ACTION ITEMS.

1. Legislative items.


      (1) **Recommendation.** Sponsor legislation for the 2018 Convention to amend Bylaw 16.1 (awards) as follows: (1) to specify that the limitations on awards received by a student-athlete are governed by Bylaw 16.1 if the student-athlete is representing the institution, or by the rules of the amateur organization that governs the competition if the student-athlete is not representing the institution; (2) to increase the limitation on the maximum value of the annual participation award for a senior by $100 and to increase the limitation on the maximum value of all other participation awards by $50; and (3) to eliminate the restrictions on the type of award that can be provided for a specialized performance in a single contest or during limited time period (e.g., player of the game, player of the week).

      (2) **Effective date.** August 1, 2018.

      (3) **Rationale.** This proposal simplifies the awards legislation by providing greater flexibility for student-athletes to receive awards for outside competition. This change also reduces the burden on institutional staff by eliminating the need to determine whether an award received while the student-athlete was not representing the institution but was enrolled full time satisfies the Bylaw 16 award limitations. Additionally, the proposed award limits have not been adjusted for inflation since 2006 and due to inflation, particularly in the market rate for gold, it has become more difficult to provide the same or similar awards to student-athletes. The committee noted that while all institutions may not approach the dollar limit, the rate of inflation should not restrict those who wish to provide certain awards that may be traditional marks of recognition (e.g., rings). Furthermore, the committee noted the inequity among the divisions if Division II does not increase the limits in a similar manner.
(4) Estimated budget impact. Potential increase commensurate with increase in award value limitations.

(5) Student-athlete impact. None.


(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.1.2 (permissible recruiters), to permit on-campus contact between a former student-athlete and a prospective student-athlete and his or her relatives or legal guardians.

(2) Effective date. Immediate.

(3) Rationale. Under current legislation, a former student-athlete is not permitted to interact with a prospective student-athlete. This proposal allows former student-athletes to engage in recruiting contact on the campus of the institution. Former student-athletes are some of the best-suited individuals to share their personal experiences with prospective student-athletes to help them make informed decisions. In addition, the current prohibition on allowing former student-athletes and prospective student-athletes to interact creates frequent uncomfortable situations on campus, especially during home competitions.

(4) Estimated budget impact. None.

(5) Student-athlete impact. None.


(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.10.2 (comments prior to signing) to establish an exception to the restrictions on publicity before commitment that permits actions (e.g., "like," "favorite," republish) by an institutional staff member on social media platforms that indicate approval of content on social media platforms that was generated by users of the platforms other than institutional staff members or representatives of an institution’s athletics interests.

(2) Effective date. Immediate.
Rationale. Under current legislation, it is difficult to monitor all coaches and their social media activities (e.g., "like," "favorites," republishing). This proposal would create an exception to publicity related to recruiting on social media platforms and attempt to maintain pace with the frequent creation and/or endorsement of social media applications.

Estimated budget impact. None.

Student-athlete impact. None.


Recommendation. Adopt noncontroversial legislation to amend Bylaw 13.17.4 (dead periods for other sports), to specify that, in rifle, during any year in which the National Letter of Intent signing date dead period occurs during the Junior Olympic Rifle Championships, it shall be permissible for authorized coaching staff members to observe prospective student-athletes participating in that event.

Effective date. Immediate.

Rationale. In certain years the Junior Olympic Rifle Championships coincide with the dead period surrounding the National Letter of Intent. In previous years, waivers were granted to permit college coaches to attend the event. To avoid the need for future waivers, this change would provide a permanent exception. Additionally, this proposed exception is similar to the exceptions that exist for the U.S. Diving National Championships and the North American Cup Fencing Championships.

Estimated budget impact. Limited additional recruiting costs.

Student-athlete impact. None.


Recommendation. Adopt noncontroversial legislation to amend Bylaw 18.4 (general institutional requirements), to eliminate the requirement that an institution must complete annual certification of compliance forms.
(Certification of Compliance for Institutions and for Staff Members of Athletics Departments) in order to enter a team or an individual in an NCAA championship.

(2) **Effective date.** Immediate.

