AGENDA

National Collegiate Athletic Association
Division II Legislation Committee

Summit/Wooden Room June 20-21, 2018
NCAA National Office 8:30 a.m. Eastern time
Indianapolis

1. Welcome and announcements. (Linda Van Drie-Andrzewski)

2. Approve the March 2018 NCAA Division II Legislation Committee in-person meeting report. [Supplement No. 1] (Van Drie-Andrzewski)

3. Review the NCAA Division II Presidents Council and NCAA Division II Management Council April 2018 Summary of Actions. [Supplement No. 2] (Karen Wolf)

4. Review of the NCAA Interpretations Subcommittee of the Division II Legislation Committee teleconference reports. (Cherrie Wilmoth)
   - June 11, 2018, teleconference. [Supplement No. 3, to be distributed]

5. Review of the NCAA Legislative Review Subcommittee of the Division II Legislation Committee teleconference reports. (Keith Vitense)
   a. May 7, 2018, teleconference. [Supplement No. 4a]
   b. May 11, 2018, teleconference. [Supplement No. 4b]
   c. Discussion regarding policies and procedures. [Supplement No. 4c]
      - Subcommittee will meet at 4:30 p.m. Wednesday to discuss fact-finding appeals process.

6. NCAA Division II Culture of Compliance Think Tank.
   a. Review of feedback on local sports clubs, private lessons and recruiting calendar legislation. [Supplement No. 5a] (Geoff Bentzel)
   b. Review of legislative referrals. [Supplement No. 5b] (Bentzel and Chelsea Crawford)
c. Discussion regarding donations from institutional staff members. [Supplement No. 5c] (Wolf)

d. Discussion regarding media activities. [Supplement No. 5d] (Crawford)

e. Discussion on potential reorganization of NCAA Bylaw 13. (Wolf)

f. Update on resource documents. [Supplement Nos. 5e and 5f, to be distributed] (Stephanie Quigg Smith)

7. Discussion regarding the 2018 Division II membership census. [Supplement No. 6] (Gregg Summers)

8. Update on the Commission on College Basketball. [Supplement Nos. 7a and 7b] (Quigg Smith and Wolf)

9. Division II University update.

a. Discussion regarding Division II University and Learning Management System. (Amanda Conklin and Jennifer Beasley)

b. Review of draft policies and procedures and question and answer document. [Supplement Nos. 8a, 8b and 8c] (Bentzel)


   • Process for referrals to the governance structure.

11. Discussion regarding amateurism certification in sports not sponsored by the institution. [Supplement No. 10] (Crawford)

12. Discussion regarding implementation of new financial aid legislation. (Wolf)


   • Demonstration of the transfer portal. (Susan Peal)

14. Discussion regarding the National Letter of Intent single signing period. [Supplement Nos. 12a and 12b] (Peal and Crawford)
15. Educational updates. (Smith)
   a. 2018-19 Regional Compliance Seminars.

16. Chair elections. (Van Drie-Andrzewski)
   a. Legislation Committee.
   b. Interpretations Subcommittee (if necessary).
   c. Legislative Review Subcommittee (if necessary).

17. Subcommittee appointment. (Van Drie-Andrzewski)

18. Recognition of outgoing member. (Wolf)

19. Future meeting dates.
   a. September 2018 date to be determined; (teleconference).
   b. November 5-6, 2018, in-person meeting; (Indianapolis).
   c. March 11-12, 2019, in-person meeting; (Indianapolis).
   d. June 20-21, 2019, in-person meeting; (Indianapolis).

20. Other business.

ACTION ITEMS.

1. Legislative items.


      (1) **Recommendation.** Sponsor legislation for the 2019 NCAA Convention to amend Bylaw 11.6.1.1.1 (certification administration), as follows: (1) to require all coaches to annually complete specific educational modules as determined by the Legislation Committee; (2) to prohibit off-campus recruiting until the coach successfully completes the required educational modules; and (3) to prohibit the directing, supervising or observing of countable athletically related activities until the coach successfully completes the required educational modules.

      (2) **Effective date.** August 1, 2019, for certifications of coaches in the 2019-20 academic year, and thereafter.

      (3) **Rationale.** Under current legislation, prior to being able to engage in off-campus recruiting, a coach must pass the annual coaches certification test. During the 2015-16 academic year, various committees through the Division II governance structure supported the development of a comprehensive online coaches' education program that will deliver legislative and health and safety related content. This recommendation accounts for the new online coaches' educational program, Division II University, and would require coaches to successfully complete specific educational modules every year before being permitted to recruit off campus and direct, supervise or observe countable athletically related activities.

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

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

   b. **2019 Convention Legislation – Bylaw 12.1.3 – Amateurism – General Regulations – Permissible – Following Initial Full-Time Collegiate Enrollment – Actual and Necessary Expenses From an Outside Amateur Sports Team or Organization – Donations From Outside Sponsors – Institutional Staff Members.**
(1) **Recommendation.** Sponsor legislation for the 2019 Convention to amend Bylaw 12.1.3-(b)-(1) (donation from outside sponsors) to permit a student-athlete to receive actual and necessary expenses from an institutional staff member to participate as a member of an outside team.

(2) **Effective date.** August 1, 2019.

(3) **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation permits an individual to receive actual and necessary expenses from an outside sponsor other than an agent, a representative of an institution's athletics interests or professional sports organization. This proposal provides the opportunity for enrolled student-athletes to seek out additional permissible financial resources from institutional staff members to support their athletics aspirations without compromising the fundamental purpose of the collegiate model. It would remain impermissible for a student-athlete to receive expenses from an agent, representative of an institution's athletics interests or professional sports organization.

(4) **Estimated budget impact.** Will vary.

(5) **Student-athlete impact.** Student-athletes would be permitted to receive expenses for outside competition from institutional staff members, as specified.

c. **2019 Convention Legislation – Bylaws 12.5.1.1 and 13.11.3.5 – Amateurism and Recruiting – Promotional Activities and Private Lessons – Elimination of Requirement to Obtain Written Approval from the Institution's President or Chancellor.**

(1) **Recommendation.** Sponsor legislation for the 2019 Convention to amend Bylaws 12.5.1.1 (promotional activities) and 13.11.3.5 (private lessons) to eliminate the requirement that a student-athlete must receive written approval from the institution's president or chancellor (or his or her designee) prior to the student-athlete's participation in a noninstitutional, charitable or nonprofit promotion; further, in equestrian, golf and tennis, to eliminate the requirement that an institutional coach must receive written approval from the institution's president or chancellor prior to the coach's participation in a private lesson.

(2) **Effective date.** August 1, 2019.
(3) **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation requires an institution to obtain written approval from the institution's chancellor or president prior to a student-athlete's participation in a permissible promotional activity. In addition, equestrian, golf and tennis coaches seeking to offer private lessons are also required to obtain chancellor or president approval. A significant amount of time is spent securing signatures rather than confirming that the other requirements of the legislation are met. Such confirmation should be left to the discretion of a member institution. This recommended change maintains and promotes the NCAA's commitment to amateurism and equity in recruiting, while eliminating unnecessary bureaucratic requirements.

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

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

d. **2019 Convention Legislation – Bylaw 12.5.3 – Amateurism – Promotional Activities – Media Activities.**

(1) **Recommendation.** Sponsor legislation for the 2019 Convention to amend Bylaw 12.5.3 (media activities) to eliminate the requirement that a student-athlete must be academically eligible to represent the institution at the time of the appearance or participation in media activities; further, to specify that a student-athlete shall not miss class to participate in media activities.

(2) **Effective date.** August 1, 2019.

(3) **Rationale.** Current legislation requires a student-athlete to be academically eligible to represent the institution at the time of the appearance or participation in a media activity, not receive remuneration for the appearance or participation, and not make any endorsement, expressed or implied, of any commercial product. This recommended change will provide institutions with flexibility and discretion in determining which student-athletes may appear or participate in media activities. The recommended change also clarifies that student-athletes participating in such activities may not miss class time to do so. This change addresses student-athlete well-being concerns, especially with the elimination of academic eligibility at the time of the appearance or participation.

(4) **Estimated budget impact.** None.
(5) **Student-athlete impact.** An ineligible student-athlete may participate in media activities at the institution's discretion.

e. **Noncontroversial Legislation – Bylaw 12.1.3 – Amateurism – Permissible – Following Initial Full-Time Collegiate Enrollment – Elite-Level Participation – Expenses from a Governmental Entity.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 12.1.3 (permissible – following initial full-time enrollment) to permit an individual to receive actual and necessary expenses from a governmental entity, as specified.

(2) **Effective Date.** Immediate.

(3) **Rationale.** Current legislation permits student-athletes to receive training expenses without jeopardizing a student-athlete's amateur status if such expenses are approved and provided directly by the U.S. Olympic Committee, appropriate national governing body or the equivalent organization for international student-athletes. This proposal will address government programs currently available to international student-athletes that do not meet the criteria of the training expenses legislation and aligns Division II legislation with the other divisions. This change will also reduce bureaucracy and confusion regarding the application of the applicable amateurism legislation and enhance student-athlete well-being by providing increased access to funding to further athletics development without compromising the commitment to amateurism.

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

(5) **Student-athlete impact.** A student-athlete who qualifies for funding from a governmental entity may receive actual and necessary training expenses without the need for a legislative relief waiver.

f. **Noncontroversial Legislation – Bylaws 12.1.3 and 16.8.1.2 – Amateurism and Awards and Benefits – Permissible – Following Initial Full-Time Enrollment and Other Competition – Expenses for Participation in a Collegiate All-Star Contest.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaws 12.1.3 (permissible – following initial full-time enrollment) and 16.8.1.2 (other competition) to permit a student-athlete, who has exhausted eligibility in the sport, to receive actual and necessary expenses from an
outside sponsor (e.g., neighbor, business) for participation in a collegiate all-star contest.

(2) **Effective Date.** Immediate.

(3) **Rationale.** NCAA Division II Proposal No. 2014-7 (awards, benefits and expenses for enrolled student-athletes – expenses provided for practice and competition – other competition – expenses for participation in one all-star contest following exhaustion of eligibility) permitted institutions to provide actual and necessary expenses for a student-athlete to participate in one collegiate all-star contest after exhausting eligibility in the sport. Participating in an all-star contest is an honor and celebrates the success the student-athlete achieved while representing his or her institution in intercollegiate athletics. Permitting a student-athlete to receive actual and necessary expenses from an outside sponsor for participation in an all-star contest, is in the best interest of student-athlete well-being and does not provide a competitive advantage since the student-athlete must have exhausted eligibility to participate.

(4) **Estimated budget impact.** Will vary.

(5) **Student-athlete impact.** A student-athlete could receive donations from outside sponsors to cover the actual and necessary expenses for participation in one all-star contest after exhausting collegiate eligibility.

g. **Noncontroversial Legislation – Bylaw 12.5.1.1.6 – Amateurism – Promotional Activities – Permissible – Institutional, Charitable, Educational or Nonprofit Promotions – Schedule Cards – Elimination of Requirements.**

(1) **Recommendation.** To adopt noncontroversial legislation to amend Bylaw 12.5.1.1.6 (schedule cards) to eliminate the requirements regarding schedule cards.

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

(3) **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. This recommended change will simplify the application of the promotional activities legislation. Further, the schedule card legislation is redundant as it can be included as an example of a permissible promotional activity per Bylaw 12.5.1.1 (institutional, charitable, educational or nonprofit promotions).
(4) **Estimated budget impact.** None.

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

**h. Noncontroversial Legislation – Bylaws 12.5.1.6 and 12.5.1.7 – Amateurism – Promotion by Third Party of Highlight Film, Videotape or Media Guide and Promotion by Third Party of Photographs – Removal of Requirement for Written Approval and Consolidation of Legislation.**

(1) **Recommendation.** To adopt noncontroversial legislation to amend Bylaws 12.5.1.6 (promotion by third party of highlight film, videotape or media guide) and 12.5.1.7 (promotion by a third party of photographs), as follows: (1) eliminate the requirement for written approval for sale and distribution activities of third parties; and (2) combine the remaining elements of Bylaws 12.5.1.6 and 12.5.1.7 into one legislative requirement for the promotion by a third party of highlight film, videotape, media guide or photographs.

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

(3) **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation requires a third party seeking to sell and distribute a highlight film, videotape or media guide containing the names and pictures of enrolled student-athletes to obtain written approval from the institution's athletics director. In addition, the legislation requires additional sign-off by the conference commissioner or the NCAA for third party distribution of photographs of student-athletes. A significant amount of time is spent securing signatures rather than confirming that the other requirements of the legislation are met. Such confirmation should be left to the discretion of an institution. Additionally, the requirements for the two bylaws are similar and should be combined for ease of application. This recommendation maintains and promotes the NCAA's commitment to amateurism and equity in recruiting, while eliminating unnecessary bureaucratic requirements.

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

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

**i. Noncontroversial Legislation – Bylaw 13.1.1.2.3 – Recruiting – Contacts and Evaluations – Contactable Prospective Student-Athletes – Four-Year College Prospective Student-Athletes – Transfer from Institution on Probation.**
(1) **Recommendation.** To adopt noncontroversial legislation to amend Bylaw 13.1.1.2.3 (transfer from institution on probation) to eliminate the opportunity for an institution on probation to establish restrictions related to the contact of student-athletes who wish to transfer from the institution.

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

(3) **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation does not require an institution to obtain written permission to recruit a student-athlete when the student-athlete's institution has been placed on probation; however, notification is required and allows the institution on probation to establish restrictions related to recruiting contact with its student-athletes. This recommended change will not permit an institution on probation to restrict a student-athlete's potential transfer.

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

(5) **Student-athlete impact.** A student-athlete attending an institution that has been placed on probation with sanctions that will preclude it from competing in postseason competition during the remaining seasons of the student-athlete's eligibility will be permitted to transfer without restriction.

**j. Noncontroversial Legislation – Bylaw 13.4.4 – Recruiting – Recruiting Materials – Electronic Transmissions – Prospective Student-Athlete's Coach.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 13.4.4 (electronic transmissions) to permit an institution to send electronic transmissions to a prospective student-athlete's coach prior to June 15 preceding a prospective student-athlete's junior year in high school.

(2) **Effective Date.** Immediate.

(3) **Rationale.** Current legislation permits an institution to call a prospective student-athlete's coach prior to June 15 preceding the prospective student-athlete's junior year in high school; however, it is impermissible for an institution to send electronic transmissions to a prospective student-athlete's coach until June 15 preceding the prospective student-athlete's junior year in high school. This change will eliminate the discrepancy in the legislation and simplify the application of the recruiting legislation.

(4) **Estimated budget impact.** None.
(5) **Student-athlete impact.** None.

k. **Noncontroversial Legislation – Bylaws 13.7.2.1 and 13.7.2.2 – Unofficial Visit – Entertainment/Tickets – General Restrictions – Home Contest At Any Location.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 13.7.2.1 (general restrictions) to permit an institution to provide up to five complimentary admissions to any home contest, regardless of location; further, to eliminate Bylaw 13.7.2.2 (home games outside the community).

(2) **Effective Date.** Immediate.

(3) **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation only permits an institution to provide three complimentary admissions during an unofficial visit for a home contest located outside the community. Permitting a prospective student-athlete to receive five complimentary admissions during an unofficial visit to a home contest, regardless of location, will provide additional flexibility for institutions and reduce the monitoring burden.

(4) **Estimated budget impact.** Will vary.

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

l. **Noncontroversial Legislation – Bylaw 13.10.6 – Recruiting – Publicity – Photograph of Prospective Student-Athlete.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 13.10.6 (photograph of prospective student-athlete) to specify that a photograph taken by an institution of a prospective student-athlete during an official visit may be provided to the prospective student-athlete, provided the prospective student-athlete has signed a National Letter of Intent or a written offer of admission and/or financial aid or after the institution has received his or her financial aid deposit in response to its offer of admission.

(2) **Effective Date.** Immediate.

(3) **Rationale.** Current legislation does not allow an institution to provide a photograph to a prospective student-athlete that the institution took during
a campus visit. There is no competitive advantage of allowing institutions to provide the prospective student-athlete with photographs and, due to technology advances, digital photographs can be sent at no cost to the institution. This change will ease the burden on compliance administrators and simplify the application of the publicity legislation.

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

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

**m. Noncontroversial Legislation – Bylaw 14.2.4.1.2 – Eligibility – Seasons of Competition: 10-Semester/15-Quarter Rule – Criteria for Determining Seasons of Eligibility – Exception – Competition in the Nonchampionship Segment – Women's Beach Volleyball, Men's Volleyball and Women's Water Polo.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 14.2.4.1.2 (competition in the nonchampionship segment) to permit a student-athlete in women's beach volleyball, men's volleyball and women's water polo to engage in outside competition during the nonchampionship segment without using a season of competition.

(2) **Effective Date.** Immediate.

(3) **Rationale.** An exception currently applies in field hockey, men's and women's soccer, women's volleyball and men's water polo to allow a student-athlete in those sports to engage in outside competition during the nonchampionship segment without using a season of competition, provided the student-athlete was academically eligible during the segment that concludes with the NCAA championship. Additionally, a student-athlete in baseball, softball and men's and women's lacrosse may engage in outside competition during the nonchampionship segment without using a season of competition, provided the student-athlete is certified as eligible prior to participating against outside competition. This recommended change will provide student-athletes who participate in women's beach volleyball, men's volleyball and women's water polo with the same opportunity to participate during the fall nonchampionship segment without using a season of competition.

(4) **Estimated budget impact.** None.
n. **Noncontroversial Legislation – Bylaw 15.2.2.1 – Financial Aid – Financial Aid from Outside Sources – Parents and Legal Guardians – Financial Aid from Relatives.**

1. **Recommendation.** To adopt noncontroversial legislation to amend Bylaw 15.2.2.1 (parents and legal guardians) to permit a student-athlete to receive financial aid from a relative.

2. **Effective date.** Immediate.

3. **Rationale.** Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Proposal No. 2006-1 (amateurism, recruiting and awards and benefits – identified benefits for relatives of prospective student-athletes and student-athletes) changed the references from spouse, parents or family members to relatives since the family structure was constantly evolving and did not reflect what was known as the "traditional family." This recommended change to include individuals under the collective umbrella of "relatives" will bring consistency to the legislation as "relatives" of student-athletes may include spouses, parents, legal guardians, siblings, grandparents and others.

4. **Estimated budget impact.** None.

5. **Student-athlete impact.** A student-athlete may receive financial aid from a relative.

o. **Noncontroversial Legislation – Bylaw 16.1.3.3 – Awards and Benefits – Types of Awards, Awarding Agencies, Maximum Value and Numbers of Awards – Special Achievement Awards – Service Awards and Apparel for Members of a Division II Conference or National Student-Athlete Advisory Committee.**

1. **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 16.1.3.3 (special achievement awards) to specify that a Division II conference or the NCAA may provide an award (e.g., gift, apparel) to recognize a student-athlete's service on their student-athlete advisory committee; further, to specify that the value of the award shall be at the discretion of the awarding agency.
(2) Effective Date. Immediate.

(3) Rationale. Under current legislation, a Division II conference may not provide an award to recognize the service of a student-athlete serving on its student-athlete advisory committee due to the limitations outlined in the awards legislation. With the service and hard work student-athletes provide while serving on their conference or national student-athlete advisory committee, the conference and NCAA should be able to provide them with a memento for their service. The value of the award would be left to the discretion of the permissible awarding agency.

(4) Estimated budget impact. Will vary.

(5) Student-athlete impact. None.


(1) Recommendation. To amend Bylaw 17.10.2 (preseason practice), as follows: (1) to require a day off each week during the football preseason practice period; (2) to permit the use of footballs during a walk-through following the five-day acclimatization period; and (3) to allow film review and team meetings to occur during the three continuous hours of recovery time between an on-field practice session and a walk-through or any other session including physical activity [Attachment].

(2) Effective Date. Immediate.

(3) Rationale. The NCAA Division II Committee for Legislative Relief provided blanket waiver relief for the 2017 football preseason to permit the use of footballs during walk-throughs and permit student-athletes to participate in meetings and film review during three-hour recovery periods. This recommended change would amend the preseason practice legislation by codifying the waiver relief, while also requiring institutions to provide one day off per week during the preseason practice period. The Interassociation Consensus Year-Round Football Practice Contact for College Student-Athletes Recommendations ("Recommendations") includes a recommendation that football student-athletes be provided one day off from football practice each week during the preseason. This proposal implements this recommendation and promotes student-athlete health and well-being by prohibiting physically related activities one day
each week during the preseason. Permitting the use of a football during walk-throughs after the five-day acclimatization period is not contrary to the Recommendations. Finally, allowing student-athletes to participate in meetings and film review during the three-hour recovery period will permit student-athletes to complete their football-related obligations during a more reasonable timeframe that will result in shorter days and more rest for student-athletes. This change will provide flexibility for institutions while providing a framework to ensure football student-athletes are adequately prepared for competition.

(4) Estimated budget impact. None.

(5) Student-athlete impact. Student-athletes will have one day off per week from physically related activities during the preseason.

q. Noncontroversial Legislation – Bylaw 17.10.8 – Out-of-Season Athletically Related Activities – Spring Practice – Elimination of Multiple On-Field Practice Sessions on the Same Day.

(1) Recommendation. To adopt noncontroversial legislation to amend Bylaw 17.10.8 (spring practice) to specify that in football an institution may not conduct multiple on-field practice sessions on the same day during spring practice sessions.

(2) Effective Date. Immediate.

(3) Rationale. In April 2017, the NCAA Division II Presidents Council adopted Proposal No. EM-2018-1 (playing and practice seasons – football – preseason activities after the five-day acclimatization period – elimination of multiple on-field practice sessions on the same day), which specified that an institution may not conduct multiple on-field practice sessions on the same day. Amending the legislation to clarify that multiple on-field practice sessions are not permissible during spring practice is consistent with the Interassociation Consensus Year-Round Football Practice Contact for College Student-Athletes Recommendations.

(4) Estimated Budget Impact. None.

(5) Student-athlete Impact. None.

2. Nonlegislative items.
a. Legislative Referral to the NCAA Division II Academic Requirements Committee.

(1) **Recommendation.** That the NCAA Division II Management Council refer legislative concepts to amend Bylaws 14.1.2 (general eligibility requirements – validity of academic credentials), 14.4.3.7.10 (nontraditional courses from another institution) and 14.5.4.6.2 (nonrecruited student exception) consistent with the scope of review established by the NCAA Division II Culture of Compliance Think Tank to eliminate or amend current rules that do not align with and are not practical for Division II institutions to monitor and/or apply based on compliance resources available on campus:

(a) Whether the NCAA Eligibility Center should be primarily responsible for determining the academic validity of high school prospective student-athletes [Bylaw 14.1.2 (general eligibility requirements – validity of academic credentials)]; further, whether member institutions should be primarily responsible for determining the academic validity of two-year or four-year transfer prospective student-athletes.

(b) Whether is it feasible for an institution to monitor the conditions under Bylaw 14.4.3.7.10 (nontraditional courses from another institution) for a student-athlete who has enrolled in a nontraditional course at an institution other than the certifying institution.

(c) Whether the condition that a nonrecruited student-athlete per Bylaw 14.5.4.6.2 (nonrecruited student exception) needs to be eligible for admission to the certifying institution before initial enrollment in the two-year college is still appropriate.

(2) **Effective Date.** Immediate.

(3) **Rationale.** The Culture of Compliance Think Tank was charged with assessing the current culture of compliance to identify challenges and realistic enhancement efforts, and addressing situations in which current policies, procedures and legislation do not realistically align with the resources available on Division II campuses. Since Bylaws 14.1.2 (general eligibility requirements – validity of academic credentials), 14.4.3.7.10 (nontraditional courses from another institution) and 14.5.4.6.2 (nonrecruited student exception) fall under the purview of the Academic Requirements Committee, the think tank requested the committee have further discussions before pursuing a legislative change.
b. **Referral to the Academic Requirements Committee – Culture of Compliance Initiative – Strategic Plan – Development and Implementation of Tools and Resources – Enhancing Academic Advising.**

(1) **Recommendation.** That the Management Council refer the following issue to the Academic Requirements Committee:

Development and implementation of a tool or resource regarding enhancing academic advising on Division II campuses.

(2) **Effective Date.** Immediate.

(3) **Rationale.** The Legislation Committee requests that the Division II Academic Requirements Committee review, develop and implement a tool or resource for campuses regarding how to enhance academic advising based on the various models of support in the division.

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

(5) **Student-athlete impact.** Will vary.

c. **Legislative Referral to the NCAA Division II Committee on Student-Athlete Reinstatement – Medical Hardship Calculation.**

(1) **Recommendation.** That the Management Council refer a review of the medical hardship calculation in Bylaw 14.2.5 (hardship waiver) to the Division II Committee on Student-Athlete Reinstatement for a potential legislative change:

Whether contests and dates of competition, including annual exemptions (e.g., alumni game, conference challenge event) and discretionary exemptions (excluding scrimmages and exhibition contest per Bylaw 17 in the applicable sport), must be included in the numerator for purposes of calculating whether a student-athlete qualifies for a hardship waiver.

(2) **Effective date.** Immediate.
(3) **Rationale.** The Legislation Committee requests that the Committee on Student-Athlete Reinstatement review the medical hardship calculation legislation and discuss whether exempted contests and dates of competition should be included in the numerator for purposes of calculating whether a student-athlete qualifies for a hardship waiver.

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

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

**INFORMATIONAL ITEMS.**

1. **Review of Division II Legislation Adopted at the 2018 NCAA Convention.** The committee received an update on the legislation adopted at Convention and agreed no further action is necessary at this time.

2. **Update from the NCAA Division II Culture of Compliance Summit.** The committee reviewed the legislative recommendations from the Culture of Compliance Summit. The committee recommended two Convention proposals [see Legislative Action Item Nos. 1-b and 1-c] and five noncontroversial proposals [see Legislative Action Item Nos. 1-g; 1-h; 1-i, 1-k and 1-n], and one incorporation into the NCAA Division II Manual [see Informational Item No. 3]. Additionally, the committee referred the review of three legislative items and one nonlegislative item to the Academic Requirements Committee [see Nonlegislative Action Item Nos. 2-a and 2-b].

The committee directed staff to solicit feedback from the following sports regarding the local sports club 100-mile radius restriction and whether it should be amended: baseball, lacrosse, men's and women's soccer, softball, men's and women's volleyball and wrestling. The committee also directed staff to solicit feedback from all Division II sports regarding the private lessons legislation, specifically whether it should be applicable to all sports and whether there should be a radius restriction. The committee agreed to continue its review of the legislative recommendations from the December 2017 summit at its next in-person meeting.

Finally, the committee received an overview of the strategic plan and timeline for the development and implementation of compliance tools and resources. The committee directed staff to include the Division II Faculty Athletics Representatives Association as one of the groups responsible for enhancing academic advising on Division II campuses' resource.

3. **Discussion Regarding the Promotional Activities Legislation and Activities Not Sponsored or Organized by the Athletics Department or Division II Conference Office.** The committee discussed the application of the promotional activities legislation
and agreed to incorporate the following official interpretation dated March 26, 2015, into the Division II Manual:

**Application of Promotional Activities Legislation for Activities Not Sponsored or Organized by the Athletics Department or Conference Office (II).**

The NCAA Division II Legislation Committee determined that the requirements of the institutional, charitable, educational or nonprofit promotions legislation are applicable only to promotional activities sponsored or organized by the institution's athletics department or 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.

[References: Division II Bylaw 12.5.1.1 (institutional, charitable, educational or nonprofit promotions)]

4. **Update on Feedback Regarding Out-of-Season Playing and Practice Season Legislation.** The committee reviewed survey feedback from athletics healthcare administrators, athletic trainers and strength and conditioning coaches regarding the current out-of-season playing and practice season legislation and whether the current restrictions on the permissible use of the eight-hour segment (e.g., maximum of two hours of team activities) remain appropriate. The committee also considered feedback from administrators, coaches and the Student-Athlete Advisory Committee from the November 2017 in-person meeting. The committee agreed that a legislative change to amend the out-of-season playing and practice season legislation is not necessary at this time as most groups surveyed preferred maintaining the current rule.

5. **Discussion Regarding Football Preseason Practice Model.** The committee received an update on feedback regarding the football preseason practice model. The committee recommended noncontroversial legislation [see Legislative Action Item No. 1-p] to amend the football preseason legislation, as follows: (1) require a day off each week during the football preseason practice period; (2) permit the use of footballs during a walk-through following the five-day acclimatization period; and (3) allow film review and team meetings to occur during the three continuous hours of recovery time between an on-field practice session and a walk-through or any other session including physical activity. [See Attachment.] The committee noted the strong support from various groups to include all three items into the preseason practice legislation. Finally, the committee recommended noncontroversial legislation to amend the spring practice football legislation to clarify that student-athletes shall not engage in more than one on-field practice per day. [See Legislative Action Item No. 1-q.]

6. **Discussion Regarding Clarification of Permissible Activities After the Five-Day Acclimatization Period in Football.** The committee requested the NCAA Sports Science
Institute add the issue of permissible activities after the five-day acclimatization period to the agenda for the 2019 Safety in College Football Summit.

7. **Update on Academic Requirements Committee Feedback regarding an Academic Requirement for National Association of Intercollegiate Athletics Student-Athletes Using the One-Time Transfer Exception.** The committee was provided an update on the discussion from the Academic Requirements Committee regarding the addition of a possible academic requirement to the one-time transfer exception set forth in Bylaw 14.5.5.3.9, specifically for NAIA student-athletes. The committee discussed a potential legislative change to eliminate the requirement to receive written consent to use the one-time transfer exception from NAIA institutions and an academic requirement specifically for NAIA student-athletes. The committee agreed a legislative change to amend the one-time transfer exception is not necessary at this time. The committee directed staff to continue to monitor legislative relief waivers regarding student-athletes transferring from NAIA institutions and agreed to review this issue at its March 2019 in-person meeting.

8. **Review and Approval of the 2018-19 NCAA Division II Coaches Certification Test.** The committee reviewed and approved the 2018-19 NCAA Division II Coaches Certification Test, policies and procedures and the test outline. The committee also reviewed the commonly missed questions for the 2017-18 coaches exam and provided feedback on the questions and answer choices.

9. **Review of Feedback on the Online Coaches Education Program and Coaches Test Legislation.** The committee received an overview of the online coaches education program, Division II University. The committee recommended sponsorship of 2019 Convention legislation to amend the certification to recruit off campus legislation to: (1) require all coaches to annually complete specific educational modules as determined by the Legislation Committee; (2) prohibit off-campus recruiting until the coach successfully completes the required educational modules; and (3) prohibit the directing, supervising or observing of countable athletically related activities until the coach successfully completes the required educational modules. The committee agreed to maintain the timing of when the modules will be available similar to the timing of the current test (i.e., the test is released in April every year and once a coach passes, that certification is valid through July 31 of the following year). This would be the same model for Division II University (i.e., required modules identified by April 1 and coaches would have until July 31 to complete the modules). However, the committee determined that after July 31 of the certification year if the modules have not been completed, the penalties remain in effect until all required modules have been successfully completed. The committee agreed to review the draft policies and procedures at its June in-person meeting. [See Legislative Action Item No. 1-a.]

10. **Discussion Regarding Changing Designation of Scrimmages After Completion of the Contest.** The committee agreed to issue the following official interpretation to clarify that
an institution may not change the classification of a contest after the contest has commenced:

Classification of a Contest (II).

The NCAA Division II Legislation Committee confirmed that an institution is not permitted to change the classification of a given contest (e.g., scrimmage, exhibition, regular-season contest) after that contest has commenced.

[References: NCAA Division II Bylaws 17.02.2 (contest), 17.02.3 (contest, countable, institutional), 17.2.7.3.3 (annual exemptions), 17.2.7.4 (discretionary exemptions), 17.3.6.3 (annual exemptions), 17.3.6.4 (discretionary exemptions), 17.4.7.3 (annual exemptions), 17.5.5.3 (annual exemptions), 17.6.7.3 (annual exemptions), 17.6.7.4 (discretionary exemption), 17.7.5.3 (annual exemptions), 17.8.5.3 (annual exemptions), 17.9.7.3 (annual exemptions), 17.9.7.4 (discretionary exemptions), 17.10.7.3 (annual exemptions), 17.11.7.3 (annual exemptions), 17.11.7.4 (discretionary exemptions), 17.12.5.3 (annual exemptions), 17.13.5.3 (annual exemptions), 17.13.5.3.1 (discretionary exemptions), 17.14.7.3 (annual exemptions), 17.14.7.4 (discretionary exemptions), 17.15.5.3 (annual exemptions), 17.16.7.3 (annual exemptions), 17.16.7.4 (discretionary exemptions), 17.17.5.3 (annual exemptions), 17.18.5.3 (annual exemptions), 17.19.7.3 (annual exemptions), 17.19.7.4 (discretionary exemptions), 17.20.7.3 (annual exemptions), 17.20.7.4 (discretionary exemptions), 17.21.6.3 (annual exemptions), 17.21.6.4 (discretionary exemptions), 17.22.7.3 (annual exemptions), 17.22.7.4 (discretionary exemptions), 17.23.6.3 (annual exemptions), 17.23.6.4 (discretionary exemptions), 17.24.5.3 (annual exemptions), 17.25.1.5.3 (annual exemptions), 17.25.2.7.3 (annual exemptions), 17.25.2.7.4 (discretionary exemptions), 17.26.5.3 (annual exemptions), 17.27.6.3 (annual exemptions) and 17.27.6.4 (discretionary exemptions)]

11. **Review of Legislation Regarding Receipt of Expenses for Elite-Level Participation.**
    The committee considered whether it was appropriate to amend Bylaw 12.1.3 (permissible – following initial full-time collegiate enrollment) to permit a student-athlete to receive funding to cover necessary developmental training expenses from a governmental entity. The committee agreed to recommend sponsorship of noncontroversial legislation to permit a student-athlete to receive actual and necessary expenses from a governmental entity. [See Legislative Action Item No. 1-e.]

12. **Discussion Regarding Electronic Communications to A Prospective Student-Athlete's Coach.** The committee considered whether it was appropriate to amend Bylaw 13.4.4 (electronic transmissions) to permit an institutional staff member to send electronic transmitted correspondence to a prospective student-athlete's coach. The committee agreed to recommend sponsorship of noncontroversial legislation to permit an institution to send electronic transmissions to a prospective student-athlete's coach prior to June 15 preceding
a prospective student-athlete's junior year in high school. [See Legislative Action Item No. 1-j.]

13. **Discussion Regarding Publicity Legislation.** The committee discussed the publicity legislation set forth in Bylaw 13.10 (publicity) and whether the legislation was still appropriate for Division II considering the advances in technology. The committee agreed to recommend sponsorship of noncontroversial legislation to permit an institution to provide a photograph of a prospective student-athlete taken by the institution during a campus visit to the prospective student-athlete. [See Legislative Action Item No. 1-l.] The committee also directed the Legislative Review Subcommittee of the Division II Legislation Committee to have further discussions on the possible deregulation of Bylaw 13.10 (publicity) and provide an update at its November in-person meeting.

14. **Discussion Regarding Fees and Expenses Necessary to Determine Eligibility Status and the NCAA Eligibility Center Registration Fee.** The committee considered whether it was appropriate to amend Bylaw 13.15.2.1 (fees and expenses necessary to determine eligibility status) to permit an institution to pay the NCAA Eligibility Center registration fee for a prospective student-athlete and agreed a legislative change was not necessary at this time.

15. **Discussion Regarding Unattached Student-Athletes Receiving Medical Services.** The committee considered whether it was appropriate to amend Bylaws 14.02.10 (intercollegiate competition) and 14.7.3.4 (competing as an individual/not representing an institution) to permit an unattached student-athlete to receive medical services from institutional personnel without triggering the definition of intercollegiate competition and use of a season of competition. The committee agreed a legislative change was not necessary at this time.

16. **Discussion Regarding Receipt of Expenses from an Outside Sponsor for Participation in a Collegiate All-Star Contest.** The committee considered whether it was appropriate to amend Bylaws 12.1.3 (permissible – following initial full-time enrollment) and 16.8.1.2 (other competition) to permit a student-athlete, who has exhausted eligibility in the sport, to receive actual and necessary expenses from outside sponsors for participation in a collegiate all-star contest. The committee agreed to recommend sponsorship of noncontroversial legislation to permit a student-athlete, who has exhausted eligibility in the sport, to raise funds to pay for actual and necessary expenses associated with participation in a collegiate all-star contest. [See Legislative Action Item No. 1-f.]

17. **Discussion Regarding a Conference or the NCAA Providing an Award for Participation on a Division II Student-Athlete Advisory Committee.** The committee discussed whether a Division II conference and the NCAA should be allowed to provide members of the conference or national Student-Athlete Advisory Committee with awards to recognize their service. The committee agreed to recommend sponsorship of
noncontroversial legislation to permit Division II conferences and the NCAA to provide an award to the members of the Student-Athlete Advisory Committee, respectively, to recognize their service. The committee also agreed that the maximum value of the award should be at the awarding agency's discretion. [See Legislative Action Item No. 1-o.]

