The Presidents Council **does not support** the sponsorship of legislation to revise Constitution 5.3.5.

Applicable Division II Constitution/Bylaw(s):

- **4.3.2 Duties and Responsibilities.** The Presidents Council shall:
- (a) Implement policies adopted by the Association's Board of Governors;
- (b) Establish and direct the general policy of Division II;
- (c) Establish a strategic plan for Division II;
- (d) Elect a chair and vice chair;
- (e) Adopt noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II;

- (f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;
- (g) Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;
- (h) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention, within the provisions of Constitution 5.1.4.3.1;
- (i) Call for a special Convention of Division II;
- (j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;
- (k) Approve recommendations of the Management Council (see Constitution 4.7);
- (1) Ratify, amend or rescind the actions of the Management Council (see Constitution 4.7);
- (m) Ensure that there is gender and ethnic diversity among its membership, the membership of the Management Council (see Constitution 4.7) and the membership of each of the other bodies in the Division II governance structure;
- (n) Develop and approve the budget and the use of funds allotted to Division II (e.g., enhancement funds, funds for the operation of championships);
- (o) Approve regulations providing for expenditures and income to Division II;
- (p) Approve regulations providing for the administration of Division II championships;
- (q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of his or her employment;
- (r) Convene same-site meetings, as necessary, with the Management Council; and
- (s) Appoint such committees or subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.
- **4.10.2 Duties.** The Administrative Committee shall transact items of business clearly necessary to promote the normal and orderly administration of Division II in the interim between meetings of the Presidents Council and Management Council. The Presidents Council representatives on the

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

- **5.2.4 Resolutions.** [*] Legislation of a temporary character effective only for a specified time period may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order (see Constitution 5.4.2).
- **5.3.1.1.1 Noncontroversial Amendment.** The Presidents Council, or an entity designated by the Presidents Council, in the interim between annual Conventions, by a three-fourths majority of its members present and voting, may adopt noncontroversial legislative amendments clearly necessary to promote the normal and orderly administration of the division's legislation. The Presidents Council, or an entity designated by the Presidents Council, shall sponsor legislation at the next annual Convention to confirm the adoption of such amendments.
- **5.3.1.1.2 Emergency Legislation.** The Presidents Council may adopt "emergency" legislation that shall be effective immediately in situations when the NCAA must respond to, or comply with, a court, alternative dispute resolution (ADR) or government order or when the Presidents Council deems it appropriate to limit or avoid NCAA liability as a result of litigation, ADR or governmental proceedings. Such "emergency" legislation shall be adopted by at least a three-fourths majority of the members of the Presidents Council present and voting. Further, "emergency legislation" adopted by the Presidents Council must be ratified by the Division II membership at the next regularly scheduled NCAA Convention.

5.3.5.3 Legislation.

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

5.3.5.3.1.2 Amendments Sponsored by Presidents Council.

- (a) Annual Convention -- September 1.
- (b) Special Convention -- Ninety days before a special Convention.
 - **5.3.5.3.1.2.1 Exception -- Annual Convention.** The Presidents Council, by a three-fourths majority of its members present and voting, may submit amendments after September 1 when necessitated by action taken by

Division I or Division III. In such instances, the Presidents Council shall submit amendments not later than November 1.

5.4.2 Resolutions.

- **5.4.2.1 Authorization.** [*] Legislation pertaining to one or more divisions may be enacted through resolutions not inconsistent with the constitution, bylaws (including administrative bylaws) and special rules of order.
- **5.4.2.2 Scope and Application.** [*] Legislation enacted through resolutions shall be of a temporary nature, effective only for a limited time as specified in the resolution itself.

5.4.2.5 Federated Provisions.

- **5.4.2.5.1 Sponsorship.** A resolution related to a federated provision may be sponsored by:
- (a) The Presidents Council;
- (b) Fifteen or more active member institutions with voting privileges on written verification of sponsorship signed by each sponsoring member's president or chancellor or the president or chancellor's designated representative; or
- (c) At least two member conferences with voting privileges when submitted by the chief elected officer or president or chancellor of the conferences on behalf of 15 or more of their active member institutions and signed by the chairs of the conference's official presidential administrative groups or at least two presidents or chancellors of a conference's member institutions if a conference has no presidential administrative group.
- **5.4.2.5.2 Submission Deadline.** A proposed resolution related to a federated provision must be submitted in writing to the national office before November 1.
 - **5.4.2.5.2.1 Exception.** The applicable Presidents Council may sponsor resolutions at the time of the Convention without meeting this deadline, provided the proposed resolution has been approved by a two-thirds vote of the Presidents Council and copies are distributed before or during the business sessions.
- **5.4.2.5.3 Cost Considerations.** The sponsors of each proposed resolution that, if adopted, would require significant expenditures from the division's budget and/or by member institutions shall provide, before the deadline set forth in this section,

written documentation of the estimated costs to the Association and/or the members. The information shall be included with the copy of the proposed resolution distributed to the membership.

5.4.2.5.4 Voting Requirements.

5.4.2.5.4.1 Adoption -- Annual/Special Convention. Adoption of a resolution shall require a majority vote of the delegates of the applicable division present and voting at an annual or special Convention.

5.4.2.5.4.2 Mail Ballot. If a majority of the delegates of the applicable division present and voting so direct, a resolution shall be referred to the members of the applicable division for a mail vote conducted by the officers under conditions approved by the Presidents Council. A two-thirds majority of members of the applicable division voting in any such mail vote shall be required for the enactment of the legislation proposed in the resolution.

Division II Priorities





Since early March 2020, the Division II governance structure has actively taken steps to ease the effects of the COVID-19 pandemic on student-athletes, schools, conferences and the division overall:

- Provided significant flexibility in academic eligibility, awards and benefits, championships, financial aid, membership, transfer eligibility, playing and practice seasons, recruiting, reinstatement, and more.
- Approved changes to the division's long-range budget, prioritizing expenses in the following order in accordance with the Division II budget guidelines and principles: (1) contractual obligations; (2) championships; (3) enhancement fund; (4) conference grant program; and (5) strategic initiatives.

 Waived the sports sponsorship and three-season requirement for conferences and schools, and approved changes to the minimum number of contests for championships selection, and maximum number of contests and dates of competition for the 2020-21 academic year only.

• Continues addressing ongoing and emerging concerns.

Championships

Winter and Spring Sports. Given the challenges associated with COVID-19, the Championships Committee will make recommendations to the Management and Presidents Councils on items such as bracket/field size and timing of championships for winter and spring sports to provide student-athletes with a safe and rewarding experience.

Triennial Budget Requests. Champion-ships priorities for the 2021-24 triennial budget (e.g., officiating fees, travel reimbursement, per diem, participation opportunities, championships experience) will be considered in the fall/winter of 2020-21.

NIL Legislation

Following the charge of the NCAA Board of Governors, Division II will consider legislation at the 2021 NCAA Convention to permit student-athletes to benefit from their name, image and likeness. The fall will focus on membership education regarding the current legislation and proposals. After Convention, assuming adoption of the proposals, Division II will shift its attention to helping the membership (including student-athletes as the group most directly impacted) effectively implement the new legislation.



Division II University

After a successful first year using DII U to administer the required annual coaches certification, 2020-21 will look to build on that accomplishment by adding four courses on NCAA rules and one on health and safety. Coaches seeking to recruit off campus and participate in countable athletically related activities will be required to complete a course on Bylaw 17 and Life in the Balance, which includes tips and best practices developed by the Division II Student-Athlete Advisory Committee. Future modules will target other Division II constituents, including courses on gameday operations and customer service, as well as courses directed at faculty athletics representatives.

2020-21 Division II Priorities

SAAC

Total Package Student-Athlete. The Division II SAAC will continue focusing on initiatives supporting the overarching goal called the "Total Package Student-Athlete":

- Total: Mental health. Break the stigma and inspire others to promote mental wellness.
- Package: Diversity and inclusion. Celebrate the diversity within athletics and promote inclusion to enhance the student-athlete experience.
- Student: Professional development. Prepare student-athletes for experiences and challenges in life after athletics.
- Athlete: Love2Play. Encourage young athletes to play multiple sports and to have fun while they play.

RISE to Vote. Partnering with the Ross Initiative in Sports for Equality (RISE) and the Divisions I and III SAACs, the Division II SAAC will educate student-athletes on how to vote in the 2020 U.S. presidential election, the importance of voting and how student-athletes can use their platform to amplify their voice for civic engagement.

Monitoring Transfer Portal. With the Division II membership adopting the notification of transfer model beginning Aug. 1, 2020, the division will monitor the NCAA Transfer Portal to review the rate at which student-athletes transfer in the new legislation compared to the previous permission-to-contact legislation

Health and Safety

Survey. Seek input on the organizational and administrative aspects of athletics health care delivery and incorporate responses into the Institutional Performance Program so that schools can compare their programs with institutional peer groups.

Injury Surveillance Program. Continue increasing the number of institutions that voluntarily participate in the program to build data that help inform injury prevention policies and practices.

Mental Health Resources. Monitor concerns and develop resources to help student-athletes and other campus stakeholders address unique challenges that have impacted them, including those related to COVID-19.



Coaches Connection

The successful program that uses former coaches to strengthen communication between the coaching constituency and the NCAA national office will expand to include women's rowing.



Inclusion Forum

Fund activation teams from approximately 40 Division II institutions to attend the 2021 forum April 16-18 and develop institution-specific action plans to enhance diversity and inclusion on campus.



Division II Brand

As the Division II membership embraces the Make It Yours brand and the Life in the Balance philosophy to help student-athletes make the Division II experience their own through academics, athletics, community engagement and more, explore unique ways to continue promoting both for the membership and prospective student-athletes.





REPORT OF THE NCAA DIVISION II CONVENTION PLANNING PROJECT TEAM OCTOBER 5, 2020, VIDEOCONFERENCE

ACTION ITEMS.

- 1. Legislative Items.
 - None.
- 2. Nonlegislative Items.
 - a. 2021 NCAA Division II Convention Schedule.
 - (1) <u>Recommendation</u>. Approve the Division II schedule for the 2021 NCAA Convention, as attached.
 - (2) <u>Effective Date</u>. Immediate.
 - Rationale. Due to the virtual format of the 2021 Convention, the core Division II Convention schedule has been streamlined to include governance meetings and Association-wide programming. Most Division II governance meetings will be shifted to earlier in the week as the virtual format provides additional flexibility in scheduling since there are no meeting room constraints. The business session will occur during the traditional Convention week, but on the Friday of Convention. There will be additional opportunities throughout the month of January to participate in educational programming that are not during the core Convention week. Timing will allow Division II delegates to participate in as many Association-wide events as possible, while still being able to attend Division II functions and conduct the quarterly governance business of the division.
 - (4) Estimated Budget Impact. Immediate.
 - (5) Student-Athlete Impact. Immediate.

b. 2021 Division II Educational Programming.