(3) **Rationale.** The administrative burden involved with these particular forms outweighs their utility and the involved process has become perfunctory. Institutions should have the discretion to determine appropriate ways to ensure and certify compliance with NCAA legislation. Other legislation sets forth the responsibility of control related to athletics in compliance with NCAA rules and the role of the institution's president or chancellor. Elimination of the forms does not diminish the importance of compliance and the responsibilities of the institution and its staff members.

(4) **Estimated budget impact.** None.

(5) **Student-athlete impact.** None.

2. **Nonlegislative items.**

a. **Request to Extend Chair Term for Member of the NCAA Division II Legislation Committee.**

(1) **Recommendation.** That the NCAA Division II Management Council approve a one-year extension of the term of the chair of the Legislation Committee, Natasha Oakes, associate director of athletics for compliance/senior woman administrator at Missouri Western University, until August 31, 2018.

(2) **Effective date.** Immediate.

(3) **Rationale.** As part of the division's review of the culture of compliance, the Legislation Committee will be heavily involved in reviewing legislative recommendations from the NCAA Division II Culture of Compliance Think Tank Legislative Subgroup over the next 12-18 months. The committee believes a term extension of its chair, Natasha Oakes, is imperative to ensure continuity as she is also a member of the Culture of Compliance Think Tank Legislative Subgroup. Natasha's term as chair will expire August 31, 2017, and the committee requests an extension until August 31, 2018.

(4) **Estimated budget impact.** None.
b. Legislative Referral to the Culture of Compliance Think Tank Legislative Subgroup – Recruiting – Definitions and Applications – Recruited Prospective Student-Athlete.

(1) **Recommendation.** That the Culture of Compliance Think Tank Legislative Subgroup review NCAA Division I Proposal No. 2016-22 (recruiting – definitions and applications – recruited prospective student-athlete) for consideration of a potential similar legislative change in Division II:

Whether to eliminate initiating telephone contact on more than one occasion to a prospective student-athlete or the prospective student-athlete's relatives or legal guardians as triggering status as a recruited student-athlete.

(2) **Effective date.** Immediate.

(3) **Rationale.** Currently, if an institutional staff member or a representative of athletics interest initiates or arranges telephone contact with a prospective student-athlete or a prospective student-athlete's relatives or legal guardians on more than one occasion, the prospective student-athlete becomes a recruited prospective student-athlete. Furthermore, it is a rare occurrence that the only action to cause a prospective student-athlete to become recruited is telephone contact on more than one occasion. Finally, the subcommittee noted that institutions are no longer required to track telephone contact with prospective student-athletes. Therefore, it should be eliminated as an action that causes a prospective student-athlete to become recruited.

(4) **Estimated budget impact.** None.

(5) **Student-athlete impact.** None.

c. Legislative Referral to the Culture of Compliance Think Tank Legislative Subgroup – Use of a Season of Competition – Participation in Full-Time Internships/Cooperative Educational Work Experience Programs.

(1) **Recommendation.** That the Culture of Compliance Think Tank Legislative Subgroup review Division I Proposal No. 2016-115 (athletics eligibility – five-year rule – exception – internships/cooperative educational work experience programs) for consideration of a potential legislative change in Division II:
Whether to establish an exception to the 10-semester/15-quarter period of eligibility for a student-athlete who enrolls full time in an internship or cooperative educational work experience program.

(2) **Effective date.** Immediate.

(3) **Rationale.** Participation in internships and cooperative educational work experience programs enhance a student's educational experience and preparation for life after graduation. Internship and cooperative educational work experience program opportunities should be made available to student-athletes without limiting their access to a full athletics participation experience. By allowing an exception to the 10-semester/15-quarter period of eligibility, institutions will be encouraged to establish internships and cooperative educational work experience programs that better accommodate the athletic and academic schedules of student-athletes.

(4) **Estimated budget impact.** None.

(5) **Student-athlete impact.** None.

d. **Legislative Referral to the NCAA Division II Men's and Women's Swimming and Diving Committee – Non-NCAA Postseason Championships Participation – Swimming and Diving.**

(1) **Recommendation.** That the Management Council refer review of Division I Proposal No. 2016-84 (playing and practice seasons – general playing season regulations – general regulations for computing playing seasons applicable to all sports – non-NCAA postseason championships participation – swimming and diving) to the Men's and Women's Swimming and Diving Committee for consideration of a potential similar legislative change in Division II:

Whether practice and competition for the College Swimming Coaches Association of America National Invitational should be exempt from an institution's declared playing and practice season limitations; furthermore, whether the invitational should be an annual exemption from the maximum dates of competition limitations.