18. Discussion Regarding NCAA Division I Proposal No. 2017-12. The committee discussed Division I Proposal No. 2017-12 (athletics eligibility – minimum amount of competition – nonchampionship competition – baseball, women's beach volleyball, lacrosse, softball, men's volleyball and women's water polo) and whether to add women's beach volleyball, men's volleyball and women's water polo to Bylaw 14.2.4.1.2 (exception – competition in the nonchampionship segment). The committee agreed to recommend sponsorship of a noncontroversial proposal to amend the nonchampionship competition legislation to permit a student-athlete in women's beach volleyball, men's volleyball and women's water polo to compete in outside competition in the nonchampionship segment without using a season of competition. [See Legislative Action Item No. 1-m.]

19. Review of the 2018-19 Financial Aid Form. The committee reviewed and provided feedback on the financial aid form and financial aid tab on NCAA Compliance Assistant for the 2018-19 academic year due to the adoption of Proposal No. 2017-12 (financial aid – maximum limits on financial aid – institutional athletics aid). The committee directed staff to remove the "aid exempt from team limits" and "aid exempt from individual and team limits" categories and replace it with an "other institutional aid" category for the financial aid form summary. Further, the committee directed staff to remove the "other countable aid," "aid exempt from team limit" and "aid exempt from individual and team limits" categories and replace them with "other financial aid," "other institutional aid" and "other countable aid" categories for the financial aid form detail. The committee agreed that the Legislative Review Subcommittee will review and approve the final form, as well as the other 2018-19 required compliance forms, during its May teleconference.

20. Approval of the November 2017 Legislation Committee In-Person Meeting Report. The committee reviewed and approved its November 6-7, 2017, in-person meeting report.


23. Review of NCAA Conflict of Interest Policy. The committee reviewed the NCAA Conflict of Interest Policy.
24. **Subcommittee Appointments.** The committee appointed Darnell Smith, senior compliance administrator at the University of Central Oklahoma, to the Interpretations Subcommittee, effective immediately. The committee also appointed Jessica Chapin, associate athletics director/senior woman administrator at American International College, to the Legislative Review Subcommittee, effective immediately.

25. **Nominations for Committee Chair.** Staff noted that the term for the current chair will expire August 31, 2018. The committee agreed to elect the next chair at its June in-person meeting.

26. **Future Meeting Dates.**
   a. June 20-21, 2018, in-person meeting; (Indianapolis).
   b. November 5-6, 2018, in-person meeting; (Indianapolis).
   c. March 11-12, 2019, in-person meeting; (Indianapolis).

**Committee Chair:** Linda Van Drie-Andrzewski, Wilmington University (Delaware); Central Atlantic Collegiate Conference

**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
### March 5-6, 2018, In-Person Meeting

<table>
<thead>
<tr>
<th>Attendees:</th>
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<tbody>
<tr>
<td>Molly Belden, Northeast-10 Conference.</td>
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<tr>
<td>Jessica Chapin, American International College; Northeast-10 Conference.</td>
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<td>Chris Gregor, Saint Martin's University; Great Northwest Athletic Conference.</td>
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<td>Brent Heaberlin, Lenoir-Rhyne University; South Atlantic Conference.</td>
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<td>Bailey Koch, Augustana University (South Dakota); Northern Sun Intercollegiate Conference.</td>
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<td>Scott Larson, Lubbock Christian University; Heartland Conference.</td>
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<td>Darnell Smith, University of Central Oklahoma; Mid-America Intercollegiate Athletics Association.</td>
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<tr>
<td>Linda Van Drie-Andrzjewski, Wilmington University (Delaware); Central Atlantic Collegiate Conference.</td>
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<td>Keith Vitense, Cameron University; Lone Star Conference.</td>
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<td>Cherrie Wilmoth, Southeastern Oklahoma University; Great American Conference.</td>
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<td>Scott Young, University of Indianapolis; Great Lakes Valley Conference.</td>
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<th>Absentees:</th>
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<tr>
<td>Peggy Davis, Virginia State University; Central Intercollegiate Athletic Association.</td>
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<th>Guests in Attendance:</th>
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<td>None.</td>
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<th>NCAA Staff Support in Attendance:</th>
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<tr>
<td>Geoff Bentzel, Chelsea Crawford and Karen Wolf.</td>
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<th>Other NCAA Staff Members in Attendance:</th>
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<tr>
<td>Amanda Conklin, Madison Hahesy, Maritza Jones, Angela Red, Stephanie Quigg Smith, Terri Steeb Gronau, Gregg Summers, Jerry Vaughan and Matt Ward.</td>
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SUMMARY OF SPRING 2018 QUARTERLY MEETINGS

National Collegiate Athletic Association
April 9-10, 2018, Division II Management Council
April 24, 2018, Division II Presidents Council

1. WELCOME AND ANNOUNCEMENTS.

Management Council. The Management Council convened at 8:30 a.m. Monday, April 9. The chair welcomed those in attendance, acknowledging staff who were present. She also welcomed the new members to the council—Teresa Clark, faculty athletics representative, Cedarville University; Amy Foster, associate athletic director for business/senior woman administrator, Seattle Pacific University; Hannah Hinton, associate commissioner, Mountain East Conference; Jim Johnson, director of athletics, Pittsburg State University; Courtney Lovely, senior associate athletics director for internal operations/senior woman administrator, Palm Beach Atlantic University; Casey Monaghan, student-athlete, West Chester University of Pennsylvania; Jack Nicholson, student-athlete, St. Thomas Aquinas University; Julie Rochester, faculty athletics representative, Northern Michigan University; and Jim Sarra, director of athletics, University of Illinois at Springfield. She noted that Michael Cerino and Ismael Pagan-Trinidad were absent at the meeting.

The chair highlighted the schedule for the meeting, after which the council proceeded with its agenda.

Presidents Council. The Presidents Council convened 9 a.m. Tuesday, April 24. The chair introduced the three new members of the council, Michael Driscoll, Indiana University of Pennsylvania; Rex Fuller, Western Oregon University; and Brian May, Angelo State University. The chair noted the absences of Gayle Hutchinson and Elwood Robinson and that Connie Gores was joining the meeting via teleconference. Staff members also were recognized by the chair.

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

2. PREVIOUS MEETING DOCUMENTATION.


Management Council. The Management Council approved the summary of actions document from its January meeting and teleconference.

Presidents Council. The Presidents Council approved the summary of actions document from its January meeting.
b. **January 17 Board of Governors Meeting.**

Management Council. The Management Council reviewed the Board of Governors report from the January 17 meeting. While the report was informational in nature, the council did highlight that Lindsay Reeves was elected to serve on the NCAA Board of Governors Student-Athlete Engagement Committee.

Presidents Council. The Presidents Council received an update regarding the Board of Governors meetings. It was noted that President Jones would chair the Board of Governors Strategic Planning Committee and that President Gores would also serve on that committee.

c. **Administrative Committee Meetings(s)/Actions.**

Management Council. The Management Council approved the interim actions by the committee.

Presidents Council. The Presidents Council approved the interim actions by the committee.

3. **REVIEW OF 2017-18 DIVISION II PRIORITIES.**

Management Council. The Management Council was updated on the 2017-18 Division II priorities, noting that staff would have an updated list for 2018-19 at the summer series of meetings.

Presidents Council. No action was necessary.

4. **NCAA CONVENTION AND LEGISLATION.**

a. **Noncontroversial Proposals.**

Management Council. The Management Council adopted in legislative form two noncontroversial proposals that had previously been approved in concept (Proposal Nos. NC-2019-7 and NC-2019-8), as presented. See below for details:

(1) **Membership –Division II Membership Process – Determination of Standing in the Membership Process – Alignment of Legislation with Membership Process Policies and Procedures.** To specify that an institution's failure to meet a membership process requirement should be addressed through an appeal to the Membership Committee following the July in-person committee meeting.
(2) **Committees – Association-Wide Committees – General Committees – Research Committee – Duties.** To amend the duties of the Research Committee to reflect the current scope of the committee's work.

**Presidents Council.** No action was necessary.

b. **Concussion Management Plan – Process Prescribed by the NCAA Board of Governors.**

**Management Council.** The Management Council adopted a noncontroversial proposal, as presented. See below for details:

- **NCAA Membership – Active Membership – Conditions and Obligations of Membership – Concussion Management Plan – Process Prescribed by NCAA Board of Governors.** To require, as a condition and obligation of NCAA membership, that an institution have a concussion management plan that adheres to the process and format (e.g., the concussion protocol checklist) prescribed by the NCAA Board of Governors or designee; further, to require annual review of the concussion management plan by the institution's athletics health care administrator.

In addition, the Management Council reviewed the concussion protocol checklist and a draft template that could be used by institutions in creating their own concussion management plans. The Management Council recommended adding additional signature lines to the template in the event institutions or conferences would like to request that additional individuals (e.g., director or athletics, chancellor or president) review the concussion management plan on a yearly basis.

**Presidents Council.** The Presidents Council received an update on the proposal, as adopted. No action was necessary.

c. **Inclusion of Proposals in the Division II Manual.**

**Management Council.** The Management Council approved the inclusion into the 2018-19 Manual the proposals approved in legislative form and in concept at the April 2018 Management Council meeting that are considered the running supplements for the 2018 calendar year. These proposals will appear in the “blue pages” of the 2019 NCAA Division II Official Notice.

**Presidents Council.** No action was necessary.

5. **COMMITTEE RECOMMENDATIONS AFFECTING DIVISION II.**
a. Division II Committees.

(1) Academic Requirements Committee.


Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 NCAA Convention to amend Bylaw 14.1.2.1 (pre-enrollment academic misconduct) to define and clarify pre-enrollment academic misconduct activities, the individuals to whom the activities apply and violations of such activities, as specified.

Following a review of post-enrollment academic misconduct, the Academic Requirements Committee reviewed pre-enrollment academic misconduct. Current process permits reviewing high schools, programs and courses (NCAA High School Review Committee), as well as the validity of academic credentials (NCAA Student Records Review Committee). In addition, current process permits investigating potential institutional involvement in violations of NCAA legislation. This proposal extends the application of pre-enrollment academic misconduct to representatives of athletics interests, similar to post-enrollment academic misconduct, emphasizing institutional accountability and the importance of academic integrity in intercollegiate athletics. Further, it clarifies which academic credentials are subject to the pre-enrollment academic misconduct analysis, recognizing that misconduct may involve any component of a prospective student-athlete's academic record (e.g., courses, grades, credits, transcripts, test scores).

Presidents Council. The Presidents Council agreed to sponsor the legislation and noting that it will have an opportunity to review the proposal in legislative form at its August in-person meeting to determine whether to move forward with sponsorship for the 2019 Convention.

During the review of all legislative concepts for the 2019 Convention, the Presidents Council noted that all actions taken at its April 2018 meeting may need to be reviewed in the context of the
(b) Noncontroversial Legislation – Bylaw 21.8.5.1 – Committees – Division II Committees – Division II General Committees – Academic Requirements Committee – Duties – Final Waiver Authority.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 21.8.5.1 (Academic Requirements Committee) to clarify that the committee's determination on an academic waiver shall be final, binding and conclusive and shall not be subject to further review.

Presidents Council. No action was necessary.

(c) Discussion Regarding Academic Requirements for Institutions Located in Puerto Rico Following Hurricane Maria.

Management Council. The Management Council received an update on a waiver recently approved by the Academic Requirements Committee for the three institutions located in Puerto Rico, as a result of Hurricane Maria. In an effort to assist the institutions in their recovery efforts, the committee agreed to waive the following academic reporting requirements for a period of five years, effective August 1, 2017: (1) NCAA Constitution 3.3.4.14 (academic success rate); and (2) Constitution 3.3.4.15 (academic performance census). The committee noted that the five-year period will expire August 31, 2022. In addition, the committee agreed to waive the following progress-toward-degree requirements through the 2017-18 academic year: (1) Bylaw 14.4.3.2 (term-by-term credit hour requirement); (2) Bylaw 14.4.3.3 (credit hours earned during the regular academic year); (3) Bylaw 14.4.3.4 (annual credit hour requirement); (4) Bylaw 14.4.3.5 (fulfillment of minimum grade-point average requirements); and (5) Bylaw 14.4.3.6 (designation of degree program). Further, the committee agreed to waive Bylaw 14.3 (freshman academic requirements) and Bylaw 14.5 (transfer regulations) through the 2017-18 academic year. The committee noted that student-athletes must remain in good academic standing per Bylaw 14.4.3.1. Following the period of relief noted above, institutions in Puerto Rico must be in compliance with all Division II academic legislative requirements.
Presidents Council. No action was necessary.

(2) Championships Committee.

(a) February 13, 2018, Meeting.

i. Noncontroversial Legislation – Bylaw 18.4.2.1 – Championships and Postseason Football – Institutional Eligibility – Sports Sponsorship Requirement – Cross Country and Track and Field.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 18.2.4.1 (general institutional requirements) to eliminate the sports sponsorship requirement for championships eligibility in cross country and track and field.

Presidents Council. The Presidents Council received an update on the proposal, as adopted. No action was necessary.


Management Council. The Management Council voted to table a recommendation to sponsor noncontroversial legislation to create an exception to Bylaw 31.1.13 (availability of alcoholic beverages) to permit the sale of alcoholic beverages at the Division II Men's Lacrosse Championship, provided it is a joint championship with Divisions I and III.

The council noted its support for this concept, but believes that by tabling the proposal until July, it will allow Division III time to discuss the issue and recommend a similar proposal.

Presidents Council. The Presidents Council received an update on this matter. No action was necessary.

iii. Noncontroversial Legislation – Bylaw 31.3.4.2 – Executive Regulations – Selection of Teams and
Individuals for Championships Participation – Automatic Qualification – Requirements – Division Championships – Schools in the Membership Process and the Requirements for Automatic Qualification when an Active Conference Adds a Sport.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 31.3.4.2 (requirements – division championship) to permit conferences to count institutions in the membership process for purposes of satisfying the requirement that a conference must have at least six institutions that are full conference members competing for two consecutive years to be eligible for automatic qualification in the sport.

Presidents Council. The Presidents Council received an update on the proposal, as adopted. No action was necessary.

iv. First-Round Dates in Field Hockey.

Management Council. The Management Council approved a recommendation to move the first-round game of the 2018 NCAA Division II Field Hockey Championship to the Sunday after Thanksgiving to accommodate the 2018 Division II National Championships Festival.

Presidents Council. No action was necessary.

v. Course Length for Minimum Contest Requirements in Cross Country.

Management Council. The Management Council approved a recommendation that for a meet to count toward minimum cross country contest requirements, the course must be at least 5,000 meters for women and 7,000 meters for men.

Presidents Council. No action was necessary.

vi. Referral to the NCAA Division II Legislation Committee – Reclassification of Exhibition/Scrimmage.

Management Council. The Management Council directed the Legislation Committee to issue an interpretation to
clarify that an institution is not permitted to change the classification of a contest after the contest has been completed.

Presidents Council. No action was necessary

vii. Committee Appointments.

Management Council. The Management Council ratified the following sports committee appointments, effective September 1, 2018, unless otherwise noted:

(a) **Baseball.** Appoint Chris Hanks, head baseball coach, Colorado Mesa University, to replace Kevin Brooks, head baseball coach, Angelo State University, due to term expiration.

(b) **Men's basketball.** Appoint Sean McAndrews, assistant director of athletics, West Virginia State University, to replace Jeff Wilson, head men's basketball coach, East Stroudsburg University of Pennsylvania; and Tony Duckworth, director of athletics, Northeastern State University, to replace Jeff Morgan, head men's basketball coach, Harding University, due to term expirations.

(c) **Women's basketball rules.** Appoint Tony Stigliano, commissioner, Heartland Conference, to replace Greg Harnden, director of athletics, Harding University, due to term expiration.

(d) **Men's and women's cross country.** Reappoint Andy Young, women's cross country and track and field coach, Millersville University of Pennsylvania, effective immediately.

(e) **Field hockey.** Appoint Julie Swiney, head field hockey coach, Slippery Rock University of Pennsylvania, to replace Shelly Behrens, head field hockey coach, Millersville University of Pennsylvania, due to term expiration.
(f) **Football.** Appoint Gary Goff, head football coach, Tiffin University, to replace Nick Smith, director of athletics, Assumption College, effective immediately, due to Mr. Smith having left Assumption; appoint Mike Babcock, head football coach, McKendree University, to replace Steve Mullins, director of athletics, Arkansas Tech University, due to term expiration.

(g) **Football rules.** Appoint Josh Looney, director of athletics, Missouri Western State University, to replace Paul Winters, head football coach, Wayne State University (Michigan); and William Wagner, head football coach, Angelo State University, to replace David Sharp, director of athletics, Ouachita Baptist University, due to term expirations.

(h) **Women's golf.** Appoint Sara Quatrocky, assistant director of athletics/senior woman administrator, Lynn University, to replace Nick Bowman, associate commissioner, South Atlantic Conference, effective immediately, due to Mr. Bowman having left the South Atlantic Conference.

(i) **Women's lacrosse.** Appoint Regan McAthie, associate director of athletics/senior woman administrator, Concordia University, St. Paul, to replace Alicia Groveston, head women's lacrosse coach, Grand Valley State University, due to term expiration.

(j) **Women's rowing.** Appoint Rachel Burleson, director of athletics, Franklin Pierce University, to replace Brian Lang, assistant director of athletics, Assumption College, effective immediately, due to Mr. Lang having left Assumption.

(k) **Men's soccer.** Appoint Michael Koehler, assistant director of athletics, Rockhurst University, to replace Kevin Alcox, assistant commissioner, Great Midwest Athletic Conference, effective immediately, due to Mr. Alcox having left the Great Midwest Athletic Conference; appoint Tom Bonus,
head men's soccer coach, Le Moyne College, to replace Matt Thompson, head men's soccer coach, University of the District of Columbia; and Mark McKeever, head men's soccer coach, Young Harris College, to replace Gary Hamill, head men's soccer coach, Wingate University, due to term expirations.

(l) **Women's soccer.** Appoint Kelley Kish, director of athletics, Lake Erie College, to replace Lisa Liotta, assistant director of athletics, University of Findlay, due to term expiration.

(m) **Softball.** Appoint Dean Johnson, associate director of athletics, Caldwell University, to replace Jen Starek, head softball coach, University of New Haven; and Donna Fields, head softball coach, St. Mary's University (Texas), to replace Daven Bond, head softball coach, Regis University (Colorado), due to term expirations.

(n) **Softball rules.** Appoint Todd Buckingham, head softball coach, Saginaw Valley State University, to replace David Hicks, director of athletics, King University, due to term expiration.

(o) **Men's and women's swimming and diving rules.** Appoint James Graves, head men's and women's swimming coach, King University, to replace Mary Samko, head men's and women's swimming coach, Bentley University, due to term expiration.

(p) **Men's and women's tennis.** Appoint Krista Plummer, assistant director of athletics/senior woman administrator, Northwood University, to replace Otis Cutshaw, head men's and women's tennis coach, Davis & Elkins College, effective immediately, due to Mr. Cutshaw having left Davis & Elkins.

(Please note that the immediate appointments noted above were approved by the NCAA Division II Administrative Committee during its March 23 electronic vote. They are included in this document for ease of reference.)
viii. **Waiver for Institutions Located in Puerto Rico.**

Management Council. The Management Council received an update on a waiver recently approved by the Championships Committee for the three institutions located in Puerto Rico, as a result of Hurricane Maria. In an effort to assist the institutions in their recovery efforts, the committee agreed to provide relief from the policies regarding minimum scheduling requirements for championships eligibility for a period of five years, effective August 1, 2017.

 Presidents Council. No action was necessary.

(b) **March 6, 2018, Electronic Vote.**

- **Committee Appointments.**

Management Council. The Management Council ratified the following sports committee appointments, effective September 1, 2018, unless otherwise noted:

(a) **Men's basketball.** Appoint **Rusty Osborne**, head men's basketball coach, University of Alaska Anchorage, to replace J.R. Smith, director of athletics, Chadron State College, due to term expiration.

(b) **Women's basketball.** Appoint **Wendell Staton**, director of athletics, Georgia College, to replace Eliane Kebbe, assistant commissioner, South Atlantic Conference, due to term expiration.

(c) **Men's and women's cross country.** Appoint **Jennifer Buddle**, senior compliance administrator, South Dakota School of Mines & Technology, to replace Dianne Lee, associate director of athletics, Adams State University, due to term expiration.

(d) **Men's golf.** Appoint **Samantha Taver**, assistant director of athletics, Indiana University of
Pennsylvania, to replace Peter Coughlin, head men's golf coach, California University of Pennsylvania, due to term expiration.

(e) **Men's lacrosse.** Appoint **J.B. Clarke**, head men's lacrosse coach, Limestone College, to replace Chris Barrett, head men's lacrosse coach, Belmont Abbey College, due to term expiration.

(f) **Men's and women's swimming and diving.** Appoint **Jennifer Alger**, assistant director of athletics/senior woman administrator, University of Tampa; and **Kate Burke**, associate director of athletics, Colorado School of Mines, to replace Patrick Snively, associate director of athletics and head swimming coach, Fairmont State University; and Charlin Chesick, associate commissioner, Pennsylvania State Athletic Conference, due to term expirations.

Presidents Council. No action was necessary

(3) **Committee on Infractions.**


Management Council. The Management Council adopted noncontroversial legislation to amend Constitution 5.2.3.3 (enforcement policies and procedures) and Bylaws 19.1.3 (duties), 19.3.1 (amendment by committee and approval by Management Council) and 19.3.1.1 (notification to membership) to clarify that the NCAA Division II Committee on Infractions has the authority to adopt, formulate and revise its internal operating procedures and review and approve the enforcement staff's internal operating procedures, including amendments by the enforcement staff to its procedures, subject to Management Council approval; further, to amend Bylaw 19.3.1 to specify that amendments to the committee's and enforcement staff's internal operating procedures are immediately effective when approved by the committee and subject to review and approval by the Management Council; and to remove
Bylaw 19.3.1.2 (review by Management Council) as duplicative of recommended modifications to Bylaw 19.3.1.

Presidents Council. No action was necessary.

(4) Committee for Legislative Relief.

Guidelines for Assertion of Injury/Illness (Student-Athlete's Relative or Legal Guardians).

Management Council. The Management Council approved the updated guideline for waivers seeking relief of NCAA Bylaw 14.5 (transfer regulations) based on assertions of injury/illness, as specified. The current guideline states that staff should consider relief of the legislation for circumstances involving an injury or illness to a student-athlete's immediate family member, which does not include grandparents or other relatives. Extending the guideline to grandparents and relatives outside of the student-athlete's immediate family is necessary due to differences in familial relationships that are unique to each student-athlete.

Presidents Council. No action was necessary.

(5) Degree-Completion Awards Committee.

Management Council. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(6) Legislation Committee.


Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 Convention to amend Bylaw 11.6.1.1.1 (certification administration), as follows: (1) to require all coaches to annually complete specific educational modules as determined by the Legislation Committee; (2) to prohibit off-campus recruiting until the coach successfully
completes the required educational modules; and (3) to prohibit the directing, supervising or observing of countable athletically related activities until the coach successfully completes the required educational modules, effective August 1, 2019, for certifications of coaches in the 2019-20 academic year, and thereafter.

Under current legislation, prior to being able to engage in off-campus recruiting, a coach must pass the annual coaches certification test. During the 2015-16 academic year, various committees through the Division II governance structure supported the development of a comprehensive online coaches' education program that will deliver legislative and health and safety related content. This recommendation accounts for the new online coaches' educational program, Division II University, and would require coaches to successfully complete specific educational modules every year before being permitted to recruit off campus and direct, supervise or observe countable athletically related activities.

Presidents Council. The Presidents Council agreed to sponsor the legislation and noted that it will have an opportunity to review the proposal in legislative form at its August in-person meeting.

(b) 2019 Convention Legislation – Bylaw 12.1.3 – Amateurism – General Regulations – Permissible – Following Initial Full-Time Collegiate Enrollment – Actual and Necessary Expenses From an Outside Amateur Sports Team or Organization – Donations From Outside Sponsors – Institutional Staff Members.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 Convention to amend Bylaw 12.1.3-(b)-(1) (donation from outside sponsors) to permit a student-athlete to receive actual and necessary expenses from an institutional staff member to participate as a member of an outside team, effective August 1, 2019.

Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation permits an individual to receive actual and necessary expenses from an outside sponsor other than an agent, a representative of an institution's athletics interests or professional sports organization. This proposal provides the opportunity for enrolled student-athletes to seek out additional
permissible financial resources from institutional staff members to support their athletics aspirations without compromising the fundamental purpose of the collegiate model. It would remain impermissible for a student-athlete to receive expenses from an agent, representative of an institution's athletics interests or professional sports organization.

Presidents Council. The Presidents Council agreed to sponsor the legislation and noted that it will have an opportunity to review the proposal in legislative form at its August in-person meeting. Additionally, the council requested information on how to view a school employee that is also considered a representative of an institution's athletics interests (e.g., faculty member gives to the annual fund).

(c) Bylaws 12.5.1.1 and 13.11.3.5 – Amateurism and Recruiting – Promotional Activities and Private Lessons – Elimination of Requirement to Obtain Written Approval from the Institution's President or Chancellor.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 Convention to amend Bylaws 12.5.1.1 (promotional activities) and 13.11.3.5 (private lessons) to eliminate the requirement that a student-athlete must receive written approval from the institution's president or chancellor (or his or her designee) prior to the student-athlete's participation in a noninstitutional, charitable or nonprofit promotion; further, in equestrian, golf and tennis, to eliminate the requirement that an institutional coach must receive written approval from the institution's president or chancellor prior to the coach's participation in a private lesson, effective August 1, 2019.

Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation requires an institution to obtain written approval from the institution's chancellor or president prior to a student-athlete's participation in a permissible promotional activity. In addition, equestrian, golf and tennis coaches seeking to offer private lessons are also required to obtain chancellor or president approval. A significant amount of time is spent securing signatures rather than confirming that the other requirements of the legislation are met. Such confirmation should be left to the
discretion of a member institution. This recommended change maintains and promotes the NCAA’s commitment to amateurism and equity in recruiting, while eliminating unnecessary bureaucratic requirements.

Presidents Council. The Presidents Council agreed to sponsor this concept as noncontroversial legislation.

(d) **Bylaw 12.5.3 – Amateurism – Promotional Activities – Media Activities.**

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 Convention to amend Bylaw 12.5.3 (media activities) to eliminate the requirement that a student-athlete must be academically eligible to represent the institution at the time of the appearance or participation in media activities; further, to specify that a student-athlete shall not miss class to participate in media activities, effective August 1, 2019.

Current legislation requires a student-athlete to be academically eligible to represent the institution at the time of the appearance or participation in a media activity, not receive remuneration for the appearance or participation, and not make any endorsement, expressed or implied, of any commercial product. This recommended change will provide institutions with flexibility and discretion in determining which student-athletes may appear or participate in media activities. The recommended change also clarifies that student-athletes participating in such activities may not miss class time to do so. This change addresses student-athlete well-being concerns, especially with the elimination of academic eligibility at the time of the appearance or participation.

Presidents Council. The Presidents Council did not support this recommendation. The council referred the issue back to the Legislation Committee to consider amending the media activities legislation to specify that a student-athlete shall not miss class time to participate in media activities.

(e) **Noncontroversial Legislation – Bylaw 12.1.3 – Amateurism – Permissible – Following Initial Full-Time Collegiate Enrollment – Elite-Level Participation – Expenses from a Governmental Entity.**
Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 12.1.3 (permissible – following initial full-time enrollment) to permit an individual to receive actual and necessary expenses from a governmental entity, as specified.

Presidents Council. No action was necessary.

(f) Noncontroversial Legislation – Bylaws 12.1.3 and 16.8.1.2 – Amateurism and Awards and Benefits – Permissible – Following Initial Full-Time Enrollment and Other Competition – Expenses for Participation in a Collegiate All-Star Contest.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaws 12.1.3 (permissible – following initial full-time enrollment) and 16.8.1.2 (other competition) to permit a student-athlete, who has exhausted eligibility in the sport, to receive actual and necessary expenses from an outside sponsor (e.g., neighbor, business) for participation in a collegiate all-star contest.

Presidents Council. No action was necessary.

(g) Noncontroversial Legislation – Bylaw 12.5.1.1.6 – Amateurism – Promotional Activities – Permissible – Institutional, Charitable, Educational or Nonprofit Promotions – Schedule Cards – Elimination of Requirements.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 12.5.1.1.6 (schedule cards) to eliminate the requirements regarding schedule cards.

Presidents Council. No action was necessary.

(h) Noncontroversial Legislation – Bylaws 12.5.1.6 and 12.5.1.7 – Amateurism – Promotion by Third Party of Highlight Film, Videotape or Media Guide and Promotion by Third Party of Photographs – Removal of Requirement for Written Approval and Consolidation of Legislation.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaws 12.5.1.6 (promotion by third party of highlight film, videotape or media guide) and
12.5.1.7 (promotion by a third party of photographs), as follows: (1) eliminate the requirement for written approval for sale and distribution activities of third parties; and (2) combine the remaining elements of Bylaws 12.5.1.6 and 12.5.1.7 into one legislative requirement for the promotion by a third party of highlight film, videotape, media guide or photographs.

Presidents Council. No action was necessary.

(i) Noncontroversial Legislation – Bylaw 13.1.1.2.3 – Recruiting – Contacts and Evaluations – Contactable Prospective Student-Athletes – Four-Year College Prospective Student-Athletes – Transfer from Institution on Probation.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 13.1.1.2.3 (transfer from institution on probation) to eliminate the opportunity for an institution on probation to establish restrictions related to the contact of student-athletes who wish to transfer from the institution.

Presidents Council. No action was necessary.


Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 13.4.4 (electronic transmissions) to permit an institution to send electronic transmissions to a prospective student-athlete's coach prior to June 15 preceding a prospective student-athlete's junior year in high school.

Presidents Council. No action was necessary.

(k) Noncontroversial Legislation – Bylaws 13.7.2.1 and 13.7.2.2 – Unofficial Visit – Entertainment/Tickets – General Restrictions – Home Contest At Any Location.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 13.7.2.1 (general restrictions) to permit an institution to provide up to five complimentary admissions to any home contest, regardless of
location; further, to eliminate Bylaw 13.7.2.2 (home games outside the community).

Presidents Council. No action was necessary.

(i) Noncontroversial Legislation – Bylaw 13.10.6 – Recruiting – Publicity – Photograph of Prospective Student-Athlete.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 13.10.6 (photograph of prospective student-athlete) to specify that a photograph taken by an institution of a prospective student-athlete during an official visit may be provided to the prospective student-athlete, provided the prospective student-athlete has signed a National Letter of Intent or a written offer of admission and/or financial aid or after the institution has received his or her financial aid deposit in response to its offer of admission.

Presidents Council. No action was necessary.


Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 14.2.4.1.2 (competition in the nonchampionship segment) to permit a student-athlete in women’s beach volleyball, men’s volleyball and women’s water polo to engage in outside competition during the nonchampionship segment without using a season of competition.

Presidents Council. No action was necessary.

(n) Noncontroversial Legislation – Bylaw 15.2.2.1 – Financial Aid – Financial Aid from Outside Sources – Parents and Legal Guardians – Financial Aid from Relatives.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 15.2.2.1 (parents and legal guardians) to permit a student-athlete to receive financial aid from a relative.
Presidents Council. No action was necessary.

(o) Noncontroversial Legislation – Bylaw 16.1.3.3 – Awards and Benefits – Types of Awards, Awarding Agencies, Maximum Value and Numbers of Awards – Special Achievement Awards – Service Awards and Apparel for Members of a Division II Conference or National Student-Athlete Advisory Committee.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 16.1.3.3 (special achievement awards) to specify that a Division II conference or the NCAA may provide an award (e.g., gift, apparel) to recognize a student-athlete's service on their student-athlete advisory committee; further, to specify that the value of the award shall be at the discretion of the awarding agency.

Presidents Council. No action was necessary.

(p) Noncontroversial Legislation – Bylaw 17.10.2 – Playing and Practice Seasons – Football – Preseason Activities – Required Day Off, Use of Footballs During Walk-Throughs, and Film Review and Team Meetings During Three-Hour Recovery Period.

Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 17.10.2 (preseason practice), as follows: (1) to require a day off each week during the football preseason practice period following the five-day acclimatization period; (2) to permit the use of footballs during a walk-through following the five-day acclimatization period; and (3) to allow film review and team meetings to occur during the three continuous hours of recovery time between an on-field practice session and a walk-through or any other session including physical activity.

Presidents Council. The Presidents Council received an update on the proposal, as adopted. No action was necessary.

(q) Noncontroversial Legislation – Bylaw 17.10.8 – Out-of-Season Athletically Related Activities – Spring Practice – Elimination of Multiple On-Field Practice Sessions on the Same Day.
Management Council. The Management Council adopted noncontroversial legislation to amend Bylaw 17.10.8 (spring practice) to specify that in football an institution may not conduct multiple on-field practice sessions on the same day during spring practice sessions.

Presidents Council. The Presidents Council received an update on the proposal, as adopted. No action was necessary.

(r) Legislative Referrals.

Management Council. The Management Council referred the following legislative items to the appropriate Division II group:

i. To the Division II Academic Requirements Committee:

- Whether the NCAA Eligibility Center should be primarily responsible for determining the academic validity of high school prospective student-athletes [Bylaw 14.1.2 (general eligibility requirements – validity of academic credentials)]; further, whether member institutions should be primarily responsible for determining the academic validity of two-year or four-year transfer prospective student-athletes.

- Whether it is feasible for an institution to monitor the conditions under Bylaw 14.4.3.7.10 (nontraditional courses from another institution) for a student-athlete who has enrolled in a nontraditional course at an institution other than the certifying institution.

- Whether the condition that a nonrecruited student-athlete per Bylaw 14.5.4.6.2 (nonrecruited student exception) needs to be eligible for admission to the certifying institution before initial enrollment in the two-year college is still appropriate.

- Development and implementation of a tool or resource regarding enhancing academic advising on Division II campuses.

ii. To the Division II Committee on Student-Athlete Reinstatement:
• Whether contests and dates of competition, including annual exemptions (e.g., alumni game, conference challenge event) and discretionary exemptions (excluding scrimmages and exhibition contest per Bylaw 17 in the applicable sport), must be included in the numerator for purposes of calculating whether a student-athlete qualifies for a hardship waiver.

Presidents Council. No action was necessary.

(7) Membership Committee.

Management Council. The Management Council reviewed the committee's report. No action was necessary.

Presidents Council. No action was necessary.

(8) Nominating Committee.

(a) January 20 Meeting—Appointments/Reappointments.

Management Council. The Management Council recommended that the Presidents Council approve the following committee appointments/reappointments, effective September 1, 2018:

i. Division II Committee on Infractions. Reappointments—Jane Teixeria, assistant commissioner, Pacific West Conference (term 2); and Christie Ward, associate director of athletics, Georgia Southwestern State University.

ii. Division II Championships Committee. Lisa Liotta, senior woman administrator/associate director of athletics, University of Findlay.

iii. Division II Infractions Appeals Committee. Dixie Cirillo, senior woman administrator/associate director of athletics, Colorado School of Mines.

v. **Division II Legislation Committee.** Diana Kling, senior woman administrator/associate commissioner, Peach Belt Conference.

vi. **Division II Committee for Legislative Relief.** Brandi Guerinot, associate director of athletics, Daemen College.

vii. **Division II Membership Committee.** Tammy Ikerd, associate director of athletics, Southern Nazarene University; and Larry Marfise, director of athletics, University of Tampa.

viii. **Division II Committee on Student-Athlete Reinstatement.** Jessica Harbison Weaver, senior woman administrator, Concordia University Portland.

ix. **Committee on Women's Athletics.** Suzette McQueen, senior woman administrator/senior associate commissioner, Central Intercollegiate Athletic Association.

Presidents Council. The Presidents Council approved the appointments, as recommended.

(b) **March 5 Teleconference – Appointments.**

Management Council. The Management Council recommended that the Presidents Council approve the following committee appointments, effective as noted:

i. **Division II Academic Requirements Committee.** Timothy Ladd, faculty athletics representative, Palm Beach Atlantic University; and Jessica Swiney, director of registration and records, King University, effective September 1, 2018.

ii. **Minority Opportunities and Interests Committee.** Manuel Flores, faculty athletics representative, Texas A&M University-Kingsville; and Taunita Stephenson, associate director of athletics/senior woman administrator, Lander University, effective immediately.

[Please note that the appointments to the Minority Opportunities and Interests Committee were approved by the]
Administrative Committee during its March 7 electronic vote. They are included in this document for ease of reference.]

Presidents Council. The Presidents Council approved the appointments, as recommended.


(10) Student-Athlete Advisory Committee.

(a) Verbal Update—April 6-8 Meeting.

Management Council. The Management Council was updated by the two Student-Athlete Advisory Committee members regarding the meeting that was conducted the previous weekend. Information included the committee's goals and priorities for the upcoming year.

Presidents Council. No action was necessary.

(b) Waiver of Bylaw 21.8.5.9.3 – Appointment of Independent Nominee with Fewer Than Two Years of Athletics Eligibility to the NCAA Division II Student-Athlete Advisory Committee.

Management Council. The Management Council approved a waiver of Bylaw 21.8.5.9.3 (term of office) to appoint Shonte' Cargill, student-athlete at Bluefield State College, to the NCAA Division II Student-Athlete Advisory Committee, for a period of 21 months, concluding at the adjournment of the Division II business session at the 2020 NCAA Convention, effective immediately.

Presidents Council. The Presidents Council approved the appointment, as recommended.
(c) Voluntold Activities.