- (1) <u>Recommendation</u>. Approve the Division II-specific educational programming for the 2021 Convention, as follows:
 - Division II education sessions to be held throughout the month of January that will each be 45 to 60 minutes in length:

- (a) Mental Health Panel: To include a mental health expert, student-athlete, president, commissioner, director of athletics and coach.
- (b) The Impact of the COVID-19 Pandemic on Student-Athlete Identity: This session would be facilitated by the Division II Student-Athlete Advisory Committee.
- (c) Student-Athlete Social Justice and Activism: This session would be facilitated by the Division II Student-Athlete Advisory Committee.
- (2) <u>Effective Date</u>. Immediate.
- (3) Rationale. The project team structured the recommendations to align with current issues and hot topics. The Division II staff will work with the Convention management staff to finalize the topics for all educational programming and begin the process of determining speakers and outlining final content.
- (4) <u>Estimated Budget Impact</u>. None.
- (5) <u>Student-Athlete Impact</u>. None.

INFORMATIONAL ITEMS.

- 1. Welcome and Introductions. The chair welcomed the project team including its newest member, Harry Stinson. The chair also acknowledged the NCAA and Short's Travel staff members in attendance.
- 2. Update from the NCAA Convention Management Staff. The project team received an update that the Convention registration portal is scheduled to open October 27. The Convention management staff is expecting an increase of registrations due to the virtual format. The formal registration process will still occur since there will be the traditional appointment of delegate process for voting during the business session.
- 3. 2021 Convention Core Schedule. The project team reviewed the core schedule for all Association activities during the January 11-15, 2021 Convention. Items of note included the State of College Sports is tentatively scheduled 7 p.m. Eastern time Tuesday; the Honors Celebration is tentatively scheduled 7 p.m. Eastern time Wednesday; and the keynote session including the Gerald Ford Award Presentation is tentatively planned for 7 p.m. Eastern time Thursday.

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4. Association-Wide Educational Sessions and Events. The project team was updated concerning the educational sessions and events for Association-wide functions. Final determinations on Association-wide education sessions will be made this fall and shared as a part of the registration process.

Project Team Chair: Courtney Lovely Evans, Palm Beach Atlantic University

Liaisons: Terri Steeb Gronau, Division II Governance Maritza Jones, Division II Governance

NCAA Division II Convention Planning Project Team October 5, 2020, Videoconference

Members in Attendees:

Jessica Chapin, American International College.

Robert Dranoff, East Coast Conference.

Kristi Kiefer, Fairmont State University.

Courtney Lovely Evans, Palm Beach Atlantic University.

Judy Sackfield, Texas A&M University-Commerce.

Harry Stinson, Lincoln University (Pennsylvania).

Absentees:

Chris Graham, Rocky Mountain Athletic Conference.

Julie Rochester, Northern Michigan University.

Guests in Attendance:

Jessica Arnold and Emily Tisdale, Shorts Travel.

NCAA Staff Support in Attendance:

Terri Steeb Gronau.

Other NCAA Staff Members in Attendance:

Jessi Faulk, Haydyn Gibson, Ann Martin, Lisa Rogers, Melissa Piening, Stephanie Quigg and Jill Waddell.



2021 NCAA Virtual Convention Division II Core Schedule of Events

Monday, January 11

11 a.m. to 5 p.m. Division II Management Council Meeting

11 a.m. to 5 p.m. Division II Student-Athlete Advisory Committee

5 to 6 p.m. Management Council Happy Hour

Tuesday, January 12

10 a.m. to 12:30 p.m. Division II Presidents Council/Management Council/Student-

Athlete Advisory Committee Meeting

1 to 5 p.m. Division II Presidents Council Meeting

1 to 5 p.m. Division II Student-Athlete Advisory Committee

7 to 8 p.m. Association-wide - State of College Sports

Wednesday, January 13

1 to 6 p.m. NCAA Board of Governors Meeting

7 to 8 p.m. Association-wide - Honors Celebration

Thursday, January 14

TBD Virtual meeting with Institutions in the Division II Membership

Process

7 to 8 p.m. Association-wide - Keynote Session

Friday, January 15

11 a.m. to 1 p.m. Division II Business Session

1 to 3 p.m. Division II Student-Athlete Advisory Committee

[All times listed are Eastern.]

Throughout the Month of January

Education Sessions and other Association-Wide Programming

Division II Faculty Mentor Award Presentation and Reception

Division II Management Council Mentor/Mentee Meeting and Lunch

Breakfast for New Division II Athletics Directors



REPORT OF THE NCAA DIVISION II ENFORCEMENT AND INFRACTIONS TASK FORCE SEPTEMBER 21, 2020, VIDEOCONFERENCE

ACTION ITEMS.

None.

INFORMATIONAL ITEMS.

- 1. Welcome and Announcements. The chair convened the virtual meeting, welcoming the task force and staff.
- **2. June 29, 2020, Videoconference Meeting Report.** The task force approved the report from its June videoconference, as presented.
- 3. Areas and Phases for the Review. The task force was provided an overview of the areas and phases for this review. Phase One includes the review of tools to facilitate cooperation with the enforcement staff during an investigation, the type of information the Committee on Infractions may rely on in decision-making and a negotiated resolution process to resolve infractions cases. Phase Two encompasses review of the violation structure and the penalty structure. Phase Three incorporates the review of other elements of the investigative, hearing and appeals processes, and principles related to accountability and shared responsibility. Finally, it was noted that the review of the mission of the infractions program has been delayed until Phase Three.
- **4. Overview of the Phase One Proposals.** The task force was provided an overview of the Phase One proposals that were recommended for the 2022 NCAA Convention.
- 5. Phase Two Discussion.
 - a. Violation Structure. The task force continued to discuss the differences between the Division I three-level violation structure and the Division II major/secondary violation structure. The task force was provided an overview of the three-level violation structure in Division I. It was noted that Division I made the change to the three-level structure because the major/secondary structure did not appropriately distinguish the most severe major infractions from the lesser ones. The task force also was provided examples of when a secondary case could be deemed more serious in the three-level structure and go before the Committee on Infractions. The task force discussed that while the number of Division II cases has increased in recent years, the number of cases processed by the Committee on Infractions appears to be returning to the pre-increase level. Finally, it was noted that the most severe infractions—which motivated the change to the three-level structure in Division I—occur much less frequently in Division II than in Division I. The task

force agreed to continue its discussion on the violation structure during its October videoconference.

- Penalty Structure. The task force was provided an overview of the penalty b. structure in Division I, which includes required core penalties. It was noted that the Division I Committee on Infractions is required to prescribe core penalties based on the level and classification of the violations and has the authority to prescribe additional penalties. In prescribing core penalties, the Division I Committee on Infractions assesses aggravating and mitigating circumstances by weight and number to classify violations by each party as aggravated, mitigated or standard. Although Division II currently does not have required core penalties, it was noted that penalties available for major infractions are generally consistent with the core and additional penalties available in Division I. Likewise, the bylaws also provide the Division II Committee on Infractions the authority to consider mitigating and other factors in prescribing penalties without having to formally classify violations. The task force noted that the Division II Committee on Infractions has more discretion and flexibility to tailor penalties to violations versus the core penalty structure. The task force agreed to continue its discussion on the penalty structure during its October videoconference.
- **6. Future Meetings.** The task force reviewed the upcoming videoconference schedule:
 - a. 1 to 3 p.m. Eastern time October 30; and

Payton Williams, Azusa Pacific University.

b. 11 a.m. to 1 p.m. Eastern time December 3.

NCAA Division II Enforcement and Infractions Task Force September 21, 2020, Videoconference Attendees: M. Christopher Brown II, Kentucky State University. Doug Blais, Southern New Hampshire University. Dixie Cirillo, Colorado School of Mines. Allison Garrett, Emporia State University. Dan Mara, Central Atlantic Collegiate Conference. Kim Pate, Lenoir-Rhyne University. Carol Rivera, California Collegiate Athletic Association. Julie Rochester, Northern Michigan University. Eric Schoh, Winona State University Harry Stinson III, Lincoln University (Pennsylvania) Christie Ward, Georgia Southwestern State University

Report of the NCAA Division II Enforcement and Infractions Task Force September 21, 2020, Videoconference Page No. 3

Cherrie Wilmoth, Southeastern Oklahoma State University

Absentees:

Jim Johnson, Pittsburg State University.

Guests in Attendance:

None.

NCAA Staff Support in Attendance:

Terri Steeb Gronau and Maritza Jones.

Other NCAA Staff Members in Attendance:

Ken Kleppel, Jordan Lysiak, Laura Wurtz McNab, Heather McVeigh, Todd Shumaker, Naima Stevenson Starks, Joyce Thompson-Mills, Jill Waddell and Karen Wolf.



2020 Report on NCAA Division II Athletics Directors Executive Summary

Introduction and Purpose

The purpose of this summary is to report the information cultivated by researchers from Arizona State University on the demographics, professional development and educational background of NCAA Division II athletics directors for the 2019-20 academic year. The analysis within the report will include, but is not limited to, gender, ethnicity, age, tenure, administrative experience, coaching, student-athlete experience and education.

Director of Athletics Research Findings and Reference Information

The following information contained in this summary includes the data encompassing 313 colleges and universities across the United States and Canada. The summary will be divided into two sections: Division II athletics directors and recently hired Division II athletics directors.

- The data was collected in the report by the Arizona State University Sports Law & Business Program, led by Glenn Wong and Stephanie Jarvis.
- The data was compiled using public information that was available on each institution's website and other online resources.
- Due to limited public information, some colleges and universities were excluded from the report.
- Most of the data collected in this report is based on 310 athletics directors for 309 schools.
 There is one institution that employs co-athletics directors; and four institutions were excluded due to limited public information.
- Due to the inability to confirm the age and time served in the current position of all 314 athletics directors, in some cases the samples used in those categories are smaller.
- The data used in the recently hired athletics director's section is based on the 40 athletics directors that were hired between May 1, 2019, and April 30, 2020. This was compared to the 44 athletics directors that were hired between May 1, 2018, and April 30, 2019, and featured in the 2019 report.
- The race and ethnicity represented in this report are White/Non-Hispanic, African American, Hispanic/Latino, Native Hawaiian/Pacific Islander. There are currently no Asian athletics directors.
- Certain data points that are based on a different total will be noted within the summary.

1. Overall Analysis of all Division II Athletics Directors

a. Demographics

- (1) Gender and Race
 - Of the 310 athletics directors in the sample, 79% (245) were male and 21% (65) were female.
 - In comparison to the 2019 report, the number of female directors of athletics has increased by 2.4% (2019 18.6%).
 - The total minority representation is 13.5% (42) and the total female minority representation is 2.6% (8).

(2) Age¹

- The average age of the athletics directors in this sample is 51.8 years old.
- The average age of the athletics directors when hired in this sample is 44.3 years old.
- 64.5% (193) of the current athletics directors are in the age range of 40 to 59 years old.

b. Experience

- (1) Of the 310 athletics directors, 24.8% (77) had prior experience as a director of athletics.
- (2) Of the 77 directors with previous experience as a director of athletics, 90.9% (70) were male and 9.1% (7) were female.
- (3) 40.3% (125) of the athletics directors had experience at a Division I institution.
 - In comparison to the 2019 report, the percentage of athletics directors with experience at a Division I institution decreased by 5.9% (2019 46.2%).
 - 17.7% (55) of the Division II athletics directors transitioned directly from a position at a Division I institution.