(2) **Effective date.** Immediate.

(3) **Rationale.** The NCAA Division II Legislation Committee Legislative Review Subcommittee requests that the Men's and Women's Swimming and Diving Committee discuss and provide feedback on the impact of the
CSCAA National Invitational and whether a similar exception is necessary in Division II.

(4) **Estimated budget impact.** None.

(5) **Student-athlete impact.** None.

e. **Legislative Referral to the NCAA Division II Championships Committee – Financial Penalties.**

(1) **Recommendation.** That the Management Council refer review of Division I Proposal No. 2016-105 (executive regulations – administration of NCAA championships – financial penalties) to the Championships Committee for consideration of a potential similar legislative change in Division II:

Whether to remove the financial penalties for failure to adhere to policies and procedures governing championships administration from the legislation and to specify that the sports committee may assess financial penalties pursuant to established policies and procedures, subject to review by and appeal to the Championships Committee.

(2) **Effective date.** Immediate.

(3) **Rationale.** Moving the penalties and dollar amounts out of the legislation reduces bureaucracy when modifications are required and places authority with the sport committees responsible for the championship and well-being of the sport. The success of championships depends on adherence to established policies and procedures. At times, it is necessary to amend policies and procedures in order to ensure the efficient operation of a championship. Allowing the sport committees to establish and adjust specific policies and financial penalties will ensure efficient operation of championships and hold institutions accountable for failure to follow established policies and procedures. Penalties will remain subject to review by and appeal to the Championships Committee.

(4) **Estimated budget impact.** None.

(5) **Student-athlete impact.** None.
f. Legislative Referral to the NCAA Division II Membership Committee – Minimum Participants – Women’s Rowing.

(1) **Recommendation.** That the Management Council refer review of Division I Proposal No. 2015-85 (division membership – sports sponsorship – minimum contests and participants requirements for sports sponsorship – minimum participants – women's rowing) to the Membership Committee for consideration of a potential similar legislative change in Division II:

Whether, in rowing, an institution's team shall include a minimum of 23 participants in each contest that is counted toward meeting the minimum-contests requirements.

(2) **Effective date.** August 1, 2018.

(3) **Rationale.** Current legislation does not require a minimum number of participants for women's rowing. Therefore, if an institution competes only one boat at an event, it counts toward the minimum-contest requirement for sports sponsorship. Since it takes 23 student-athletes (two boats of eight rowers plus a coxswain and one boat of four rowers plus a coxswain) to be selected for and compete at the NCAA championship, the same number should be required to count a contest toward the minimum contests requirement. This change will also ensure that an institution makes at least a minimum commitment for the sport.

(4) **Estimated budget impact.** May increase an institution's budget if at least 23 student-athletes do not currently compete in the minimum requirement of six contests.

(5) **Student-athlete impact.** None.

**INFORMATIONAL ITEMS.**

1. **Update on the Culture of Compliance Think Tank Legislative Subgroup.** The committee received an update on the work of the Culture of Compliance Think Tank Legislative Subgroup and next steps. The committee was advised that a think tank summit will occur in December 2017 and that there will be a session at the 2018 Convention focusing on the review. A final report of the legislative review subgroup of the Culture of Compliance Think Tank Legislative Subgroup will be provided to the committee at its November 2017 in-person meeting.

2. **Review of nontraditional academic calendars.** The committee reviewed two nontraditional calendars, from the University of Mary and Southern New Hampshire
University, comprised of trimesters. The committee agreed with the NCAA Division II Academic Requirements Committee's determination that both calendars should be treated as traditional semester calendars for purposes of applying Division II legislation (e.g., financial aid, playing and practice seasons). [Note: Molly Belden, Northeast-10 Conference, recused herself from voting on this item.]