Management Council. The Management Council discussed and provided feedback on the issue of voluntold activities for student-athletes. The Management Council received an update on the discussions of the Student-Athlete Advisory Committee and noted that most of the issues identified regarding voluntold activities are the result of lack of planning and notification from coaches. In addition, the Management Council noted that the issues appear to be related to mandatory player development, rather than community engagement or leadership opportunities. It was the consensus of the Management Council that more education regarding permissible/impermissible activities is necessary. Some of the possible outlets for education mentioned were: Division II Coaches Connection program, Division II University; the coaches' Identity Workshop; and campus student-athlete advisory committees. The Management Council did not believe that any legislative changes were necessary at this time.

Presidents Council. The Presidents Council was updated on the discussions from the Student-Athlete Advisory Committee and Management Council regarding voluntold activities. The Presidents Council agreed with the observations of the committee and council. In addition, the Presidents Council suggested that the NCAA staff survey student-athletes and coaches regarding voluntold activities.

b. Division II Subcommittees and Project Teams.

(1) Convention Planning Project Team.

Management Council. The Management Council reviewed the project team's report, along with the Convention survey results and proposed schedule and program suggestions. No action was necessary.

Presidents Council. No action was necessary.

(2) Identity Subcommittee.

Management Council. The Identity Subcommittee met Monday evening and received updates on the spring showcase schedule, the regular-season media agreement RFP process, nominees for the Day in the Life campaign, social media and the Division II brand enhancement initiative.
Presidents Council. The Presidents Council received updates on the regular-season media agreement, as well as the Make It Yours Phase 2 branding efforts.

c. Association-Wide Committees.

(1) Committee on Competitive Safeguards and Medical Aspects of Sports.

(a) December 11-12, 2017, Meeting.

i. 2019 Convention Legislation – Bylaw 31.2.3.1 – Executive Regulations – Eligibility for Championships – Ineligibility for Use of Banned Drugs – Banned Drugs.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 Convention to amend all legislated references of NCAA banned-drug classes to mirror the World Anti-Doping Agency list of prohibited classes, with the exception of the glucocorticoid class, effective August 1, 2019.

The recommendation to align NCAA banned drug classes with WADA's prohibited classes, with the exception of the glucocorticoid class, allows the NCAA to defer updates to this list to WADA experts and helps avoid confusion for student-athletes competing in both NCAA and international competition. The committee determined that glucocorticoids are anti-inflammatory agents, used commonly in sports medicine, and have very low risk as performance enhancing drugs.

Presidents Council. The Presidents Council agreed to sponsor the legislation and noted that it will have an opportunity to review the proposal in legislative form at its August in-person meeting.

ii. Noncontroversial Legislation – Bylaw 18.4.1.4.1 – Championships and Postseason Football – Eligibility for Championships – Penalty – Banned Drug Classes Other Than Illicit Drugs.
Management Council. The Management Council adopted noncontroversial legislation to clarify that a student-athlete who tests positive for use of a substance in a banned-drug class other than illicit drugs shall:

a. Be charged with the loss of one season of competition in all sports, in addition to the use of a season, pursuant to Bylaw 12.8.3.1;

b. Be ineligible for the entirety of one season (i.e., the maximum number of regular-season contests or dates of competition per Bylaw 17), which must be served while the student-athlete is otherwise eligible for competition; and

c. Be ineligible for at least one calendar year (i.e., 365 days) after the collection of the student-athlete's positive drug-test specimen and until he or she tests negative.

Presidents Council. No action was necessary.

(b) February 21 Teleconference.

• Uniform Standards of Care – Concussion Safety Protocol Review in Divisions II and III.

Management Council. See Item No. 4-b on Page No. 3 for action taken.

Presidents Council. No action was necessary.

(2) Minority Opportunities and Interests Committee.

Management Council. The Management Council reviewed the reports from the February 6 teleconference and March 8 electronic communication, which were informational in nature. No action was necessary.

Presidents Council. No action was necessary.

(3) Playing Rules Oversight Panel.
Management Council. The Management Council reviewed the reports from the September 13, 2017, teleconference, January 17 in-person meeting and February 21 teleconference, all of which were informational in nature. No action was necessary.

Presidents Council. No action was necessary.

(4) **Postgraduate Scholarship Committee.**

Management Council. The Management Council reviewed the report from the February meeting, which was informational in nature. No action was necessary.

Presidents Council. No action was necessary.

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

Management Council. The Management Council reviewed the report from the February teleconference, which was informational in nature. No action was necessary.

Presidents Council. No action was necessary.

(6) **Student Records Review Committee.**

Management Council. The Management Council appointed Dr. Patricia Briscoe, athletics director at Eastern Senior High School, to the Student Records Review Committee, effective immediately:

Presidents Council. No action was necessary.

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

Management Council. The Management Council reviewed the report from the February 23 teleconference, which was informational in nature. No action was necessary.

Presidents Council. No action was necessary.
6. MANAGEMENT COUNCIL ROUNDTABLE DISCUSSION—DIVISION II MEMBERSHIP CENSUS.

Management Council. The Management Council convened in roundtable sessions at the conclusion of Monday's business session to discuss the results of the Division II Membership Census. Take-aways included no surprising answers to questions; lack of education/understanding of coaches; regionalization still being the right approach for Division II championships; and general support for the National Championships Festival.

Presidents Council. The Presidents Council reviewed the results of the census. The council discussed the need to re-educate presidents and chancellors on the Division II Life in the Balance philosophy, particularly since more than half of presidents and chancellors are new to their schools within the last five years. Further, the council discussed how to get Division II chancellors and presidents more involved with the NCAA, including increasing attendance at the NCAA Convention; directed programming for chancellors and presidents during the Convention and how to collaborate with academic organizations for available programming; and reaching out to new colleagues within their regions. No action was necessary.

7. DIVISION II MANAGEMENT COUNCIL.

a. Management Council Committee/Project Team Assignments.

Management Council. The Management Council reviewed the committee and project team assignments.

Presidents Council. No action was necessary.


Presidents Council. No action was necessary.

c. Management Council Vice Chair Election.

Management Council. The Management Council was informed that Eric Schoh's position as vice chair of the Management Council would expire August 31. Individuals interested in seeking the position should voice that interest to the chair or the managing director of Division II.

Presidents Council. No action was necessary.
d. Management Council/Student-Athlete Advisory Committee Summit.

Management Council. The Management Council was updated on the anticipated activities for the joint Summit of the Management Council and SAAC in July.

Presidents Council. No action was necessary.


Management Council. The Management Council adopted noncontroversial legislation to specify that the current position on the Management Council and Student-Athlete Advisory Committee shall be allocated for independent institutions, provided there are at least eight Division II independent institutions, immediately, and at least 10 independent institutions in 2022; further, to specify that if the total number of independent institutions falls below eight (and 10 in 2022), the position allocated for independent institutions shall become an at-large position as soon as the position becomes vacant. In addition, the Management Council and Student-Athlete Advisory Committee will amend their policies and procedures to note their preference that one of the three at-large positions should be filled by an individual or representative from an independent institution if such a representative applies for service.

Presidents Council. The Presidents Council received an update on the proposal, as adopted. No action was necessary.

8. DIVISION II PRESIDENTS COUNCIL.

a. April 23 Planning and Finance Committee Meeting.

Presidents Council. The Presidents Council was provided a verbal update on the actions taken by the Planning and Finance Committee during its April 23 meeting.

The committee discussed several options for new initiatives to be included the $1.1 million allocated to academics, health and safety and inclusion. The committee will bring those as formal recommendations to the council in August.

Finally, the committee reviewed the timeline for the strategic plan midterm assessment. The committee will consider changes to the strategic plan at its August meeting and the Presidents Council will receive those recommendations and take action, as needed, to approve the recommendations at the October meeting.
b. **Division II Budget Requests for the 2018-19 Fiscal Year.** The Presidents Council approved the Division II budget requests for the 2018-19 fiscal year, as recommended by the Planning and Finance Committee.

c. **Region 2 Election.** The Presidents Council elected William Thierfelder, president, Belmont Abbey College, as the Region 2 representative to the Presidents Council. President Thierfelder will begin his term on the council immediately, with his term expiration date being January 2023.

The Presidents Council was impressed with other nominations that it received in the process and asked staff to encourage those who were not elected to reapply at the earliest opportunity.

d. **Recognizing Outgoing Members.** The Presidents Council recognized Philip Kerstetter, president, University of Mount Olive, for his service to the Council.

9. **NATIONAL OFFICE STAFF UPDATES.**

   a. **Legal/Executive Update.**

      Management Council. The Management Council received an update from the NCAA president and the executive vice president of law, policy and governance.

      Presidents Council. The Presidents Council received an update on issues and legal happenings surrounding the NCAA, which included a discussion on the upcoming meeting with the Commission on College Basketball, an update on the attestation on sexual assault education and pending litigation.

   b. **Sport Science Institute.**

      Management Council. The Management Council received an update from Sport Science Institute staff on some initiatives that the office is working on, including the NCAA Interassociation Task Force on Sleep and Wellness and the Injury Surveillance Program.

      Presidents Council. The Presidents Council received an update on the Sport Science Institute from the NCAA chief medical officer.

   c. **2017 APPLE Training Institute Assessment Report.**

      Management Council. The Management Council reviewed the assessment report from the fall 2017 APPLE Training Institute.
Presidents Council. No action was necessary.

d. Division II University Update.

Management Council. The Management Council received a presentation on Division II University, which was funded through the Foundation for the Future initiative. This comprehensive online coaches' education program will focus on Division II legislation and health and safety issues, with the two initial areas of focus being rules education and health and safety education.

Division II University is scheduled to be released to the membership May 14. The academic and membership affairs staff will be conducting a webinar for single-source sign-on administrators to learn about how to provide access to coaches May 8.

Presidents Council. The Presidents Council received a presentation on Division II University.

e. Optimization of the Senior Woman Administrator Designation.

Management Council. The Management Council reviewed survey results on the optimization of the senior woman administrator designation on Divisions I, II and III campuses.

A subcommittee of the Committee on Women's Athletics is currently creating action plans for these opportunities and will be engaging other NCAA membership committees in these efforts.

Presidents Council. No action was necessary.

f. 2018 New Initial-Eligibility Requirements.

Management Council. The Management Council was provided with an educational resource for the initial-eligibility requirements that are effective August 1.

Presidents Council. No action was necessary.

10. AFFILIATED ASSOCIATION UPDATES.

Management Council. 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 Representatives 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, via each member's preferred method of delivery. These topics included: Division II University information; the noncontroversial proposal on concussion management plan; the noncontroversial proposal on football preseason; information about the sportsmanship award; 2018 initial-eligibility requirements resource; bat testing information; countable athletically related activities resource; optimization of the senior woman administrator designation summary; and a reminder about attestation on sexual assault education.

Presidents Council. No action was necessary.

13. FUTURE MEETINGS.

Management Council. The Management Council reviewed the upcoming meetings for the remainder of 2018 and 2019, noting the four-days set aside for the July Summit with the Student-Athlete Advisory Committee.

Presidents Council. The Presidents Council reviewed the upcoming meetings for the remainder of 2018 and 2019.
14. **ADJOURNMENT.**

**Management Council.** The Management Council adjourned at 10:42 a.m.

**Presidents Council.** The Presidents Council adjourned at 3:01 p.m.

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<td><strong>ATTENDEES</strong></td>
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<td>Jessica Chapin, American International College</td>
<td>John Denning, Stonehill College</td>
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<td>Teresa Clark, Cedarville University</td>
<td>Michael Driscoll, Indiana University of Pennsylvania</td>
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<td>J. Lin Dawson, Clark Atlanta University</td>
<td>Rex Fuller, Western Oregon University</td>
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<td>Josh Doody, Notre Dame de Namur University</td>
<td>Allison Garrett, Emporia State University</td>
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<td>Bob Dranoff, East Coast Conference</td>
<td>Connie Gores, Southwest Minnesota State University (via teleconference)</td>
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<td>Kim Duyst, California State University, Stanislaus</td>
<td>Cynthia Jackson-Hammond, Central State University</td>
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<td>Amy Foster, Seattle Pacific University</td>
<td>Anthony Jenkins, West Virginia State University</td>
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<td>Chris Graham, Rocky Mountain Athletic Conference</td>
<td>Glen Jones, Henderson State University</td>
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<td>Lynn Griffin, Coker College</td>
<td>Sandra Jordan, University of South Carolina Aiken</td>
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<td>Hannah Hinton, Mountain East Conference</td>
<td>Philip Kerstetter, University of Mount Olive</td>
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<td>Felicia Johnson, Virginia Union University</td>
<td>William LaForge, Delta State University</td>
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<td>Jim Johnson, Pittsburg State University</td>
<td>Brian May, Angelo State University</td>
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<td>Paul Leidig, Grand Valley State University</td>
<td>Gary Olson, Daemen College</td>
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<td>Laura Liesman, Georgian Court University</td>
<td>M. Roy Wilson, Wayne State University</td>
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<td>Courtney Lovely, Palm Beach Atlantic University</td>
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<td>Casey Monaghan, West Chester University</td>
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<td>Steve Murray, Pennsylvania State Athletic Conference</td>
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<td>Jack Nicholson, St. Thomas Aquinas College</td>
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<td>Penni Parker, Rollins College</td>
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<td>Lindsay Reeves, University of North Georgia</td>
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<td>Julie Rochester, Northern Michigan University</td>
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<td>Jim Sarra, University of Illinois, Springfield</td>
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<td>Eric Schoh, Winona State University</td>
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<td>Kim Vinson, Cameron University</td>
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<td>Stan Williamson, University of West Alabama</td>
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<td>Division II Management Council</td>
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Cherrie Wilmoth, Southeastern Oklahoma State University
Griz Zimmermann, Texas A&M International University

**ABSENTEES**

- Michael Cerino, Limestone College
- Ismael Pagan-Trinidad, University of Puerto Rico, Mayaguez
- Gayle Hutchinson, California State University, Chico
- Elwood Robinson, Winston-Salem State University

**OTHER PARTICIPANTS**

- Geoff Bentzel, NCAA
- Dan Calandro, NCAA
- Amanda Conklin, NCAA
- Chelsea Crawford, NCAA
- Jim Elworth, NCAA
- Mark Emmert, NCAA
- Terri Steeb Gronau, NCAA
- Maritza Jones, NCAA
- Ryan Jones, NCAA
- Ken Kleppel, NCAA
- Roberta Page, NCAA
- John Parsons, NCAA
- Donald Remy, NCAA
- Molly Simons, NCAA
- Stephanie Smith, NCAA
- Rachel Stark, NCAA
- Gregg Summers, NCAA
- Jill Waddell, NCAA
- Amy Wilson, NCAA
- Karen Wolf, NCAA

NCAA/05_09_2018/MSJ/TSG:jcw
Agenda Item No. 4 (Supplement No. 3): Review of the NCAA Interpretations Subcommittee of the Division II Legislation Committee teleconference reports.

June 11, 2018, teleconference.

To be distributed at the meeting.
ACTION ITEMS.

1. Legislative items.


      (1) **Recommendation.** Sponsor legislation for the 2019 NCAA Convention to amend Bylaw 14.2.4.2.2.1 (U.S. or Canadian armed services exception), to specify that participation in organized competition during time spent in the armed services, on official religious missions or with recognized foreign aid services of the U.S. government are exempt from the application of the delayed enrollment and seasons of competition legislation.

      (2) **Effective date.** August 1, 2019.

      (3) **Rationale.** Under current legislation, a student-athlete’s participation in organized competition is exempt during their time spent on active duty in the U.S. or Canadian Armed Services. However, if an international student-athlete not from Canada participates in any organized competition while serving in their country’s military, the student-athlete uses a season of competition for each year in which he or she participates in such organized competition. This application unfairly penalizes a student-athlete who spent time serving his or her country or religious organization. A student-athlete who engages in these types of service, whether voluntary or required, should not be penalized by using a season of competition for participation in any organized competition during their time of service.

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

      (5) **Student-athlete impact.** Student-athletes who participate in organized competition while on active duty, on official regional missions or recognized foreign aid service of the U.S. government will have their participation exempted from the application of the organized competition legislation.

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 13.1.2.2 (general exceptions) to define "significant other" as a spouse, fiancé or fiancée, domestic partner or any individual whose relationship to an identified individual (e.g., prospective student-athlete, coach, student-athlete) is the practical equivalent of a spouse; further, to replace "spouse" with "significant other", as specified.

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

(3) **Rationale.** In today's society, long-term, committed relationships come in many different forms (e.g., marriage, same-sex relationships, domestic partnerships). The revisions in this proposed change would support the commitment to diversity and inclusion by recognizing the various forms of committed relationships in today's society.

(4) **Estimated budget impact.** Additional expenses at the institution's discretion for benefits that could be provided to a significant other that are currently limited to a spouse.

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


(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 14.2.4.2.2.2 (national/international competition exception) to except participation in the following activities from the organized competition legislation as follows: (a) In sports other than men's ice hockey, for a maximum of one year, participation in junior level equivalents of official Olympic Games, Pan American Games, World Championships, World Cup, World University Games (Universiade) and World University Championships competition; (b) Participation in officially recognized competition from which participants may directly qualify for final tryouts shall be; and (c) Participation in final tryout competition from which participants are selected for such teams.

(2) **Effective date.** Immediate.
(3) **Rationale.** This proposed change would permit a prospective student-athlete to participate in elite junior level competition for a maximum of one year after a prospective student-athlete’s first opportunity to enroll full time in a collegiate institution following his or her grace period. For most prospective student-athletes, this is an opportunity to represent their countries in elite competition with and against appropriate age-level competition. Such elite junior level events are prestigious national and international level events that should not be equated with random events that may simply help an individual’s athletics development or professional career. Further, in many countries, participation on a junior level team is a stepping stone or prerequisite for participation on an elite senior-level team. The proposal is not intended to include all junior level participation, rather participation in elite junior level competition. The proposed change is nationally significant and would support student-athlete success and well-being, as it would allow prospective student-athletes to participate in prestigious and elite international events without concern of whether the event may be classified as junior level. Finally, this proposed change will ease the monitoring burden as institutions will no longer need to determine whether such elite competition was classified as junior level.

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

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

d. **Noncontroversial Legislation – Playing and Practice Seasons – Individual Sports – Vacation Period Workout Sessions Initiated by Student-Athlete.**

(1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 17 (playing and practice seasons) to permit, in individual sports, a coach to participate in an individual-workout session with a student-athlete from the coach’s team during an institutional vacation period, provided the request for such assistance is initiated by the student-athlete.

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

(3) **Rationale.** Current legislation permits a coach in an individual sport to participate in individual-workout sessions with a student-athlete from the coach’s team during the summer, provided the request for such assistance is initiated by the student-athlete. This recommended change extends the same opportunity to a student-athlete during any vacation period. Many student-athletes may not be able to return home during a vacation period due to distance (e.g., international student-athletes), time or budget constraints. Such student-athletes may wish to use vacation periods for athletic improvement. Other student-athletes may simply wish to take
advantage of additional opportunities to train with their coaches. This change will allow a student-athlete in an individual sport the opportunity to request and receive additional instruction and guidance from a coach when there are fewer demands on the student-athlete’s time.

(4) Estimated budget impact. None.

(5) Student-athlete impact. Additional time spent in voluntary sessions.

INFORMATIONAL ITEMS.

1. **Review of Legislation Adopted in Divisions I and III Since January 2018.** The subcommittee conducted a review of legislation previously adopted in Divisions I and III. The subcommittee agreed to recommend four legislative proposals as a result of the review [See Legislative Action Item Nos. 1a through 1d]. The subcommittee also requested to review and consider Division I Proposal No. 2017-35 (recruiting – publicity before commitment – exception – enrolled student-athletes – comments on social media), during its next teleconference.

Further, the subcommittee received an update on the adoption of Division I Proposal Nos. 2017-61 (playing and practice season – skill instruction – sports other than football – four hours for team sports, eight hours for individuals) and 2017-61-1 (playing and practice seasons – skill instruction – individual sports – four hours), which specified that in team sports other than football and in individual sports, a student-athlete’s participation in required weight training, conditioning and skill instruction is limited to eight hours a week with no more than four hours spent on skill-related activities. Finally, the subcommittee received an update on a potential membership-sponsored proposal regarding the out-of-season playing and practice season legislation that will increase the weekly hour limitation for skill instruction and team activities from two to four hours. The subcommittee recommended no action on this concept or the other five proposals reviewed.

2. **Review of the 2018-19 Division II Compliance Forms.** The subcommittee reviewed and approved the 2018-19 Division II compliance forms.

*Subcommittee Chair*: Keith Vitense Cameron University, Lone Star Conference  
*Staff Support*: Chelsea Crawford, Academic and Membership Affairs  
Karen Wolf, Academic and Membership Affairs
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<th>Attendees:</th>
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<tr>
<td>Molly Belden, Northeast-10 Conference.</td>
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<td>Jessica Chapin, American International College.</td>
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<td>Scott Larson, Lubbock Christian University.</td>
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<td>Keith Vitense, Cameron University.</td>
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<td>Absentees:</td>
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<td>Linda Van Drie-Andrzewski, Wilmington University (Delaware).</td>
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<td>Guests in Attendance:</td>
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<td>NCAA Staff Support in Attendance:</td>
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<td>Chelsea Crawford and Karen Wolf.</td>
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<td>Other NCAA Staff Members in Attendance:</td>
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<td>Geoff Bentzel and Stephanie Quigg-Smith.</td>
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VIA EMAIL

Mr. Jeff Falkner  
Director of Athletics  
California State University, Dominguez Hills  
1000 East Victoria Street  
Carson, California 90747

Dear Mr. Falkner:

This is regarding the amateurism fact-finding request by California State University, Dominguez Hills with respect to men’s soccer student-athlete Carlos Torres.

Based on the facts provided during its May 11, 2018, teleconference, the NCAA Amateurism Fact-Finding Subcommittee of the Division II Legislation Committee determined:

- The services of Santa Barbara Soccer Entertainment includes the marketing of the athletics skill or reputation of its soccer player clients.

- The agent-client relationship between Mr. Ybarra and Mr. Torres was unable to be confirmed; however, based on the statements Mr. Torres made in the YouTube video and the lack of contemporaneous information to the contrary that Mr. Torres’ friend was not an agent, the subcommittee agreed that Mr. Torres had an agent.

- Since it was determined that Mr. Torres had an agent, the final question of whether Mr. Torres and Mr. Ybarra entered into an agreement for Mr. Ybarra to market his athletics ability to international soccer teams is moot.

Please note that institutions have an opportunity to appeal a decision rendered by the Amateurism Fact-Finding Subcommittee of the Division II Legislation Committee. If your institution wishes to appeal the decision of the subcommittee, please provide written notification of your decision to appeal, along with any additional documentation you wish the NCAA Division II Management Council Subcommittee to consider in the appeal process, within 30 days from the date of this letter. Any appeal to the Management Council Subcommittee must be based on one of the following reasons:
1. The subcommittee deviated from its approved procedures; or

2. The findings of fact of the subcommittee are clearly erroneous.

Any appeal filed after 30 calendar days must include an explanation regarding the reason(s) the appeal was not filed within the prescribed time period. The chair of the NCAA Division II Management Council Subcommittee shall determine whether any appeal filed after 30 calendar days will be heard.

Please contact me at 317/917-6793 if I may be of further assistance.

Sincerely,

Chelsea Crawford
Assistant Director of Academics and Membership Affairs

CC: lmb

cc: Mr. Michael P. Ernst
    Ms. Natalie Lockhart
    Mr. Jamie Purnell
    Selected NCAA Staff
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General Policies for the NCAA Division II Amateurism Fact-Finding Group

1. Legislated Duties of the NCAA Division II Amateurism Fact-Finding Group (NCAA Constitution 4.7.2.3 and NCAA Bylaw 21.8.5.6).

   The NCAA Division II Amateurism Fact-Finding Group shall be responsible for making a determination of facts related to the certification of a prospective student-athlete's amateur status on request of an institution. An institution may make such a request if it disagrees with the determination of facts rendered by the NCAA Eligibility Center.

2. Legislated Group Composition and Reporting Lines (Bylaw 4.7.2.3).

   In Division II, the Legislative Review Subcommittee of the NCAA Division II Legislation Committee shall act as the Amateurism Fact-Finding Group. The group shall report directly to the NCAA Division II Management Council.

3. Group Chair.

   The chair of the subcommittee shall serve as chair of Amateurism Fact-Finding Group.


   The group and the NCAA staff shall treat all cases before them as confidential until it announces the determination in accordance with the prescribed procedures. The staff shall not confirm or deny the existence of a case prior to complete resolution of the case through normal NCAA procedures. However, if the involved institution makes a public announcement concerning a case, the vice president for academic and membership affairs or his or her designee may confirm the information made public and may correct erroneous or incomplete information about the investigation that has been made public by the institution or an involved individual. The staff's release of information shall always comport with federal law (i.e., Federal Educational Rights and Privacy Act). The vice president for academic and membership affairs or his or her designee has the discretion to prepare a press release on behalf of the NCAA when appropriate.

5. Ex-Parte Communications.

   Members of the group shall not discuss a pending appeal with the staff, institutional representatives, the prospective student-athlete or his or her legal counsel without all parties having the opportunity to participate. The staff may contact group members to arrange a teleconference or a paper review of an institution's request. When an institution requests reconsideration of a group's decision, the staff may contact the chair of the group to provide the information submitted by the institution and the staff's evaluation of it. The staff may also contact the chair of the group regarding procedural matters relevant to processing an institution's request.
6. **Quorum.**

A quorum of more than 50 percent of the group members is required for the group's review of requests. If the designated group chair cannot participate in the review, he or she will appoint a presiding chair. If it is not possible to have the entire group hear or review the request and it is necessary to do so without delay, the proceeding or review may take place with less than a full group as long as the quorum requirements are met.

7. **Recusal.**

A group member shall recuse himself or herself from participating in proceedings (e.g., representing his or her institution or deliberating as a group member) connected with a case when he or she is directly connected with the involved institution making the request, including, but not limited to, a member of the group member's institution or institution's conference. A group member with a personal relationship or institutional affiliation that reasonably would result in a conflict or the appearance of bias or prejudice should refrain from participating in any manner in the processing of a request for determination of facts. It is the responsibility of the group member to remove himself or herself if a conflict exists. Objections to the participation of a group member should be raised as soon as recognized. The chair of the group has the final authority to determine whether the group member shall recuse himself or herself.

8. **Voting Requirements.**

The final finding of fact shall be decided by majority vote of the members of the group present and voting. A simple majority is necessary for a decision. However, in case of a tie vote, the chair will request the group meet via teleconference to discuss the case and reach a majority decision. Vote tallies of decisions are private and will not be provided to the media, the involved institution(s), the prospective student-athlete or his or her legal counsel.

9. **Revision of Procedures.**

The group has the authority to revise the procedures governing the applicable request procedures at any time, subject to the approval of the Management Council.

10. **Flow of Information.**

All materials relevant to the consideration of a request to the group shall be submitted to the NCAA Eligibility Center amateurism certification staff by the institution. The involved prospective student-athlete, as well as his or her legal counsel, shall work through the institution in preparing and submitting the request. Information submitted directly to the
amateurism certification staff shall be sent to the institution for it to determine whether the information should be included in its request.

11. Request for New Information.

In arriving at its determinations, the group may request additional information from any appropriate source, including the amateurism certification staff, institutional representatives, the prospective student-athlete or his or her legal counsel.


The group shall base its findings 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 group does not have the authority to determine whether a violation of NCAA amateurism or eligibility legislation has occurred. The determination of a violation shall be made by the academic and membership affairs staff after either the prospective student-athlete has agreed to the facts presented by the amateurism certification staff or the group has issued its findings. Any appeals of the interpretation of the legislation used to determine the violation shall be heard by the Division II Interpretations Subcommittee.


The group does not have the authority to impose a condition of reinstatement. The authority to impose conditions is vested with the NCAA Division II Committee on Student-Athlete Reinstatement. The Committee on Student-Athlete Reinstatement has the authority to delegate the imposition of conditions to the student-athlete reinstatement staff. In addition, the Committee on Student-Athlete Reinstatement has the authority to create prescribed penalties to be administered by the amateurism certification staff.

Determination of Facts by the Amateurism Fact-Finding Committee/Group

1. Need for a Determination of Facts.

It may be necessary during a prospective student-athlete's amateurism certification review to have the group resolve one or more disputed factual questions. Such a dispute will, in most circumstances, relate to facts proposed by the amateurism certification staff in a draft statement of facts provided to an institution for the purpose of seeking interpretive review by the academic and membership affairs staff or penalty assessment by the student-athlete reinstatement staff. Disputes may also arise with respect to proposed mitigating facts,
relating to an eligibility determination, submitted by an institution to the student-athlete reinstatement staff or the academic and membership affairs staff liaison(s) to the NCAA Division II Committee for Legislative Relief if the facts are inconsistent with information gathered during the amateurism certification staff review.

2. **Requirement Before a Request for a Determination of Facts Can Be Made by an Institution.**

If a prospective student-athlete does not agree with one or more proposed facts within the amateurism certification staff's statement of facts, an institution may submit a written request, on the prospective student-athlete's behalf, that the group determine the facts. Before the institution submits its formal request with all required information and documentation (described below), the institution and amateurism certification staff shall determine the wording of the question(s) that will be posed for the group review. Once agreement has been reached regarding the question(s), and within 30 calendar days from the date on which the amateurism certification staff provides a written statement of facts to the prospective student-athlete or institution, the institution shall submit its request for a determination of facts to the academic and membership affairs liaison(s) to the group. Exceptions to the 30-day policy may be granted by the chair of the group when an institution is able to demonstrate in writing that exceptional circumstances required the request be submitted beyond the 30-day period.

An institution representing a prospective student-athlete's interest in an amateurism review shall be advised to contact the academic and membership affairs liaison for questions relating to general procedures to be followed during the determination of facts process.

3. **Contents of and Schedule for a Request for a Determination of Facts.**

Upon notification by an institution of its intent to seek a determination of facts, the academic and membership affairs liaison(s) will work with the group to determine the date of its deliberations and provide that information to the institution. The group meets as necessary via teleconference to review requests for a determination of facts. The following submission schedule will be keyed off the scheduled deliberation date:

a. **Institution's Opening Submission.**

Within 30 calendar days of receiving the amateurism certification staff's statement of facts, the institution shall submit its opening submission. This submission shall not include new information (information not previously presented to the amateurism certification staff) and shall include all of the following information and documentation:
(1) A formal statement identifying the disputed fact(s).

The institution's submission shall contain the agreed-upon questions relating to the disputed facts. If a request is made before agreement has been reached on the disputed questions or if the agreed-upon questions are modified in any way, the academic and membership affairs liaison(s) shall suspend all fact-finding procedures, which may include rescheduling the group deliberations, and send the review back to the amateurism certification staff until agreement can be reached on the questions for the group review.

(2) Institution's position with respect to the questions at issue and its supporting documentation and information. Any documentation provided in a foreign language must be translated to English (or in the case of financial records, converted to U.S. dollars) prior to submission, and both the original language and translated documents must be included.

The institution shall include its position regarding the disputed facts and the rationale for that position. The institution shall also provide any documents and information that it believes supports its position.

b. Amateurism certification staff's Response Submission.

The amateurism certification staff shall have the opportunity to review the institution's submission before submitting its response to the group. The amateurism certification staff's position shall be submitted to the academic and membership affairs liaison(s) within five business days after receipt of the institution's position and not less than 48 hours before the group deliberations. If the timing of the institution's submission does not allow five business days before the 48-hour time period, the group deliberations may be rescheduled.

The amateurism certification staff's submission shall include all of the following information and documentation:

(1) A factual overview;

(2) The amateurism certification staff's position on the disputed facts, including the information on which the amateurism certification staff relied and the sources of that information; and

(3) The documents and information on which the amateurism certification staff relied to support its position, including the complete file on the prospective student-athlete that was used to complete the amateurism certification. Any
documentation provided in a foreign language must be translated to English (or in the case of financial records, converted to U.S. dollars) prior to submission, and both the original language and translated documents must be included.

c. **Reply Memorandum.**

The academic and membership affairs liaison(s) shall provide the amateurism certification staff's submission to the institution. The institution may, upon review of the amateurism certification staff's position, draft a short reply memorandum. Such a reply shall only be submitted if the institution believes the amateurism certification staff has included new information or unforeseen supportive arguments. The institution shall not reserve material for the reply submission which should have been included in a full and fair opening submission. Nor shall the institution include newly gathered information that may impact the position of the amateurism certification staff or deviate from the agreed-upon questions of fact.

4. **Deliberation by the Group.**

On the scheduled date of the group deliberations, at least a quorum of group members shall discuss the case via teleconference in an attempt to reach a decision. The purpose of the call is to discuss the case and not to gather additional information and, therefore, the amateurism certification staff, prospective student-athlete and institution shall not be participants on the call. On review of the required form and documentation submitted by an institution and amateurism certification staff, group members shall vote via teleconference and provide the final decision to the academic and membership affairs liaison(s). A simple majority of the members voting is necessary for a decision. The group shall render a decision not later than seven consecutive calendar days of receiving the information.

The group may, upon review of the submissions, determine that a review of the case on the written record is sufficient and shall vote via electronic mail to the academic and membership affairs liaison(s). A quorum of the group members' votes is needed for the request to be decided on the written record and a simple majority is sufficient to render a decision.

In case of a tie vote, the chair will request that the group meet via teleconference to discuss the request and reach a majority decision. It is vital that all group members be present on all teleconferences to ensure the timely consideration of requests.

5. **Request for a Hearing of the Parties via Teleconference.**
Before or after the scheduled deliberations, the group, at its discretion, may request a hearing conducted by teleconference. All parties shall be given 48-hours’ notice of such a request.
6. **Hearing of the Parties via Teleconference.**

The following individuals shall be present during a hearing:

a. Academic and membership affairs liaison(s);

b. Amateurism certification staff member who initially reviewed the case;

c. Prospective student-athlete;

d. If the prospective student-athlete is under 18 years of age, the prospective student-athletes' parent(s) or legal guardian(s), and at least one of the following:

e. Chancellor or president (or designee), faculty athletics representative, senior woman administrator, or director of athletics or compliance administrator.

The following individuals may be present during a hearing:

a. The institution's legal counsel;

b. Prospective student-athlete's legal counsel; and

c. Additional members of the NCAA national office staff, as needed.

7. **Hearing Procedures.**

The hearing shall be conducted pursuant to the following procedures:

a. Once all parties participating in the hearing have been introduced, the amateurism certification staff shall have approximately 10 minutes to describe the facts as they have been determined by the amateurism certification staff. The institution and the prospective student-athlete shall have 10 minutes, respectively, to describe the case and explain the reasons for requesting a determination of the facts.

b. The group chair may terminate the teleconference at any time if the information is repetitive in nature or if substantive new information (that previously was not reviewed by the amateurism certification staff) is introduced.

c. Following opening statements, the group chair will allow the group to ask questions of the prospective student-athlete, the institution and the amateurism certification staff. The teleconference will conclude with the amateurism certification staff, institution and prospective student-athlete providing closing statements not to exceed five minutes.
d. The group has the authority not to render a decision if it has questions that the group believes the institution or prospective student-athlete reasonably can and should answer before a decision by the committee is made.

e. When the hearing has concluded, the institutional representatives, the involved prospective student-athlete [and parent(s) or legal guardian(s)], legal counsel and the NCAA Eligibility Center staff shall leave the teleconference. The recording shall be terminated at the conclusion of the hearing and prior to the start of deliberations, and all parties except the group members and academic and membership affairs liaison(s) shall leave the teleconference at that time. The group members shall deliberate and reach a decision by majority vote.

f. All group materials and fact-finding proceedings are confidential. Institutional representatives and other participants on the teleconference shall maintain the confidentiality of the information discussed, as well as the identity of the participants.

g. When a request involves both Divisions I and II bylaws, the group that has jurisdiction over the division in which the institution holds membership shall determine the facts for both divisions.

h. Once a decision is rendered by the group, the chair of the group will notify the academic and membership affairs liaison of the determination of the facts. The academic and membership affairs liaison shall notify the prospective student-athlete and the institution with a copy of the determined facts. The prospective student-athlete shall be notified that these facts shall be used to determine if a violation exists or if a season(s) of competition and year in residence should be charged.

8. Prohibition Against Requesting a Determination of Facts in the Interpretive, Waiver or Student-Athlete Reinstatement Processes.

If an institution submits a request for an interpretation, a request for a waiver of NCAA legislation (e.g., legislative relief waiver) or a request for eligibility reinstatement, the institution is precluded from requesting factual determinations or appealing the agreed-upon set of facts as determined by the group, unless such information meets the reconsideration standard as set forth below. Thus, the institution acknowledges that it agrees with the facts as presented in the interpretation, waiver or reinstatement request.


If the institution and prospective student-athlete do not agree with the determination of facts made by the group, the following procedures shall apply:
a. In Division II, after the group has rendered a determination of facts, the involved institution may appeal that determination to the Management Council. The Management Council's determination shall be final, binding and conclusive and shall not be subject to further review by any other authority.

b. All appeals of determinations of facts shall be submitted in writing within 30 days of notification of the group determination and must be based on one of the following:

(1) The group deviated from approved procedures;

(2) The factual findings of the group are clearly erroneous; or

(3) Any appeal filed after 30 calendar days must include an explanation regarding the reason(s) the appeal was not filed within the prescribed time period. The chair of the Management Council shall determine whether any appeal filed after 30 calendar days will be heard.

c. The Management Council shall follow, where applicable, the general policies and review procedures for determination of facts as outlined in the Division II Amateurism Fact-Finding Committee/Group Policies and Procedures Manual.