¹ The average age is based on 299 of the 310 athletics directors due to the inability to confirm the age of 11 of the directors.

- (4) The top five areas of previous work-related experience are²:
 - Athletics fundraising (37.7%);
 - Operations/facilities (25.8%);
 - Compliance (25.8%);
 - Athletics marketing (24.5%); and
 - Athletics communications (24.2%).
- (5) The top five areas of previous work-related experience identified in the 2020 report are consistent with the 2019 report. Athletics communications and compliance, however, switched rankings with one another.
- (6) For female athletics directors, athletics business operations and studentathlete welfare are in the top five previous work-related experiences, substituting for operations and facilities and athletics marketing.
- (7) The top five areas of positions held in collegiate athletics before first athletics director job are³:
 - Associate athletics director (50.3%);
 - Assistant athletics director (26.6%);
 - Senior associate athletics director (13.1%);
 - Director level position⁴ (2.5%); and
 - Deputy athletics director (1.5%).
- (8) The athletics directors in this sample serve an average of 7.6 years in their positions.⁵
- (9) The 188 athletics directors that have experience coaching at the collegiate level represent 60.6% of the total pool.
 - Of the 188 former coaches, 75.5% (142) are male and 24.5% (46) are female.

² An athletics director may have experience in multiple categories.

³ Percentages were taken out of the total number of DI directors who came from collegiate athletics.

⁴ Director level position - Director of Compliance (2), Director of Development (2), Director of Marketing (1).

⁵ The average number of years served in the position is based on 309 of the 310 athletics directors due to the inability to confirm the amount of years served by one of the directors.

- (10) The 182 former student-athletes that became athletics directors represent 58.7% of the total pool.
 - The 182 former student-athletes, 75.3% (137) are males and 24.7% (45) are female.

c. Education

- (1) The 265 athletics directors that have graduate degrees represent 85.5% of the total pool.
 - Of the 265 with graduate degrees, 78.5% (208) were male and 21.5% (57) were female.
 - Of the 245 male athletics directors, 84.9% (208) held a graduate degree. Of the 65 female athletics directors, 87.7% (57) held a graduate degree.
- (2) Of the 310 athletics directors, 76.1% (236) have a master's degree (excluding an MBA).

2. Recently Hired Division II Athletics Directors

- a. Demographics
 - (1) Gender and Race
 - Of the 40 athletics directors in the sample, 57.5% (23) were male and 42.5% (17) were female.
 - When compared to the total amount of Division II female athletics directors, the percentage of newly hired females is 21.5% higher.
 - The total minority representation is 17.5% (7). The total female minority representation is 7.5% (3).
 - In comparison to the 2019 report, the total minority representation has decreased by 3% (2019 20.5%) and female minority representation has increased by 3% (2019 4.5%).
 - (2) Age^6

⁶ The average age is based on 37 of the 40 athletics directors due to the inability to confirm the age of three of the directors.

- The average age of the athletics directors in this sample is 44.6 years old.
 - In comparison to the 2019 report, the average age of the athletics directors in this sample decreased by 3.1 years (2019 47.7)
- When compared to the overall Division II athletics director sample, new hires were on average 7.2 years younger.

b. Experience

- (1) Of the researched athletics directors, 12.5% (5) had prior experience as a director of athletics.
 - In comparison to the 2019 report, the percentage of newly hired athletics directors with prior experience as a director of athletics has decreased by 8% (2019 20.5%).
- (2) Of the researched athletics directors, 45% (18) have prior experience working for Division I institutions.
 - In comparison to the 2019 report, the percentage of athletics directors with prior Division I experience has decreased by 7.3% (2019 52.3%).
 - 17.5% (7) of the Division II athletics directors transitioned directly from a Division I institution.
- (3) The top five areas of previous work-related experience are⁷:
 - Compliance (40%);
 - Student-athlete welfare (22.5%);
 - Athletics fundraising (17.5%);
 - Athletics business operations (17.5%); and
 - Athletics marketing (12.5%).
- (4) In comparison to the 2019 report, the top five areas of previous work-related experience have vastly changed.

⁷ An athletics director may have experience in multiple categories.

- The percentage of athletics fundraising related work decreased by 25.7% (2019 43.2%).
- The percentage of operations/facilities related work decreased by 15.2% (2019 22.7%), dropping out of the top five areas.
- The area of student-athlete welfare is a new addition to the top five areas of previous work-related experience.
- (5) The top five areas of positions held in collegiate athletics before first athletics director job are:
 - Associate director of athletics (43.3%);
 - Senior associate director of athletics (26.7%);
 - Assistant director of athletics (20%);
 - Deputy director of athletics (6.7%); and
 - Senior associate conference commissioner (3.3%).
- (6) The 23 athletics directors that have experience coaching at the collegiate level represent 57.5% of the total pool.
 - In comparison to the 2019 report, the percentage of athletics directors that had experience coaching at the collegiate level increased by 9.8% (2019 47.7%).
- (7) The 19 athletics directors that are former student-athletes represent 47.5% of the total pool.

c. Education⁸

- (1) The 33 athletics directors that have graduate degrees represent 82.5% of the total pool.
 - In comparison to the 2019 report, the percentage of athletics directors that have graduate degrees increased by 5.2% (2019 77.3%).
- (2) Of the 40 athletics directors, 70% (28) have a master's degree (excluding an MBA).

⁸ If a section is not broken down into male and female categories, it is due to the lack of information in the original report.



A STUDY OF NCAA STUDENT-ATHLETES:

Undergraduate Experiences and Post-College Outcomes



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INTRODUCTION

College athletes are widely regarded as exemplars of a successful college experience. In addition to representing their colleges competitively in sports, in many respects they serve as leaders on their own campuses. These athletes are supported by a strong and diverse network to promote their success. They not only benefit from a cadre of coaches, trainers, faculty and staff within their institutions, they also have access to resources and programs provided by the National Collegiate Athletic Association (NCAA).

The NCAA is a membership-driven organization dedicated to safeguarding the wellbeing of student-athletes and equipping them with the skills to succeed on the playing field, in the classroom and throughout life. The NCAA membership supports learning through sports by integrating athletics and higher education to enrich the college experience of student-athletes.

NCAA leaders and institutional membership were eager to understand the long-term life outcomes of NCAA athletes once they graduate from college, pursue professional careers and become productive members of society. In partnership with the NCAA, Gallup endeavored to examine the long-term outcomes of NCAA student-athletes who graduated from college between 1975 and 2019 through the Gallup Alumni Survey, the largest national study of U.S. college graduates.

This study builds on prior research Gallup conducted on behalf of the NCAA in 2016, which demonstrated that NCAA student-athletes enjoyed greater levels of thriving in their wellbeing and engaged in important undergraduate experiences at higher rates than their non-athlete peers. The current investigation sought to delve more deeply into the long-term experiences of U.S. college athletes, looking specifically at patterns across decades, comparing sports, NCAA membership divisions, and a variety of athlete characteristics including gender and first-generation and transfer status.

These findings serve as evidence of NCAA leaders' fulfillment of NCAA's scholastic mission, in addition to its support of student-athletes on the field and in terms of their lifelong success. It also offers insights into how NCAA members can further promote student-athletes' long-term wellbeing and achievement by enhancing undergraduate experiences aligned with positive outcomes for decades beyond their wins in collegiate sports.

EXECUTIVE SUMMARY

A Gallup survey of former NCAA student-athletes from 1975 to present (N=4,889) shows they fare better on several important outcomes in both their lives after college and formative undergraduate experiences compared to college graduates from the same period who did not compete in NCAA athletics (N=69,012).

HIGHLIGHTS FROM THIS STUDY INCLUDE:

- Former NCAA student-athletes are more likely to be thriving in purpose, social, community and physical wellbeing, and their financial wellbeing is comparable to non-athletes. These patterns persist across NCAA division, graduation cohort, gender, and race and ethnicity.
- NCAA student-athletes (39%) are more likely to earn an advanced degree than non-student-athletes (32%). This difference is most pronounced among black graduates, with 49% of black student-athletes versus 39% of black non-athletes attaining an advanced degree.
- NCAA student-athletes are slightly more likely (33%) than their nonathlete peers (30%) to have had a good job waiting for them upon their college graduation. Student-athletes who were first-generation college students (FGCS) (36%) are even more likely than their non-athlete FGCS peers (30%) to have had a good job waiting for them upon graduation.
- NCAA student-athletes are especially likely, relative to non-athletes, to have benefitted from meaningful and enriching support experiences with professors and mentors in college:
 - NCAA student-athletes (35%) are more likely to strongly agree their professors cared about them as a person than their peers who did not participate in NCAA athletics (28%).
 - NCAA athletes (27%) are also more likely to strongly agree they had a mentor in college who encouraged them to pursue their goals and dreams than their peers who did not participate in NCAA athletics (23%).
 - They are also slightly more likely (67%) to strongly agree they had at least one professor who made them excited about learning than their peers who did not participate in NCAA athletics (65%).

- NCAA student-athletes are similar to their non-athlete peers on measures of deep and experiential learning:
 - NCAA student-athletes (39%) are slightly more likely to strongly agree they worked on a project that took a semester or longer to complete than their peers who did not participate in NCAA athletics (37%).
 - NCAA student-athletes are just as likely to strongly agree they had an internship or job that allowed them to apply what they were learning in the classroom as their peers who did not participate in NCAA athletics (both 31%).
- NCAA student-athletes (55%) are much more likely than their non-athlete counterparts (31%) to have held a leadership position in a club or organization such as student government, a fraternity or sorority, or an athletic team.
- NCAA student-athletes (70%) are more likely than their non-athlete peers (65%) to have graduated college in four years or less, and they are half as likely to have taken more than five years to graduate (6% vs. 12%).
- A smaller proportion of NCAA student-athletes (22%) than non-athletes (38%) transferred to the institution from which they graduated.
- The percentage of NCAA student-athletes who are classified as "attached" to their alma mater (21%) is roughly similar to the rate among their non-athlete peers (19%).
- NCAA student-athletes (28%) are more likely to have donated financially to their alma mater in the last 12 months than their non-athlete counterparts (17%).
- NCAA student-athletes (50%) are slightly more likely to strongly agree their undergraduate education was worth the cost than non-athletes (47%).



Gallup's Wellbeing Index is a widely used and globally validated measure for assessing whether people are leading meaningful lives. Wellbeing is a holistic measure that encompasses many aspects of life such as daily work and interactions, social relationships, financial security, physical health and engagement in one's community.