3. **Update on feedback regarding awards legislation.** The committee received an update on the requested feedback from the NCAA Division II Athletic Directors Association Regulatory Advisory Group regarding the maximum award limitations. The group was supportive of increasing the awards limits to account for inflation but was strongly against eliminating the limits. The committee recommended sponsorship of a 2018 Convention proposal to amend the awards legislation to simplify the application of when the awards legislation applies, increase the participation award limitations and eliminate restrictions on what may be provided as a specialized performance award [See Legislative Item No. 1a].

4. **Update on feedback regarding out-of-season playing and practice legislation.** The committee received an update on the out-of-season playing and practice legislation survey that will be sent to the membership in late August or early September. NCAA staff noted that an update regarding feedback from the membership and the NCAA Division II Student-Athlete Advisory Committee will be provided to the committee at its November 2017 in-person meeting.

Additionally, the committee received an update regarding the submission of a 2018 Convention membership-sponsored proposal to deregulate the eight-hour segment for out-of-season activities. Staff noted that the proposal had not been properly co-sponsored as of the date of the teleconference.

5. **Review of financial aid to professional athlete legislation.** The committee discussed a possible legislative change to Bylaw 15.1.1.4 (institutional financial aid to professional athlete); specifically, the prohibition on awarding athletics aid to a student-athlete who signs a contract with or receives compensation from a professional sports organization in the sport in which the student-athlete participates at the certifying institution, unless the student-athlete has completed his or her four seasons of competition. The committee agreed that a legislative change was not necessary at this time but directed staff to continue to track the legislative relief waivers submitted seeking relief of the bylaw.

6. **Discussion regarding the 2018 Division II membership census.** Staff provided an update regarding the Division II membership census that will be conducted in 2018. The committee was advised that it will review the census questions during its November 2017 in-person meeting and was asked to contact staff if there are any questions the committee would like to include in the census.
7. **Update on NCAA Division II Regional Compliance Seminars.** The committee was provided a recap of the 2016-17 education cycle, which included six Regional Compliance Seminars and two NCAA Regional Rules Seminars. The 2017-18 education cycle will include four Regional Compliance Seminars and two Regional Rules Seminars.

The committee also reviewed and approved recommendations for changes to the Regional Compliance Seminar model (following the 2017-18 education cycle) from the NCAA Division II Conference Commissioners Association Regional Compliance Seminar Review Committee, comprised of representatives from the NCAA Division II Conference Commissioners Association and NCAA Division II Conference Commissioners Association Compliance Administrators. The recommendations included a reduction, from six to four, in the maximum number of Regional Compliance Seminars each academic year, an application process without regional restrictions to allow conferences to pursue their own associations, flexibility in format (e.g., one day instead of two days), and the removal of the facilitation requirement for compliance administrators at conference offices. Staff noted that the recommendations will also be reviewed by the Membership Committee.

8. **Update on online coaches education program.** The committee received an update on the development of the online coaches education program, which was recommended by the committee as part of the NCAA Division II Foundation for the Future Initiative. In February, a survey of coaches was completed to obtain feedback regarding preferred topics, and a vendor was selected for the development of rules content. A design workshop will be hosted at the NCAA national office in August 2017, and sample content may be available to share with the committee at its November 2017 in-person meeting.

The program is scheduled to launch in Spring 2018. The committee was advised that after the launch of the program, it may consider whether to recommend legislation to replace the coaches certification test with the online program.

9. **Update regarding discussions with the National Association of Intercollegiate Athletics and use of the one-time transfer exception.** The committee received an update on the discussions between the NCAA and NAIA regarding Proposal No. 2017-5 (removal of requirement to obtain permission from NAIA institution), which eliminated the permission to contact requirement for a student-athlete transferring from an NAIA institution. Staff informed the committee that some Division II institutions have shared concerns regarding retaliation from NAIA institutions based on the rule change; specifically, NAIA institutions that have objected to a student-athlete's use of the one-time transfer exception as a result of the legislative change. The committee agreed to monitor these concerns throughout the fall and, if necessary, discuss a potential legislative change to the one-time transfer exception at its November 2017 in-person meeting.
10. **Update on countable athletically related activity resource for the SAAC.** The committee received an update regarding the development of a one-page document on the countable athletically related activities legislation, which will be distributed to institutions during the 2017-18 academic year.