10. Application of Interpretations(s) of Facts.

After the facts have been determined by the group, the amateurism certification staff, in consultation with the academic and membership affairs staff, shall review the facts and apply the NCAA legislation to determine if a violation has occurred and/or if season(s) of competition should be charged. If the institution requests an interpretation of the application of NCAA legislation to the determined facts, the amateurism certification staff shall follow the procedures set forth in the section titled, "Interpretive Requests."

11. Violation(s) or Season(s) of Competition.

If a violation has occurred or if season(s) of competition should be charged, the amateurism certification staff shall follow the following procedure:

a. Review the approved prescribed penalty schedule (provided by the student-athlete reinstatement staff) and in consultation with the student-athlete reinstatement staff, determine the appropriate penalties. If additional information is needed, the amateurism certification staff shall work with the student-athlete reinstatement staff to obtain the information.
b. If it is determined that a violation has occurred and/or if season(s) of competition should be charged, the decision shall be posted on the NCAA Eligibility Center website.

The prospective student-athlete or the institution shall have 30 calendar days to submit a written request to appeal the interpretation and/or student-athlete reinstatement penalty.

12. Reconsideration.

After the group's decision has been rendered, the member institution or amateurism certification staff may request that a determination of the facts be reconsidered based on the submission or discovery of new information that may affect the certification decision. That information must be newly discovered and nonrepetitive, and it must not have been reasonably available to any party involved in the review at the time of the factual determination for reconsideration to be appropriate. If the amateurism certification staff does not change its determination of facts, the group chair, at the institution's request, shall review the new information and may grant a new hearing only after concluding on review of the written materials that new information is of such importance as to make a different result reasonably probable.
## Bylaw 13.11.3.5: Private Lessons Feedback from Coaches Connection Groups

<table>
<thead>
<tr>
<th>Sport</th>
<th>Question: Should private lessons be permissible in sports other than golf, tennis and equestrian?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseball</strong></td>
<td>Baseball coaches were split on allowing private lessons in baseball. Some coaches were concerned that there was potential for abuse while others supported the change because it would allow coaches to supplement their income.</td>
</tr>
<tr>
<td><strong>Cross Country/Track &amp; Field</strong></td>
<td>Cross country and track and field coaches expressed no opinion regarding a potential change to the private lessons legislation. One coach asked about the feedback received to date while another asked for feedback from golf and tennis coaches (i.e., has it worked well for these sports?). After providing feedback from golf coaches on a subsequent call, the coaches again did not express an opinion regarding the potential change.</td>
</tr>
<tr>
<td><strong>Football</strong></td>
<td>Football coaches thought that allowing private lessons would be detrimental and would open a &quot;can of worms&quot; with recruiting and access to prospective student-athletes.</td>
</tr>
<tr>
<td><strong>Men's Lacrosse</strong></td>
<td>Men's lacrosse coaches are supportive of allowing private lessons in all sports but support a 100-mile radius restriction. The coaches also expressed that private lessons should be limited to the nonchampionship segment because the focus during that time frame should be on student-athletes, and that private lessons should not be allowed during the high school season, similar to the tryout legislation. Private lesson fees should be as much as a prospective student-athlete is willing to pay.</td>
</tr>
<tr>
<td><strong>Women's Lacrosse</strong></td>
<td>Women's lacrosse coaches are supportive of allowing private lessons in all sports because it is a great source of extra income for assistant coaches. The coaches are in favor of a mile radius restriction but are unsure what the restriction should be given that some institutions have lacrosse programs very close to the institution and some do not have lacrosse programs within a three-hour drive. Coaches should be able to conduct private lessons during the summer and private lesson fees should be as much as a prospective student-athlete is willing to pay.</td>
</tr>
<tr>
<td><strong>Men's Soccer</strong></td>
<td>Men's soccer coaches support extending private lessons to their sport.</td>
</tr>
<tr>
<td><strong>Women's Soccer</strong></td>
<td>Women's soccer coaches support the opportunity for coaches in soccer to be permitted to provide private lessons. Concern was raised with regard to using private lessons as a way to mask a tryout for a prospective student-athlete. The coaches supported placing a mileage restriction to 150 miles.</td>
</tr>
</tbody>
</table>
One coach suggested a limitation to restrict private lessons to the institution's campus or a practice facility used by the institution.

<table>
<thead>
<tr>
<th>Sport</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Softball</strong></td>
<td>Softball coaches support extending the private lessons legislation to all sports because it will help part-time coaches supplement their pay; however, the coaches believe that there should be some restrictions in place, such as a 100-mile radius restriction and allowing private lessons only when the sport is out of season. Another proposed restriction would prevent coaches who work for a local sports club from providing private lessons that year.</td>
</tr>
<tr>
<td><strong>Tennis</strong></td>
<td>Tennis already has private lessons and the coaches think that the current legislation works well. Generally, coaches are only available to offer lessons in the summer months, so it is difficult to recruit the top players because the coaches are not available year-round. The private lessons usually involve beginners and intermediates. Due to the high level of international players, private lessons are not used as a recruiting tool but are a helpful additional revenue source, especially for assistant coaches and graduate assistants.</td>
</tr>
<tr>
<td><strong>Volleyball</strong></td>
<td>Volleyball coaches support allowing private lessons as it would provide supplemental income to assistant coaches. The coaches support a radius restriction to ensure fairness and no recruiting advantage.</td>
</tr>
<tr>
<td><strong>Wrestling</strong></td>
<td>Wrestling coaches expressed that all sports should be permitted to provide private lessons. The coaches were indifferent with respect to a mileage radius restriction. Private lesson fees should be as much as a prospective student-athlete is willing to pay.</td>
</tr>
</tbody>
</table>
### Bylaw 13.11.2.4: Local Sports Clubs Feedback from Coaches Connection Groups

<table>
<thead>
<tr>
<th>Sport</th>
<th>Should the mileage radius restriction be increased?</th>
<th>If so, what is the appropriate mileage radius restriction?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseball</td>
<td>Baseball coaches do not support an increase in the mileage radius restriction.</td>
<td></td>
</tr>
<tr>
<td>Lacrosse</td>
<td>Lacrosse coaches believe there should be no mileage radius restriction. In women's lacrosse, there are several institutions who have lacrosse</td>
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<td></td>
<td>sport clubs in close proximity while other institutions do not. The coaches do not believe that an unlimited radius restriction would result</td>
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<td></td>
<td>in a recruiting advantage or disadvantage.</td>
<td></td>
</tr>
<tr>
<td>Men's Soccer</td>
<td>Men's soccer coaches support an increase in the mileage radius restriction from 100 to 150 miles.</td>
<td></td>
</tr>
<tr>
<td>Women's Soccer</td>
<td>Women's soccer coaches support an increase in the mileage radius restriction from 100 to 150 miles.</td>
<td></td>
</tr>
<tr>
<td>Softball</td>
<td>Softball coaches do not support increasing the mileage radius restriction. One coach asked why it would be necessary because it was increased</td>
<td></td>
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<tr>
<td></td>
<td>from 50 to 100 miles a few years ago. Another coach was concerned that an increase in the mileage radius could result in a potential recruiting advantage.</td>
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<tr>
<td>Volleyball</td>
<td>Volleyball coaches expressed a range of opinions regarding the mileage radius restriction. One coach noted that parents will drive</td>
<td></td>
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<td>their children long distances, regardless of what the mileage radius restriction may be because the level of club in rural areas does</td>
<td></td>
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<tr>
<td></td>
<td>not match those in major urban areas. The same coach asked if there should be an exception for parents to coach their children, and at</td>
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<td>a minimum, would like to see an increase in the mileage radius. Another coach stated that 100 miles seems reasonable but that an increase</td>
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<td>would help institutions in remote areas. Other coaches believed that the 100-mile radius should be from the institution OR local sports</td>
<td></td>
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<tr>
<td></td>
<td>club. Finally, one coach expressed concern about increasing the mileage radius if the coach owns the club (i.e., competitive advantage).</td>
<td></td>
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<tr>
<td></td>
<td>Ultimately, the coaches do not want to eliminate the opportunity to be involved with local sports clubs.</td>
<td></td>
</tr>
<tr>
<td>Wrestling</td>
<td>Coaches had little feedback to provide on this topic as involvement with local sports clubs is not common in wrestling.</td>
<td></td>
</tr>
</tbody>
</table>
### Concepts to Potentially Consider as Presidents Council-Sponsored Convention Legislation

<table>
<thead>
<tr>
<th>BYLAW</th>
<th>RECOMMENDATION</th>
<th>IF AMENDED, WHAT IS THE LANGUAGE</th>
<th>RATIONALE</th>
<th>MEETING REVIEWED</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1.3-(b)-(1) (permissible – following initial full-time collegiate enrollment)</td>
<td>Amend</td>
<td>Permit faculty and staff to donate (be more inclusive with the people listed).</td>
<td>Difficult to track and monitor on campus. Student-athletes have relationships with faculty and staff on campus.</td>
<td>March 2018</td>
<td>Recommended 2019 Convention legislation.</td>
</tr>
<tr>
<td>12.5.1.1-(a) (institutional, charitable, educational or nonprofit promotions)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Is prior approval necessary? If so, why? If not, then eliminate.</td>
<td>March 2018</td>
<td>Recommended 2019 Convention legislation. (Combine with elimination of prong (c) of Bylaw 13.11.3.5)</td>
</tr>
<tr>
<td>12.5.3-(a) (media activities)</td>
<td>Amend</td>
<td>Add language to include &quot;participation is at the discretion of the institution&quot; as opposed to the legislation stipulating that it must be a student-athlete who is academically eligible.</td>
<td>This should not be legislated. Rather it should be at the institution's discretion.</td>
<td>March 2018</td>
<td>Recommended 2019 Convention legislation.</td>
</tr>
<tr>
<td>13.02.4 (contact and evaluation periods)</td>
<td>Amend</td>
<td>All sports should be treated with the same recruiting calendar and not have restrictions, except dead periods (e.g., quiet and evaluation period).</td>
<td>Football and basketball should not have restrictions. All sports should be treated the same.</td>
<td>March 2018</td>
<td>Seek feedback from football and basketball coaches.</td>
</tr>
<tr>
<td>13.02.4.2 (evaluation period)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>All sports should be treated the same. Eliminating can help Division II schools with limited budgets.</td>
<td>March 2018</td>
<td>Seek feedback from football and basketball coaches.</td>
</tr>
<tr>
<td>13.02.4.3 (quiet period)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>All sports should be treated the same. Eliminating can help Division II schools with limited budgets.</td>
<td>March 2018</td>
<td>Seek feedback from football and basketball coaches.</td>
</tr>
<tr>
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</tr>
<tr>
<td>13.1.4 (recruiting calendars)</td>
<td>Amend</td>
<td>Change recruiting calendar and have it the same across all sports. All times should be contact period, except 48 hours prior to the signing period is a dead period.</td>
<td>Gives coaches more flexibility in recruiting throughout the year.</td>
<td>March 2018</td>
<td>Seek feedback from football and basketball coaches.</td>
</tr>
<tr>
<td>13.1.4.1 (waiver of contact period)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Based on elimination of Bylaw 13.1.4.</td>
<td>March 2018</td>
<td>Seek feedback from football and basketball coaches.</td>
</tr>
<tr>
<td>13.4.1 (printed recruiting materials)</td>
<td>Amend</td>
<td>To specify that recruiting materials may be sent out at any time.</td>
<td>An institution may provide information on the school but cannot provide any recruiting information.</td>
<td>March 2018</td>
<td>No action. Encourages early recruiting.</td>
</tr>
<tr>
<td>13.4.3.1 (responding to prospective student-athlete's request)</td>
<td>Amend</td>
<td>Eliminate June 15 date, but include that a prospective student-athlete can respond to such request at any time.</td>
<td>Based on amendment of Bylaw 13.4.1.</td>
<td>March 2018</td>
<td>No action. Encourages early recruiting.</td>
</tr>
<tr>
<td>13.4.3.1 (recruiting advertisements)</td>
<td>Amend</td>
<td>• Remove &quot;not,&quot; and allow high school recruiting advertisements in game programs or intramurals, but not in recruiting scouting services. &lt;br&gt;• Separate Bylaw 13.4.3.1 into two bylaws or potentially a prong (a) and (b).</td>
<td>This should be permissible.</td>
<td>March 2018</td>
<td>No action. Concern about potential recruiting advantage.</td>
</tr>
<tr>
<td>BYLAW</td>
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<tr>
<td>13.7.2.2</td>
<td>Amend</td>
<td>Increase the maximum of number of complimentary admissions from three to five.</td>
<td>The change will make this legislation consistent with the complimentary admissions legislation.</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to eliminate this bylaw and change base bylaw to “home contests”.</td>
</tr>
<tr>
<td>13.11.2.4</td>
<td>Amend</td>
<td>Expand the radius restriction.</td>
<td>Expanding the radius will help those institutions located in remote locations.</td>
<td>March 2018</td>
<td>Seek feedback from Coaches Connection groups in lacrosse, soccer, baseball, volleyball, softball wrestling.</td>
</tr>
<tr>
<td>13.11.3.5</td>
<td>Amend</td>
<td>Allow all sports to have access to this legislation and eliminate prong (c).</td>
<td>There is no consternation among institutions within the membership regarding this legislation and their inability to provide private lessons.</td>
<td>March 2018</td>
<td>Seek feedback from Coaches Connection groups regarding potential expansion to all sports. Recommended 2019 Convention legislation. (Combine with elimination of prong a of Bylaw 12.5.1.1)</td>
</tr>
<tr>
<td>13.14</td>
<td>Amend</td>
<td>Add language to permit coaches to be compensated while working at a local sports club and allow them to recruit.</td>
<td>Coaches should be able to recruit and get paid while working at a local sports club.</td>
<td>March 2018</td>
<td>No action. Permitting this would be a tacit endorsement of a local sports club.</td>
</tr>
<tr>
<td>13.14.4</td>
<td>Amend</td>
<td>Add an exception.</td>
<td>Add in an exception that includes sports camps and clinics that includes language similar to Bylaw 13.14.4.1.</td>
<td>March 2018</td>
<td>No action. Permitting this would be a tacit endorsement of a local sports club.</td>
</tr>
<tr>
<td>15.2.2.1</td>
<td>Amend</td>
<td>Include language to permit family members, including aunts, uncles, grandparents, etc.</td>
<td>Student-athletes should be permitted to receive financial aid from a family member.</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to permit “relatives or legal guardian(s)” to provide financial aid.</td>
</tr>
<tr>
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| 16.1.1.4 (awards – after completion of athletics eligibility) | Amend | • Permit a coach to provide a graduating senior with a gift of nominal value. However, the gift may not include cash or a gift card/certificate.  
• Amend title. | A coach should be able to provide a graduating student-athlete with a gift to show his or her appreciation for the student-athlete and his or her contribution to the team without it violating the legislation. Would want to adjust the title to clarify that this is only appropriate to provide to a student-athlete who is going to graduate immediately (e.g., if student-athlete has exhausted his or her eligibility in the fall, coach cannot provide him or her a gift in December if the student-athlete is going to graduate in the spring). | March 2018 | During initial discussion, committee supported permitting a gift of $25 (not cash) and moving this to Bylaw 16.11.  
Further discussion at next meeting. |

**Concepts to Potentially Consider as Noncontroversial Legislation**

<table>
<thead>
<tr>
<th>BYLAW</th>
<th>RECOMMENDATION</th>
<th>IF AMENDED, WHAT IS THE LANGUAGE</th>
<th>RATIONALE</th>
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<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1.1 (validity of amateur status)</td>
<td>Reorganize</td>
<td>N/A</td>
<td>Clarify what group is responsible? When? Not sure that schools are actually talking to student-athletes about the validity of the information they provide to the NCAA Eligibility Center.</td>
<td>March 2018</td>
<td>No action. Legislation is consistent with Division I.</td>
</tr>
<tr>
<td>BYLAW</td>
<td>RECOMMENDATION</td>
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<tr>
<td>12.5.1.1 (institutional, charitable, educational or nonprofit promotions)</td>
<td>Amend</td>
<td>• Explain what the constitutes community engagement (e.g., community service, fundraising.) • Explain when Bylaw 12.5.1.1 applies. • Possible flowchart of questions (see Figure 17-3).</td>
<td>This legislation seems unclear. Can this be explained in a figure instead of the language in the NCAA Division II Manual?</td>
<td>March 2018</td>
<td>Recommended incorporation of the March 26, 2015 official interpretation to clarify that community engagement activities must meet Bylaw 12.5.1.1. Add cross reference to Bylaw 13.02.1.</td>
</tr>
<tr>
<td>12.5.1.1.5 (player/trading cards)</td>
<td>Reorganize [move to 12.5.1.1-(f) as an example]</td>
<td>N/A</td>
<td>Appears that this would fall under the scope of Bylaw 12.5.1.1. If so, remove the language and reference player/trading cards in Bylaw 12.5.1.1.</td>
<td>March 2018</td>
<td>Requested legislative history as to why these items were not permitted to be sold.</td>
</tr>
<tr>
<td>12.5.1.1.6 (schedule cards)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Appears that this would fall under the scope of Bylaw 12.5.1.1. If so, remove the language and reference schedule cards in Bylaw 12.5.1.1.</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to eliminate, but schedule cards be added as an example in Bylaw 12.5.1.1.</td>
</tr>
<tr>
<td>12.5.1.6 (promotion by third party of highlight film, videotape or media guide)</td>
<td>Eliminate 12.1.6-(b) and combine 12.5.1.6 and 12.5.1.7</td>
<td>N/A</td>
<td>Not sure how much this is being applied on campuses. The individual has already been hired by the institution.</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to combine with Bylaw 12.5.1.7 as well as eliminate requirement to have approval of athletics director.</td>
</tr>
<tr>
<td>12.5.1.7-(b) (promotion by a third party of photographs)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Not sure how much this is being applied on campuses. The individual has already been hired by the institution.</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to combine with Bylaw 12.5.1.6 as well as eliminate requirement to have approval of athletics director.</td>
</tr>
<tr>
<td>13.1.1.2.3 (transfer from institution on probation)</td>
<td>Amend</td>
<td>Take out last sentence of the bylaw (starting with the word &quot;however&quot;).</td>
<td>Does not really seem enforceable on campuses or practical. If the other institution is notified, why are restrictions placed on student-athletes?</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to eliminate opportunity to establish restrictions on recruitment.</td>
</tr>
<tr>
<td>BYLAW</td>
<td>RECOMMENDATION</td>
<td>IF AMENDED, WHAT IS THE LANGUAGE</td>
<td>RATIONALE</td>
<td>MEETING REVIEWED</td>
<td>STATUS</td>
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<tr>
<td>13.1.2.1 (authorized staff members) and 13.1.2.1.1 (off-campus recruiters)</td>
<td>Amend</td>
<td>• Combine the bylaws. Possibly add in the &quot;annual basis&quot; to the bylaw.</td>
<td>Simplification of legislation.</td>
<td>March 2018</td>
<td>Table recommendation, pending outcome of Division II University and coaches test requirement.</td>
</tr>
<tr>
<td>13.1.2.3 (other restrictions, representatives of the institution's athletics' interests)</td>
<td>Amend</td>
<td>Possibly combine 13.1.2.3-(a)-(c).</td>
<td>Less wordy, more direct with restrictions listed. Possibly group booster restrictions together.</td>
<td></td>
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</tr>
<tr>
<td>13.1.2.5.2 (expense prohibition)</td>
<td>Amend</td>
<td>• Combine with Bylaw 13.1.2.3. Add chart/figure.</td>
<td>Simplify and restructure.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.1.3.2.1 (telephone calls to prospective student-athletes during conduct of athletics contest)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Compliance administrators are not really monitoring this beyond first phone call.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.1.3.5 (collect and toll-free telephone calls)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Most people are using cell phones today to communicate. Should be encompassed within Bylaw 13.1.3.2.2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.1.5 (visit to prospective student-athlete's educational institution)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>May be a best practice as opposed to legislation. High schools already have some of their own policies in place about allowing people into their school to talk to prospective student-athletes.</td>
<td></td>
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</tr>
<tr>
<td>13.1.7.1 (contact restrictions at specified sites – prospective student-athlete's educational institution)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>This does not seem to be happening on campuses and is not very realistic.</td>
<td></td>
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<tr>
<td>13.1.7.2-(d) (contact restrictions at specified sites – practice or competition site)</td>
<td>Amend</td>
<td>Permit coaches to talk with prospective student-athletes after they are released from an event at the end of the day.</td>
<td>Budget impact (institution must stay an extra night to talk to a prospective student-athlete and incurs an extra expense).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.2.6 (loans to prospective student-athletes)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Financial aid departments at institutions are assisting all prospective students with the loan process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.2.9 (fundraisers for a prospective student-athlete)</td>
<td>Eliminate prongs (b) and (f) only</td>
<td>N/A</td>
<td>Prongs (b) and (f) are covered in (d). No need to specify a dollar amount.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.4.3.1.4 (recruiting advertisements – interview to recruiting publication)</td>
<td>Amend</td>
<td>Shall not mention any recruiting information unless the prospective student-athlete has signed with the institution.</td>
<td>In amending the legislation there would not be any recruiting advantage if the prospective student-athlete has already signed with the institution.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.4.4.2 (electronic transmissions – additional regulations – during conduct of athletics contest)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Should be similar to the recommendations regarding phone calls.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.5.2.5.1 (coach transporting prospective student-athlete and prospective student-athlete's relatives or legal guardian(s) to/from site of competition to campus)</td>
<td>Amend</td>
<td>• Should just be an athletics department staff member, and take out &quot;annual certification requirements.&quot;</td>
<td>There are times when staff members (e.g., director of athletics, compliance) will need to pick up a prospective student-athlete from an airport for an official visit when a coach is not able to do so.</td>
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<tr>
<td>13.6.2.3 (requirements for official visit – NCAA Eligibility Center)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>It is already known where the transcript comes from. There is no need to list that it can come from the Eligibility Center, especially since legislation does not specify every possible place that can provide the transcript.</td>
<td></td>
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<tr>
<td>13.6.3.2 (length of official visit – exception to 48-hour period for extenuating circumstances)</td>
<td>Amend</td>
<td>Eliminate the last sentence &quot;In such instances,...&quot; and include language similar to the language in Bylaw 15.6.1 (the form shall be kept on file in the office of the director of athletics).</td>
<td>Requirement that institutions must submit a report to the conference office shall be a best practice rather than legislated.</td>
<td></td>
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<tr>
<td>13.6.6.7.1.1 (meals on official visit – entertainment at staff member's home)</td>
<td>Amend</td>
<td>Remove &quot;only occurs on one occasion.&quot;</td>
<td>Should not be limited to eating at a staff member's home on one occasion. Current legislation specifies that a prospective student-athlete may eat at a staff member's house on day one of the official visit but would be prohibited from eating at another staff member's house on day two of the official visit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.6.7 (entertainment on official visit for relatives or legal guardian(s) of prospective student-athlete)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Bylaw 13.6.6.1 permits institutions to provide entertainment to prospective student-athletes and their relatives.</td>
<td></td>
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<tr>
<td>13.7.2.4 (visit unrelated to recruitment), 13.7.2.5 (visit related to National Student-athlete Day or National Girls and Women in Sports Day)</td>
<td>Amend</td>
<td>• Combine bylaws. Eliminate Bylaw 13.7.2.5.</td>
<td>Not necessary to have these two bylaws when those events (National Student-Athlete or National Girls and Women's in Sports Day) can be placed under Bylaw 13.7.2.4.</td>
<td></td>
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</tr>
<tr>
<td>13.8.1 (entertainment, reimbursement and employment of high school/college-preparatory school/two-year college coaches – entertainment restrictions)</td>
<td>Amend</td>
<td>Increase number from two to four.</td>
<td>High school, college-preparatory or two-year college coaches should not have to pick between their children or spouse when determining who to bring to an institution's contest.</td>
<td></td>
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<tr>
<td>13.9.2 (transcript prior to National Letter of Intent of written offer of athletically related financial aid)</td>
<td>Amend</td>
<td>Remove the word &quot;current.&quot;</td>
<td>Institutions should do their due diligence to make sure the prospective student-athlete is academically sound prior to providing the prospective student-athlete with a NLI.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.9.2.1 (exception – high school or college preparatory school prospective student-athlete with a final academic certification)</td>
<td>Amend</td>
<td>Remove the word &quot;current.&quot;</td>
<td>If Bylaw 13.9.2 is amended, then the word &quot;current&quot; will be eliminated in this bylaw as well.</td>
<td></td>
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</tr>
<tr>
<td>13.10.6 (photograph of prospective student-athlete)</td>
<td>Amend</td>
<td>Remove sentence in last line beginning with &quot;however, the photography may not be given to a prospective student-athlete.&quot;</td>
<td>Align the legislation with Division I. There is no competitive advantage of allowing institutions to provide the prospective student-athlete with the photographs.</td>
<td>March 2018</td>
<td>Recommended noncontroversial legislation to permit institutions to provide the photograph to the prospective student-athlete.</td>
</tr>
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</table>
| 13.11.1.4  
(tryouts – nonscholastic-based basketball) | Amend | Add exception. | Permit an institution's staff member to participate in coaching activities with a nonscholastic-based basketball team that includes the coach’s child or children. | | |
| 13.11.2.1-(f)  
(permissible activities – tryouts) | Amend | "length of the practice period per Bylaw 17."
| | | Simplify the tryout rule to specify that a tryout should not last more than two hours. | | |
| 13.15.2.2  
(permissible expenses – collect and toll-free telephone calls) | Eliminate | N/A | This bylaw is no longer relevant. | | |
| 13.17  
(recruiting calendars) | Amend/Eliminate | Add figures. | Potentially add the recruiting calendars as a figure and not in bylaw form if the recommendation is approved to keep in the recruiting calendars. | | |
| 14.2.4.1-(a)-(d)  
(criteria for determining season of eligibility - exception – two-year college scrimmages) | Amend | Align language with the definition of an official scrimmage set forth in Bylaw 17. | Consistency in the definition of an official scrimmage. | | |
| 14.11.2.1-(b)  
(eligibility list) | Amend | Amend with "any student-athlete who is included on the eligibility list must have signed a drug-testing consent form per Bylaw 14.1.4." | There are student-athletes who sign the drug testing form who may never show up as a walk-on or show up for a tryout. Those student-athletes should not be included on the list. The eligibility list should truly be meant for student-athletes on the team. The second part of the bylaw seems to capture that more. | | |
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<tbody>
<tr>
<td>14.11.3 (drug-testing consent-form requirement)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Bylaw 14.11.2.1-(b) already addresses this.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.02.3 (counter)</td>
<td>Amend</td>
<td>Is there a better term to use for this concept?</td>
<td>With the recent changes in financial aid legislation, is the term counter necessary?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.3.3.2.1 (off-campus room and board stipend)</td>
<td>Amend</td>
<td>Remove the language &quot;meals provided on the training table shall be deducted at the regular-cost figure from such a student-athlete's board allowance.&quot;</td>
<td>Removal of language due to the recommendation of the elimination of Bylaw 15.3.3.2.1.6.</td>
<td></td>
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</tr>
<tr>
<td>15.3.3.2.1.6 (training-tables meals)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Not sure that institutions still use training tables.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.4.1.2 (aid not renewed, successful appeal)</td>
<td>Amend</td>
<td>Amend with &quot;the student-athlete shall continue to be a counter if the individual continues to receive athletics aid and participates in intercollegiate athletics.&quot;</td>
<td>This legislation is ultimately punishing coaches. If the student-athlete is not participating, regardless of if the student-athlete is receiving athletics aid, the student-athlete should not be a counter.</td>
<td></td>
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</tr>
<tr>
<td>16.1.3.4 (local civic organization)</td>
<td>Amend</td>
<td>Add language that &quot;A local civic organization (e.g., Rotary Club, Touchdown Club) may provide awards to a member institution's team(s) or individual member of the team...&quot;</td>
<td>If the conditions are satisfied, an individual student-athlete on the institution's team should be allowed to receive award from the local civic organization.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.1.5-(b) (awards banquets – booster club recognition banquet)</td>
<td>Amend</td>
<td>Eliminate mileage radius.</td>
<td>Ease of burden and opens up the opportunity to institutions located in remote geographical areas.</td>
<td></td>
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<tr>
<td>16.3</td>
<td>Amend</td>
<td>Amend this legislation to mirror Bylaw 16.4.</td>
<td>Should be institutional discretion when determining what institutions can provide to their student-athletes to help achieve academic success.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.6.1.1</td>
<td>Amend</td>
<td>Eliminate &quot;one round&quot; to include &quot;any round left up to the institution's discretion.&quot;</td>
<td>Allows institutions the flexibility to determine if they want to pay for relatives or legal guardians beyond one round in all sports.</td>
<td></td>
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</tr>
<tr>
<td>16.10.1.3</td>
<td>Amend</td>
<td>Eliminate 30-mile radius and add &quot;locale of the institution.&quot;</td>
<td>Make this more open to include locale to provide a broader option rather than the mile radius restriction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.11.1.4</td>
<td>Amend</td>
<td>Remove &quot;used equipment.&quot;</td>
<td>Student-athletes should be permitted to retain equipment at the end of their collegiate career once eligibility is exhausted in the sport.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.11.1.8</td>
<td>TBD</td>
<td>Potentially eliminate if Bylaw 16.3 is amended and move to within Bylaw 16.3.</td>
<td>Potentially eliminate if Bylaw 16.3 is amended and move to within Bylaw 16.3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.11.1.9</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Most student-athletes provide their own cell phone use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.11.1.10-(c)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Most student-athlete provide their own cell phone use.</td>
<td></td>
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**Concepts to Potentially Consider for Editorial Revision**
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<tbody>
<tr>
<td>13.1.2.4-(a) (student-athlete – off-campus contacts)</td>
<td>Amend</td>
<td>Rewrite legislation.</td>
<td>Appears that the first and second sentence contradict each other.</td>
<td>March 2018</td>
<td>Recommended editorial revision.</td>
</tr>
<tr>
<td>13.6.6.5.1 (entertainment/tickets on official visit - student host – multiple hosts)</td>
<td>Amend</td>
<td>Remove last sentence of bylaw.</td>
<td>Currently permissible to cover additional meals for remaining student host under the occasional meal legislation.</td>
<td>March 2018</td>
<td>Recommended editorial revision.</td>
</tr>
<tr>
<td>13.10.3.1 (announcer for high school broadcast)</td>
<td>Amend</td>
<td>Insert &quot;conference office personnel.&quot;</td>
<td>According to a staff interpretation [Reference: 3/17/89, Item No. b], conference office personnel would fall under the restrictions of Bylaw 13.10.3.1; however, that is not articulated in the legislation. Archive interpretation.</td>
<td>March 2018</td>
<td>Recommended editorial revision.</td>
</tr>
<tr>
<td>15.02.6 (period of award)</td>
<td>Amend</td>
<td>Add a cross-reference and list the exceptions to this bylaw.</td>
<td>There should be a cross reference so individuals know there are exceptions to this bylaw.</td>
<td>March 2018</td>
<td>Recommended editorial revision.</td>
</tr>
</tbody>
</table>

**Concepts to Potentially Refer to Division II Academic Requirements Committee**

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### 14.1.2 (general eligibility requirements – validity of academic credentials)

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<tbody>
<tr>
<td>12.02.8 (triathlon and cross country, track and field and swimming)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Not sure that this legislation is necessary. However, this is consistent with Divisions I and III legislation.</td>
<td>March 2018</td>
<td>Referred to Academic Requirements Committee.</td>
</tr>
<tr>
<td>12.02.9 (volleyball and beach volleyball)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Not sure that this legislation is necessary. However, this is consistent with Divisions I and III legislation.</td>
<td>March 2018</td>
<td>Referred to Academic Requirements Committee.</td>
</tr>
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</table>

Amend
- Eligibility Center will determine the validity of high school prospective student-athletes and institution will determine validity of transfer student-athletes.
- Institution will notify Eligibility Center if there are concerns about an invalid transcript.

Eligibility Center is already receiving high school transcripts from prospective student-athletes and determining academic certification. Why should the institution be responsible for the validity of such information?

March 2018 Referred to Academic Requirements Committee.

Amend
- Discussion as to if prongs Bylaw 14.4.3.7.10-(a)-(c) are a practice to track by institutions.

How are institutions really monitoring this? Is this an ease of burden?

March 2018 Referred to Academic Requirements Committee.

Eliminate subsection (d) only

Does this really make sense? Who is responsible for verifying this? Seems like a burden on an institution.

March 2018 Referred to Academic Requirements Committee.

### Concepts Involving Legislation Consistent with Divisions I and/or III

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<tr>
<td>Section</td>
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<td>Action</td>
<td>Notes</td>
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<tr>
<td>12.5.4</td>
<td>Eliminate</td>
<td>N/A</td>
<td>If an athletics manufacturer's logo is on a uniform, why does it matter if the institution's number and logo are visible? If there is not a penalty being assessed, then why is it legislated? However, this is consistent with Divisions I and III legislation.</td>
<td></td>
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<tr>
<td>12.5.4.1</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Institutions are not really monitoring this on campuses.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.02.10.1-(c)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Seems like an outlier to the prongs in this bylaw. However, this is consistent with Divisions I and III legislation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.2.4.5</td>
<td>Eliminate</td>
<td>N/A</td>
<td>If the NCAA sponsors triathlon as a sport, if a student-athlete competes in organized competition in triathlon, the student-athlete should be charged a season in that sport only and not cross country and track and field.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.2.4.6</td>
<td>Eliminate</td>
<td>N/A</td>
<td>If the NCAA sponsors beach volleyball as a sport, if a student-athlete competes in organized competition in beach volleyball, the student-athlete should be charged a season in that sport only and not volleyball.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.02.13</td>
<td>TBD</td>
<td>Add a figure or chart.</td>
<td>Is there a way to clarify this? Must be consistent with Divisions I and III. Seems a bit confusing and hard to understand.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Concepts Not Recommended for Advancement to the NCAA Division II Legislation Committee for Further Review

<table>
<thead>
<tr>
<th>BYLAW</th>
<th>RECOMMENDATION</th>
<th>IF AMENDED, WHAT IS THE LANGUAGE</th>
<th>RATIONALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1.4-(o) (payment based on place finish)</td>
<td>Amend</td>
<td>Clarify based on newly adopted legislation Proposal No. 2017-2 (amateurism -- payment based on performance -- from amateur team or event sponsor in individual sports).</td>
<td>Consistent with newly adopted legislation. Resolved via an ER.</td>
</tr>
<tr>
<td>13.02.1 (community engagement activity)</td>
<td>Amend</td>
<td>More clearly explain what constitutes a community engagement activity.</td>
<td>Membership still seems to be unclear on this bylaw. More education needed. NAAC develop?</td>
</tr>
<tr>
<td>13.2.5.1 (employment of prospective student-athletes – after senior year)</td>
<td>Amend</td>
<td>Change to June 15 date to be consistent with other Division II legislation when it is permissible to contact a prospective student-athlete or tie to when a prospective student-athlete signs an National Letter of Intent or written offer of financial aid with the institution.</td>
<td>Should not have to wait until the prospective student-athlete graduates. May be a good experience for prospective student-athletes to work throughout high school.</td>
</tr>
</tbody>
</table>
| 13.11.3.5 (tryout exceptions – private lessons) | Amend | • Add a 100-mile radius restriction,  
• Eliminate the sport-specific restrictions. | There is no consternation among institutions within the membership regarding this legislation and their inability to provide private lessons. |
<p>| 13.12.1.1.2 (sports camps and clinics – football and basketball) | Eliminate | N/A | Football and basketball should not be treated differently than other sports. |
| 13.12.2.5.2 (athletics staff members-other noninstitutional privately owned camps/clinics) | Amend | Remove the last sentence &quot;in the sports of football and basketball.&quot; | If Bylaw 13.12.1.1.2 is eliminated, then this would be permissible in the sports of football and basketball at all times. |
| 13.12.2.1 (employment at camp or clinic – prospective student-athletes) | Amend | Add &quot;after June 15 immediately preceding the prospective student-athlete's junior year of high school.&quot; | This will provide an opportunity for a prospective student-athlete to start earning money earlier. Would like to keep language that the prospective student-athlete's season must be over prior to being employed. |
| 14.1.7.1.7.3.1 (full-time enrollment- exceptions - practice or competition – postseason) | Eliminate | N/A | If the student-athlete was eligible for the final semester, why is there a 60-day limit of how long they can compete? Why would the student-athlete not be eligible for the remainder of the championship in the sport? |</p>
<table>
<thead>
<tr>
<th>BYLAW</th>
<th>RECOMMENDATION</th>
<th>IF AMENDED, WHAT IS THE LANGUAGE</th>
<th>RATIONALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.5.4.3.2-(b) (application – transfer previously attended)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>The last sentence seems to be inconsistent in that you can use the hours earned at a two-year or a four-year institution.</td>
</tr>
<tr>
<td>15.4.2.1.1.1 (equivalency sports – overall limit)</td>
<td>Eliminate</td>
<td>N/A</td>
<td>Why are institutions being limited to how many equivalencies they can provide for the sports of basketball and football combined?</td>
</tr>
<tr>
<td>16.5.1-(f) (housing and meals – permissible – occasional meals)</td>
<td>Eliminate 16.5.1-(f)-(1)</td>
<td>N/A</td>
<td>Institutions should be able to provide meals to their student-athletes whenever they would like; however, the restrictions on representatives of athletics interests should remain. Institutional budgets will minimize the concern for abuse of this legislation if this change is made.</td>
</tr>
<tr>
<td>17.1.6.5.3 (preseason practice)</td>
<td>Amend</td>
<td>Require institutions to provide student-athletes with one day off during the preseason period that occurs before the first day of classes or the first scheduled contest, whichever is earlier.</td>
<td>The Year-Round Football Practice Contact Recommendations note that in any given seven days following the five-day acclimatization period, one day should be no football practice. While not currently legislation, this concept should apply to all sports that conduct a preseason before the start of classes or the first contest.</td>
</tr>
<tr>
<td>17.1.9 (use of tobacco products)</td>
<td>TBD</td>
<td>See rationale.</td>
<td>Review during the summit in December. Should this be legislated or is this a best practice for health and safety? Refer to NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to provide feedback. If kept in Manual, perhaps place elsewhere. Good rule, but rarely enforced. Referred to CSMAS.</td>
</tr>
<tr>
<td>17.3.2.1.1 (weight training, conditioning, team activities and/or skill instruction)</td>
<td>Amend</td>
<td>See rationale.</td>
<td>Review potential start date in basketball and start a week after school starts – due to strain on athletic training staff and strength and conditioning staff. Allow voluntary activities during the first week of classes.</td>
</tr>
<tr>
<td>BYLAW</td>
<td>RECOMMENDATION</td>
<td>IF AMENDED, WHAT IS THE LANGUAGE</td>
<td>RATIONALE</td>
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<td>----------------------------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>17.6.8.1.1 (summer-workout sessions); 17.11.8.1.1 (summer-workout</td>
<td>TBD</td>
<td>See rationale.</td>
<td>Refer to larger Think Tank for discussion, perhaps leave legislation as is, remove entirely, or amend</td>
</tr>
<tr>
<td>sessions); 17.12.6.1.1 (summer-workout sessions); 17.15.6.1.1 (summer-</td>
<td></td>
<td></td>
<td>legislation to include all sports (team and individual).</td>
</tr>
<tr>
<td>workout sessions); 17.16.8.1.1 (summer-workout sessions); 17.18.6.1.1</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(summer-workout sessions); 17.21.7.1.1 (summer-workout sessions);</td>
<td></td>
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<tr>
<td>17.22.8.1.1 (summer-workout sessions); 17.23.7.1.1 (summer-workout</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sessions); and 17.27.7.1.1 (summer-workout sessions).</td>
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</tr>
</tbody>
</table>
IPOPL Number:  
SPOPL Number:  
Source: NCAA Division II Presidents Council [Management Council (Legislation Committee)].  
Category: Presidents Council  
Topical Area: Amateurism  

Intent: To permit a student-athlete to receive actual and necessary expenses from an institutional staff member to participate as a member of an outside team.  