Gallup's wellbeing survey is based on years of global and national research, asking 10 questions to gauge wellbeing in five elements:

Purpose Wellbeing: Liking what you do each day and being motivated to achieve your goals

Social Wellbeing: Having strong and supportive relationships and love in your life

Financial Wellbeing: Effectively managing your economic life to reduce stress and increase security

Community Wellbeing: The sense of engagement you have with the areas where you live, liking where you live and feeling safe and having pride in your community

Physical Wellbeing: Having good health and enough energy to get things done on a daily basis

Using this assessment, Gallup categorizes respondents as "thriving," "struggling" or "suffering" in each element of wellbeing. Someone who is categorized as "thriving" is considered to have strong and consistent wellbeing in that element of their lives.

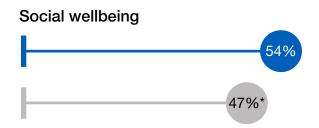
Compared to U.S. college graduates who did not participate in NCAA athletics, former NCAA student-athletes are more likely to be thriving in all but one element of wellbeing — financial wellbeing, where athletes and non-athletes mirror one another. NCAA student-athletes are most likely to excel beyond their non-athlete peers in physical wellbeing, followed by social wellbeing, while they show slight advantages on community and purpose wellbeing.

These differences persist across all NCAA divisions, with athletes from each division more likely to thrive in all wellbeing elements except for financial wellbeing, on which they are equivalent to their non-athlete peers. Similar differences between NCAA student-athletes and their non-athlete peers are witnessed across their years of university graduation (1975-1989 and 1990-2019), by gender, and by race and ethnicity.

Percent of Graduates Thriving in Each Element of Wellbeing

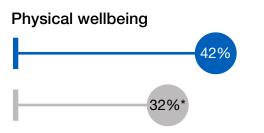
NCAA Student-Athletes
 Non-Athletes

Purpose wellbeing 54%



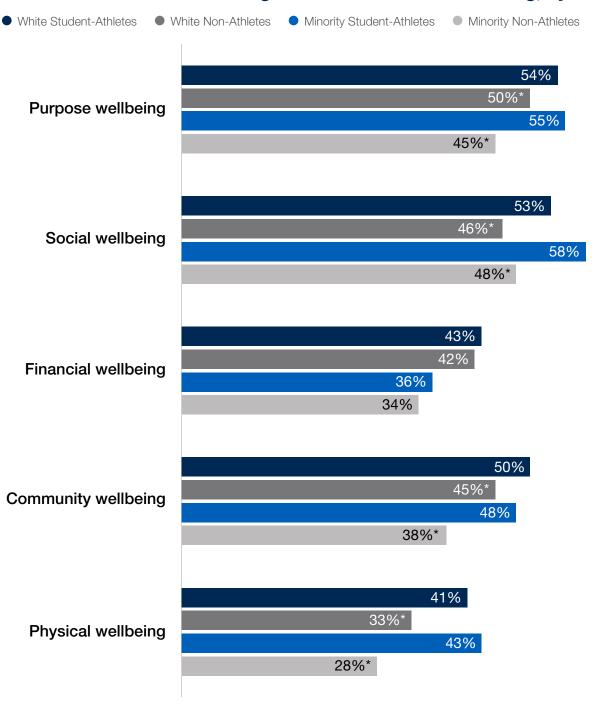






*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

Percent of Graduates Thriving in Each Element of Wellbeing, by Race

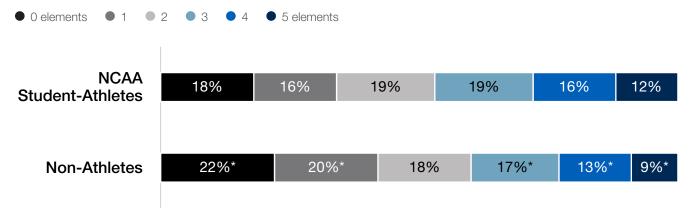


^{*}A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

In addition to NCAA student-athletes being more likely to thrive in four of Gallup's five elements of wellbeing, they are also more likely than their non-athlete peers to be classified as "thriving" in their overall wellbeing — defined by Gallup as thriving in four or more elements of wellbeing. They are less likely to thrive in zero or only one element of wellbeing.

This same pattern is evident by NCAA division, with DI, DII and DIII athletes all more likely to thrive in four or five elements of wellbeing than non-athletes in their respective divisions.

Percent of Graduates Thriving in Zero Through Five Wellbeing Elements



*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level. Note: Totals may not equal 100% due to rounding.



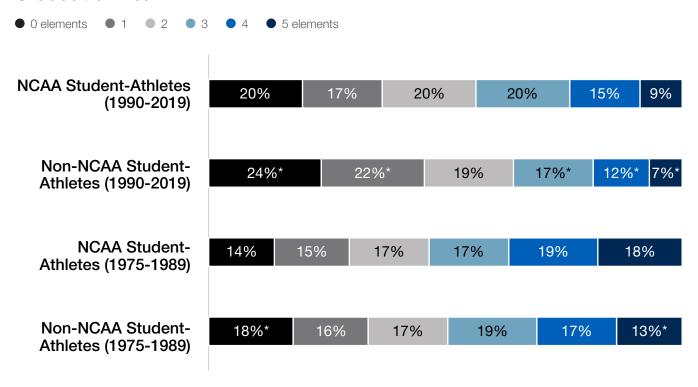
The pattern of NCAA student-athletes' wellbeing by year of graduation is consistent with Gallup's global and national research on wellbeing, showing that older adults enjoy higher levels of wellbeing than younger adults.

Among graduates from the last three decades (1990-2019) and over the prior decade and a half (1975-1989), NCAA student-athletes have higher levels of wellbeing than non-athletes. While rates of thriving at the highest levels of wellbeing are greater for alumni who are further away from graduation, the gap between student-athletes and non-student-athletes is similar.

Thirty percent of non-student-athletes who graduated between 1975 and 1989 are thriving at the highest levels, compared with 37% of student-athletes who graduated in those same years. Similarly, 19% of non-student-athletes who graduated between 1990 and 2019 are thriving at the highest levels compared with 24% of their student-athlete peers.

Additionally, graduates from the last three decades (1990-2019) who did not participate in NCAA athletics (46%) are more likely to be thriving in zero or one element of wellbeing than their NCAA student-athlete peers (37%).

Percent of Graduates Thriving in Zero Through Five Wellbeing Elements, by Graduation Year



^{*}A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level. Note: Totals may not equal 100% due to rounding.



Beyond examining concepts of wellbeing and overall life outcomes, the Gallup survey asks college graduates about specific post-undergraduate achievements related to education and employment. The following section explores these findings, examining how NCAA student-athletes fare in their lives after college compared to their non-student-athlete peers.

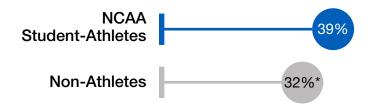
ADVANCED EDUCATION

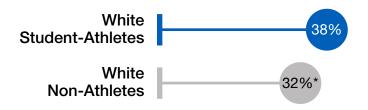
Graduates who were NCAA studentathletes (39%) are more likely to earn an advanced degree than non-student-athletes (32%). This difference is most pronounced among black graduates, with 49% of black student-athletes versus 39% of black nonathletes attaining an advanced degree.

Gallup analysts performed logistic regression to identify factors significantly related to college graduates earning a postgraduate degree, holding all other factors constant. This analysis indicated that NCAA student-athletes are 1.3 times more likely to earn a postgraduate degree than their non-athlete counterparts. Other factors positively related to completing a postgraduate degree — for both former student-athletes and non-athletes include having supportive undergraduate experiences such as mentorship and professors who care about their students, engaging in deep and experiential learning, and being a racial minority. First-generation college student (FGCS) status was the only factor that was negatively associated with having a postgraduate education. Graduates who are not FGCS are 1.3 times more likely to earn an advanced education beyond their bachelor's degree.

These findings are particularly notable with respect to traditionally underrepresented student populations — racial minorities and FGCS — indicating that being an NCAA student-athlete may be particularly beneficial to these groups that have been historically underrepresented in higher-education settings, enabling them to advance their education beyond the bachelor's level

Advanced Education Attainment Among NCAA Student-Athletes Overall, White Student-Athletes and Black Student-Athletes







^{*}A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

NCAA student-athletes are
1.3 TIMES MORE LIKELY
to earn a postgraduate
degree than their non-athlete

counterparts.

TRANSITION TO THE WORKFORCE AND COLLEGE LOANS

One measure of the success of a college education is graduates' ability to successfully transition to the workforce, earn a living wage and pay off the debt incurred from their education. The Gallup Alumni Survey asks respondents how long it took them after finishing their undergraduate studies to find a good job.

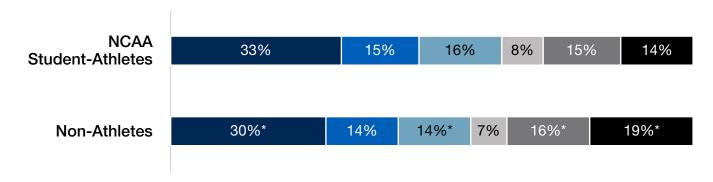
NCAA student-athletes are slightly more likely (33%) than their non-athlete peers (30%) to have had a good job waiting for them upon their college graduation. Both student-athletes and non-athletes most often indicated that the main reason the job was "good" was the mission and purpose of the job (24%), pay (21%), the opportunity to learn skills (17%) or the opportunity to grow at the organization (16%).

At the same time, a similar percentage of NCAA student-athletes (15%) as non-athletes (16%) took more than a year to find a good job. Examining the transition to livelihood among first-generation college graduates, the difference between student-athletes and non-athletes is greater than comparing athletes to non-athletes generally. Student-athletes who were FGCS (36%) are even more likely than their non-athlete FGCS peers (30%) to have had a good job waiting for them upon graduation.

Length of Time Taken to Obtain a Good Job by NCAA Athletes and Their Non-Athlete Peers

About how long did it take for you to obtain a good job after you completed your undergraduate education?





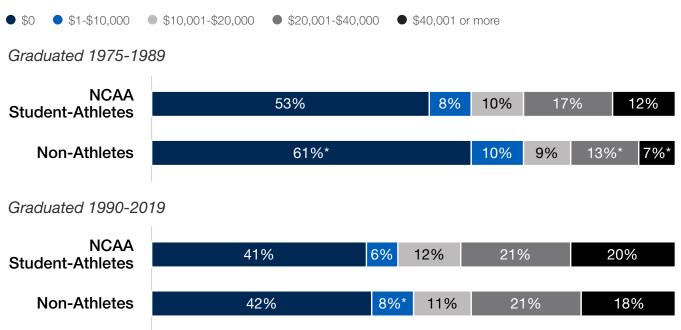
^{*}A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level. Note: Totals may not equal 100% due to rounding.

Recent student-athlete graduates (41%) are about as likely as their non-athlete peers (42%) to have graduated with no debt. These more recent student-athlete graduates also had similar rates of debt exceeding \$40,000 (20%) as non-athletes (18%). In contrast, student-athletes

from 1975-1989 were less likely to graduate with no debt (53%) than their non-athlete peers (61%). These student-athletes were also more likely to graduate with debt between \$20,001 and \$40,000 and with debt exceeding \$40,000 (12%), compared to their non-athlete peers (7%).