11. **Approval of subcommittee and amateurism fact-finding policies and procedures.** The committee reviewed and approved the updated policies and procedures for the NCAA Division II Legislation Committee Interpretations Subcommittee, the Legislative Review Subcommittee, and the NCAA Division II Amateurism Fact-Finding Group.

12. **Chair elections.** The committee recommended to extend the term of Natasha Oakes, associate director of athletics for compliance/senior woman administrator at Missouri Western University, as chair of the committee due to her role with the Culture of Compliance Think Tank Legislative Group [see Nonlegislative Action Item No. 2a]. The committee also elected Keith Vitense, faculty athletics representative at Cameron University, as chair of the Legislative Review Subcommittee and Pennie Parker, director of athletics at Rollins College, as chair of the Interpretations Subcommittee, effective September 1, 2017.

13. **Subcommittee appointments.** The committee appointed Scott Young, senior associate athletics director for compliance at the University of Indianapolis and Brent Heaberlin, deputy athletics director/NCAA compliance at Lenoir-Rhyne University, to the Interpretations Subcommittee, effective September 1, 2017. The committee also appointed Scott Larson, senior associate athletics director/compliance at Lubbock Christian University, to the Legislative Review Subcommittee, effective September 1, 2017.

14. **Review of the May 2017 and June 2017 Legislative Review Subcommittee Teleconference Reports.** The committee reviewed and approved the Legislative Review Subcommittee teleconference reports from May 10 and June 13. The committee approved the subcommittee's recommendations to adopt four noncontroversial proposals [see Legislative Action Item Nos. 1b, 1c, 1d and 1e], to refer two concepts to the Culture of Compliance Think Tank Legislative Subgroup [see Nonlegislative Action Item Nos. 2b and 2c], to refer one concept to the Swimming and Diving Committee [see Nonlegislative Action Item No. 2d], to refer one concept to the Championships Committee [see Nonlegislative Action Item No. 2e], and to refer one concept to the Membership Committee [see Nonlegislative Action Item No. 2f].

15. **Approval of the March 2017 Legislation Committee meeting and teleconference reports.** The committee reviewed and approved the March 2017 in-person and teleconference meeting reports.

17. **Future Meeting Dates.**

   a. September 2017 date to be determined, teleconference;
   
   b. November 6-7, Indianapolis;
   
   c. March 5-6, 2018, Indianapolis; and
   
   d. June 20-21, Indianapolis.

*Committee Chair:* Natasha Oakes, Missouri Western State University, Mid-America Intercollegiate Athletics Association

*Staff Liaison(s):* Karen Wolf, Academic and Membership Affairs
Geoff Bentzel, Academic and Membership Affairs
Chelsea Crawford, Academic and Membership Affairs
# NCAA Division II Legislation Committee
## June 29, 2017, Teleconference

### Attendees:
- Molly Belden; Northeast-10 Conference.
- Peggy Davis, Virginia State University; Central Intercollegiate Athletic Association.
- Taryn Driver, Texas A&M University-Commerce; Lone Star Conference.
- Marty Gilbert, Mars Hill University; South Atlantic Conference.
- Gary Gray, University of Alaska-Fairbanks; Great Northwest Athletic Conference.
- Kelly McLaughlin, Regis University; Rocky Mountain Athletic Conference.
- Natasha Oakes, Missouri Western State University; Mid-America Intercollegiate Athletics Association.
- Pennie Parker, Rollins College; Sunshine State Conference.
- Kimberly Pate, Lenoir-Rhyne University; South Atlantic Conference.
- Linda Van Drie-Andrzjewski, Wilmington University (Delaware); Central Atlantic Collegiate Conference.
- Keith Vitense, Cameron University; Lone Star Conference.
- Cherrie Wilmoth, Southeastern Oklahoma State University; Great American Conference.

### Absentees:
- Chris Gregor, St. Martin’s University; Great Northwest Athletic Conference.

### Guests in Attendance:
- None.

### NCAA Staff Liaisons in Attendance:

### Other NCAA Staff Members in Attendance:
- Amanda Conklin, Maritza Jones, Stephanie Quigg Smith, Terri Steeb Gronau, and Matt Ward.