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-(b) unchanged.]  

(1) Donations From Outside Sponsors. An individual who participates in a sport as a member of a team may receive actual and necessary expenses for competition and practice held in preparation for such competition (directly related to the competition and conducted during a continuous time period preceding the competition) from an outside sponsor (e.g., neighbor, business, institutional staff member) other than an agent, representative of an institution’s athletics interests or professional sports organization. An individual who participates in a sport as an individual (not a member of a team) may receive actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from an outside sponsor (e.g., neighbor, business, institutional staff member) other than an agent, representative of an institution’s athletics interests or professional sports organization.  

[12.1.3-(c) through 12.1.3-(g) unchanged.]  

Rationale: Following the 2016 Convention, the governance structure began assessing the culture of compliance and reviewed legislation to ensure its alignment with the compliance resources available on Division II campuses. Current legislation permits an individual to receive actual and necessary expenses from an outside sponsor other than an agent, a representative of an institution’s athletics interests or professional sports organization. This proposal provides the opportunity for enrolled student-athletes to seek out additional permissible financial resources from institutional staff members to support their athletics aspirations without compromising the fundamental purpose of the collegiate model. It would remain
impermissible for a student-athlete to receive expenses from an agent, representative of an institution's athletics interests or professional sports organization.

FAQ:

Budget Impact:

Co-sponsorship - Conference:
None

Co-sponsorship - Institution:
None

Position Statements:

Review History:

Mar 6, 2018: Recommends Approval - Legislation Committee
Apr 10, 2018: Approved in Concept - Management Council
Apr 24, 2018: Approved in Concept - Presidents Council

Additional Information:

Legislative References

<table>
<thead>
<tr>
<th>Legislative Cite</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1.3</td>
<td>Permissible -- Following Initial Full-Time Collegiate Enrollment.</td>
</tr>
</tbody>
</table>
Background:

During its March in-person meeting, the NCAA Division II Legislation Committee recommended sponsorship of legislation for the 2019 Convention to amend NCAA Bylaw 12.5.3 (media activities), to eliminate the requirement that a student-athlete must be academically eligible to represent the institution at the time of the appearance or participation in media activities; further, to specify that a student-athlete shall not miss class to participate in media activities.

During its April in-person meeting, the NCAA Division II Management Council reaffirmed the recommendation and referred it to the NCAA Division II Presidents Council. At its April in-person meeting, the Presidents Council referred the issue back to the Legislation Committee for further discussion. Below is the excerpt from the April 2018 Summary of Actions:

Bylaw 12.5.3 -- Amateurism -- Promotional Activities -- Media Activities.

Management Council. The Management Council recommended that the Presidents Council sponsor legislation for the 2019 Convention to amend Bylaw 12.5.3 (media activities) to eliminate the requirement that a student-athlete must be academically eligible to represent the institution at the time of the appearance or participation in media activities; further, to specify that a student-athlete shall not miss class to participate in media activities, effective August 1, 2019.

Current legislation requires a student-athlete to be academically eligible to represent the institution at the time of the appearance or participation in a media activity, not receive remuneration for the appearance or participation, and not make any endorsement, expressed or implied, of any commercial product. This recommended change will provide institutions with flexibility and discretion in determining which student-athletes may appear or participate in media activities. The recommended change also clarifies that student-athletes participating in such activities may not miss class time to do so. This change addresses student-athlete well-being concerns, especially with the elimination of academic eligibility at the time of the appearance or participation.

Presidents Council. The Presidents Council did not support this recommendation. The council referred the issue back to the Legislation Committee to consider amending the media activities legislation to specify that a student-athlete shall not miss class time to participate in media activities.

Conclusion:

1. The Division II Legislation Committee recommends sponsorship of noncontroversial legislation to amend Bylaw 12.5.3 (media activities).

Associated References:
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:
(Revised: 1/12/04 effective 8/1/04, 5/10/13) (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; and (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.
Agenda Item No. 6f (Supplement No 5e): Update on resource documents.

To be distributed at the meeting.
Agenda Item No. 6f (Supplement No 5f): Update on resource documents.

To be distributed at the meeting.
Division II conducted its first membership census in 2013 as a way of obtaining input on the programs and services being provided, and on what strategic initiatives should steer the division’s future direction. The 2013 census not only helped inform the division’s 2015-21 strategic plan, but it also reiterated core values within the membership and, accordingly, helped shape policy and legislation to support those values in key operational areas. That first census was so useful that the membership agreed to conduct subsequent versions every five years.

The 2018 census was sent to 315 member institutions in January (current active members and those in the membership process; schools reclassifying to other divisions were not included). Distinct versions of the survey were sent to presidents/ chancellors, athletics directors, other athletics staff members and conference staff. The surveys garnered 2,837 responses, 815 more than the 2013 census. Importantly, responses increased in almost every constituent group, especially in the coaches cohort, which included 635 more responses than in 2013.

The timing of the 2018 census is fortuitous, as input will help the Division II governance structure conduct a midterm assessment of the 2015-21 strategic plan and begin shaping its successor.

Following are highlights and key takeaways from each topic area in the 2018 census. A more complete summary of the census is located under the Strategic Plan tab at NCAA.org/D2.

MEMBERSHIP CHARACTERISTICS

- Most members are familiar with working in Division II. The median number of years at a Division II institution or conference was 16 for FARs, 13 for ADs, 10 for presidents and conference staff, eight for compliance officers and athletics staff members, and six for coaches.

- The overwhelming majority of respondents said they can describe the philosophical differences among the three NCAA divisions.

- Members in all constituent groups say they value the strategic positioning platform.

Rank the top 5 characteristics of Division II that are of most value to you

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Pres./ Chanc.</th>
<th>AD</th>
<th>Athl. Staff</th>
<th>Compl.</th>
<th>Coach</th>
<th>FAR</th>
<th>Conf. Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic positioning platform</td>
<td>70%</td>
<td>69%</td>
<td>76%</td>
<td>67%</td>
<td>56%</td>
<td>82%</td>
<td>67%</td>
</tr>
<tr>
<td>Partial scholarship model</td>
<td>71%</td>
<td>65%</td>
<td>49%</td>
<td>58%</td>
<td>55%</td>
<td>66%</td>
<td>43%</td>
</tr>
<tr>
<td>Membership stability</td>
<td>52%</td>
<td>51%</td>
<td>56%</td>
<td>47%</td>
<td>60%</td>
<td>52%</td>
<td>51%</td>
</tr>
<tr>
<td>Community engagement</td>
<td>57%</td>
<td>46%</td>
<td>56%</td>
<td>64%</td>
<td>56%</td>
<td>64%</td>
<td>34%</td>
</tr>
<tr>
<td>Championships participation ratio</td>
<td>35%</td>
<td>61%</td>
<td>52%</td>
<td>55%</td>
<td>62%</td>
<td>29%</td>
<td>59%</td>
</tr>
<tr>
<td>Regionalization philosophy</td>
<td>46%</td>
<td>47%</td>
<td>44%</td>
<td>40%</td>
<td>49%</td>
<td>40%</td>
<td>43%</td>
</tr>
<tr>
<td>Division II membership diversity</td>
<td>44%</td>
<td>26%</td>
<td>45%</td>
<td>37%</td>
<td>40%</td>
<td>42%</td>
<td>20%</td>
</tr>
<tr>
<td>1 school, 1 vote</td>
<td>36%</td>
<td>48%</td>
<td>26%</td>
<td>45%</td>
<td>23%</td>
<td>42%</td>
<td>43%</td>
</tr>
<tr>
<td>Enhancement fund distribution</td>
<td>28%</td>
<td>37%</td>
<td>18%</td>
<td>27%</td>
<td>13%</td>
<td>12%</td>
<td>41%</td>
</tr>
<tr>
<td>Make-A-Wish partnership</td>
<td>6%</td>
<td>7%</td>
<td>22%</td>
<td>16%</td>
<td>19%</td>
<td>26%</td>
<td>7%</td>
</tr>
<tr>
<td>Media exposure opportunities</td>
<td>12%</td>
<td>9%</td>
<td>14%</td>
<td>10%</td>
<td>23%</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td>Conference grant program</td>
<td>16%</td>
<td>17%</td>
<td>18%</td>
<td>15%</td>
<td>11%</td>
<td>18%</td>
<td>64%</td>
</tr>
<tr>
<td>Championship Festivals</td>
<td>5%</td>
<td>10%</td>
<td>14%</td>
<td>12%</td>
<td>16%</td>
<td>10%</td>
<td>21%</td>
</tr>
</tbody>
</table>

Note: Characteristics ordered by frequency of top 5 ranking by all respondents. Characteristics listed in top 5 most often in dark red; listed in top 5 more than 50% in light red.
• More than three-fourths of ADs responding report either directly to the president/chancellor (65 percent) or to the provost or another VP (11 percent, up from 4 percent in 2013).

• 71 percent of ADs say that they have a written and documented strategic plan for athletics.

• Conference offices believe they have a sufficient budget (91 percent of commissioners either strongly agreed or agreed), while athletics directors feel less so (36 percent either disagreed or strongly disagreed).

• 52 percent of ADs report being part of their president/chancellor’s leadership team.

Are you a member of your president/chancellor’s senior leadership team (cabinet)?

<table>
<thead>
<tr>
<th></th>
<th>AD</th>
<th>Athl. Staff</th>
<th>Compl.</th>
<th>Coach</th>
<th>FAR</th>
<th>Conf. Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>52%</td>
<td>1%</td>
<td>2%</td>
<td>&lt;1%</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>48%</td>
<td>99%</td>
<td>98%</td>
<td>99+%</td>
<td>97%</td>
<td></td>
</tr>
</tbody>
</table>

• There appears to be some ambivalence regarding whether the Make It Yours brand enhancement has been fully embraced at the campus level. Between 36 percent and 43 percent in all categories picked “neutral” when responding to whether Make It Yours has established institutional pride.

• There is agreement across all groups that it is important for the division to spend a portion of its annual budget to broadcast games offered through a regular-season media agreement.

• Most respondents are not concerned about the status of Division II within the NCAA; however, many are worried about the current status of intercollegiate athletics overall.

The current status of Division II within the NCAA concerns me

The current status of intercollegiate athletics concerns me

• There is strong support from across all groups for the division’s Life in the Balance philosophy.

• While more people are aware of Division II resources than before, additional education is necessary. All groups generally agree that NCAA.org is an effective source for obtaining Division II materials.

• There is decline in agreement from 2013 that communication from the national office to the Division II membership about the strategic positioning platform has been effective (presidents went from 76 percent strongly agree/agree in 2013 to 57 percent; athletics directors from 83 percent to 69 percent; athletics staff from 64 percent to 50 percent).
Most respondents across categories believe campus SAACs are organized, productive leadership groups that can influence change.

Members of the SAAC on my campus are more engaged in non-athletics campus events than other student-athletes

<table>
<thead>
<tr>
<th>Pres./Chanc.</th>
<th>AD</th>
<th>Athl. Staff</th>
<th>Compl.</th>
<th>Coach</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree/Strongly Agree</td>
<td>47%</td>
<td>55%</td>
<td>52%</td>
<td>45%</td>
<td>53%</td>
</tr>
<tr>
<td>Neutral</td>
<td>40%</td>
<td>32%</td>
<td>29%</td>
<td>32%</td>
<td>34%</td>
</tr>
<tr>
<td>Disagree/Strongly Disagree</td>
<td>12%</td>
<td>13%</td>
<td>19%</td>
<td>23%</td>
<td>13%</td>
</tr>
</tbody>
</table>

When it comes to allocation of championships resources, increasing per diem is a priority among all groups.

Respondents believe strongly that the student-athlete experience at the Division II National Championships Festival is worth the financial investment. This was especially true of those who had attended a National Championships Festival.

There is strong support among all groups (though coaches were 50-50) for the regionalization model for Division II national championships.

Some respondents said they would prefer national bracketing over regional bracketing, but that changed when posed with the sacrifices national bracketing might cause.

However, respondents were 50-50 about whether SAAC members are more engaged in campus events than other students.
GOVERNANCE

• Roughly 90 percent of athletics directors, compliance coordinators and conference staff say they understand the governance process and believe it accomplishes the goals and business of the division. However, only 49 percent of coaches say they understand the governance process and just 46 percent agree that it accomplishes intended outcomes.

• Most respondents say their president/chancellor and AD are adequately involved in policy-making.

• Across all groups, there is agreement that the current requirements to be considered an active Division II conference (eight schools in 2017; 10 in 2022) is appropriate.

• More than 90 percent of respondents in almost every category either strongly agree or agree that Division II should retain the one-school/one-vote system of governance (athletics staff were at 74 percent and coaches were at 57 percent), and most constituents believe the Convention is a good use of their time.

Indicate your opinion regarding presidents/chancellors’ level of involvement in Division II athletics policy

<table>
<thead>
<tr>
<th></th>
<th>Pres./Chanc.</th>
<th>AD</th>
<th>Athl. Staff</th>
<th>Compl.</th>
<th>Coach</th>
<th>FAR</th>
<th>Conf. Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too much involvement</td>
<td>4%</td>
<td>9%</td>
<td>15%</td>
<td>16%</td>
<td>27%</td>
<td>6%</td>
<td>4%</td>
</tr>
<tr>
<td>The right amount of involvement</td>
<td>81%</td>
<td>85%</td>
<td>76%</td>
<td>76%</td>
<td>65%</td>
<td>83%</td>
<td>93%</td>
</tr>
<tr>
<td>Too little involvement</td>
<td>15%</td>
<td>6%</td>
<td>9%</td>
<td>8%</td>
<td>8%</td>
<td>11%</td>
<td>3%</td>
</tr>
</tbody>
</table>

Indicate your opinion regarding athletics directors’ level of involvement in Division II athletics policy

<table>
<thead>
<tr>
<th></th>
<th>Pres./Chanc.</th>
<th>AD</th>
<th>Athl. Staff</th>
<th>Compl.</th>
<th>Coach</th>
<th>FAR</th>
<th>Conf. Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too much involvement</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>3%</td>
<td>7%</td>
<td>5%</td>
</tr>
<tr>
<td>The right amount of involvement</td>
<td>90%</td>
<td>79%</td>
<td>80%</td>
<td>79%</td>
<td>75%</td>
<td>88%</td>
<td>86%</td>
</tr>
<tr>
<td>Too little involvement</td>
<td>7%</td>
<td>19%</td>
<td>18%</td>
<td>19%</td>
<td>22%</td>
<td>5%</td>
<td>9%</td>
</tr>
</tbody>
</table>

DIVERSITY AND INCLUSION

• There is strong support across categories that athletics helps diversify the student body, and that institutions and their athletics departments support and foster a culture of diversity and inclusion.

• Most respondents in all groups answered “true” or “somewhat true” to the question of whether the athletics department has representation on committees/task forces working on campus diversity and inclusion efforts.

• Regarding a diversity and inclusion plan for athletics, 23 percent of athletics directors report that it is a stand-alone document for the athletics department, while 51 percent say it is part of the institution’s plan. Nine percent say they were unaware of a plan, and 7 percent said their institution/athletics department did not have one.

• Respondents generally agree that NCAA programming is helping women and minorities advance in athletics administration.

Current efforts and programming are providing women with the tools they need for advancement

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Current efforts and programming are providing minorities with the tools they need for advancement

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Note: The percentages in the above charts represent respondents who indicated they were aware of NCAA diversity and inclusion programming for women and minorities.
During its May 2 teleconference, the NCAA Division II Administrative Committee endorsed the following:

Background

On April 25, the NCAA Board of Governors and the NCAA Division I Board of Directors unanimously endorsed a series of recommendations from the Commission on College Basketball. The boards believe the recommendations will ensure integrity in the game, strengthen accountability in college sports and demonstrate a commitment to the well-being of student-athletes.

The Board of Governors will begin to implement Association-wide actions and the Division I members will begin the task of applying the recommendations to Division I rules, policy and structure. The NCAA Division I Council members will forward final changes to the Division I Board of Directors and the Board of Governors for approval by the August meetings.

Consistent with the NCAA Division II Presidents Council’s feedback submitted to the commission in March, the council indicated that it would be ready to embrace the recommendations of the commission and to act, where needed. The Presidents Council agreed that the areas of review by the commission were consistent with Division II’s “Life in the Balance” philosophy and enduring commitment to protect the total well-being of Division II student-athletes and the integrity of intercollegiate athletics.

Even though the charge of the commission was specific to Division I men’s basketball, the Presidents Council agreed that change may be necessary in Division II. Based on review of the recommendations, Division II may need to act to implement some of the changes in Division II. For instance, Division II will need to track the legislative changes in Division I specific to agents and nonscholastic basketball (among potential others).

Next Steps

1. Division II will track the Division I changes and recommend legislative and/or policy changes that are similar (if not the same) as the Division I changes for the areas that impact Division II (e.g., agents, nonscholastic basketball).

2. Division II will follow its normal legislative process, where applicable. However, if needed, the Division II Presidents Council may adopt emergency legislation.

Constitution 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.

3. The Presidents Council must sponsor legislation by September 1 for it to be before the Division II membership at the next annual Convention. The Presidents Council shall gather via teleconference following the Division I Board of Directors and Board of Governors meetings in August to review the action taken and determine what (if any) legislative changes need to be sponsored for the January 2019 Convention.

4. Several Division II committees (e.g., Academic Requirements Committee, Legislation Committee, Championships Committee, and others) will be meeting this summer and will discuss the recommendations of the commission and receive updates on the work of Division I and will provide feedback to the NCAA Division II Management Council and Presidents Council for its review and consideration during its summer meetings.

5. The NCAA Division II Men’s Basketball Committee will be asked to gather via teleconference(s) this summer to review the recommendation of the basketball commission and provide its feedback. Division II also will reach to the National Association of Basketball Coaches (Division II Congress) for feedback.

6. Division II will work with the Board of Governors, the Division I Board of Directors and the Division III Presidents Council on the recommendation to add five independent public members to the Board of Governors.

Note: The composition of the Board of Governors is a dominant provision and will require a two-thirds vote of all three divisions voting together.

Constitution 5.02.1.1 Dominant. [*] A dominant provision is a regulation that applies to all members of the Association and is of sufficient importance to the entire membership that it requires a two-thirds majority vote of all delegates present and voting in joint session at an annual or special Convention. Dominant provisions are identified by an asterisk (*).

Constitution 5.1.4.1 Quorum. [*] One hundred (100) active members and member conferences represented as prescribed in this constitution shall constitute a quorum for the transaction of the Association’s business. For purposes of voting by membership divisions, 40 members of each division shall constitute a quorum.
The Independent Commission on College Basketball was established on October 11, 2017, to assess the state of the enterprise and to recommend transformational changes to address multiple issues and challenges.

In brief, it is the overwhelming assessment of the Commission that the state of men’s college basketball is deeply troubled. The levels of corruption and deception are now at a point that they threaten the very survival of the college game as we know it. It has taken some time to get here, and it will take time to change course. The Commission offers its recommendations knowing that the road ahead is long – but that the first steps must be taken – and they must be bold. The indictments handed down by the Justice Department and the ongoing FBI investigation spurred the NCAA to ask for this report. Whatever the outcome of the legal process, radical changes are long overdue. We the commissioners believe that this is a final opportunity to turn the course of college basketball in the right direction. Every stakeholder will have to accept responsibility for what has happened in the past and commit to a new future if we are to succeed.

The commissioners want to be very clear: There is much to admire about college basketball even with its significant challenges. The commitment and hard work of student-athletes is seen on basketball courts across the country. At tournament time, underdogs rise up, defeat favorites, and become national darlings. The skill and determination of these young student-athletes reminds all of us what it means to work hard, prepare and perform under pressure. We experience deeply their triumphs and their failures. College communities – including students, faculty, staff and alumni – are bound together in pride and excitement as they support, cheer – live and die – with their teams.

We know too that many young men who would otherwise have little chance of attending college are able to take advantage of their talents to achieve something of great value in our society and economy – a college degree. The scholarships themselves are valuable, as students who finance their own education will attest; the in-kind benefits are worth tens of thousands of dollars more. The lifetime financial benefit of a baccalaureate degree can approach $1 million, and can change the recipient’s family for generations. See Section 1.D. Of course, student-athletes must earn that degree to receive these benefits.
Lost in the talk of big money and corruption is colleges’ central mission to provide higher education to students. There is debate about how to measure the graduation rate for college students, including student-athletes. There is, however, general agreement that the graduation rate for men’s Division I basketball players lags behind that of other student-athletes, perhaps significantly.\(^1\) NCAA schools must take seriously the obligation to help all student-athletes obtain the education they are promised.

The Commission believes that the answer to many of college basketball’s problems lies in a renewed commitment to the college degree as the centerpiece of intercollegiate athletics. Intercollegiate athletics is a trust based on a promise: athletes play for their schools and receive a realistic chance to complete a college degree in return. Any policy or action that violates that trust is morally wrong.

College basketball, like college sports generally, is to be played by student-athletes who are members of the collegiate community, not paid professionals. Over several decades, however, trends have emerged that call this understanding into question. Millions of dollars are now generated by television contracts and apparel sponsorship for the NCAA, universities and coaches. The financial stake in success has grown exponentially; and thus, there is an arms race to recruit the best talent – and if you are a coach – to keep your job. Future stars and their families know their value – and can be tempted to monetize their worth as soon as possible since they will not be compensated in college. Some agents, summer coaches and other third parties act as intermediaries and facilitators. In other words, the environment surrounding college basketball is a toxic mix of perverse incentives to cheat.

The NCAA’s investigative and enforcement functions were designed for a simpler time, when rule violations did not put so much at stake. As a result, the NCAA, as an enforcement entity, has little credibility with the public and its members, and what it has continues to dwindle. There are multiple cases of compromised academic standards and institutional integrity to keep the money and talent flowing. The NCAA and its member institutions have been unable to adequately deter or punish bad behavior.

Given the undeniable impact of “big money” on the college game, it is fair to ask whether the ideal of college basketball played by student-athletes who are part of the academic community – not hired guns for a season or two – is still viable. The answer is yes, and the effort is worth making. Transformative changes are necessary, but the

\(^1\) The two most utilized measures of graduation rate are the Department of Education’s Federal Graduation Rate (FGR) and the NCAA’s Graduation Success Rate (GSR). The FGR and the GSR treat transferring students differently, and their differing cohorts result in dramatically different graduation rates: The 2017 FGR is 68% for all student-athletes and 48% for men’s Division I basketball players. The 2017 GSR is 87% for all student-athletes and 82% for men’s Division I basketball players. The meaningful graduation rate is likely somewhere between the FGR and GSR. See NCAA Research, *Trends in Graduation Success Rates and Federal Graduation Rates at NCAA Division I Institutions* (Nov. 2017); T. Petr & J. McArdle, *Academic Research and Reform: A History of the Empirical Basis for NCAA Academic Policy* in Journal of Intercollegiate Sport 2012, pp. 39-40; College Sport Research Institute, *2017 Adjusted Graduation Gap Report: NCAA Division I Basketball*, found at [http://csri-sc.org](http://csri-sc.org).
goal should not be to turn college basketball into another professional league. Rather, we must change fundamentally the current culture and rules to address the effect that money has had on college basketball, the NCAA and its member institutions.

To this end, the Commission makes a number of recommendations set forth below. To ensure that we take advantage of the current momentum for change, the Commission further calls on the NCAA to draw up its plan to implement the Commission’s recommendations, including draft legislation, by early August 2018. The Commission will promptly reconvene and review the NCAA’s plans to provide its input for the NCAA’s concrete measures to renew college basketball.

EXECUTIVE SUMMARY OF RECOMMENDATIONS

Section 1: Realistic Pathways for Student-Athlete Success

A. Separate The Collegiate Track From The Professional Track By Ending One-And-Done.

The Commission calls on the National Basketball Association (NBA) and the National Basketball Players Association (NBPA) again to make 18-year-olds eligible for the NBA draft, so that high school players who are drafted may proceed to the NBA. The NCAA lacks the legal power to change one-and-done on its own; the power to make this change lies exclusively with the NBA and the NBPA.

The one-and-done regime may have provided some benefits for the NBA and the NCAA in the past, but all stakeholders agree that the downsides now outweigh any benefits. One-and-done has played a significant role in corrupting and destabilizing college basketball, restricting the freedom of choice of players, and undermining the relationship of college basketball to the mission of higher education. Elite high school players with NBA prospects and no interest in a college degree should not be “forced” to attend college, often for less than a year. These uniquely talented players are the focus of agents, apparel companies, investment advisors, college coaches and others seeking to profit from their skills and offering them cash and other benefits in hope of future gain. If they are allowed to turn professional, some of the pressure on the collegiate model will be reduced. Moreover, the recent commitment of the NBA to improve the G League may enhance its appeal as a professional option for elite players who are 18 and do not wish to attend college.

The Commission seriously considered, but is not recommending, the NBA’s and NBPA’s adoption of a version of the “baseball rule” which would make student-athletes who attend college ineligible for the draft or the G League for two or three years. By
requiring students who choose the collegiate path to make a long-term commitment to their education, the baseball rule increases the number of student-athletes who ultimately earn degrees. However, it would also keep collegiate players ready for the NBA in school against their will, where they will be potentially disgruntled magnets for corrupt money and the undermining of the collegiate model. Players with professional earning power should be able to choose a professional path. The Commission’s additional recommendations will make it easier for them to return and complete their degrees.

The Commission is concerned about one unintended consequence of ending one-and-done, specifically the potential abuse of the NCAA's current practice of granting immediate collegiate eligibility to high school players who “reclassify”—i.e., those who make themselves eligible to enter college prior to the graduation date of their high school class. We fear that, should the NBA and the NBPA make 18 the minimum age for entry into the NBA, the growing trend of reclassification will accelerate, creating a new generation of 17-year-old one-and-done players. The Commission urges the NCAA to monitor this situation and to enact appropriate rule changes if that potential abuse occurs with the end of one-and-done.

We must emphasize that only the NBA and the NBPA can change the one-and-done rule. If they choose not to do so by the end of 2018, the NCAA must still find a way to address this situation. In that circumstance, the Commission will reconvene and consider the other tools at its disposal. These could range from the baseball rule, to freshman ineligibility, to “locking up” scholarships for three or four years if the recipient leaves the program for the NBA after a single year. That would be a disincentive to recruit an athlete for a one-year run at the title. In short, the current situation is untenable.

B. Allow Student-Athletes To Test Their Professional Prospects And Maintain Their Eligibility If They Do Not Sign A Professional Contract.

The Commission recommends that high school and college players who declare for the draft and are not drafted remain eligible for college basketball unless and until they sign a professional contract. Specifically, players who are not drafted should be permitted to change their minds and attend college or return to college, provided they remain academically and otherwise eligible. The Commission also recommends imposing two additional conditions on this retention of eligibility: The player must return to the same school, and the player must request an evaluation from the NBA’s Undergraduate Advisory Committee before entering the draft. The NBA has unique credibility with elite players who should have the benefit of the NBA evaluation in deciding whether to enter the draft.
Elite high school and college basketball players tend to misjudge their professional prospects. Players who think they are surefire professionals are often mistaken. The numbers tell this story: Only a very small percentage of NCAA men’s basketball players make it to the NBA (around 1.2%), let alone have successful careers.\(^2\) Yet, an NCAA Survey we commissioned showed that 59% of Division I players believe that they will play professionally,\(^3\) and NCAA research suggests that 76% of Division I players, 48% of Division II players and 21% of Division III players believe that they have a chance to play at the next level.\(^4\) Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball. While this rule change may inconvenience coaches seeking to set their rosters for the following season, we conclude that the student-athletes’ interest should govern here. A player chagrined to discover that he lacks an NBA future may grow into his collegiate experience and adopt a different plan for the future. This change, along with several others recommended, will demonstrate that the NCAA is serious about the value and importance of college for student-athletes, and committed to helping them attend and work towards a degree.

The Commission again seeks assistance from the NBA and NBPA to make this recommendation work. Players who enter the draft and are not drafted are free agents under the NBA’s current rules, and can sign with an NBA team at any time. To avoid this outcome, the Commission requests that the NBA and NBPA agree that players who are not drafted, and then return to school, lose their eligibility to play in the NBA until they re-enter through the next draft.

For similar reasons, the Commission also has concluded that one aspect of the current transfer rule – the requirement that a player who transfers sit out for a year – remain in place. Even under the current rule, an astounding 600-plus Division I men’s basketball players transferred this year, in the hope of greener basketball pastures. Forty percent of players who enter Division I basketball from high school leave their original schools by sophomore year.\(^5\) Players who transfer are less likely to complete their degrees.\(^6\) Third parties often influence transfer decisions for their own purposes and without thought to the impact of transfer on the student-athlete. The detrimental effect of transfer on a student-athlete’s education means that transferring should not be made easier for basketball’s sake.

\(^2\) NCAA Research, So, you’re telling me there’s a chance (Dec. 2013).
\(^3\) NCAA Research, Division I Men’s Basketball Study on Youth Sport, Recruiting and College Choice, prepared for the Commission on College Basketball, Dec. 2017.
\(^4\) NCAA Research, So, you’re telling me there’s a chance (Dec. 2013).
\(^5\) NCAA Research, Tracking Transfer in Division I Men’s Basketball (Dec. 2017).
\(^6\) T. Paskus, A Summary and Commentary on the Quantitative Results of Current NCAA Academic Reforms in Journal of Intercollegiate Support 2012, pp. 44-45 (describing transfer as “hav[ing] a long-term negative outcome on the student-athlete” and citing research indicating that “even after we control for academic preparation, the act of transferring itself impacts the time to and probability of obtaining an undergraduate degree”); Community College Research Center, What We Know About Transfer (Jan. 2015) (only 17% of community college students who transfer complete a degree).
The Commission also discussed the graduate transfer rule. The NCAA enacted the rule in 2006 to assist academically high-achieving students who had graduated from college with remaining athletic eligibility by allowing them to transfer in order to pursue a graduate degree. In recent years, graduating student-athletes, including in men’s basketball, increasingly appear to make transfer decisions for reasons other than academics. In 2011, there were 15 men’s basketball graduate transfers; in 2016, there were 87. Only 34% of these transfers graduate from their graduate school programs. We heard that recruiting and tampering related to potential graduate transfers is rising.

We understand that the NCAA’s Transfer Working Group is currently considering this issue and potential responses, including “locking down” scholarships for the period of a degree program and imposing an enhanced penalty on a team’s Academic Progress Rate if the recipient leaves before completing his graduate program. We ask the NCAA to monitor this issue and develop appropriate legislation to ensure that the rule is serving its intent.

In sum, student-athletes should have more information about their professional prospects and more flexibility to test those prospects and return to school. This change and other related changes should make it easier for them to do so without losing their collegiate eligibility.

**C. Permit Students To Receive Meaningful Assessment of Professional Prospects Earlier With Assistance From Certified Agents.**

The Commission recommends that the NCAA and its member institutions develop strict standards for certifying agents and allow NCAA-certified agents to engage with student-athletes at an appropriate point in their high school careers to be determined by the NCAA. The NCAA must appoint a Vice-President level executive to develop meaningful standards for NCAA certification and administer the program. Among other requirements, the rules should mandate that agents notify colleges when they are retained by a matriculating student-athlete. The program should also educate student-athletes about eligibility rules and requirements.

Elite high school and college players need earlier professional advice, including whether to declare for the draft or whether college basketball offers a superior pathway. If NCAA rules do not allow them to receive that advice openly, they will often seek it illicitly. The NCAA rules should provide that student-athletes may meet and contract with NCAA-certified agents and that they will not lose their eligibility by doing so.

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7 See NCAA Research, Changes in the Number of Division I Graduate Transfers (June 2017).
8 See NCAA Research, Division I Committee on Academics, Academic Attainment of Division I Student-Athletes Who Compete as Postgraduates (Oct. 2015).
The Commission further recommends that the NCAA incentivize better behavior from agents. This can be done through making clear the benefits of certification and the cost of the loss of certification. An agent who participates in an NCAA rules violation must lose his or her certification. A student-athlete who enters into an agreement, or whose family members enter into an agreement, with a non-certified agent will lose his eligibility. In addition, the NCAA and the NBPA should report to each other agents’ violations of their respective rules, increasing the potential costs of violating NCAA rules.

As described below, in its specific recommendations about non-scholastic basketball, the Commission urges additional efforts at educating high school players about their professional and collegiate prospects, NCAA eligibility rules, their health and more. Student-athletes must have the information they need to understand their real choices and be better positioned to take advantage of either the collegiate or the professional path they choose.

D. Provide Resources To Make The Promise of A College Education Real.

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for the degree completion of student-athletes with athletic scholarships who leave member institutions after progress of at least two years towards a degree. Colleges and universities must fulfill their commitments to student-athletes to provide not just a venue for athletic competition, but also an education. They must promise student-athletes that the option to receive an education will be there, even after the athlete is finished with his athletic career. This will be expensive, but it is necessary to restore credibility to the phrase student-athlete.

Many NCAA member institutions already provide Degree Completion Programs. NCAA rules should standardize this offering. The NCAA must also define a category of relatively disadvantaged schools for which this requirement would impose a substantial burden, and create a fund to provide the benefit for students at those institutions, using the revenues of the NCAA Basketball tournament.

The NCAA is frequently criticized for not permitting payment to student-athletes, on the ground that these young people are engaged in an activity that generates billions of dollars and yet they do not benefit. The debate is longstanding; views are entrenched; and both sides make important points. One significant counter to that argument is that many Division I student-athletes benefit enormously from engaging in intercollegiate sports. In addition to receiving full scholarships up to the cost of attendance (ranging from $13,392 to $71,585 for in-state students and from $18,125-$71,585 for out-of-state students depending on the institution), student-athletes often

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9 See NCAA Financial Reporting System.
receive benefits such as academic support, meals, travel, coaching, trainers, career advice and more. The value of these extra benefits may be tens of thousands of dollars annually.\(^\text{10}\) As noted above, for student-athletes who receive a degree, the enhanced value of their lifetime earnings averages $1 million.\(^\text{11}\) Again, the Commission agrees that for these benefits to be realized, colleges must make good on their commitment to assist student-athletes in earning their degrees.