Levels of Student Loan Debt Incurred by NCAA Athletes and Their Non-Athlete Peers

Approximately how much money did you borrow in student loans to obtain your undergraduate degree? (calculated in August 2019 dollars)



*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level. Note: Totals may not equal 100% due to rounding.

Findings related to student loan debt become more nuanced when disaggregating the findings by NCAA division. For Division I alumni who graduated between 1975 and 1989, there was not a significant difference between student-athletes and non-athletes in the percentage graduating with no student loan debt. However, among more recent graduates (1990-2019), a greater proportion of student-athletes are graduating with no debt compared with their non-athlete peers. Among older graduates from Division II and Division III schools, non-athletes had notably higher rates of graduating with no student loan debt.

This proportional difference between Division II and Division III student-athletes and non-athletes is much smaller among more recent graduates. Among graduates from Division II schools, the percentage-point difference between non-athletes and student-athletes graduating with no student loan debt was 16% among older graduates and 6% among more recent graduates. Among recent graduates from Division III schools, there was no significant difference in the proportion with no student loan debt between student-athletes and non-athletes.

Important differences by division in institutional typology likely play a role in student debt levels incurred by graduates. For instance, Division I institutions are more than three times as likely to be publicly funded compared with those in Division III, resulting in lower tuition costs regardless of scholarship status. Also, fully 80% of Division III institutions are privately funded compared to just one-third of Division I institutions.¹

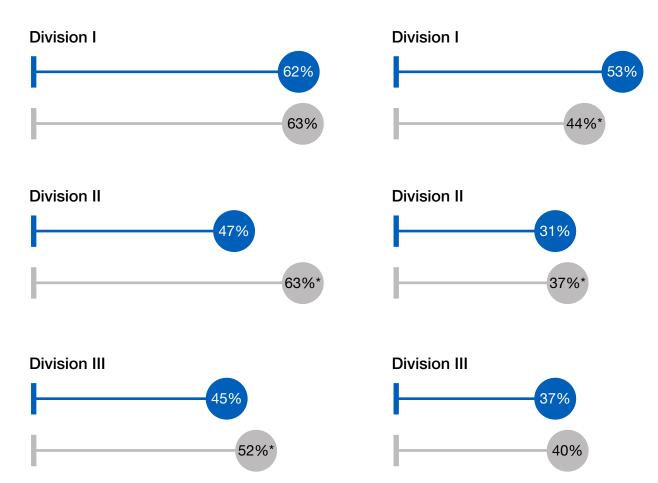
Among NCAA student-athletes, a key difference in interpreting student loan debt findings is in scholarship requirements and offerings. Division I schools offer full-ride scholarships to student-athletes more frequently than do other divisions. Additionally, Division I has higher minimum scholarship requirements than Division II, and Division III does not offer academic scholarships.

Approximately how much money did you borrow in student loans to obtain your undergraduate degree? (calculated in August 2019 dollars)

NCAA Student-Athletes
 Non-Athletes

1975-1989 Graduates: Percent With \$0 in Loans at Graduation

1990-2019 Graduates: Percent With \$0 in Loans at Graduation



*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level. Note: Totals may not equal 100% due to rounding.

¹ http://www.ncaa.org/sites/default/files/2017RES_institutional_characteristics_2pager_NEW_20171127.pdf

EMPLOYMENT-RELATED OUTCOMES

The Gallup Alumni Survey examines the degree to which college graduates are employed at their desired levels or are under- or unemployed. Graduates are classified as working at their desired level of employment if they are working full time or working part time and not seeking full-time employment. Graduates are classified as underemployed if they are working part time but seeking full-time employment.

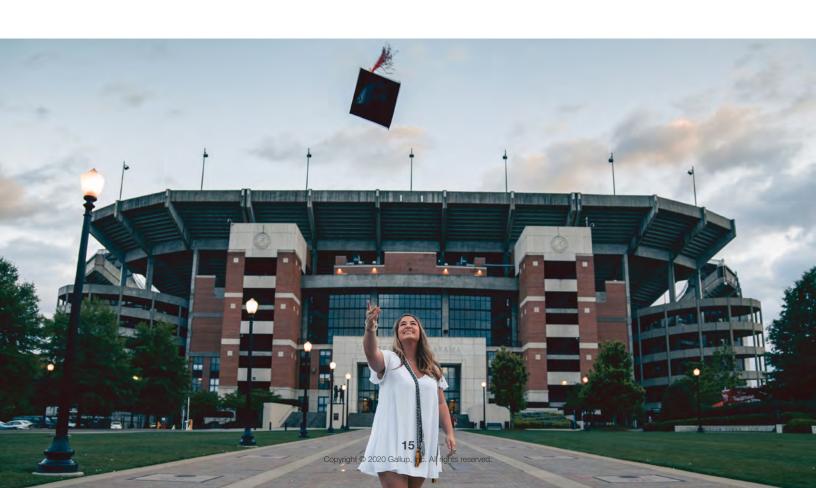
Many student-athletes graduating in 1989 and prior are no longer in the workforce and, therefore, were not included in the comparison of desired levels of employment.

The rate of desired employment among NCAA athletes who graduated in 1990 or later is the same as their non-athlete peers (both 91%). This rate is also about the same among male (92%) and female (90%) NCAA student-athletes.

EMPLOYEE ENGAGEMENT

Being employed at the desired level provides workers with a degree of financial security and opportunities for workplace relationships and fulfillment. But employment alone is not a complete measure of success, as it does not indicate whether these employees are intellectually and emotionally connected to their work. It is important to also consider employees' engagement at work — a more holistic measure than simple job satisfaction.

Based on workers' responses to questions that measure whether they have the opportunity to do their best work, enjoy the work they do and have someone who cares about their development at work, Gallup categorizes them as engaged, not engaged or actively disengaged. Engaged employees are highly involved in and enthusiastic about their work and workplace. They are psychological "owners," driving performance and innovation and moving the organization forward.

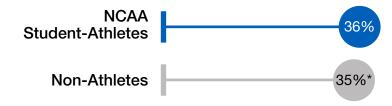


Employee engagement between athletes and non-athletes is comparable. NCAA student-athletes are engaged in their work (36%) at similar levels as college graduates who did not participate in NCAA athletics (35%). Male NCAA student-athletes (36%) are slightly more likely to be engaged in their work compared to their non-athlete peers (33%), yet there is no difference in workplace engagement between female NCAA student-athletes and their nonathlete peers (both 37%). There are no meaningful differences in employee engagement among student-athletes and their non-athlete peers when examined through the lens of race and ethnicity.

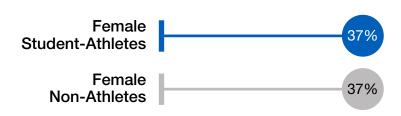
There are slight differences between NCAA student-athletes and their non-athlete peers on other measures of workplace fit that have lower thresholds than Gallup's employee engagement index. Namely, NCAA student-athletes (44%) are slightly more likely than their non-athlete peers (41%) to strongly agree that they are deeply interested in the work they do. They are also more likely (44%) than their non-athlete peers (40%) to strongly agree that their job gives them the opportunity to do work that interests them. NCAA student-athletes (29%) are similar to their non-athlete peers (27%) in strongly agreeing that they have the ideal job for them.

Employee Engagement Among NCAA Student-Athletes, Split by Gender

% Engaged







*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

Note: Only employees who are employed by an employer are included here.



Gallup's national higher-education research consistently reveals several undergraduate experiences that strongly relate to graduates' workplace engagement, wellbeing and other desirable long-term outcomes, including faculty and mentor support and deep experiential learning.

Gallup classifies graduates as being supported in college if they strongly agree with the following statements:

- my professors cared about me as a person;
- at least one professor made me excited about learning; and
- I had a mentor in college who encouraged me to pursue my goals and dreams.

Gallup classifies graduates as having had experiential learning in college if they strongly agree with the statements:

- I had an internship or job where I applied what I was learning in the classroom;
- I worked on a project that took a semester or more to complete; and
- I was extremely active in extracurricular activities and organizations.

The current work seeks to understand how student-athletes' undergraduate experiences in these key areas compare to those of their nonathlete peers and what the longer-term impact of these experiences has been on their lives.

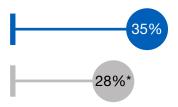
NCAA student-athletes are especially likely, relative to non-athletes, to have benefitted from meaningful and enriching support experiences with professors and mentors in college. NCAA student-athletes (35%) are more likely to strongly agree their professors cared about them as a person than their peers who did not participate in NCAA athletics (28%). NCAA athletes (27%) are also more likely to strongly agree they had a mentor in college who encouraged them to pursue their goals and dreams than their peers who did not participate in NCAA athletics (23%). And finally, they are also slightly more likely (67%) to strongly agree they had at least one professor who made them excited about learning than their peers who did not participate in NCAA athletics (65%).

Supportive Undergraduate Experiences Among NCAA Student-Athletes Compared to Non-Athletes

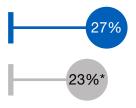
% Strongly agree

NCAA Student-Athletes
 Non-Athletes

My professors in college cared about me as a person



In college, I had a mentor who encouraged me to pursue my goals and dreams



I had at least one professor in college who made me excited about learning



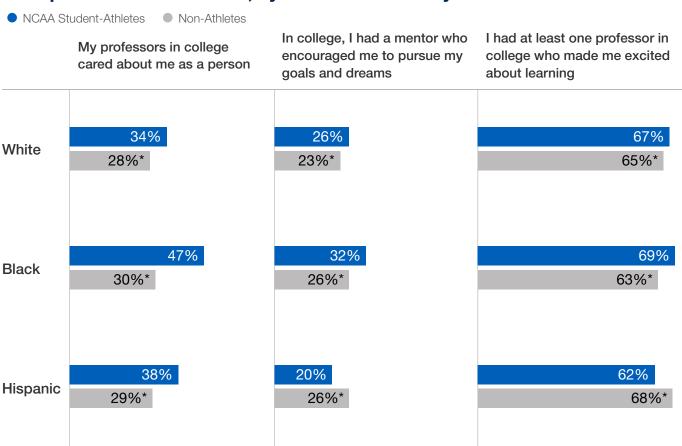
*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

NCAA student-athletes are especially likely to have benefitted from meaningful and enriching support experiences with professors and mentors in college.

These patterns hold true across gender when examining all three support measures. Women student-athletes (39%) are particularly more likely than their non-athlete peers (30%) to strongly agree they had caring professors, and male student-athletes (26%) are more likely than their male non-athlete peers (21%) to strongly agree they had encouragement from a mentor in college.