The Commission is familiar with the related debate about whether student-athletes should earn some financial benefit from the marketing of their names, images and likenesses (NIL). Many argue that allowing these payments would be analogous to the receipt of funds by collegiate Olympians and thus consistent with the collegiate model, particularly if students did not receive the funds until after college. The NCAA is a defendant in litigation involving such payments, which appears to raise fundamental questions about whether these and similar payments are consistent with the collegiate model. The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

If a college or university is using a student-athlete’s NIL for commercial purposes, the school must ask that student-athlete for consent, which must be voluntarily given. See also NCAA Bylaw 12.5 (Promotional Activities) (describing permissible and non-permissible uses). When the legal parameters relevant to this issue are clearer,\(^\text{12}\) the Commission also believes that the NCAA should reconsider its treatment of student-athletes’ NIL. In the current uncertain legal setting, however, the Commission has decided to focus its recommendations on supporting the college model. It seeks to address the charge of player exploitation in other ways – specifically, by opening and keeping open a player’s professional pathway, by welcoming the return of undrafted players, by funding degree completion by athletes who return to school, by providing benefits that allow student-athletes to be both students and athletes and by imposing

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\(^{10}\) See, e.g., USA Today analysis finds $120K value in men’s basketball scholarship, USA TODAY (March 30, 2011).

\(^{11}\) Georgetown University Center on Education and the Workforce, The Economic Value of College Majors, Executive Summary, p. 5, Figure 3 (2015); Pew Research Center, The Rising Cost of Not Going to College, (Feb. 11, 2014) (“Millennial college graduates ages 25 to 32 who are working full time earn more annually – about $17,500 more – than employed young adults holding only a high school diploma”); (“College-educated Millennials are also more likely to be employed full time than their less-educated counterparts (89% vs. 82%) and significantly less likely to be unemployed (3.8% vs. 12.2%)”).

\(^{12}\) In O’Bannon, the court of appeals vacated the district court’s requirement that the NCAA allow payments of limited deferred compensation related to use of student-athletes’ NIL. The court of appeals held that “allowing students to be paid NIL compensation unrelated to their education expenses” does not promote the NCAA’s procompetitive purposes as effectively as a rule forbidding cash compensation, even if payments are limited and in a trust fund. 802 F.3d at 1076. And, the NCAA continues to be in the midst of substantial litigation challenging the collegiate model, including multi-district litigation alleging more broadly that the NCAA and eleven of its conferences “fixed prices for the payments and benefits that the students may receive in return for their elite athletic services.” See Order Granting in Part and Denying In Part Cross-Motions for Summary Judgment at 1, In re: National Collegiate Athletic Association Athletic Grant-In-Aid Cap Antitrust Litig., Nos. 14-md-02541-CW, 14-cv-02758-CW (Mar. 28, 2018). See also infra, n. 17 (citing a number of cases challenging the college model). Again, the Commission strongly recommends that the NCAA reconsider its rules in this area once the legal context is clarified.
significant punishment on those who undermine the premise that student-athletes must receive an education that is valuable, not a pretense. The NCAA will have to incur substantial costs for several of these recommendations. But it will be money well spent.

Section 2:
Establish Professional Neutral Investigation and Adjudication of Serious Infractions and Hold Institutions and Individuals Accountable

A. Implement Independent Investigation and Adjudication of Complex Cases.

The Commission recommends that the NCAA create independent investigative and adjudicative arms to address and resolve complex and serious cases (hereafter “complex cases”) involving violations of NCAA rules.

Stakeholders informed the Commission that when the stakes are high, colleges are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules often are not enforced. Specifically, the NCAA’s investigative and enforcement powers are inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations. No stakeholder supported the current system for handling high-stakes infractions. Many informed us that when the U.S. Attorney’s Office announced the charges that led to this Commission, the reaction was that “everyone knows” that these payments occur. That state of affairs – where the entire community knows of significant rule breaking and yet the governance body lacks the power or will to investigate and act – breeds cynicism and contempt.

The NCAA’s investigative and enforcement processes require a complete overhaul. Complex cases must be thoroughly investigated, and resolved by neutral professional adjudicators, with authority to impose punishment that will have a significant deterrent effect. The investigative arm must be independent and empowered to require the cooperation of witnesses and the production of documents, including financial information, from NCAA member institutions and their employees and contractors, with significant penalties for non-cooperation. In addition, these and all NCAA investigators must exercise reasonable prosecutorial discretion and common sense so that resources are focused on serious infractions and punishment is appropriately calibrated and consistently administered. There are multiple examples of minor infractions that are not worth the time and effort that the NCAA now spends on them.

Volunteers who are members of fellow NCAA member institutions should not resolve cases. Instead, a panel of professional adjudicators, appointed for a term of years, must make final and binding decisions and must have the authority to impose
substantial punishments, including the loss of post-season play and the revenues from post-season play. To restore credibility to this process, the investigation, enforcement and resolution of high stakes cases must be placed in the hands of independent professionals and neutrals.

B. Enact and Impose Core Punishments With Significant Deterrent Effect.

The Commission recommends that the NCAA enact significant increases in the penalties imposed on institutions and individuals for violations of NCAA rules. Currently, the rewards for violating the rules far outweigh the risks. To reverse this calculation, the Commission recommends a number of changes in the NCAA’s penalty structure.

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all revenue sharing in post-season play, including the NCAA tournament, for the entire period of the ban; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv) increase the penalties for head coach restrictions to allow bans of more than one season; and (v) increase the penalties for recruiting visit violations to allow full-year visit bans.

In addition, the Commission recommends that member institutions that employ a coach or athletic director under a show cause order for a previous violation of NCAA rules be subject to significantly increased penalties if that individual’s program re-offends, up to and including a ban of up to five years from post-season tournaments, including the NCAA tournament, and a loss of revenues from those tournaments for that same period. There must be significant risk associated with employing an individual who is under a show cause order.

Relatedly, the Commission recommends a significant expansion in individual accountability for rules violations for coaches, athletic directors and college presidents. The NCAA must amend its rules to require colleges to include in contracts with administrators and coaches individual contractual obligations to cooperate with NCAA investigations, including financial disclosure, and individual agreement to submission to NCAA enforcement proceedings, decisions and discipline, up to and including discharge.

Moreover, the Commission recommends that the NCAA enact a rule requiring coaches, athletic directors, and college presidents to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA
rules. These individuals will find it much easier to do so if they enact comprehensive compliance programs at their institutions. The costs of compliance may be significant, but they should be small by comparison to the costs of being found in violation of NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination. These penalties should be mitigated or enhanced depending up
the presence and effectiveness of the institution’s compliance program.

Coaches are the public focus of blame for NCAA violations. For too long, college presidents and administrators have not been viewed as accountable for the conduct of their athletic programs. That will have to change. College presidents and high-level administrators cannot be permitted to turn a blind eye to the infractions in those programs.

Finally, among other substantive rules changes, the Commission recommends that the NCAA revise and clarify its role in addressing academic fraud or misconduct by member institutions and make application of those rules consistent. The NCAA must have jurisdiction to address academic fraud and misconduct to the extent it affects student-athletes’ eligibility. Member institutions cannot be permitted to defend a fraud or misconduct case on the ground that all students, not just athletes, were permitted to “benefit” from that fraud or misconduct. Coaches, athletic directors and university presidents must be held accountable for academic fraud about which they knew or should have known. The standards and punishment for academic fraud must be clarified and then enforced consistently.

Section 3:
Mitigating Non-Scholastic Basketball’s Harmful Influence on College Basketball

Virtually all of the top recruits for each collegiate recruiting class participate in non-scholastic basketball. The Commission recommends that the NCAA take short and long-term actions to reform non-scholastic basketball and disassociate the NCAA and its member institutions from the aspects of non-scholastic basketball where transparency and ethical behavior cannot be assured. As part of this effort, the Commission recommends that the NCAA partner with USA Basketball, the NBA, the NBPA and others to create and administer new resources and programs for youth basketball development, including substantial regional camps for collegiate prospects in July where NCAA coaches would evaluate players.

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13 This rule would be analogous to the Sarbanes Oxley Act, 15 U.S.C. §7241, Corporate Responsibility for Financial Reports (2006), which requires the Chief Executive officers of public companies to personally certify their financial reports.
A. Reform Non-Scholastic Basketball and Make Its Finances Transparent.

In the near term, the Commission recommends that the NCAA promptly adopt and enforce rigorous criteria for certifying the non-scholastic basketball events that its coaches attend. In order for the NCAA to certify a non-scholastic basketball event, the owners, event operators, sponsors, and coaches for the event must agree to financial transparency about all events they run, including those that are not certified by the NCAA. This requirement includes agreement (i) to be subject to audit and to provide all required IRS and other tax filings upon request; (ii) to disclose all sources of financing and other payments and the recipients of all funds provided for or collected in relation to the event; and (iii) to disclose any financial relationship between the event sponsors and coaches with any administrator, coach or booster at any NCAA school. The money flowing from apparel companies and other third parties into non-scholastic basketball must be disclosed and accounted for, in order to address the corruption arising from non-scholastic basketball.

Further, the NCAA’s rules already require NCAA-certified events to have educational components; the NCAA must immediately implement and enforce that requirement more effectively. All benefits provided to participants and their families, including travel, meals, accommodations, gear of any sort, and any other benefit, must be disclosed to the NCAA, along with the source of their provision. The NCAA must enforce the requirement that such benefits be reasonable and appropriate and assure that these restrictions are not circumvented by delaying the timing or providing the benefits to another.

Currently, non-scholastic basketball is an ungoverned space with coaches, players and their families, agents and sponsors exchanging money and goods in the hope of future benefits and without accountability. Of particular importance to the Commission are the cases in which non-scholastic basketball event operators and coaches seek benefits from colleges and college coaches in exchange for influencing their players’ college choices. To recruit effectively, many NCAA coaches need to attend non-scholastic basketball events in which large numbers of elite players participate. In turn, these events, leagues and teams attract high school players by giving them the opportunity to be seen and evaluated annually by college coaches. Thus, using its certification requirement, the NCAA has some leverage to impose the financial transparency requirements and other reforms that the Commission recommends above.

B. Enlist the Apparel Companies in Transparency and Accountability Efforts.

The apparel companies that actively sponsor non-scholastic basketball are public
companies. It appears, however, that they do not have effective controls in place in their spending in non-scholastic basketball. The Commission calls on the boards of these companies to publicly support and implement financial transparency and accountability with respect to their own investments in non-scholastic basketball. Particularly in light of the facts uncovered in the recent FBI investigation, these public companies should be concerned about how their money is used in non-scholastic basketball. We expect that these companies will insist that all employees provide detailed accountability about such expenditures and cooperate with new NCAA rules about financial transparency and accountability.

C. In Cooperation with Partners, Establish NCAA Youth Basketball Programs.

With respect to the longer term, the Commission recommends that with a goal of 2019, the NCAA work with USA Basketball, the NBA and the NBPA and others to establish and administer new youth basketball programs. We would expect the NCAA to devote significant resources and attention to these programs. Briefly, the Commission proposes that youth basketball players be identified and developed at three levels: Level 1, players with National Team potential; Level 2, players with Highest Collegiate potential; and Level 3, players with Collegiate potential. At each level, players would have to be identified, developed and evaluated by appropriate stakeholders. Critically, that development would include not only basketball, but also academic and life skills, health and collegiate eligibility. One centerpiece of this program would be NCAA-administered regional non-scholastic basketball events in July that NCAA coaches would exclusively attend. The Commission also recommends that the NCAA – in collaboration with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA – consider similar initiatives to enhance the development of young women basketball players.

In sum, the NCAA and NCAA coaches may no longer associate with non-scholastic basketball events that are not financially transparent and otherwise compliant with NCAA requirements regardless of when they are held. Moreover, in light of the recommendation that players be permitted to choose a professional pathway at an earlier time, the NCAA and others should devote significant resources to earlier development, including education, for players in youth basketball. The corruption we observe in college basketball has its roots in youth basketball. The reforms recommended by the Commission will be fruitless unless the NCAA gives serious attention to regulating summer programs.

D. Enact Changes in Rules Governing Recruiting and Coaches’ Interaction with Recruits and Student-Athletes

The Commission also endorses and recommends adoption of a number of the rule
changes recommended by the National Association of Basketball Coaches and other organizations to reduce the influence of third parties and increase the ability of college coaches to interact with recruits and current players.

Section 4:
Add A Significant Cadre of Public Members To The NCAA’s Board of Governors.

The Commission recommends that the NCAA restructure its highest governance body, the Board of Governors, to include at least five public members with the experience, stature and objectivity to assist the NCAA in re-establishing itself as an effective and respected leader and regulator of college sports. One of these public members should also serve on the NCAA’s Executive Board. The current Board of Governors includes 16 institutional presidents or chancellors, the chairs of the Division I Council and the Division II and III Management Councils, and the NCAA president. NCAA Constitution 4.1.1 (Composition). Like public companies, major non-profit associations usually include outside board members to provide objectivity, relevant experience, perspective and wisdom. Board members with those qualities will provide valuable insight to the NCAA generally, and as it works towards the restoration of college basketball. The NCAA should promptly identify candidates with the appropriate stature and characteristics, and change its rules to require public voting members on its highest governing body. The Commission will make independent board member recommendations to the NCAA to assist it in assembling a first-rate list of candidates.

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The NCAA has often failed to carry out its responsibilities to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.” NCAA Constitution 1.3.1 (Basic Purpose). But, the NCAA is not really Indianapolis: It is the sum total of its member institutions. When those institutions and those responsible for leading them short-circuit rules, ethics and norms in order to achieve on-court success, they alone are responsible. Too often, these individuals hide behind the NCAA when they are the ones most responsible for the degraded state of intercollegiate athletics, in general, and college basketball in particular. The Commission makes these recommendations to support fulfillment of the NCAA’s purposes and to impose accountability on institutions and individuals undermining their achievement.
REPORT OF THE COMMISSION

Introduction

On September 26, 2017, the United States Attorney’s Office for the Southern District of New York announced the arrest of ten persons for involvement in fraud and corruption schemes related to college basketball – four NCAA Division I college basketball coaches, a senior executive and two employees at a major athletic apparel company, and three athlete advisors. The first scheme involved allegations that college coaches took cash payments from athlete advisors to steer players and their families to the advisors making the payments. The second scheme involved allegations that a senior executive at a sports apparel company worked with athlete advisors to funnel payments to high-school players and their families to obtain their commitment to attend universities sponsored by the apparel company.

After the announcement of these charges, the NCAA’s President, Mark Emmert, stated that it is “very clear the NCAA needs to make substantive changes to the way we operate, and [to] do so quickly.” Statement from Pres. Mark Emmert, Oct. 11, 2017. He continued: “[w]hile I believe the vast majority of coaches follow the rules, the culture of silence in college basketball enables bad actors, and we need them out of the game. We must take decisive action. This is not a time for half-measures or incremental change.” As a first step, he announced that the NCAA Board of Governors, the Division I Board of Directors and the NCAA President had established an independent Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission was to “examin[e] critical aspects of a system that clearly is not working” and focus on three areas:

- The relationship between the NCAA national office, its members, their student-athletes and coaches and third parties, including apparel companies, non-scholastic basketball and athlete agents and advisors.
- The relationship between the NCAA and the NBA, including the challenging effect of the NBA’s current age eligibility rule which created the one-and-done phenomenon in men’s college basketball.
- The creation of the right relationship between the NCAA’s member institutions and its national office to promote transparency and accountability.

The NCAA appointed the following additional members of the Commission:

- Mary Sue Coleman, President, Association of American Universities
- General Martin E. Dempsey, U.S. Army, Retired, Chairman, USA Basketball
• Jeremy Foley, Athletic Director Emeritus, University of Florida Athletic Association
• Jeffrey Hathaway, Vice President/Director of Athletics, Hofstra University
• Grant Hill, Owner/Vice Chairman, Atlanta Hawks
• Rev. John I. Jenkins, C.S.C., President, University of Notre Dame
• Mike Montgomery, Retired Basketball Coach, Analyst, PAC-12 Networks
• David Robinson, Founder, Admiral Capital Group
• Kathryn Ruemmler, Former White House Counsel, Partner, Latham & Watkins LLP
• Gene Smith, Sr., Vice President and Wolfe Foundation Endowed Athletics Director, Ohio State University
• John Thompson III, Board of Directors, National Association of Basketball Coaches

The Commission was charged with gathering information and expert opinions for making “transformative recommendations” to the Division I Board of Directors and NCAA Board of Governors on “legislation, policies, actions and structure(s) to protect the integrity of college sports, with a focus on Division I men’s basketball.” Members of the Commission were appointed for an initial six-month term. The Commission’s goal was the completion of its work and a report to the NCAA Boards for action at their April 2018 meetings. This document is that report, and it contains the Commission’s recommendations with respect to the challenges currently facing college basketball.

Before going further, however, the Commission believes it is important to confront the uncomfortable fact that the challenges identified in this report have been part of the landscape of pre-professional basketball for many years, and that others have previously made serious efforts to address them with only limited success. To be sure, these challenges have become more prominent in the past decade as elite basketball – pre-college, in-college and post-college – has become exponentially more lucrative. The fact remains, however, that today’s issues have been around a long time, and their existence is widely acknowledged. Virtually all stakeholders and others providing information to the Commission at some point uttered the discouraging phrase: “Everyone knows what’s been going on.”
The Commission now recommends that the NCAA seeks changes from other organizations, such as the NBA and the NBPA, and that it make significant internal changes, including fundamental changes to the process, rules and penalties related to compliance. However, the Commission recognizes that some humility is required in light of past failures and the size of the challenge. Stakeholders do not agree about either the causes or the potential solutions to the current challenges that face pre-professional basketball. The Commission believes that these challenges will persist unless all stakeholders accept responsibility for the credibility of the game, the reputations of the schools who field teams and the integrity of the athletes who compete.

**The Commission’s Process**

**A. Information Gathering: Conversations with Stakeholders**

From mid-October 2017 through early April 2018, the Commission sought the views of stakeholders. In meetings, the Commission directly heard the views of a number of parties. In addition, the Commission opened a portal and solicited public comment on its work, receiving numerous helpful written responses. The Commission heard directly from the NBA, the NBPA, USA Basketball, numerous NCAA offices and departments, multiple athletic conferences, several apparel companies and agents, college and high school coaches associations, student and faculty associations, athletic directors’ associations, other interested associations and groups, the Uniform Law Commission, athletes and other individuals. The Commission appreciates all of this helpful input into its work.

**B. Information Gathering: Briefings from the NCAA, Its Agents and Others**

The Commission also benefited from the following briefings:

- *Path of an elite men’s basketball player*, Dan Gavitt, Senior Vice President of Basketball, NCAA;

- *Current NCAA eligibility, accountability and infractions framework*, Donald Remy, Executive Vice President of Law, Policy & Governance and Chief Legal Officer, NCAA; Oliver Luck, Executive Vice President of Regulatory Affairs, NCAA;

- *NCAA Compliance and Infractions Model*, Kay Norton, President, University of Northern Colorado; Greg Christopher, Director of Athletics, Xavier University;
C. Deliberations

In its meetings, the Commission spent close to 70% of its time in executive session to discuss its dialogue with stakeholders and the materials and presentations it had received. The Commission’s discussions were enhanced by the varied and deep experience of its members, including former student-athletes, former professional athletes, coaches, athletic directors, university presidents and provosts and NBA owners. The Commission also benefited from the insights, experience and expertise of its members who are “outsiders,” and brought to bear their unique perspectives from government and the military on the current problems of men’s Division I basketball. Through executive session discussions, the Commission was able to assess how the information it received and the perspectives of stakeholders might affect potential NCAA actions to address the issues identified for the Commission’s consideration.

SUMMARY IDENTIFICATION OF THE ISSUES

Both Division I men’s basketball and the NBA are multi-billion dollar enterprises. Many individuals and entities earn a living and more by direct and indirect association with these entities. Thus, the financial stakes are high for elite players, coaches, athletic directors, colleges and universities, apparel companies, agents and athlete advisors of all stripes. Where this much money is at stake, the incentives to break rules are high. To identify issues and craft potential recommended responses, the Commission was asked to focus on three categories of relationships in college basketball: (1) the relationships between college basketball and the NBA and NBPA; (2) the relationships between the NCAA and its member institutions; and (3) the relationships between college basketball and apparel companies, non-scholastic basketball (coaches and leagues), agents and other third parties.

A. The Relationships Among College Basketball, The NBA and The NBPA

In 2006, the NBA and the NBPA first entered into a collective bargaining agreement that made high school players ineligible for the NBA draft. There is, 14 There is no single definition of elite. There is a small group of players each year considered to have the potential to jump from high school to the NBA (single digits); a larger group of 25-30 players heavily recruited by prominent Division I programs; and still a larger group playing in the elite apparel companies’ circuits (perhaps 800 spread over four recruiting classes). All told, Division I schools recruit roughly 1125 basketball players each year. Each of these categories may be referred to as “elite.”
however, a small group of elite players who would prefer to bypass college and play in the NBA after high school and who would be drafted, were it permitted under the NBA’s and NBPA’s collectively bargained rules. These players often do not find the alternative professional options – such as the G League or non-U.S. leagues – as desirable as making a name for themselves in Division I men’s basketball. Thus, these players, colloquially referred to as one-and-done players, attend college for a single year – and sometimes only until the day their schools are eliminated from the NCAA tournament.

Since 2006, NBA teams have drafted an average of eight college freshman each year. Most of these one-and-done players attended one of six schools.\textsuperscript{15} However, the small numbers mask a large issue with respect to third-party influence and corruption, as well as the corruption of academic standards.

Many who number among elite players while in high school believe and expect that they will play professional basketball. See Executive Summary (ES) Section 1.B. Many third parties – e.g., agents, apparel companies and other athlete advisors – see some high school players’ potential for a professional career, and the potential for earnings for themselves, and are willing to invest in a significant number of players in the hope that some will be drafted and yield returns. Thus, the incentives for third parties to make improper payments to players and others with influence over players exist beyond the small group of players who may be one-and-done, and extend into the slightly larger group of players who will play additional years of college basketball before playing professionally. Nonetheless, it is fair to say that substantial third-party attention, including financial attention, will focus on one-and-done players and a relatively small additional group.

For a subset of these players who have no intention of spending more than a year or two in college or whose time is fully consumed by basketball, maintaining academic eligibility to play may be a challenge. If that player is good enough, however, the school may be strongly motivated to assist that student-athlete in maintaining his eligibility. This situation creates another opening for corruption – the manipulation and dilution of academic standards by school officials, along with other academic misconduct. A series of recent cases involve this phenomenon. Other cases illustrate the lack of clarity about the NCAA’s rules and the likely punishment for academic misconduct, as well as inconsistency in the NCAA’s application of the rules.\textsuperscript{16} This problem of corruption of college standards clearly is not

\textsuperscript{15}Over the past decade, the number of one-and-done players has ranged from five to 18. In the past four years, the range is 9-18 (9 in 2014, 13 in 2015, 14 in 2016, and 18 in 2017). Backup Information Regarding “One-and-Done” Players, Dec. 6, 2017.

\textsuperscript{16}See, e.g., University of North Carolina at Chapel Hill Public Infractions Decision, Oct. 13, 2017 (holding that only member institutions – not the NCAA – can determine whether academic fraud has occurred and that student-athletes did not receive extra benefits because the sham courses at issue were available to all students); University of Notre Dame Infractions Decision, Feb. 13, 2018 (upholding decision that Notre Dame must vacate all records in which student-athletes participated while ineligible due to academic misconduct in which a full-time student working a part-time job as a student trainer was involved); Georgia Southern Univ. Public Infractions Decision, July 7, 2016 (finding that institutional staff members provided impermissible academic assistance where one gave a student-athlete a flash drive containing completed coursework and another wrote and submitted extra credit papers for student-athletes).
The one-and-done phenomenon has provided some benefits to colleges and universities and to elite high school basketball players. Schools achieve national notice and prominence with athletic success and championships due to the presence of these players, with associated financial and reputational benefits. As for players, many believe that they will have the opportunity to play professional basketball if they can draw the attention of professional coaches and scouts. Playing Division I men’s basketball allows players to make a name for themselves among professional leagues and teams. Further, these players receive some of the educational and other benefits associated with a year in college.

In addition, elite high school players currently understand that in order to play Division I basketball, they must meet the eligibility requirements to attend a Division I school. See NCAA Division I Bylaw 14.3 (Freshman Academic Requirements). Because numerous players who will not play professional basketball nonetheless believe that they will, these players gain the benefit of educational levels and opportunities that they might otherwise have forgone. The Commission takes these benefits seriously and, in particular, does not underestimate the transformative possibilities in attaining academic eligibility for college or in spending a year or more in college.

Finally, many high school and collegiate student-athletes do not receive the information and assistance they need to accurately determine whether and when to pursue professional basketball. The NCAA’s current rules on amateurism place limits on the ability of those players to test the professional market for their services and to obtain assistance from an agent in assessing their potential value. This, in turn, may prevent student-athletes from taking full advantage of their collegiate opportunities.

B. The NCAA’s Relationship With Member Institutions

The Commission heard from many commenters who identified both the NCAA’s enforcement process and the substance of the NCAA’s rules as inadequate to deal with the challenges presented by Division I men’s basketball.

1. Process

There appears to be a strong consensus that when the stakes are high – i.e., when violations are serious and the potential penalties are substantial – the NCAA’s member institutions are not complying with the NCAA’s shared governance and cooperative principles and NCAA rules are not being effectively enforced. See NCAA Division I Bylaw 19.2 (Expectations and Shared Responsibility); NCAA Division I Bylaw
Specifically, the NCAA's investigative and enforcement powers are limited and often appear inadequate to effectively investigate and address serious violations of NCAA rules in consequential situations. The Commission did not hear from a single stakeholder who supported the current system in addressing high-stakes infractions.

In support of the allegation that the NCAA's investigative powers are insufficient, many stakeholders noted that when the U.S. Attorney’s Office announced the charges that prompted the NCAA to establish this Commission, no one in the relevant community expressed surprise and many stated that “everyone knows” that these kinds of payments occur. Where an entire community is aware of substantial rule breaking and the governance body fails to act, the result is cynicism and contempt.

Virtually all stakeholders, including NCAA staff, expressed the view that the current model for adjudication of NCAA rules violations should not continue. Representatives of member institutions that have crosscutting and potentially self-interested incentives with respect to punishment administer the NCAA’s current adjudication process. While many stakeholders expressed gratitude and respect for the hard work of the volunteers who administer the current infractions process, all expressed the belief that the current system is not working in cases involving serious violations.

2. Substance, Including Penalties

Stakeholders further suggested that the Commission consider whether the substantive content of certain NCAA rules is contributing to the problems identified above. Stakeholders identified numerous issues with the NCAA’s current rules governing eligibility, amateurism and recruiting. As noted above, they also expressed the view that the consequences for rule violators were insufficient in many instances and excessive in others.

Eligibility and Academic Misconduct. The Commission heard criticism of the NCAA’s rules related to academic eligibility. See NCAA Bylaws, Art. 14. With respect to post-enrollment academic performance, the NCAA’s “progress towards degree” requirements determine whether individuals remain eligible to play. Stakeholders did not take issue with the substance of these rules. Instead, the Commission heard criticism about the NCAA’s relationship with member institutions’ course offerings and academic requirements.

Some stakeholders believe that the NCAA should not be in the business of enforcing academic standards. However, many others assert that the NCAA’s current rules with respect to academic standards undermine the integrity of the collegiate experience and game. All agree that the NCAA’s jurisdiction to address academic fraud and
misconduct as related to athletic eligibility must be clarified and become more consistent.

**Amateurism.** The Commission also heard from critics of current NCAA rules regarding amateurism. NCAA rules require that students who play for college teams qualify as “amateurs” and continue to be so qualified throughout their collegiate years. Although there are exceptions and complexities, the Bylaws forbid college athletes to receive compensation in any form in the sport, to accept a promise of pay, to sign a contract or commitment to play professional athletics, to receive consideration from a professional sports organization, to compete on a professional team and to enter into an agreement with an agent. In addition, a student-athlete cannot receive preferential treatment, benefits or services because of his athletic reputation or skill, unless specifically permitted by NCAA rules. NCAA Division I Bylaws 12.1.1.2.1 (Amateur Status After Certification); 12.1.1.1.3 (Eligibility for Practice or Competition), 12.1.2 (Amateur Status); 12.1.2.1.6 ( Preferential Treatment, Benefits or Services).

Some stakeholders note that many elite players receive some form of payment to play basketball before attending college; that student-athletes are bringing substantial sums into NCAA and collegiate coffers; and that playing Division I men’s college basketball is essentially a full time job that does not leave room for a normal college experience. They conclude for some or all of these reasons that players should receive some recompense (beyond the full value of their education) for playing basketball.17

Others recognize the validity of some of these points, but contend the student-athletes receive significant benefits from their college experiences, including the value of the scholarship (the full cost of a college education), the associated training, coaching and benefits of being on a collegiate team, and the lifelong incremental increase in earning power resulting from a college degree. See ES Section 1.D. Many believe that paying players is not financially or legally feasible and that doing so would fundamentally alter the nature of the collegiate game. They support a variety of means – other than payment – to address the economic circumstances and equities of student-athletes in high-revenue sports, and to ensure that they receive the education that the college promises. In addition, they support continued enforcement of the amateurism rules.

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17 The NCAA has faced and continues to face legal challenges to its amateurism rules under antitrust and employment theories. Northwestern Univ. and College Athletes Players Ass'n, Case 13-RC-12135, 362 NLRB No. 167 (Aug. 17, 2015) (declining to accept jurisdiction over bargaining unit of Division I FBS football players who receive scholarships); In re: National Collegiate Athletic Ass'n Athletic Grant-in-Aid Cap Antitrust Litigation, Case No. 4:14-md-2541-CW (N.D. CA 2014) (challenging failure to pay Division I men's and women's basketball and FBS football players the difference in the value of an athletic scholarship and the full cost of attendance); Jenkins et al. v. NCAA, Civil Action 14-CV-3:33-av-0001 (D.N.J. 2014) (challenging agreement not to compete for services of Division I men’s basketball and FBS football players as violation of the antitrust laws without legitimate pro-competitive purposes); O’Bannon v. NCAA, 802 F. 3d 1049 (9th Cir. 2011) (challenging NCAA’s bylaws limitation precluding compensation for student-athletes’ images and likenesses in violation of the antitrust laws); Berger v. NCAA, 843 F.3d 285 (7th Cir. 2016) (alleging that all Division I student-athletes are entitled to minimum wage for practice and competition as employees regardless of whether they receive athletic-related scholarships).
Still others believe that the NCAA rules are so focused on pre-professional sports that the NCAA has failed to create a system that makes sense for the majority of student-athletes who will not make a living at their sports. Under these rules, stakeholders assert, student-athletes who accept any “benefit,” no matter how small, risk losing their eligibility to compete. The NCAA’s administration of the “no benefit” rule, see NCAA Bylaw 16.11.2 (Nonpermissible), was criticized as penalizing student-athletes and preventing them from engaging in normal interactions with friends and mentors. Those holding this view suggest that the NCAA should engage in common sense calibration of the “no benefit” rule for particular contexts.

Agents. NCAA rules further forbid collegiate athletes to enter into any agreement (oral or written) with agents for purposes of marketing their athletic ability or reputation for financial gain, even if that agreement is limited to future representation. Prohibited marketing includes negotiations with professional teams, seeking product endorsements and efforts to place an athlete at a particular school. The rules likewise forbid family members or other representatives to enter into such an agreement on behalf of an athlete. In addition, athletes may not accept benefits from agents even if those benefits do not have strings visibly attached. NCAA Division I Bylaws 12.3.1 (General Rule); 12.3.1.2 (Representation for Future Negotiations); 12.02.1 (Agent); 12.3.3 (Athletics Scholarship Agent); 12.3.1.3 (Benefits from Prospective Agents). \(^\text{18}\)

Some stakeholders expressed the view that agents should be permitted to have earlier access to athletes, potentially as early as during high school, and certainly at the beginning of each academic year in college. Agents opined that parents, families and students are eager for knowledge about their collegiate, professional and post-collegiate options and that they will find that information one way or another. They assert that student-athletes routinely misunderstand their own professional prospects and their best path to success and that agents and advisors could assist student-athletes in making the best choices about eligibility, including choices that would result in higher levels of educational achievement.

In addition, many stakeholders, including agents, told the Commission that agents are determined to develop relationships with professional prospects and, whatever the rules provide, will find ways to make contact with student-athletes and those who influence them. Most stakeholders believe that many agents are already communicating with elite high school players and with collegiate players with professional prospects,

\(^{18}\) There are some exceptions to this prohibition. For example, a student-athlete may use the services of an attorney or other individual to evaluate a professional sports contract (though that person may not be present for or otherwise represent the athlete in negotiations with a professional team). NCAA Division I Bylaw 12.3.2 (Legal Counsel). A school’s professional sports counseling panel is permitted to review a proposed professional contract and provide other services to student-athletes considering a professional career, NCAA Division I Bylaw 12.3.4 (Professional Sports Counseling Panel). An athlete may also engage and pay a recruiting service to provide information to colleges on the athlete’s behalf, provided the fee paid to such a service is not based on placement of the prospective student-athlete in a college as a recipient of institutional financial aid. NCAA Division I Bylaws 12.3.3 (Athletics Scholarship Agent); 12.3.1 (Talent Evaluation Services and Agents).
often in violation of NCAA and school rules. It would be better, stakeholders argue, if these contacts were in the open and regulated by the NCAA, including by requiring NCAA certification and registration with schools and by restricting contact to specific times and places.

Still other stakeholders, including a number of agents, took the position that allowing agents to have contact with high school students will result in even earlier agent involvement in student-athletes’ decision making, including their selection of a grassroots or non-scholastic basketball coach, a high school, a college, etc. These stakeholders maintain that the barriers to entry for professional agents should be higher (while recognizing that the NBPA has recently taken important steps to improve the quality of the agent cadre), and that the penalties for agents who violate NCAA rules should be higher (either through enforcement of state laws or through reporting of violations to the NBPA or other unspecified rule changes).

**Recruiting.** In the view of many Division I coaches, the NCAA rules hamstring college coaches and allow non-scholastic coaches and other third parties to become the primary influences over elite high school players. For example, Division I coaches have limited opportunities to evaluate high school players in both scholastic and non-scholastic settings, and those players cannot officially visit colleges and universities until late in their junior year. See generally NCAA Division I Bylaws, Art. 13. Indeed, Division I coaches complain that they are dependent on non-scholastic coaches, leagues and events for opportunities to view players, giving those third parties even more leverage over high school players. In the interim, high school players are playing non-scholastic basketball sponsored by apparel companies who provide those high school players with gear, travel and experiences. Division I coaches seek to increase their direct contact with high school players at critical junctures, and to limit their dependence on non-scholastic coaches, leagues and apparel companies for access to high school players.

**Penalties.** Finally, most stakeholders believe that the NCAA must have authority to impose harsher penalties on schools, coaches and administrators (including presidents) who violate the rules or know of rules violations and do nothing or who fail to cooperate with NCAA investigators. There was a strong sentiment that the NCAA must have the ability to impose loss of post-season play, including the NCAA tournament, and loss of revenue from post-season play on those who commit serious infractions and those who decline to cooperate with NCAA investigations. They believe that the availability – and utilization – of these penalties would get presidential and board-level attention at colleges. These persons further note that administrators, athletic directors and coaches who violate the rules often move on to other member institutions, and do not pay a significant price for violations that occur on their watch. Moreover, the institutions that hire individuals who have violated the rules pay no significant price for taking the risk of hiring past offenders.
3. The Relationships Among College Basketball, Non-Scholastic Basketball, Apparel Companies, Agents and Other Third Parties

Currently, the NCAA “certifies” some non-scholastic or non-scholastic basketball events and leagues. NCAA Division I Bylaws 13.18 (Basketball Event Certification); 17.31.4.1 (Summer Basketball Leagues). Coaches at NCAA member institutions can attend these summer events only if the NCAA certifies them. Unfortunately, however, the requirements for NCAA certification are minimal, to be generous; and some of the requirements are poorly implemented while others are not enforced. Non-scholastic basketball is largely unregulated.

While an elite basketball player is in high school, he will virtually always develop a relationship with a non-scholastic basketball team and coach and with an apparel company – most likely one of Nike, Adidas or Under Armour. Specifically, apparel companies sponsor elite high school teams that participate in NCAA-certified and other events around the country, including all-star games, camps, and other so-called elite experiences. In addition, Nike sponsors the USA Basketball Men’s Developmental National Team. By funding non-scholastic basketball, the apparel companies receive valuable input about their products, important exposure and credibility through their products’ use, and an opportunity to form early relationships with future college and professional athletes. In connection with participating in these events and experiences, elite players (and their families) may receive luxury travel, gear and other benefits. Sometimes the apparel companies pay the non-scholastic basketball coaches for working with these teams and/or participating in their events.

In addition to coaching, experience, gear and travel, these non-scholastic basketball teams and events offer players exposure, including to Division I coaches. For example, Division I coaches attend and recruit at the NCAA-certified events which are held in April and July each year. Many summer coaches have ongoing relationships with Division I coaches. They can thus bring “their” players to the attention of Division I coaches and potentially influence players to attend particular schools, including schools where “their” apparel company is a sponsor.

The Commission heard varying views on whether the NCAA should be more or less or differently involved in non-scholastic basketball. All stakeholders agreed that non-scholastic basketball has provided substantial benefits to many student-athletes – competition, gear, travel and similar enriching experiences, coaching, exposure to college coaches and an opportunity to receive a college scholarship, among other things. In addition, many college coaches use the events at which significant numbers of high school players gather to evaluate potential recruits efficiently and economically. Coaches at less advantaged schools rely on these large gatherings to scout the numbers
of players they must see in order to put their teams together.

That said, virtually all stakeholders expressed the view that currently, non-scholastic basketball lacks sufficient regulation, with detrimental effects on college basketball. For example, significant money flows into summer ball from apparel companies, agents, investment advisers and other sources, and there is little accountability or transparency about many of the sources and expenditures of those funds. Many state that it is well known that student-athletes are paid – either directly or indirectly (through family members or otherwise) – to play for particular summer teams. Almost all elite basketball players participate in non-scholastic basketball. Thus, as noted above, many players and their families are accustomed to being paid before they attend college.

Many stakeholders further observed that non-scholastic event operators and coaches are sometimes paid to influence student-athletes on their teams to attend particular schools or to work with particular agents and advisors. Players and their families often are not aware of these relationships, and thus not aware that the coach has a financial interest in the player’s decisions about school or representation. Further, college coaches seeking to recruit a player with a relationship to a non-scholastic basketball event operator or coach may have to pay or provide benefits to that operator or coach to be successful in recruiting that player.19

A number of stakeholders expressed the view that one way to lessen the negative influence of non-scholastic basketball event operators and coaches would be for the NCAA to administer its own regional non-scholastic basketball camps in July and to restrict NCAA coaches to those NCAA camps for July. Coaches would be able to see numerous elite high school players in one location, in theory without the need for an advance blessing from a non-scholastic basketball coach.

Even putting non-scholastic basketball aside, an elite high school player will develop relationships with a variety of other third parties who may affect his college eligibility and career. Most notably, as already discussed, many of these players will have relationships with agents, often through a “runner” for an agent who is hoping (and perhaps paying) to secure the player as a future client. Sometimes a player’s family members have substantial influence with the player; and they, too, may be paid by agents or other third parties hoping to develop relationships with a future professional.

Thus, when a college coach first reaches out to a high school player, that player may already have a coach to whom he is loyal, and that coach may have relationships

with other Division I coaches. The player will also be on a team associated with and loyal to a particular apparel company, and be at the center of a web of other influences and loyalties beyond family and friends, often including an agent. Of course, the college coach too may have a contract with an agent or apparel company. This context makes college recruiting complex and challenging.

Under the current system, Division I men’s basketball players are amateurs (student-athletes) and may receive a scholarship to matriculate and play basketball for their institution, but may not be paid for doing so. In the context described above, however, a player may be strongly tempted to break NCAA rules and enter into a relationship with an agent or attend a particular college in order to be paid. Similarly, coaches and other college representatives may be strongly tempted to pay players, family members and others who can influence players to attend particular schools. As illustrated by the recent charges brought by the U.S. Attorney’s Office, this possibility is not merely theoretical.

This situation is exacerbated for elite players who have solid professional prospects in the NBA, and thus potential future earnings in the tens or hundreds of millions. Apparel companies and agents will be highly motivated to start paying a player (and those who may influence the player) even before he attends college to develop as deep a relationship as possible.

Many of these incentives for third-party conduct are present not only when high school players enter college, but also when college players consider transferring to another institution. As noted above, roughly 40% of freshmen in Division I men’s basketball depart the institution they choose to attend by the end of their sophomore year. Third parties influence many of these transfers. The question of improper influence, accordingly, clearly extends to transfers.

In sum, numerous players provide value to their schools and to third parties who may benefit from their success, and they and/or their families may receive offers of financial support for choices that they make. Some players and/or their families may be in challenging financial circumstances; others may become accustomed to receiving financial support and benefits even before attending a college or university. Student-athletes are currently restricted in their ability to earn income related to their status as student-athletes while matriculating. See, e.g., NCAA Division I Bylaw 12.1.2 (Amateur Status). Thus, players or their families may be offered and receive money the NCAA rules prohibit them from taking, and coaches and others associated with NCAA member institutions may be involved in those payments or themselves take payments to influence players in a variety of ways.
Development of a Framework and Commission Recommendations

As it gathered information and listened to stakeholders, the Commission heard numerous recommendations for specific reforms to address the issues in Division I men’s basketball described above. In assessing both the challenges and the potential reforms, the Commission accepted as its foundational principle the collegiate model of athletic competition. The NCAA’s basic purpose is “to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports.” NCAA Constitution 1.3.1 (Basic Purpose). Member institutions are responsible for controlling their intercollegiate athletics program “in compliance with the rules and regulations of” the NCAA. NCAA Constitution 2.1.1 (Responsibility for Control). “It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience.” NCAA Constitution 2.2.1 (Overall Educational Experience). The Commission’s recommendations seek to support and further both the NCAA’s purpose and its members’ acceptance of responsibility for its achievement.

The Commission recognizes that Division I men’s college basketball is just one part of a much larger ecosystem that includes Youth, High School, Non-Scholastic and Professional Basketball. Stakeholders include student-athletes, parents and extended families, coaches, trainers, agents and other advisers, apparel companies, colleges and universities, professional leagues and players’ associations and others. In making its recommendations, the Commission sought to take into account these other parts of the basketball ecosystem.

The issues currently confronting the NCAA and Division I men’s college basketball are long standing and complex. The Commission believes, however, that implementing the recommendations below will support the integrity of the collegiate game and the NCAA’s member institutions without unduly limiting the individual opportunities of student-athletes.
RECOMMENDATIONS

Section 1: Realistic Pathways for Student-Athlete Success

A. Separate The Collegiate Pathway And The Professional Pathway By Ending One-And-Done.

The Commission concludes that requiring elite high school players whom the NBA would draft to attend college contributes significantly to the corruption of college basketball and higher educational institutions generally. Holding college players with professional prospects captive, and depriving them of the opportunity to earn professional salaries, also fuels the firestorm of complaints that the NCAA and its member institutions are exploiting college players. Only the NBA and the NBPA can change this rule. Thus, the Commission calls on the NBA and the NBPA promptly to negotiate NBA eligibility for players who are 18 years old.

Before 2006, extraordinary high school graduates such as Kevin Garnett, Kobe Bryant and LeBron James bypassed college and went directly to the NBA. Numerous other high school players, however, were drafted and struggled. The NBA began to push for a minimum age requirement – to provide teams with more time to evaluate developing young talent – and this effort succeeded in 2006. Starting with the 2006 draft, elite basketball players graduating from high school who are capable of playing in the NBA have not been eligible to do so because they are not 19 years old. Thus, to complete at a high level, these players must either attend a Division I school with a high quality basketball program or play professional basketball overseas. The vast majority do not view the international professional option as viable and choose to attend college. The Commission concludes that elite high school athletes should be able to choose a professional pathway if one is available.

In the Commission’s view, preventing young athletes capable of and preferring to play in the NBA from doing so, and pushing them into enrolling in college for a single year (or less), is doing more harm than good for college basketball and college. The potential earning power of marquee college players who can win championships for their schools is an irresistible draw for third-party attention and money, most notably from athlete advisors. Their game-changing potential for a college team creates the strongest motivation for improper payments from third parties and violations of NCAA rules by school administrators, coaches and other persons associated with member institutions.

The Commission heard from many stakeholders that agents and associated advisers are the primary source of money used for direct and indirect payments to players and their families and for payments to coaches and other persons of influence with players. To state the obvious, agents receive enormous commissions
for negotiating the NBA, shoe and apparel, and other endorsement contracts of professional players. Financial advisers earn significant commissions for investing professional players’ funds. Competition to sign potential professional players is cutthroat. Agents and other advisers seek to enter into relationships with potential professionals when those players are in high school and in college, and they do so by paying the players and those with influence over the players, including family members and coaches, in violation of NCAA rules. Agents and other advisers also appear to have (and many actually have) valuable information and access to opportunities, such as coaching, training and exposure to college coaches. Agents and other advisers thus form early relationships with potential professional players and their “influencers,” and players and their “influencers” become accustomed to being paid.

Eliminating one-and-done players from college basketball will remove the group of most likely future professionals, and the associated potential for corrupt payments from agents. Allowing collegiate players who become clear professional prospects to depart when they choose to do so should similarly lessen the temptation to cheat while in college.

Student-athletes, of course, are not the only ones subject to these financial temptations. The potential financial benefits that these players bring to a college can also corrupt the school’s academic program and standards; schools might offer special benefits to these athletes in violation of NCAA rules or dilute the education of all students. Finally, the matriculation of players virtually certain to attend school for a short time primarily to play Division I basketball is a public acknowledgement that certain student-athletes will not, as a practical matter, be college students.

The Commission is not naïve. It understands that implementation of this recommendation will not eliminate the problems described above, most notably third-party payments to athletes to attend particular colleges and the resulting potential for corruption of collegiate programs. Many Division I college basketball players who will never play in the NBA will bring championships and money to their schools and, as a result, may be offered payment by those who would benefit or by boosters. In addition, many of those players will have professional potential and receive payments based on the mistaken hopes of third parties for eventual rewards. Colleges, too, will reap enormous benefits from the attendance of players unlikely to make it to the NBA, and thus may be motivated to compromise academic standards. Many student-athletes who play Division I college basketball have the “student” part of their student-athlete experience diluted so they can focus on basketball, without regard to their professional potential.

Nonetheless, the Commission believes that its recommendation both expands
opportunity for individuals and significantly reduces the incentives for improper payments, and is thus one important part of an overall effort to limit corruption in college basketball and to support the collegiate model. The Commission recognizes that this change will be most effective in combination with the other recommendations it is making, including reformed and improved NCAA investigative and adjudicative processes, higher penalties for infractions, and new requirements for financial transparency and accountability in member institutions’ athletic programs and in non-scholastic basketball.20

The Commission considered alternatives to the recommendation above. In light of the value and importance of staying in college for more than a year, the Commission carefully considered recommending adoption of the so-called baseball rule.21 To oversimplify, that rule would provide that if a player enrolls in college, his eligibility terminates on the first day of matriculation and he remains ineligible to play in the NBA or G League until he is at least 21 years old or his entering class completes its third year in college. This rule offers some significant benefits. It would require students who choose the collegiate path to understand that they are making a serious commitment to their education, and it would create a context in which athletes are ultimately more likely to receive their degrees.

However, the baseball rule would also force collegiate players who could sign with an NBA team to remain in school, with the negative consequences that would entail. Moreover, both the culture and professional path of a major league baseball player differ dramatically from that of an NBA player. Baseball has a tiered, large-scale minor league system, and even elite players often spend years developing in the minors. In addition, one baseball player generally cannot change the fortunes of a baseball team. As a result, the baseball rule does not translate perfectly to basketball.

If the NBA and the NBPA were to adopt the “baseball rule,” we believe that the challenges created by the presence of one-and-done players would simply migrate to older future NBA players unhappily captive in their second and third collegiate years. Holding players with NBA opportunities hostage also feeds the narrative of collegiate player exploitation, putting pressure on the NCAA’s commitment to the collegiate model. Players with professional earning power should have the freedom to choose a professional path. The Commission believes that student-athletes should be encouraged but not forced to remain in college.

The Commission also considered ending freshman eligibility. This change would penalize many student-athletes ready to play Division I college basketball in their first years (and their schools) in order to address a problem created by a small group. As

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20 As noted in the Executive Summary, Section 1.A., the NCAA should also monitor the impact of this change in areas such as reclassification in case further action is required.
an alternative to the blanket elimination of freshman eligibility, the Commission also considered conditioning such eligibility on some additional measure of Freshman Readiness, a demonstration that a student-athlete’s high school experience has prepared him for college academic requirements. As a less drastic measure, the Commission considered making all Division I basketball scholarships three or four year scholarships such that colleges would be required to “lock up” scholarships if they recruited a player unlikely to matriculate for more than a year or did so regularly. There are serious downsides to each of these alternatives.

The Commission is optimistic that the NBA and the NBPA will agree with its assessment. If the NBA and the NBPA are unable to negotiate an end to one-and-done by the end of 2018, however, the Commission will reconvene and reassess the viability of some of these alternative tools. The current situation is unacceptable.

**B. Allow Student-Athletes To Test Their Professional Prospects And Maintain Eligibility If They Do Not Sign A Professional Contract.**

The Commission recommends that student-athletes be permitted to enter the draft and retain their collegiate eligibility if they are not drafted, provided they otherwise remain eligible to do so and they return to the same school.

The NCAA should provide high school and college players with additional flexibility in retaining collegiate eligibility while assessing their professional prospects. Under current NCAA rules, players may apply for an NBA Undergraduate Advisory Committee evaluation and participate in the NBA Combine, but players lose their collegiate eligibility if they do not remove their names from the draft within ten days after the NBA Combine. NCAA Division I Bylaw 12.2.4.2.1 (Exception – Basketball). It is easy to say that young players should know that they will not be drafted and that they “make their own beds” when they fail to withdraw from the draft. But, this kind of misjudgment is widespread, and the penalty for it should not be so high, if we are serious about the value and importance of college. The quality and value of the college experience increases with the amount of time a student-athlete spends on campus. With the completion of each academic year, a student will face a lower hurdle to earning a degree. Student-athletes who are wrong about their professional prospects should retain the opportunity to work toward the degree they were promised.

We recognize that this regime has some downsides. Under current collectively bargained rules, a player who declares for the draft, but is not drafted, is a free agent and may sign with any NBA team at any time, including the middle of the next college season. To address this problem, the Commission requests that the NBA and the NBPA agree that players who are not drafted become ineligible for the NBA until they enter the draft again.
In addition, if players remain in the draft until it occurs, college coaches will not know until June which players are eligible for, or remain on, their rosters for the next season. However, the NBA draft is two rounds and involves only 60 players. Data show that international players will take approximately 40% of these slots. Thus, this uncertainty implicates very few players (around 36), and we believe that college coaches are sufficiently experienced and knowledgeable to accurately predict whether a young player is, in fact, likely to be drafted. Student-athletes may make some decisions that cost them collegiate eligibility, but the Commission recommends that these points of no return be modified in light of current realities.

The Commission also has concluded that the NCAA should retain one aspect of the current transfer rule, which provides that players who transfer must sit out a season before returning to college basketball competition. NCAA Division I Bylaw 14.5.1 (Residence Requirement – General Principle). Students who transfer face serious disadvantages in completing their degrees, and are less likely to do so. Despite this issue, over the last few years, hundreds of players transfer each year, and the trend is upward. Division I basketball players who transfer overwhelmingly do so in order to be in a better “basketball situation,” without regard for earning their degrees. Moreover, third parties influence many transfers for their own purposes, often without the best interests of the player in mind. Thus, the Commission recommends that the “residence requirement” of the transfer rule remain in place, whatever other changes are made in the NCAA’s transfer rules.

The Commission believes that this and other rule changes will provide student-athletes with better information about their likely professional careers and a greater likelihood of ultimately achieving a college degree.

C. Permit Students To Receive Meaningful Assessment of Professional Prospects Earlier With Assistance From Certified Agents.

The Commission recommends that the NCAA and its member institutions develop strict standards for the certification of agents, and authorize and make opportunities for those certified agents to engage with student-athletes at school at specific times during the calendar year. To implement this requirement, the NCAA must appoint a Vice-President level executive to develop detailed standards for NCAA certification and administer the program. The NCAA’s program should also educate elite student-athletes at member institutions about NCAA eligibility rules and requirements and professional prospects.

22 NCAA Research, Tracking Transfer in Division I Men’s Basketball (Dec. 2017).
23 The Commission further recommends that the NCAA and its Transfer Working Group examine the growing trend in graduate transfers, along with their falling degree completion rate, to ensure that the graduate transfer rule continues to serve its purposes. See ES Section 1.B.
The NCAA’s rules already allow student-athletes to retain lawyers and advisors to provide professional advice at market value, provided the lawyer or advisor does not engage in the representational activities of agents. NCAA-certified agents should also be permitted to provide such advice. Further, high school players considering entering the draft should be allowed to engage NCAA-certified agents and advisors just as high school baseball players may engage agents for advice about the draft. Cf. NCAA Division I Bylaw 12.3.1 (Exception – Baseball and Men’s Ice Hockey – Prior to Full-Time Collegiate Enrollment).

As stated above, both high school and college students misjudge – that is, over rate – their chances of a professional basketball career. Very few high school players will play professional basketball. Yet, many high school student-athletes believe they have professional prospects, and they work hard in high school to maintain eligibility to play that one-and-done year in college. The concern is that, with the end of one-and-done, misguided high school players will assume that their NBA careers will start at 18 without a backup plan to attend college. College students, too, misunderstand their prospects. In addition, the families of players lack objective, credible sources of information about the professional and collegiate paths. All of these students need timely, reliable and trusted sources of information about their likelihood of professional success.

Current NCAA rules forbid players, their families and their associates to enter into written or oral agreements with, or to receive benefits from, individuals whom NCAA rules define as “agents”24 or their employees. However, the Commission was advised that agents court elite players from an early age, and that many such players are paid, either directly or indirectly.25 Yet, virtually all agents with whom the Commission met advised the Commission not to allow high school or collegiate athletes to enter into agreements with agents in advance of their professional careers. They generally thought that this would simply increase the influence of corrupt agents at an even earlier age. Instead, agents recommended creating opportunities for “good” agents to talk with high school and collegiate players and make their cases so that players would have all available options before they enter the professional market. The Commission intends NCAA-certification to provide these opportunities for “good” agents.

Players and families desperate for information are entering into relationships with agents, sometimes as early as the player’s sophomore year of high school. The NCAA should bring these conversations into the light and allow elite players to discuss their prospects with agents whom it certifies under NCAA-approved standards. This would

24 An agent is any person who either directly or indirectly represents a prospective or current student-athlete in marketing his athletic ability or reputation for financial gain or seeks to obtain any kind of financial gain or benefit from securing a student-athlete’s enrollment at an institution or potential earnings as a professional athlete. NCAA Division I Bylaws 12.02.1 (Agent); 12.02.1.1 (Application).
25 Virtually all such payments, including those involved in the indictments that led to appointment of the Commission, would be unlawful under the Revised Uniform Athlete Agent Act. See Uniform Law Commission, Acts, Athlete Agents Act, www.uniformlaws.org. More than forty states have adopted either the Revised or original Act, but it is rarely enforced.
provide a channel through which information about a player’s professional prospects and value could flow.\textsuperscript{26}

The Commission understands that contact with agents can lead to illicit payments and other rule violations. It thus recommends serious consequences for NCAA-certified agents who participate in violations of NCAA rules. For example, such agents should lose their NCAA certification and be barred from non-scholastic basketball events certified by the NCAA (see Section 3, \textit{infra}). In addition, agents who the NCAA decertifies may not pass along representation of their student-athlete clients to other agents at the same agency. Such agents should also be reported to the NBPA. Finally, a student-athlete who enters into an agreement, or whose family members enter into an agreement, with a non-certified agent should lose his eligibility.

The Commission also recommends that the NCAA work with the NBA and the NBPA to establish additional venues for representatives of those entities to meet with collegiate players and provide information about professional status and opportunities. The NBA and the NBPA have unique credibility with collegiate athletes. Players would make more informed choices about college if they had additional opportunities to hear from the NBA and its players.

\textbf{D. Provide Resources To Make The Promise Of A College Education Real.}

The Commission recommends that the NCAA immediately establish a substantial fund and commit to paying for degree completion for student-athletes with athletic scholarships who leave college after progress of two years towards a degree. The NCAA must require Division I programs to establish a Degree Completion Program to support degree completion by student-athletes who compete and complete two years of college and then leave school, but later seek to return to college to finish their education. The NCAA and its member institutions must keep focused on the prize here – a college degree.

As described above, the Commission starts from the premise that students who are athletes – not paid professionals – play college sports. It is worth noting that student-athletes choose the collegiate path, and we want to enhance their ability to decide whether to do so. But they are making a choice; if it is not the right choice and a professional path is more desirable, they should take it.

We recognize that many do not accept that premise, and instead argue that those who play men’s Division I football and basketball earn substantial revenues for their

\textsuperscript{26} The Commission also recommends that the NCAA itself make additional educational efforts directed at high school players during NCAA non-scholastic basketball camps. See Section 3.C., \textit{infra}. 
schools, cannot participate fully in the academic and social experience of college, and therefore should be treated as professional athletes and paid more than the full cost of their college educations. Proponents of pay-for-play contend that it is past time to recognize that men’s Division I football and basketball players are not student-athletes, but are instead professional athletes who are not receiving a college education. As a matter of fairness, they contend, the players who earn these massive revenues should share in them, rather than seeing the money flow to coaches, athletic directors, excessive facilities and elsewhere. Thus, the argument continues, colleges should openly bid for players’ services, instead of obtaining their services through a corrupt process as they are alleged to do now.27

Opponents of pay-for-play strongly believe that college basketball should remain a game played by student-athletes that has unique value and appeal. They also strongly resist the argument that student-athletes do not benefit from attending college and participating in intercollegiate basketball. Their counter is simple. Student-athletes in fact benefit enormously. They receive full scholarships up to the cost of attendance, see ES Section 1.D. Students with demonstrated financial need are also eligible for Pell grants of $5,800 annually. Student-athletes often receive benefits such as meals, special academic support, travel expenses, coaching, training and nutritional advice, career guidance and more, worth tens of thousands of dollars annually. Obviously, student-athletes who remain in school for four years receive four times this value, along with the increased earning power of a college degree, which is roughly $1 million over a lifetime. See ES Section 1.D.

In addition, all agree that the complexities of developing a lawful and fair pay-for-play system are staggering. In an open market for player services, payments would vary based on the talent of the individual, the revenue that he or she would generate, the local sports market, etc. It is unclear what happens to the players who are not worth that much in a pay-for-play model, or whether colleges can compete for players’ services annually. Opponents of pay-for-play also point out that no system would be fair to all students, sports and schools, and that many programs would cease to exist, depriving large numbers of student-athletes without professional potential of an opportunity to attend college. They also observe that if players were paid a salary instead of the full cost of attendance at college, they would pay taxes on that salary, and thus receive little benefit. Paying student-athletes, others assert, would erode the associations between athletes and their schools, athletes and their teammates, and athletes and their fellow students.

This debate is longstanding, and many have entrenched views. College basketball has earned billions for NCAA institutions. Indeed, the major, revenue-generating college sports have supported the inter-collegiate athletic experiences of thousands of athletes in sports that are not profitable and have provided a multitude of other benefits to member institutions. However, those billions have also been used to finance breathtaking salaries for some coaches in revenue-generating sports and extravagant athletic facilities, while some colleges reduce academic offerings. Many, including some members of this Commission, wonder whether colleges and universities are making the right choices about their institutions’ educational missions.

The Commission has already expressed its view that student-athletes receive valuable benefits by pursuing a degree and participating in intercollegiate sports. In addition to the economic benefits detailed above, college sports is a valuable part of a college education, as illustrated by numerous student-athletes who study, train and compete with no thought or possibility of “going pro.” But the Commission shares the concerns of those who believe that the athletes generating these billions in revenues for NCAA colleges and universities and their coaches and administrators often are not receiving the benefit of the college education that they are promised. This problem is compounded when players with professional options are not permitted to leave college and play professionally. The Commission likewise believes that the large sums of money and the prestige that accompany college basketball championships can corrupt colleges’ admission standards, academic offerings and integrity.

One aspect of this debate is particularly relevant to the Commission’s mandate. Paying modest salaries to Division I basketball players will not address the particular corruption the Commission confronts; nor will providing student-athletes a modest post-graduation trust fund based on licensing of names, images and likenesses. None of the contemplated payments would be sufficient to reduce the corrupt incentives of third parties who pay certain uniquely talented players in the hope of latching onto their professional futures, of coaches and boosters seeking to secure the success of their programs, or of colleges willing to undermine their education mission to ensure the eligibility of players. One would have to adopt a full-scale professional model to forestall that corruption or, as the Commission recommends, try instead to revitalize the college model.

Finally, the Commission is also aware of many voices suggesting that allowing student athletes to earn some financial benefit from the marketing of their names, image and likenesses (NIL) is consistent with the collegiate model, particularly if students do not receive those funds until after college. Notably, the NCAA is a defendant in litigation involving the NCAA’s refusal to allow students to do so. The court suggested that if the NCAA allowed students to benefit financially from NIL marketing, plaintiffs would then
be able to argue that all restrictions on income are anti-competitive. The court stated that “[t]he difference between offering student-athletes education-related compensation and offering them cash sums untethered to educational expenses is not minor: it is a quantum leap. Once that line is crossed, we see no basis for returning to a rule of amateurism and no defined stopping point.” O’Bannon v. NCAA, 802 F.3d 1049, 1078 (9th Cir. 2015) (emphasis added).

A number of members of the Commission were drawn to the idea of reforms in this arena. However, given the lack of legal clarity on this matter, the Commission was concerned about the unintended consequences of such changes. See ES Section 1.D. The Commission recommends that if the legal context changes or clarifies, the NCAA should remain open to rule changes addressing student-athletes and NIL. But, in the current legal circumstances, the Commission decided to address the charge of exploitation by providing individual student-athletes with access to professional opportunities, and ensuring that the student portion of student-athlete is real. Specifically, the Commission recommends allowing student-athletes with a professional pathway to make the choice to leave college every year, creating resources so that they can make an informed choice whether to do so, welcoming back student-athletes whom the NBA does not draft, making a serious financial commitment to degree completion and severely punishing those who undermine the premise that student-athletes must receive a valuable – not a sham – education.

In sum, the Commission recognizes that the money generated by Division I basketball makes its task extremely difficult. Nonetheless, the Commission recommends changes intended to expand the professional opportunities of high school athletes who do not wish to attend college, to blunt the incentives to corrupt major college sports, to increase the likelihood that colleges, coaches and administrators participating in corruption will be punished, and to help student-athletes receive the college education they are promised. To meet the latter obligation, the NCAA must establish a substantial fund to assist its member institutions in fulfilling their commitment to student-athletes and mandate that its members establish degree completion programs. This recommendation will be expensive; but in today’s world, it is necessary to provide meaning to the phrase student-athlete.

Section 2:
Establish Professional Neutral Investigation and Adjudication of Serious Infractions and Hold Institutions and Individuals Accountable

1. Implement Independent Investigation and Adjudication of Complex Cases.

The Commission recommends a prompt radical transformation of the NCAA’s
investigative and enforcement process for cases involving complex or serious violations (hereafter “complex cases”).

The consensus view – including within the NCAA – is that the NCAA investigative and enforcement process is broken. The NCAA’s shared governance and cooperative principles do not work in situations when large sums of money and serious reputational damage is at stake. Schools and individuals “lawyer up” to protect their financial and reputational interests. The current NCAA system does not provide its personnel with the tools and authority necessary to investigate complex cases and effectively prosecute violators of the rules. Decision makers are volunteers and NCAA members; they face perceived conflicts of interest in adjudicating complex cases with adverse consequences for the credibility of the process. Punishment is often unpredictable and inadequate to deter violations. In many cases, the process takes years, and the NCAA imposes punishment long after the departure of bad actors. Prominent coaches and administrators escape accountability for what they knew or should have known was occurring in their programs. A significant institutional overhaul is required.

First, the Commission recommends that the NCAA establish two tracks for addressing rules violations – one track for complex cases and a second for all others. The current NCAA process would remain in place for the second category of cases, but the NCAA must create an entirely new process for investigating and deciding complex cases. Most significantly, the Commission recommends that the Committee on Infractions appoint a panel of paid independent decision makers, such as lawyers, arbitrators and retired judges. These decision makers would form a pool from which three adjudicators would be randomly selected to resolve each complex case. Members of the panel would serve for a term of five years (with some shorter and longer terms initially so that the entire panel does not turn over simultaneously). The panel would operate under the rules of the American Arbitration Association or analogous rules; its decisions would be final and binding, subject to review only under the Federal Arbitration Act. Volunteers and members should not decide whether fellow member institutions have violated NCAA rules, nor the appropriate punishment for those violations. It is time for independent adjudication of the NCAA’s complex cases.

The Commission recognizes that instituting an adversary process may further delay a process already criticized as too slow. The Commission recommends two measures to address this issue. First, the NCAA should adopt rules authorizing the independent panel of adjudicators to grant preliminary injunctive relief – that is, to forbid or require certain action while the adjudication is taking place – against institutions and individuals where the NCAA’s investigator and advocate demonstrates a substantial likelihood of

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28 One threshold question is how to define the cases subject to the new process. The Commission recommends that both the NCAA and the alleged violator be empowered to designate a case as “complex,” provided the panel of adjudicators may disagree and return the case to the second track. In addition, the NCAA may wish to designate cases with certain potential penalties as complex as a matter of rule.
success on the merits and the balance of harms favors immediate relief. This mechanism may be particularly relevant in cases of failure to cooperate. Second, the NCAA should establish reasonable time limits for submission and decision of a case, which must be enforced except in extraordinary circumstances, as determined by the panel.

Second, the Commission recommends that the NCAA ensure professional investigation and prosecution of serious violations. There are at least two ways to do so. After its appointment, the independent adjudication panel could create a panel of outside counsel (not the NCAA’s usual counsel who would be in a conflict of interest) to investigate and advocate in complex cases. In the alternative, the NCAA could establish a separate investigation and advocacy office, with rules guaranteeing its independence.

The Commission also recommends that the newly formed investigative office (or appointed law firm) and, indeed, all relevant NCAA investigative bodies, be instructed to exercise appropriate enforcement discretion and common sense – that is, to set appropriate priorities for enforcement, to make reasonable decisions about punishment, and not to expend excessive resources on violations that are de minimis. This investigative entity should give serious infractions substantial attention and seek punishments that will deter future violations. But it should also recognize that certain kinds of minor violations should be handled differently, both in terms of resources expended and punishment recommended. In the exercise of such discretion, plainly self-reporting and other indicia of cooperation should be considered.

The NCAA Bylaws require member institutions, their staff and student-athletes to cooperate in NCAA investigations. See, e.g., NCAA Division I Bylaw 19.2.3 (Responsibility to Cooperate). A failure to cooperate is one factor the NCAA can consider in assessing penalties. NCAA Division I Bylaw 19.9.2 (Factors Affecting Penalties). This regime has proved insufficient. The NCAA also must adopt rules that require member institutions and their personnel to cooperate with NCAA investigations, with a failure to respond to investigators’ requests promptly bearing significant consequences, including loss of post-season eligibility and revenues. Specifically, to participate in Division I basketball, member institutions and their presidents, administrators, and coaches must agree to cooperate with NCAA investigations, including by providing documents and testimony where sought by NCAA investigators. In addition, while the NCAA does not have subpoena power, it can adopt rules requiring as a condition of membership, that member institutions enter into contractual agreements to cooperate in investigations and that member institutions contractually impose the same requirement of cooperation on presidents, administrators and coaches. NCAA rules should specifically protect whistleblowers who report and provide evidence of violations.
Relatively, the independent panel of adjudicators must have the authority, on a motion to show cause, promptly to impose consequences for failure to cooperate in investigations of complex matters, including, where appropriate, loss of the right to participate in post-season tournaments and other NCAA events and the loss of associated revenues.

In a related point, the NCAA must authorize its investigators and advocates to submit and rely on the evidence admitted in judicial and administrative tribunals and on the decisions of those tribunals. There is no reason to require the NCAA to redo the work of other tribunals. The independent panel of adjudicators can determine the reliability of the evidence and the preclusive effect of other decisions.

B. Enact and Impose Increased Core Punishments With Significant Deterrent Effects.

The Commission recommends significant changes in the penalty structure and the nature of penalties imposed on NCAA member institutions for certain violations. The Commission considers non-cooperation a separate serious offense that should receive substantial penalties, including the loss of participation in and revenues from the NCAA tournament for up to five years. In addition, the Commission believes that serious repeated violations of NCAA rules must be subject to these same severe penalties.

Current core penalties for violations of NCAA rules are set out in the Division I Manual, Article 19, Figure 19.1. The NCAA adopted these penalties in October 2012, effective August 2013. Due to the length of the NCAA’s adjudication process, the first cases in which the current penalty matrix applies have only recently been resolved. (The penalty matrix in effect at the time of a violation applies to that violation without regard to subsequent amendments.) The matrix provides appropriate types of penalties for violations by institutions – i.e., probation, fines, suspensions, scholarship reductions, forfeitures, post-season bans, head-coach restrictions, recruiting visit restrictions.

The Commission considered whether the core institutional penalties are sufficiently severe to have the desired deterrent effect. The Commission believes that many at NCAA member institutions consider the rewards of NCAA rule violations to outweigh the risks, and thus it recommends the following changes in the NCAA’s institutional penalties and penalty structure:

First, the Commission recommends the following increases in the core penalty structure: (i) increase the competition penalties for Level I violations to allow a five-year post-season ban; (ii) increase the financial penalties for Level I violations to allow loss of all sharing in post-season play, including the NCAA tournament, for the same five-year period; (iii) increase the penalties for a show-cause order to allow life-time bans; (iv)
increase the penalties for head coach restrictions to allow imposition of more than one season; and (v) increase the penalties for recruiting visit violations to allow full year visit bans. Colleges with comprehensive, effective compliance programs should see their penalties mitigated; those without such programs may see their penalties enhanced.

Second, the Commission recommends that the NCAA inform members that past penalties imposed for particular violations have no precedential value, and that the independent panel shall conduct a *de novo* assessment of the appropriate penalties for violations with the need for deterrence in mind. The panel must be free to calibrate punishment without regard to past practice.

Third, the Commission recommends that member institutions that employ a coach, athletic director or other administrator under a show cause order for a previous violation of NCAA rules must receive enhanced penalties if that individual’s program re-offends. Institutions that hire an individual under a show cause order must be aware that they are taking a significant risk.

Fourth, the Commission recommends that the NCAA highlight the availability of a five-year ban from the NCAA tournament and the loss of all revenues from the tournament for that same period for member institutions’ programs found to have engaged in systematic, severe and repeated violations of NCAA rules. The Commission acknowledges that imposing this penalty will result in significant punishment of innocent members of the college community and beyond, and that it must be limited to the extreme circumstances. Nonetheless, the NCAA should use this punishment where necessary to address sufficiently grave patterns of misconduct.

In its current enforcement structure, the NCAA addresses individuals who participate in rules violations through punishments imposed on member institutions. The Commission recommends a significant expansion in *individual accountability* for rules violations for presidents, administrators and coaches:

a. As noted, the NCAA must require member institutions’ contracts with their coaches, athletic directors and other administrators associated with the athletic department to provide that these individuals must cooperate with NCAA investigations and enforcement proceedings.

b. The NCAA must require member institutions’ contracts with these individuals to include agreement to be subject to NCAA enforcement investigations and infractions decisions and discipline, up to and including discharge.

c. The NCAA must enact a rule requiring college presidents, athletic
department directors and coaches to certify annually that they have conducted due diligence and that their athletic programs comply with NCAA rules. The NCAA rules should provide for significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination.

The NCAA is certainly not blameless for its failure to address the corruption in college basketball that led to the recent prosecutions, but the primary failures belong to the individuals at colleges and universities who allowed their programs to be corrupted, averting their eyes to keep the money flowing. With enhanced individual accountability, the Commission believes that more college presidents and athletic directors will find it beneficial to adopt and enforce comprehensive compliance programs. See also NCAA Constitution 2.1 (Principle of Institutional Control and Responsibility).

In terms of substantive rules changes, the NCAA’s jurisdiction with respect to academic issues must be clarified, stated in amended rules and communicated to member institutions. The rules must be amended to allow the NCAA to address all academic fraud and cheating to the extent it is used to corrupt athletic eligibility. Member institutions should not be able to shield academic fraud to ensure athletic eligibility by extending that fraud to the entire student body. In addition, the NCAA’s imposition of discipline for academic fraud and misconduct has been inconsistent and untimely. The relationship between punishment and the school’s involvement, including its self-reporting, is unclear. Member institutions do not fulfill their commitment to student-athletes when they allow them to maintain eligibility through academic fraud or misconduct. The NCAA must also amend its rules to clarify the standard for academic fraud and misconduct and to establish consistent punishments for the violations of these rules. Going forward, the NCAA must apply a revised standard consistently across member institutions.

Finally, in connection with its certification of agents who may engage in sanctioned on-campus meetings with high school and college students, the NCAA must enact rules to ensure that agents who participate in rules violations are punished. As noted above, agents who participate in violations of NCAA rules must lose their certification and be banned from NCAA-certified non-scholastic basketball events. Decertified agents may not pass along their student-athlete clients to others in their agencies. In addition, the Commission recommends that the NCAA report any agents’ participation in NCAA rule violations to the NBPA. The Commission believes that the NBPA would be willing to punish and potentially decertify agents who participate in violations of NCAA rules. Indeed, the NBPA is currently focused on improving the quality and ethics of the agents it certifies. The NBPA has a large stick and its efforts in increasing the standards for certification and in regulating agents will be invaluable to the NCAA’s efforts to limit the influence of corrupt agents.
Putting to one side agents paying large sums of money to players, the Commission heard comments that collegiate players or their families may receive from agents a meal or minor travel expenses or some other small benefit that those with limited financial means are strongly tempted to accept. The Commission concludes that the NCAA and its member institutions must enhance the resources of Student Assistance Funds and educate student-athletes about the benefits that it can provide to address the legitimate school-related needs of student-athletes. NCAA Division I Bylaws 15.01.6.1, 16.11.1.8 (Student Assistance Fund). Specifically, the Commission believes that the Fund should be increased and used for additional purposes, such as providing Division I schools with the resources to assist parents and families to travel to student-athletes’ games, subject to means testing.