Examining differences across race and ethnicity largely results in similar patterns. Student-athletes in all groups are generally more likely than their non-athlete counterparts to have had supportive experiences in college, with the exception of Hispanic student-athletes. These student-athletes are less likely than their Hispanic non-athlete peers to have had a professor who made them excited about learning and a mentor who encouraged them to pursue their goals and dreams. Black student-athletes are particularly more likely than their non-athlete peers to have had supportive relationships as undergraduates.

Supportive Undergraduate Experiences Among NCAA Student-Athletes Compared to Non-Athletes, by Race and Ethnicity



^{*}A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

The degree to which an undergraduate experiences academic challenge is also a critical element in positioning them favorably for long-term outcomes like workplace engagement and the value they place on their undergraduate education. NCAA student-athletes (54%) are more likely to strongly agree they were challenged academically in college than their peers who did not participate in NCAA athletics (44%). This finding is consistent with Gallup's prior research examining drivers of academic challenge among college graduates nationally, finding that NCAA athletes are significantly more likely to have been challenged academically than their non-athlete peers.

The current survey asked about the nature of the challenge and whether it was positive — leading students to learn more than they thought they could — or negative — meaning they felt that they couldn't keep up or be successful. While the vast majority of athlete (95%) and non-athlete graduates (97%) indicate the nature of their academic challenge was positive, NCAA student-athletes (5%) are slightly more likely to say their experience was negative than non-athletes (3%).

With respect to participation in deep and experiential learning, while NCAA student-athletes are similar to their non-athlete peers on some measures, overall, they compare favorably. NCAA student-athletes (39%) are slightly more likely to strongly agree they worked on a project that took a semester or more to complete than their peers who did not participate in NCAA athletics (37%). NCAA student-athletes are also just as likely to strongly agree they had an internship or job that allowed them to apply what they were learning in the classroom as their peers who did not participate in NCAA athletics (both 31%).

Experiential Learning Among NCAA Student-Athletes Compared to Non-Athletes

% Strongly agree

NCAA Student-AthletesNon-Athletes

I worked on a project that took a semester or more to complete



I had an internship or job that allowed me to apply what I was learning in the classroom



*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

NCAA student-athletes (54%) are MORE
LIKELY to strongly agree they were challenged academically in college than non-athletes (44%).

NCAA student-athletes (15%) are similar to their non-athlete peers (12%) in their participation in study abroad. That NCAA student-athletes are similar to — even slightly exceeding — their non-athlete counterparts is notable given their considerable sports commitments that likely make engaging in a study abroad program more challenging.

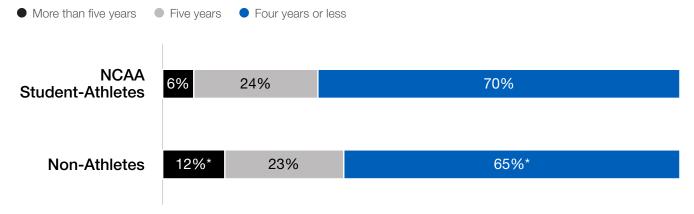
NCAA student-athletes (55%) are much more likely than their non-athlete counterparts (31%) to have held a leadership position in a club or organization such as student government, a fraternity or sorority, or an athletic team. While this is likely to be somewhat driven by their athletics involvement, athletics is unlikely to entirely account for their extracurricular leadership, signaling that NCAA student-athletes are very engaged in valuable learning experiences outside the classroom and serve as leaders in these endeavors as well.

NCAA student-athletes (55%) are MORE LIKELY than their non-athlete counterparts (31%) to have held a leadership position in a club or organization.

PROGRESS TO GRADUATION AND TRANSFER STATUS

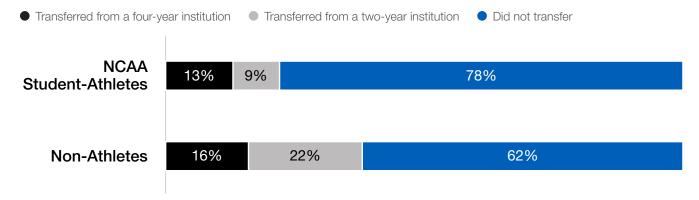
The survey finds that NCAA student-athletes completed their requirements to graduate more rapidly than their non-athlete counterparts. NCAA student-athletes (70%) are more likely than their non-athlete peers (65%) to have graduated college in four years or less, and they are half as likely to have taken more than five years to graduate (6% vs. 12%).

Time From Undergraduate Enrollment to Graduation for NCAA Student-Athletes Compared to Non-Athletes



^{*}A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

Transfer Status Among NCAA Student-Athletes Overall Compared to Non-Athletes



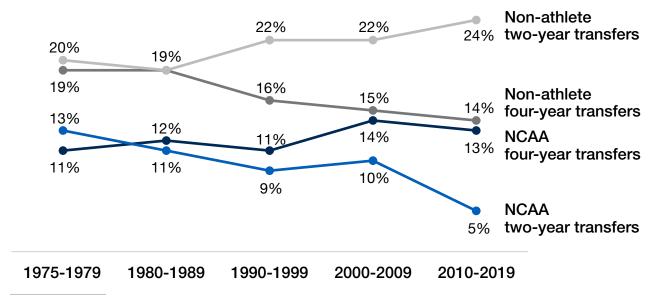
Note: Totals may not equal 100% due to rounding.

A smaller proportion of NCAA student-athletes (22%) than non-athletes (38%) were transfer students to the institution from which they graduated. Further, while non-athlete transfer students are slightly more likely to have transferred from a two-year institution (22%) than a four-year institution (16%), NCAA student-athletes who transferred are more likely to have done so from a four-year institution (13%) than a two-year institution (9%).

Differences in transfer behavior by NCAA student-athletes may in part be explained by academic eligibility standards² and professional draft rules in certain sports. One reason for student-athletes' faster time to graduation may be their lower rates of transfer, given the average credit loss students face upon transfer.³

Transfer Status of NCAA Student-Athletes Compared to Non-Athletes, by Year of Graduation

% Transferred



² http://www.ncaa.org/student-athletes/current/want-transfer

³ United States. Government Accountability Office (GAO). (2017). Higher education: students need more information to help reduce challenges in transferring college credits.

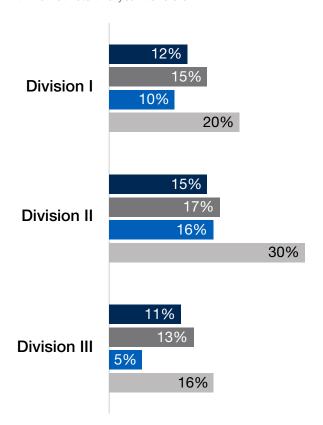
Looking at transfer status by NCAA division, non-athletes in all divisions are much more likely to have transferred from a two-year institution than their NCAA athlete peers. The within-division comparisons of athletes and non-athletes transferring from four-year institutions are quite similar, with non-athletes slightly more likely to have transferred from such institutions.

Whereas male and female athletes are equally likely to have transferred from a four-year institution (both 13%), male athletes (12%) are twice as likely as female athletes (6%) to have transferred from a two-year institution.

Transfer Status of NCAA Student-Athletes Compared to Non-Athletes, by NCAA Division

% Transferred

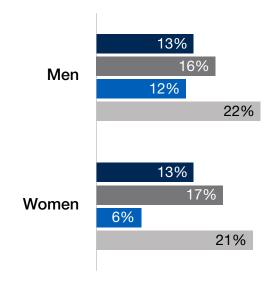
- NCAA four-year transfers
- Non-athlete four-year transfers
- NCAA two-year transfers
- Non-athlete two-year transfers



Transfer Status Among Male and Female Athletes Compared to Non-Athletes

% Transferred

- NCAA four-year transfers
- Non-athlete four-year transfers
- NCAA two-year transfers
- Non-athlete two-year transfers





Gallup's global research on behalf of hundreds of organizations examines the emotional connection to organizations by the constituencies they serve. Truly engaged consumers and alumni are emotionally attached and loyal, serving as "brand ambassadors" for an organization.

Gallup explores the connection between graduates and their alma mater through two questions: "I can't imagine a world without [College name]" and "[College name] was the perfect school for people like me." Graduates who strongly agree with both items are considered "emotionally attached" to their alma mater. This research can determine which experiences and attributes relate to graduates' lasting sense of connection and commitment to their college so that institutions can replicate and promote more of those experiences, generating greater attachment and affinity.

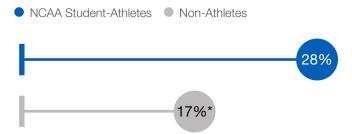
The percentage of NCAA student-athletes who are classified as "attached" to their alma mater (21%) is roughly similar to the rate among their non-athlete peers (19%). Division I athletes (23%) are slightly more likely than their non-athlete Division I peers (20%) to be attached. Division II athletes (16%) are just as likely as their non-athlete Division II peers (16%) to be attached, and Division III athletes (21%) are about as likely as their non-athlete Division III peers (19%) to be attached to their alma mater.

Whereas NCAA athletes who transferred from a four-year institution (11%) are slightly less likely than four-year transfers who were not athletes (14%) to be attached to their alma mater, athletes who transferred from two-year schools (21%) are more likely than two-year transfers who were not athletes (16%) to be attached to their alma mater.

Attachment and affinity for one's institution often translate to financial contributions that alumni make to their alma mater. Examining self-reports of past-year donations, NCAA student-athletes (28%) are more likely to have donated to their alma mater than their non-athlete counterparts (17%).

Financial Contribution to Alma Mater: NCAA Athletes vs. Non-Athletes

In the last 12 months, have you made a financial donation to [College Name]? (% Yes)



*A comparison group's outcome is statistically different from those of NCAA Student-Athletes at the 95% confidence level.

Increased likelihood in financial donation among student-athletes compared to non-athletes is witnessed across all NCAA divisions and across gender and race and ethnicity. These differences are particularly evident among Division III student-athletes (33% of whom have donated compared to 21% of DIII non-athletes), female student-athletes (29% of whom have donated compared to 16% of female non-athletes) and black student-athletes (32% of whom have donated compared to 18% of their non-athlete peers).

Perhaps the greatest recognition of the value of a college education is to say that it was worth the cost, particularly considering the expense of college education and the amount of debt that many students incur. NCAA student-athletes (50%) are slightly more likely to strongly agree their undergraduate education was worth the cost than non-athletes (47%). Examining patterns across subpopulations, NCAA student-athletes who transferred from fouryear institutions (41%) are less likely than nonathlete transfers from four-year schools (47%) to strongly agree their education was worth the cost. Those who transferred from two-year schools are just as likely as non-athletes to say the same (both 46%). And whereas DII and DIII student-athletes are similar to their non-athlete peers on this issue. DI student-athletes (54%) are more likely to strongly agree their education was worth the cost than their non-athlete counterparts (49%).

A driver analysis was conducted to determine which factors predict graduates strongly agreeing that their undergraduate education was worth the cost, holding all other factors constant. NCAA participation did not independently predict whether a graduate considered their education worth the cost. Alumni attachment to alma mater was found to have the strongest relationship to graduates' perception of educational value, followed by whether they had less than \$40,000 in loan debt and the extent to which they had supportive experiences in college like a mentor or caring professor. Graduates who had high levels of experiential learning and those who were male were also significantly more likely to strongly agree to this item.

50% OF STUDENT- ATHLETES

strongly agree their education was worth the cost.



As the NCAA upholds its mission of enhancing the wellbeing and learning of its student-athletes, these findings help identify areas of strength and success while also demonstrating where more support may be needed.

CONCLUSION

Taken as a whole, these results highlight several areas where former NCAA student-athletes fare better than non-athletes, both during their undergraduate years and beyond. In college, NCAA student-athletes are more likely to have had supportive and engaging experiences like mentorship and academic challenge and to have engaged in cocurricular and extracurricular learning and development experiences outside of the classroom. These findings persist across NCAA divisions and are aligned with positive long-term experiences for decades following education.

NCAA athletes across divisions are less likely to have transferred to their alma mater from either a two- or four-year institution. NCAA student-athletes are more likely than nonathlete college graduates to earn educational degrees beyond their undergraduate program, to thrive in their wellbeing overall and are more likely than non-athletes to have donated to their alma mater.

In addition to identifying areas of clear advantage for NCAA athletes, these findings help NCAA leaders strengthen and continue their support of student-athletes. These data represent a national snapshot of alumni's college experiences across multiple decades, institutions and athletic programs. Colleges and universities may find these data useful as they consider and seek to identify the specific needs of their student body, including both student-athletes and non-athletes.

METHODOLOGY

Results for the Gallup Alumni Survey, which the study used for comparison purposes, are based on web surveys of a random sample of 74,385 respondents with a bachelor's degree, aged 18 and older, with internet access, living in all 50 U.S. states and the District of Columbia. These respondents included 4,889 former NCAA student-athletes.

The Gallup Alumni Survey was conducted Feb. 4-March 7, 2014; Dec. 16, 2014-June 29, 2015; Aug. 22-Oct. 11, 2016; April 25-June 3, 2018; and Oct. 21-Nov. 4, 2019, with a random sample of 29,560 respondents, 30,151 respondents, 11,483 respondents, 5,107 respondents and 19,925 respondents, respectively, with a bachelor's degree or higher living in all 50 U.S. states and the District of Columbia.

The Gallup Alumni Survey sample was compiled from two sources: the Gallup Panel and the Gallup Daily tracking survey. The 2015 and 2016 Gallup Alumni Survey samples were recruited via the Gallup Daily tracking survey.

The Gallup Daily tracking survey sample includes national adults with a minimum quota of 70% cellphone respondents and 30% landline respondents, with additional minimum quotas by time zone within region. Landline and cellular telephone numbers are selected using random-digit-dial (RDD) methods. Landline respondents are chosen at random within each household on the basis of which member had the most recent birthday. Gallup Daily tracking respondents with a college degree, who agreed to future contact, were invited to take the Gallup Alumni Survey online.

The Gallup Panel is a proprietary, probability-based longitudinal panel of U.S. adults who are selected using RDD and address-based sampling methods. The Gallup Panel is not an opt-in panel. The Gallup Panel includes 100,000 individuals, and Panel members can be surveyed by phone, mail or web. Gallup Panel members with a college degree and access to the internet were invited to take the Gallup Alumni Survey online.

Gallup Alumni Survey interviews are conducted via the web, in English only. Samples are weighted to correct for unequal selection probability and nonresponse. The data are weighted to match national demographics of gender, age, race, Hispanic ethnicity, education and region. Demographic weighting targets are based on the most recent Current Population Survey figures for the aged 18 and older U.S. bachelor's degree or higher population.

All reported margins of sampling error for the Gallup Alumni Survey of all college graduates include the computed design effects for weighting.

For results based on the total sample of college graduates nationally from 1975 and later, the margin of sampling error is ± 0.6 percentage points at the 95% confidence level.

For results based on the employee engagement of college graduates nationally since 1975, the margin of sampling error is ±0.7 percentage points at the 95% confidence level.

For results based on graduates from NCAA Division I institutions, the margin of sampling error is ±0.8 percentage points at the 95% confidence level.

For results based on graduates from NCAA Division II institutions, the margin of sampling error is ±1.7 percentage points at the 95% confidence level.

For results based on graduates from NCAA Division III institutions, the margin of sampling error is ± 1.5 percentage points at the 95% confidence level.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

ABOUT THE NCAA

The National Collegiate Athletic Association is a membership-driven organization dedicated to safeguarding the wellbeing of student-athletes and equipping them with the skills to succeed on the playing field, in the classroom and throughout life. The NCAA membership supports learning through sports by integrating athletics and higher education to enrich the college experience of student-athletes.

ABOUT GALLUP

Gallup delivers analytics and advice to help leaders and organizations solve their most pressing problems. Combining more than 80 years of experience with its global reach, Gallup knows more about the attitudes and behaviors of employees, customers, students and citizens than any other organization in the world. For more information, visit www.gallup.com or education.gallup.com.

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Methods

- Web-based surveys of a random sample of 73,901 respondents, age 18 and older, who have a bachelor's degree and live in all 50 U.S. states and the District of Columbia.
- This study included responses from five iterations of the Gallup Alumni Survey compiled in 2014, 2015, 2016, 2018 and 2019.
- Participants were college graduates from 1975 to 2019. The sample included 4,889 former NCAA student-athletes and 69,012 nonathletes.

Participants by Division

	Division I	Division II	Division III
Nonathletes	39,331	8,564	10,522
Former NCAA athletes	2,064	671	1,637

Note: Divisional status based on 2018-19 membership. The number of respondents within division is smaller than the overall sample because some alma maters are no longer NCAA member schools, while other institution data was incomplete or indiscernible.

NCAA Division II Student-Athlete Outcomes

What Does a "Great Life" Look Like?



Purpose

How you occupy your time; liking what you do each day



Social

Relationships and love in your life



Financial

Managing your economic life to reduce stress and increase security



Community

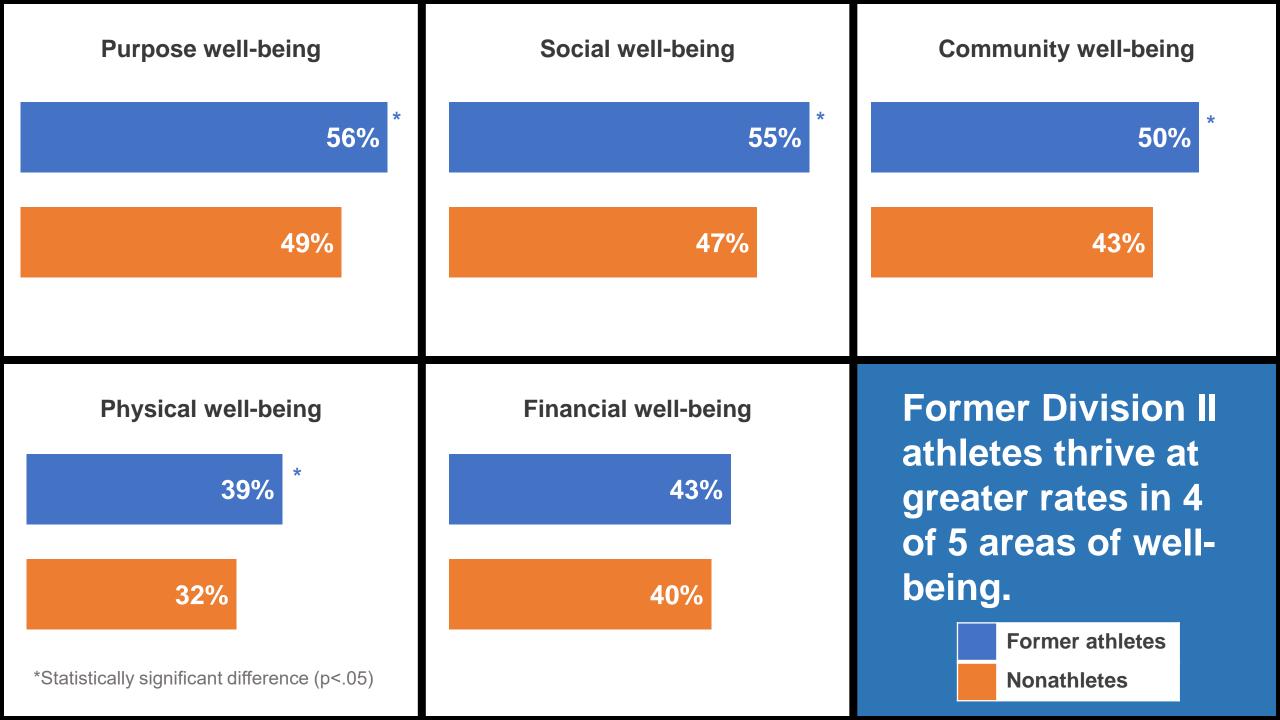
Engagement and involvement in the area where you live



Physical

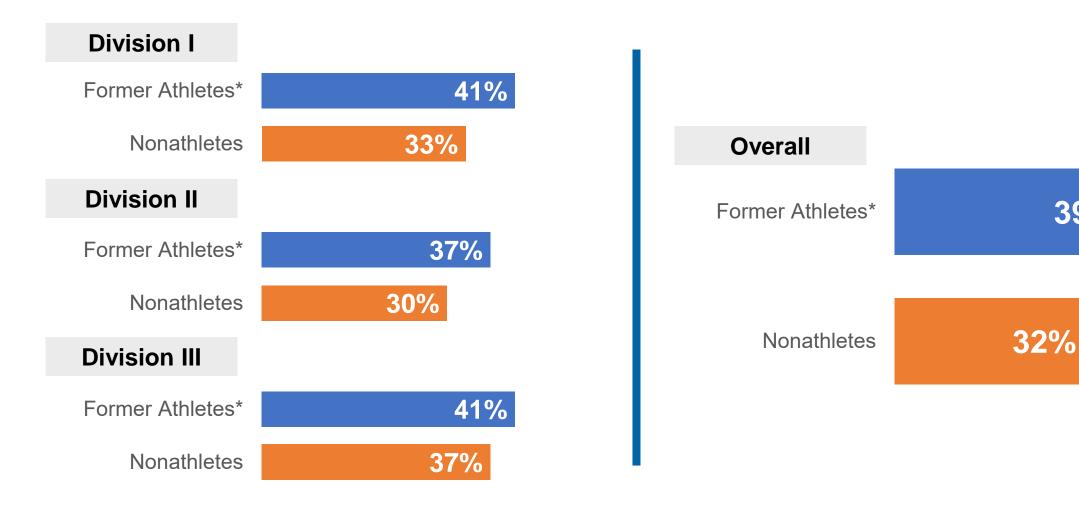
Good health and enough energy to get things done daily





Post-college education and career engagement

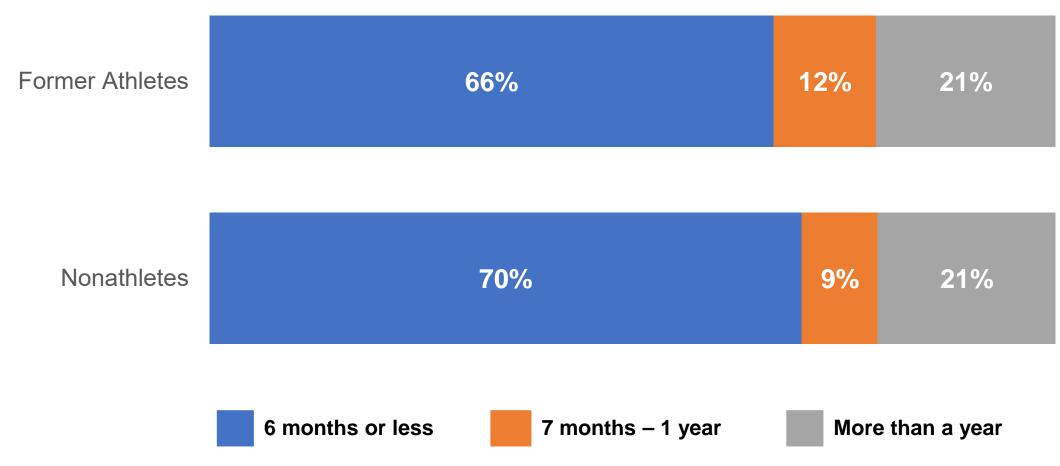
Division II former student-athletes earned postgraduate degrees at a higher rate than their nonathlete peers.





39%

Time to First Job After College Division II





Rate of Desired Employment

- Ninety-one percent of former athletes who graduated in 1991 or later are employed either full time or at their desired level of employment. This is also true for former nonathletes.
- ► This rate is also about the same for both male (92%) and female (90%) former NCAA studentathletes.
- Former NCAA student-athletes are more likely (16%*) to hold a managerial position than former nonathletes (13%).

Percent Holding a Managerial Position by Division

	Division I	Division II	Division III
Former NCAA athletes	18%*	14%	14%*
Nonathletes	13%	12%	12%



Managerial Positions by Generation Division II

FULL SAMPLE



1990-2019 ALUMNI





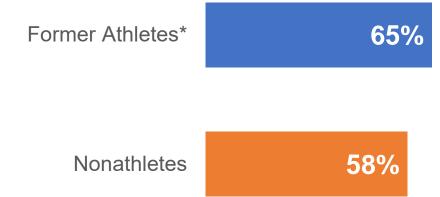
Workforce Outcomes, Division II

I am deeply interested in the work that I do.





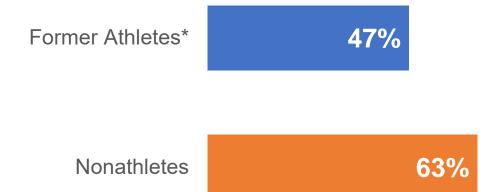
I have the ideal job for me.



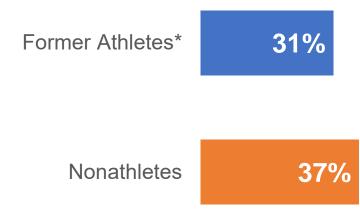


Since 1990, differences between Division II student-athletes and nonathletes with \$0 in college loan debt have shrunk.

1975-1989 Graduates: Percentage with \$0 in loans at graduation



1990-2019 Graduates: Percentage with \$0 in loans at graduation





College experiences and engagement

Academic and Extracurricular Engagement, Division II

82%

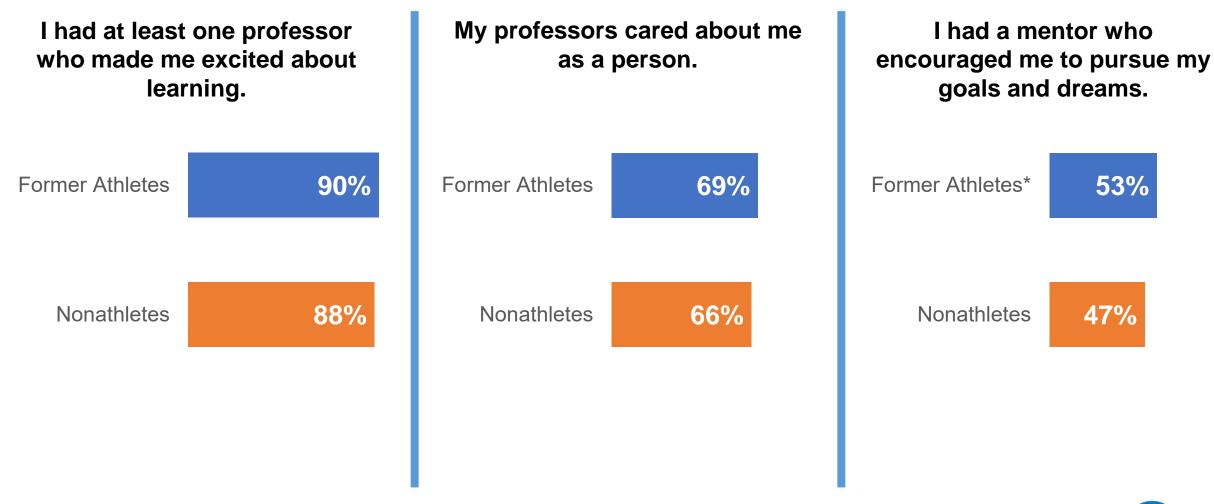
of former Division II studentathletes agreed or strongly agreed they were **challenged academically** in college, compared with 76% of nonathletes who felt that way. 54%

of former Division II studentathletes worked on a project that took a semester or more to complete, similar to the percentage of nonathletes with such projects (53%). 49%

of former Division II studentathletes held a **leadership position** in a club or organization, compared with 29% of nonathletes.

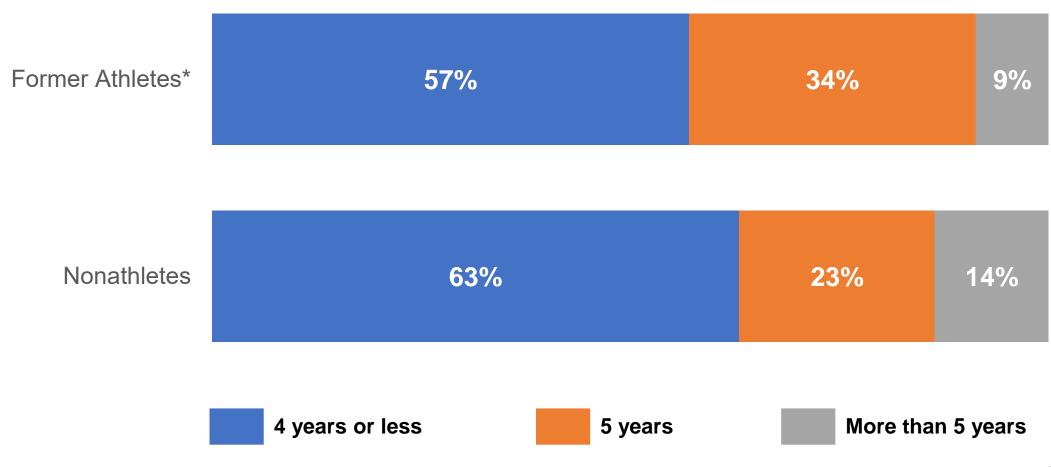


Campus Faculty Engagement Division II, Percentage Who Agreed or Strongly Agreed



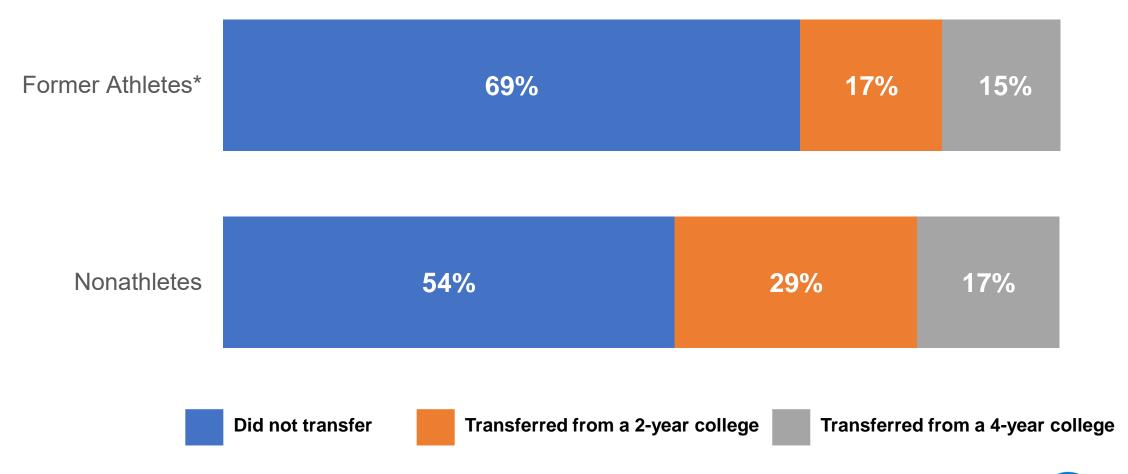


Time to Complete Undergraduate Degree Division II



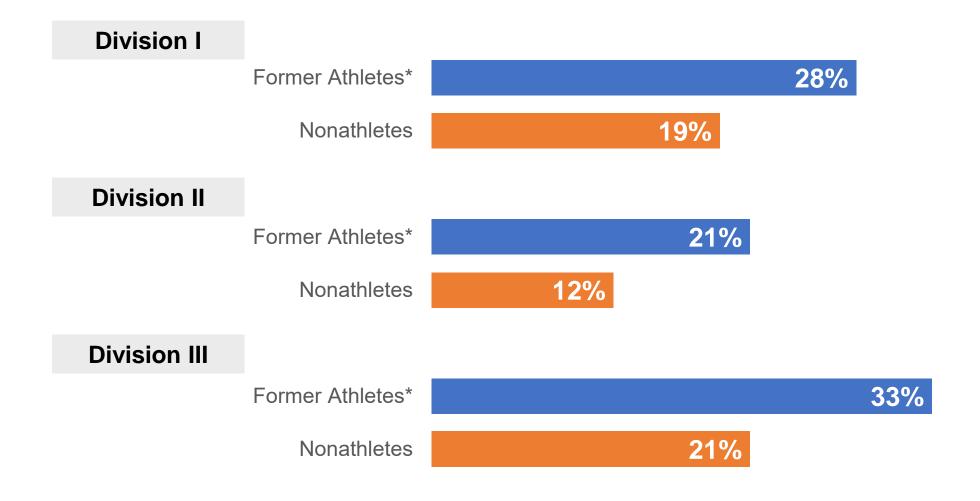


Former Division II student-athletes are less likely to have transferred during college than their nonathlete peers.





Former Division II athletes are more likely than nonathletes to have made a financial donation to their college within the past 12 months.







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