Finally, the Commission is aware of the Revised Uniform Athlete Agents Act (“RUAAA”) developed by the Uniform Law Commission, in response to an NCAA request that state law address agents’ provision of cash and other economic benefits to student-athletes. Forty-two states, DC, Puerto Rico and the U.S. Virgin Islands have adopted the Uniform Athlete Agents Act and eight have adopted the RUAAA. The Uniform Law Commission provided useful input to the Commission and sought its support in encouraging states to adopt the RUAAA. Unfortunately, while a number of states have enacted state laws regulating sports agents, the Commission is not aware of any significant number of enforcement actions. The Commission encourages States to both enact and enforce state laws regulating sports agents.

**Section 3:**

**Mitigating Non-Scholastic Basketball’s Damaging Influence on College Basketball**

The NCAA must adopt rules that will reform non-scholastic basketball or disassociate college basketball from the corrupt aspects of non-scholastic basketball. The Commission recommends that the NCAA take both short and long-term action. In the short term, the NCAA must adopt rigorous certification criteria for non-scholastic basketball events its coaches may attend, including significant measures to ensure financial transparency and accountability. In the long term, the NCAA should administer its own regional camps for high school players in the group subject to college recruiting in July of each year.

**A. Reform Non-Scholastic Basketball and Make Its Finances Transparent.**

The Commission heard from numerous stakeholders that non-scholastic basketball provides recreation, competition and gear for thousands of children who will never play elite high school or college basketball, let alone play professionally. The Commission
further heard about many selfless individuals who volunteer to administer and coach non-scholastic basketball, investing their skill and countless hours without thought of remuneration or benefit. However, the Commission also heard from many that because non-scholastic basketball is unregulated, some teams, events and tournaments have damaging consequences for college basketball.

The NCAA certifies non-scholastic basketball events and leagues, but the requirements for certification are minimal and those that exist appear to be poorly implemented and inadequately enforced. At the elite levels, apparel companies, agents and other sponsors finance leagues, events and teams, without accounting for the expenditure of the funds. The Commission spoke with several apparel companies that sponsor substantial non-scholastic basketball events and leagues as part of their community partnerships and brand marketing. It did not appear to the Commission that any of these entities carefully followed the money or sought a complete understanding of the financial arrangements of the event operators and coaches of non-scholastic basketball for elite players. The Commission learned that non-scholastic basketball event operators and coaches steer elite players to the agents and advisors who pay them or otherwise provide “favors,” and to the collegiate programs with which they develop relationships. In turn, players (and those who influence them) may be paid or receive excessive travel and other benefits to select particular teams or leagues.

The NCAA must manage its relationships with non-scholastic basketball, with the objective of preventing the corruption of college basketball. The Commission believes that the elimination of one-and-done players from college basketball will diminish the influence of non-scholastic basketball event organizers and coaches with college programs. Clearly, however, problems will remain. College coaches recruit roughly 1125 high school players to Division I programs every year. To the extent college coaches and non-scholastic basketball event organizers and coaches are scratching each other’s backs for personal gain, they are corrupting college basketball. To the extent non-scholastic basketball event organizers and coaches are paying – or arranging for the payment of – players and their families to participate in or enter particular summer programs, they are creating a culture that contributes to the expectation of continued payment while in college.

The NCAA and its member institutions have some leverage in their relationship with non-scholastic basketball. Players whom the NBA will not draft from high school – that is, most players – seek to play college basketball. To do so, they must be seen and evaluated by college coaches. Most college coaches cannot see sufficient players by attending high school games, involving only one or two players whom they are recruiting at a time. Instead, they assess players at summer events where numerous players with the potential to play college basketball compete against each other. Put differently,
non-scholastic basketball needs NCAA coaches, and NCAA coaches need non-scholastic basketball. The Commission’s guiding principle in this area is that the NCAA should not certify, and NCAA coaches should not participate in, non-scholastic basketball events involving coaches, leagues or sponsors who are not fully transparent about the sources and amounts of their financial support.

More specifically, while NCAA coaches are forbidden to attend non-scholastic basketball events not certified by the NCAA, the NCAA’s current criteria for certification are plainly insufficient. The new criteria for certification must include detailed requirements for financial transparency. Any person or entity that sponsors a summer league, team or event must disclose any payments made to or received from any coach, event operator, owner or any other entity associated with that league, team or event. Any coach, event operator, owner or other entity associated with that summer league, team or event must disclose any payment received that is related to the event and how the payments will be expended. The Commission leaves to the NCAA the design of the disclosure forms and the details of the requirements, but it must require the provision of any non-profit organization’s financial filings with the government and full financial transparency – going both ways – for non-scholastic basketball sponsors, event operators and coaches.

The Commission further recommends that the NCAA enforce existing requirements and impose additional prerequisites for certification of non-scholastic basketball events. Current NCAA rules require as a condition of certification that non-scholastic basketball events contain an educational component. That requirement is not effectively administered and enforced – a missed opportunity. Moreover, the NCAA should enforce limits on the paid travel and other benefits associated with the events, and require commercially standard charges for admission (where allowed) and programs (rather than allowing individualized expensive arrangements for college coaches). Further, the certification should specifically state that NCAA enforcement personnel have unfettered access to any event, including physical access to the venue and the ability to inspect all financial documentation associated with the event.

B. Enlist the Apparel Companies in Transparency and Accountability Efforts.

The Commission notes that during its meetings with representatives of several apparel companies with high profiles in professional and college basketball, all expressed a commitment to a culture of compliance at their companies. This commitment included respect for and adherence to NCAA rules and a willingness to be transparent about their relationships with college coaches and professional agents and about their expenditures in non-scholastic basketball.
While these statements were welcome, the Commission does not believe that the apparel companies have always delivered on this promise. In fact, it was difficult to ascertain how closely these companies track funding for non-scholastic basketball and associated activities. The Commission will formally ask the boards and leadership in these companies to make a commitment to transparency and accountability for the expenditure of company funds in college and non-scholastic basketball, particularly in light of the recent indictments in the Southern District of New York. Indeed, the Commission looks forward to statements but more importantly actions by these public companies that demonstrate their commitment to integrity and accountability in this space.

C. In Cooperation with Partners, Establish NCAA Youth Development Programs.

In this section, the Commission recommends significant changes to the resources and programs available for the development of young, pre-collegiate players, ideally by the summer of 2019. Allowing players to enter the professional ranks earlier brings with it the responsibility to provide appropriate resources for earlier development. We acknowledge that institutional influence—by USA Basketball, the NCAA, and the NBA and the NBPA—has been largely missing in this space for the past 20 years and that non-scholastic basketball has been largely ungoverned. We strongly recommend that the named institutions lend their expertise and, wherever possible, work together to provide an alternative to the individual and corporate influences which currently dominate pre-collegiate youth basketball particularly in the summer. In the Commission’s view, the NCAA, USA Basketball, the NBA and the NBPA all have significant institutional interests in developing prominent roles in non-scholastic basketball, particularly in the areas of player identification, development and evaluation. There is a great deal of work to be done in the development of pre-collegiate players, and the three institutions should also welcome partners and sponsors willing to work within the standards, disciplines, and accountability these institutions will bring to youth development.

The Commission makes distinctions among three levels of players in addressing pre-collegiate youth development: Level 1 for those players across the four high school years with identified National Team Potential, Level 2 for those players across the four high school years with identified Highest Collegiate Potential, and Level 3 for those players across the four high school years with identified Collegiate Potential.
Every year, the number of players to be identified, evaluated and developed at each level follows:

- **Level 1 (National Team Potential)** 80-100
- **Level 2 (Highest Collegiate Potential)** 400-500
- **Level 3 (Collegiate Potential)** 2,000-2,500

It is important to note that the Commission believes developing players at each level will require a collaboration among USA Basketball, the NCAA, the NBA and the NBPA. The absence of any one of these stakeholders in the youth development space will exacerbate the current problems with recruiting and development.

While the NCAA, USA Basketball, the NBA and the NBPA should work out the details, the Commission believes that there is a role for each organization to play at each of the three Levels—although the degree to which each organization takes a leadership role should naturally vary by level. At Level 1, USA Basketball with the NBA should take the lead in organizing and implementing a program targeting this tier of players. USA Basketball with the NCAA should take the lead in organizing and implementing Level 2, and the NCAA should take the lead in organizing and implementing Level 3. Each of the stakeholders will need to bring commitment, experience, financial resources, and the necessary authorities to this shared effort.

The tasks to be accomplished in youth development include:

- **Player identification.** USA Basketball will be primarily responsible for the identification of those players with the highest potential for Level 1 (Junior National Teams). The NCAA will be primarily responsible for identification of those players with the highest potential for Levels 2 and 3. The Commission understands that college coaches annually identify the prospects they seek to recruit using electronic databases and recruiting services. Based on these systems, players can be assigned to an appropriate level based on the interest shown in them. As a further step to ensure that players are properly identified, the Commission recommends that USA Basketball, the NCAA, and the NBA and NBPA establish a “collaborative advisory group” to annually review and validate the player identification and player evaluation processes.

- **Player development.** Player development must expand well beyond basketball to include academic, health, wellness, and life skills. The Commission recommends four physical interactions with pre-collegiate players at each level annually (camps, clinics and tournaments) with continuing on-line
education and mentoring throughout the year. The Commission recommends that one of these contacts occur at NCAA-administered regional camps each summer during July, which NCAA coaches would exclusively attend during that time, and that current NCAA-directed recruiting windows be adjusted to account for these events. The Commission also recommends that events organized and implemented under this youth development initiative be required to adhere to USA Basketball licensing requirements for coaches and the October 2016 Youth Development Guidelines for safe play published by the USA Basketball and the NBA. Finally, the Committee recommends that participation in NCAA summer events be limited to students making appropriate academic progress towards initial college eligibility.

• **Player evaluation.** The most important outcome of player evaluation is a realistic assessment of a player’s potential. The Commission recommends that a “collaborative advisory group” among the NCAA, USA Basketball and the NBA and NBPA be established to provide a realistic assessment of professional potential to players in Levels 1 and 2. Importantly, the Commission believes these evaluations must be transparent and accessible.

The Commission further recommends that working with USA Basketball, the NBA, the NBPA, the WNBA and the WNBPA, as appropriate, the NCAA also consider creating analogous programs and initiatives for the development of young women basketball players for the collegiate and professional levels.

In conclusion, the Commission received extensive commentary about the corruption prevalent in youth basketball organized outside the high school academic setting. We believe that the only way to mitigate the influence of third parties (who may not be working in the best interest of young, talented players) is to introduce financial transparency and accountability to all such entities, establish NCAA youth development programs and provide regulated access to expert player evaluation for students and their families. Individually, none of these reforms is sufficient, but taken together the Commission hopes they will improve the corrosive culture of youth basketball. Protecting, educating and developing youthful players – from the time they first enter high school – is likely to be among the most challenging and important tasks ahead.

**D. Enact Changes in Rules Governing Recruiting and Coaches’ Interaction with Recruits and Student-Athletes.**

The Commission endorses NCAA consideration of some of the recommendations made by the National Association of Basketball Coaches (NABC) and other stakeholders with respect to recruiting and coaches’ interaction with their players and recruits. These
recommendations are intended to strengthen the relationships between NCAA coaches and prospective and current student-athletes so that these coaches are not required to recruit and instruct through third parties.

First, the Commission supports the NABC’s recommendation that the summer recruiting calendar for evaluating college prospects be modified to allow college coaches to attend two weekends of scholastic-sponsored events in June and to attend three weekends of NCAA-sponsored events in July (once established). The Commission further supports the requirement that once NCAA-sponsored events for July are established, NCAA coaches be limited to recruiting at those events during that time. Many of the problems associated with non-scholastic basketball occur in the summer.

Second, the Commission supports NABC’s recommendation that official visits be permitted to begin during the summer between a prospective student-athlete’s sophomore and junior years. The rules should allow five official visits before completion of the junior year and five additional visits during the senior year, and limit the student to one visit per year per institution. Prospective student-athletes are visiting colleges earlier in their development, and third parties may fund those visits where families cannot afford the trips. The Commission agrees that allowing earlier official visits may alleviate some of this pressure.

Third, the Commission further supports the recommendation that coaches be permitted to provide more than two hours of skills instruction per week in the off-season. We are informed that an unintended consequence of current limits on NCAA coaches’ hours of skills instruction is that agents and other third parties pay for trainers, and we agree that allowing coaches additional time to work with players would be preferable.

Finally, to establish additional points of interaction between college coaches and student-athletes, the Commission supports the recommendation that video operators and other “staff” be permitted to coach their teams. The Commission was informed that NCAA schools are not doing enough to develop the next generation of coaches; in any event, this restriction sets artificial limits on relationships between coaching staffs and team members.

The Commission believes that additional recommendations of the NABC and others are worthy of NCAA study. It also supports the NABC’s intent to reinvigorate its Code of Ethics and disciplinary rules and enforcement.
Section 4: Add A Significant Cadre of Public Members To The NCAA Board of Governors.

The Commission recommends that the NCAA restructure its Board of Governors to include at least five public voting members with the experience, stature and objectivity to assist the NCAA in re-establishing itself as an effective and respected leader and regulator of college sports. It further recommends that at least one of these public members also be a member of the NCAA’s Executive Board.

The NCAA Board of Governors is currently composed of presidents or chancellors of NCAA colleges and universities, chairs of NCAA division governance bodies and the NCAA president. NCAA Constitution 4.1.1. Each of these Board members wears a second hat for a school, conference or NCAA division or body that creates at least an appearance that he or she cannot be entirely objective in determining the direction of the Association.

The NCAA administers what is effectively a public trust in the United States — athletic competition among college athletes. Public members of boards serve important functions. They provide objectivity, fresh perspectives and independent viewpoints and judgments. Many non-profit associations utilize public board members for precisely these reasons. The NCAA Board needs excellent public members, with the benefits that such members provide. The NCAA should promptly amend its Constitution to restructure the Board to include public voting members, while simultaneously creating a slate of candidates with the appropriate stature and characteristics. The Commission will provide recommendations to assist the NCAA in ensuring compilation of a high-quality slate of potential public board members.
CONCLUSION

The Commission calls on the NCAA to draw up draft legislation and plans to implement its recommendations for Commission review by early August 2018. The Commission will promptly reconvene and provide its input.

The Commission has made a number of important recommendations. Some call for action by third parties, such as the NBA, the NBPA, apparel companies and member institutions. Most call for substantial NCAA action. Some are simple in concept, but not in execution — such as creating independent investigative and adjudicative systems. Others should be easy to execute — specific changes in the available punishments under Article 19 and in the recruiting rules. Some do not require rules changes, but instead the devotion of financial and administrative resource to planning, for example, the creation of NCAA non-scholastic basketball camps. The Commission is committed to completing the task that its recommendations will start. It must have a chance to review the responsive draft legislation and action plan, to provide its viewpoint and, hopefully, its affirmation of the NCAA’s plan to help ensure the success of this important effort to renew college basketball.
2018-19 NCAA DIVISION II COACHES CERTIFICATION QUESTIONS

Introduction

The NCAA Division II Legislation Committee is responsible for the review and approval of Division II coaches certification policies and procedures.

In April 2018, the NCAA Division II Presidents Council approved in concept a convention proposal to amend Bylaw 11.6.1.1.1 (certification administration), as follows: (1) to require all coaches to annually complete specific educational modules as determined by the Legislation Committee; (2) to prohibit off-campus recruiting until the coach successfully completes the required educational modules; and (3) to prohibit the directing, supervising or observing of countable athletically related activities (CARA) until the coach successfully completes the required educational modules.

The committee is asked to consider the following questions in anticipation of the proposed changes to Division II coaches certification.

Coaches Certification Questions

1. If a coach fails to achieve a passing score on a required educational module, should there be a waiting period before the coach may re-take the module? If yes, how many days?

2. Should there be a certification "grace period" for newly hired coaches who wish to direct, supervise or observe CARA? If yes, how many days?

3. Is certification required for consultants (e.g., pitching instructor in baseball) who are retained by the institution for a limited time period (e.g., one week)? If not, must a certified coach be present during when a consultant directs, supervises or observes CARA?
2019-20 NCAA DIVISION II COACHES CERTIFICATION

Certification Procedures

1. Administration.
   
a. The educational modules selected by the NCAA Division II Legislation Committee may be completed at any time after being added to the Division II University Catalog.

b. The annual certification period shall be effective August 1 through July 31. Coaches who passed the 2018-19 coaches certification (recruiting) test are certified through July 31, 2019. Once an individual successfully completes all required educational modules for the 2019-20 academic year, he or she would be certified from the date of completion through July 31, 2020. For example, an individual who completes all required educational modules on May 20, 2019, is certified from May 20, 2019, through July 31, 2020.

c. Testing opportunities shall be limited only by the stipulation that 14 calendar days shall elapse between each attempt to complete an educational module. Please note this 14-day period may not be waived except by the conference office, provided contact with the NCAA staff has been made.

d. Division II coaches are required to complete all required educational modules to recruit off campus or direct, supervise or observe countable athletically related activities.

2. Division II University Educational Modules.
   
a. The Division II certification procedures shall involve the selection of required educational modules by the Legislation Committee for all Division II coaches.

b. The educational modules will include health and safety related content and content relating to NCAA Division II Bylaws 10 through 17.

c. The minimum passing-score requirement will be determined within each educational module. Individuals who complete an educational module successfully will receive a certificate of completion in their Division II University account.

d. The reproduction of any portion of any Division II University educational module is prohibited.

Please refer to the Questions and Answer Document and Frequently Asked Questions tab on Division II University if you have questions as most inquiries may be resolved through review of these materials.
NCAA DIVISION II COACHES CERTIFICATION

QUESTIONS AND ANSWERS

Technical

Question No. 1: I have lost my NCAA Division II University ID or password or both. Where can I find it?

Answer: Please use the “forgot password” feature for Single Source Sign-On on the NCAA.org apps page.

Question No. 2: I keep getting an error message that indicates my User ID or password is incorrect. Why?

Answer: User IDs and passwords are case sensitive. Be sure you are entering the User ID and password exactly as they appear. In addition, check the User ID and password to see if it includes a letter that appears to be a lower case L or the number one and try replacing it with a capital I. These characters appear similar in the program, so try each to determine the correct character in your password.

Administration

Question No. 1: Who is permitted to complete educational modules on Division II University?

Answer: Any institutional or conference staff member may complete educational modules.

Question No. 2: Are educational modules available in languages other than English?

Answer: No.

Question No. 3: Is a coach who has not completed the required educational modules allowed to make telephone calls to prospective student-athletes?

Answer: Yes. Pursuant to NCAA recruiting rules a noncertified coach who remains on campus may telephone a prospective student-athlete at the prospective student-athlete’s home or other off-campus site, provided the provisions of NCAA Division II Bylaw 13.1.3 (telephone calls to prospective student-athlete) are met, as such activity is not considered off-campus recruitment.

Question No. 4: If a coach is hired in May 2019, which must be completed to recruit off campus – the 2018-19 coaches’ certification (recruiting) test or the 2019-20 educational modules?

Answer: The 2019-20 educational modules. The certification procedures indicate
that the annual certification period shall be effective August 1 through July 31. However, once the required educational modules have been selected by the Division II Legislation Committee and are available in the Division II University catalog, individuals who have yet to be certified and who wish to recruit off campus prior to August 1, 2019, must complete the required educational modules during the interim period to be certified. Once the individual successfully completes all required educational modules, he or she would be certified from the date all modules are completed through July 31 of the following year.

**Question No. 5:** If a Division II coach is certified and then accepts a position at another Division II institution, is immediate recertification required?

**Answer:** No. Coaches access Division II University through a single-source sign-on application and the system tracks which educational modules have been completed by each coach. As a result, no recertification is necessary when a coach accepts a position at another Division II institution.

**Question No. 6:** If a Division II coach is certified and then accepts a position at another institution in a different division, is immediate recertification required?

**Answer:** Yes. Because NCAA recruiting rules differ for Divisions I and II, a coach must be certified under Division I rules to recruit off campus in a Division I sport.

**Question No. 7:** Is there a “grace period” for newly hired coaches at Division II institutions before certification is required?

**Answer:** Yes. A coach has 30 days to complete certification requirements after being hired by a Division II institution.

**Question No. 8:** If a coach is employed at a Division II institution that sponsors at least one Division I sport, is it permissible for a multisport coach who coaches a Division I and a Division II sport to take only the Division I certification test and be certified to recruit off campus in both sports?

**Answer:** No. The coach who is a multisport coach in two different divisions must be certified for each division in the sports in which he or she is a coach.

**Question No. 9:** Is certification required for coaches of provisional members in Division II?

**Answer:** Yes. Institutions who are in the provisional period under the membership requirements in Division II must be certified to recruit off campus or direct, supervise or observe countable athletically related activities.
Question No. 10: Which coaches’ certification requirement must be met if we are reclassifying from one division to another?

Answer: A reclassifying institution will need to comply with the certification requirements for the appropriate division during the year in which the institution is required to be in full compliance with the legislation of the division to which it is reclassifying.

Question No. 11: Is there a waiver procedure for the 14-day waiting period if a coach fails to complete an educational module?

Answer: No. However, in the event a coach is precluded from completing an educational module for reasons due to extreme circumstances beyond his or her control (e.g., weather related evacuation, illness, technology issue, etc.) the conference office has the discretion to waive the 14-day waiting period and permit the coach to retake the module.

Educational Modules

Question No. 1: Is it permissible for users to use the NCAA Manual while taking an educational module?

Answer: Yes. Users are permitted to use the Manual and the ePub versions of the Manual on a computer or tablet device.

Question No. 2: Is it permissible for users to use the Legislative Services Database for the Internet while taking an educational module?

Answer: Yes. Users are permitted to use the bylaws and proposals sections of LSDB during educational modules in addition to the Manual to reference bylaws and proposals.
## 2019 Proposed Convention Legislation - Seeking Co-Sponsorship

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Intent</th>
<th>Convention Year</th>
<th>Sponsoring Conference</th>
<th>Co-Sponsor</th>
<th>Name(s) of Co-Sponsoring Conference(s)</th>
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<tbody>
<tr>
<td>Football Out of Season Practice - Athletic Related Activities</td>
<td>To amend the 15 practice sessions must be conducted within a period of 36-consecutive calendar days, omitting vacation and examination days officially announced on the institution's calendar and days during which the institution is closed due to inclement weather.</td>
<td>2019</td>
<td>GLVC</td>
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<tr>
<td>Athletic Training Support for Unattached Student-Athletes</td>
<td>To specify that student-athletes who are competing as an eligible unattached student-athlete are permitted to receive medical services from their institution’s athletic training personnel at competition sites without triggering a season of competition.</td>
<td>2019</td>
<td>NSIC</td>
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<td>Championships and Postseason Football - Institutional Eligibility - Sports Sponsorship Requirement - Cross Country and Track &amp; Field</td>
<td>In cross country and track and field, to eliminate the sports-sponsorship requirement for championships eligibility.</td>
<td>2019</td>
<td>NE-10</td>
<td>Yes</td>
<td>RMAC</td>
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### 2019 Proposed Convention Legislation - Seeking Co-Sponsorship

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<th>Legislation</th>
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<td>Weekly Hour Limitations - Outside of Playing Season - Sports Other than Football - Team Activities and/or Skill Instruction</td>
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<tr>
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<th>Intent</th>
<th>Convention Year</th>
<th>Sponsoring Conference</th>
<th>Co-Sponsor</th>
<th>Name(s) of Sponsoring Conference(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To provide Division II student-athletes with more team activity and skill instruction time in order to mentally and physically prepare for the start of the season. To provide Division II coaches with more flexibility in structuring team activities and skill instruction, and to provide a more realistic definition of “team activities” for Division II coaches and administrators by deregulating Bylaw 17.3.2.</td>
<td>2019</td>
<td>MIAA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Bylaw 2019 MIAA
Title: FOOTBALL OUT OF SEASON-SPRING PRACTICE-ATHETLIC RELATED ACTIVITIES

Convention Year: 2018

Effective Date: August 1, 2018

Official Notice Number: 2018-##

Source: Great Lakes Valley Conference and ???

Category: Playing and Practice Season

Topical Area: Spring practice

Intent: To amend the 15 practice sessions must be conducted within a period of 36-consecutive calendar days, omitting vacation and examination days officially announced on the institution's calendar and days during which the institution is closed due to inclement weather.

Rationale: In order to get 15 practices in a given 4 week time frame you will have at least 4 practices a week if not 5. Having an extra week gives schools the flexibility to be able to have 3 practices a week instead of 4. This additional week potentially reduces fatigue which leads to injury. Players have more time to be able recuperate from either concussions, injury, or straight fatigue to be able to come back to practice. Players have the ability to have less practice per week which they can use for studying/working/etc (Life in the Balance).

Since most institutions don't have an indoor this can create more flexibility with inclement weather (Heavy Snow) to reschedule or allow for flexibility for institutions that share a field with multiple teams on campus. For example: Lacrosse is in their championship season and soccer is in non-championship playing season.

Institutions can schedule around their spring break time have more flexibility with giving players off before and after spring Break (Thur/Fri or Mon/Tue). Not all institutions will be able to go to 5 weeks as some only have a small window between Spring Break and Dead week. Coaches are cramming practices in a small time frame in order to get the maximum amount of practices in. This new proposal can help coaches and players have a less hectic spring season.

Bylaws:

17.10.8 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the playing season, except for the following:

(a) Conditioning Activities. Student-athletes may participate in conditioning activities in accordance with Bylaw 17.1.6.3.2.

(b) Spring Practice. Fifteen postseason practice sessions (including intrasquad scrimmages) and the spring game are permissible. An institution is not required to count as one of its 15 designated days any day during which countable athletically related activities are limited solely to required conditioning activities and/or review of game film. Practice sessions must meet the following conditions: (Revised: 1/10/05)
(1) All practice sessions must be conducted within a period of 29-36 consecutive calendar days, omitting vacation and examination days officially announced on the institution's calendar and days during which the institution is closed due to inclement weather.

(2) Any such practice sessions held during vacation days may not be of longer duration than those normally held when academic classes are in session.

(3) Only 12 of the 15 sessions may involve contact, and such contact shall not occur before the third practice session.

(4) The noncontact practice sessions may involve headgear as the only piece of protective equipment.

(5) Of the 12 permissible contact sessions, eight sessions may involve tackling, and not more than three of the eight tackling sessions may be devoted primarily (greater than 50 percent of practice time) to 11-on-11 scrimmages.

(6) Tackling shall be prohibited in four of the 12 contact sessions. An institution has the discretion to determine the practice activities (other than tackling) that may occur during the four contact nontackling sessions as well as the protective equipment to be worn by the student-athletes.

(7) If an institution conducts a "spring game" per Bylaw 17.10.7.3-(h), the game shall be counted as one of the three sessions that can be devoted primarily to 11-on-11 scrimmages.

(8) A student-athlete's participation in countable athletically related activities, including conditioning activities and review of game film (see Bylaw 17.02.1), during the spring practice period shall be limited to a maximum of four hours per day and 20 hours per week. (Revised: 1/10/90, 1/10/91, 1/10/92, 1/16/93, 1/11/94, 1/11/95, 1/9/96, 1/13/98, 1/14/02 effective 8/1/02, 4/29/04)

(9) All countable athletically related activities shall be prohibited during one calendar day per week.
2019 Legislative Proposal

**Intent:** To specify that student-athletes who are competing as an eligible unattached student-athlete are permitted to receive medical services from their institution’s athletic training personnel at competition sites without triggering a season of competition.

**Bylaws:** Amend 14.7.3.4, as follows:

14.7.3.4 Competition as Individual/Not Representing Institution. It is permissible for a student-athlete to participate in outside competition as an individual during the academic year in the student-athlete’s sport, provided the student-athlete:

a. Is academically and athletically eligible for intercollegiate competition;
b. Represents only himself or herself in the competition; and
c. Does not engage in such competition as a member of or receive expenses from an outside team.

14.7.3.4.1 Medical Services. Student-athletes who are competing as unattached individuals are permitted to receive medical services (including from institutional athletic training personnel) without triggering a season of competition.

[14.7.3.4.1 renumbered as 14.7.3.4.2, unchanged]

**Rationale:** Student-athletes who need immediate medical attention should not be restricted from receiving medical services from their institution’s athletic training staff on site. This directly aligns with the health and safety practices of the NCAA. Student-athletes should be provided the best care possible, and should receive medical attention from individuals who have prior knowledge of their body and previous injuries.
Title: CHAMPIONSHIPS AND POSTSEASON FOOTBALL - INSTITUTIONAL ELIGIBILITY – SPORTS SPONSORSHIP REQUIREMENT – CROSS COUNTRY AND TRACK AND FIELD

Convention Year: 2019

Effective Date: Immediate.

Category: Membership Proposal

Topical Area: Championships/Postseason Events

Intent: In cross country and track and field, to eliminate the sports-sponsorship requirement for championships eligibility.

Bylaws: Amend 18.4.2, as follows:

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

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

(d) Have confirmed annually its sponsorship of a varsity intercollegiate team in the sport and submitted its race and demographic information by so reporting on the NCAA official information form. In cross country, indoor track and field and outdoor track and field, institutions must meet the minimum contest and participant requirements for sponsorship as set forth in Bylaw 20.10.3.3;

[Remainder of 18.4.2 unchanged.]

Rationale: Current legislation specifies that in Division II men's and women's cross country, indoor track and field and outdoor track and field, institutions must meet the minimum contest and participant requirements for sponsorship as set forth in NCAA Bylaw 20.10.3.3 to be eligible to enter a team or an individual in NCAA championship competition. The legislation has not been actively enforced since its adoption in 2005. The rationale for the establishing the requirement was that student-athletes from member institutions that met the minimum sponsorship requirements were being pushed down the qualifiers list by student-athletes from institutions that did not meet the minimum sponsorship requirements. Since the current legislation was adopted in 2005, the minimum qualifying standards in all three sports have evolved and now very closely mirror sports-sponsorship requirements. Sport sponsorship is reviewed in arrears. As a result, an institution that fails to meet sports-sponsorship requirements in one academic year would not only be ineligible for selection per applicable qualifying standards in that academic year but would be ineligible for championship selection in the involved sport the following year as well. The current rule has a negative impact on student-athletes and is overly punitive.
Proposal No. 2019 - ___

WEEKLY HOUR LIMITATIONS—OUTSIDE OF PLAYING SEASON—SPORTS OTHER THAN FOOTBALL—TEAM ACTIVITIES AND/OR SKILL INSTRUCTION.

Convention Year: 2019

Date Submitted:

Effective Date: August 1, 2019

Source/Sponsors: Mid-America Intercollegiate Athletics and ____________________.

Intent: To provide Division II student-athletes with more team activity and skill instruction time in order to mentally and physically prepare for the start of the season. To provide Division II coaches with more flexibility in structuring team activities and skill instruction, and to provide a more realistic definition of “team activities” for Division II coaches and administrators by deregulating Bylaw 17.3.2.

Bylaws: (A) Amend 17.1.6.3.1, as follows:

17.1.6.3 Weekly Hour Limitations -- Outside of Playing Season.

17.1.6.3.1 Sports Other Than Football. In sports other than football, outside of the playing season during the academic year, only a student-athlete's participation in weight training, conditioning and/or team activities shall be permitted, as follows:

(a) In winter championship sports, a student-athlete's participation in weight training, conditioning and/or team activities shall be limited to a maximum of eight hours per week, of which not more than two hours per week may be spent on team activities and/or skill instruction, as follows:

(1) In basketball, from September 7 or the institution's fourth day of classes for the fall term, whichever is earlier, through the day before October 15.

(2) In swimming and diving and track and field, from September 7 or the institution's fourth day of classes for the fall term, whichever is earlier, through the institution's declared start date of practice.

(3) In wrestling, from September 7 or the institution's fourth day of classes for the fall term, whichever is earlier, through the day before October 10.
(b) In spring championship sports, from September 7 or the institution’s fourth day of classes for the fall term, whichever is earlier, through the day before the institution’s declared start date of the nonchampionship segment, a student-athlete’s participation in weight training, conditioning, team activities and/or skill instruction shall be limited to a maximum of eight hours per week, of which not more than two four hours per week may be spent on team activities and/or skill instruction;

(c) In fall championship sports, from the beginning of the institution’s second term of the academic year (e.g., winter quarter, spring semester) through the day before the institution's declared start date of the nonchampionship segment, a student-athlete’s participation in weight training, conditioning, team activities and/or skill instruction shall be limited to a maximum of eight hours per week, of which not more than two four hours per week may be spent on team activities and/or skill instruction;

(d) In National Collegiate Championships sports, from the beginning of the institution’s academic year through the day before the institution's declared start date of practice, a student-athlete’s participation in weight training, conditioning, team activities and skill instruction shall be limited to a maximum of eight hours per week, of which not more than two four hours may be spent on team activities and/or skill instruction;

(B) Amend 17.3.2.1.2, as follows:

17.3.2.1.2 Prohibited Activities.

Before the start of on-court preseason basketball practice per Bylaw 17.3.2.1, members of the institution's coaching staff may not be involved with one or more team members at any location in any of the following activities except as permitted in Bylaw 17.1.6.3.1:

(a) Setting up offensive or defensive alignments;
(b) Chalk talks;
(c) Discussions of game strategy;
(d) Reviewing game films or videotapes;
(e) Activities using basketball equipment; or
(f) Observing student-athletes in any basketball activities even if such activities are not arranged by the institution's coach.
Rationale: In 2015, the NCAA conducted its third study of the experiences and well-being of current student-athletes in all three divisions. In 2015, more than 6,700 student-athletes from more than 180 Division II institutions participated in the study. Of the 6,700 Division II student-athletes surveyed, only 11% of the male student-athletes and 20% of the female student-athletes prefer that there could be less time in their schedules devoted to athletic activities. In fact, nearly half of all Division II student-athletes indicate that they would prefer to spend more time in organized off-season practices or workouts, while only about 15% of Division II student-athletes indicate that they would prefer to spend less time in organized off-season practices or workouts. The August effective date will allow the legislative change to be implemented for all sports at the beginning of the 2019-20 academic year.
SUPPLEMENT NO. 10

NCAA Bylaw 12.1.1.1.1 -- Amateurism -- General Regulations -- Validity of Amateur Status -- Amateurism Certification Process -- Amateurism Certification in Sports Not Sponsored by Member Institution

Issue:
Whether the NCAA Division II Legislation Committee should recommend sponsorship of noncontroversial legislation to amend NCAA Bylaw 12.1.1.1.1 (amateurism certification process) to require a student-athlete to receive an amateurism certification prior to participating in intercollegiate competition when a member institution does not sponsor the sport.

Background:
Under current legislation, prior to a student-athlete participating in practice or competition in their sport, he or she must receive an amateurism certification through the NCAA Eligibility Center; however, the legislation is silent on whether a student-athlete needs to receive an amateurism certification prior to participating in intercollegiate competition in a sport not sponsored by a member institution. Once an institution declares a sport as a varsity sport, all NCAA rules apply, which includes the certification of student-athletes. Recently, staff received an interpretation seeking guidance on whether a member institution's student-athletes needed to have their amateurism certified prior to participating in a sport the institution did not sponsor.

Conclusion:
1. The Legislation Committee recommends sponsorship of noncontroversial legislation to amend Bylaw 12.1.1.1.3 (eligibility for practice and competition) to require a student-athlete to receive an amateurism certification prior to participating in intercollegiate competition in a sport not sponsored by their institution.

2. The Legislation Committee does not recommend sponsorship of noncontroversial legislation to amend Bylaw 12.1.1.1.3 (eligibility for practice and competition).

Associated References:
12.1.1.1 Amateurism Certification Process. An institution shall use an eligibility center approved by the Board of Governors to determine the validity of the information on which the amateur status of a student-athlete is based.

12.1.1.1.1 Scope. The certification of amateur status issued by the NCAA Eligibility Center is limited to activities that occur prior to a prospective student-athlete requesting a final amateurism certification or his or her initial full-time collegiate enrollment at an NCAA Division II institution, whichever occurs earlier. (Adopted: 5/4/07)

12.1.1.2 Institutional Responsibilities.
12.1.1.2.1 Amateur Status After Certification. An institution is responsible for certifying the amateur status of a prospective student-athlete from the time he or she requests a final certification be issued by the NCAA Eligibility Center or he or she initially enrolls as a full-time student at an NCAA Division I or II institution (whichever occurs earlier). *(Adopted: 5/4/07, Revised: 1/14/12 effective 8/1/12 for student-athletes enrolling at a Division I or Division II institution on or after 8/1/12, 9/12/17)*

12.1.1.2.2 Sharing Information and Reporting Discrepancies. An institution is responsible for notifying the NCAA Eligibility Center when it receives additional information, or otherwise has cause to believe, that a previously certified prospective student-athlete's amateur status has been jeopardized. Further, an institution is responsible for promptly reporting all discrepancies in information related to a student-athlete's amateurism certification to the NCAA Eligibility Center. *(Adopted: 5/4/07)*

12.1.1.3 Eligibility for Practice and Competition. Prior to engaging in practice or competition, a student-athlete shall receive a certification of amateur status for activities that occur prior to the certification or initial full-time enrollment at an NCAA Division II institution (whichever occurs earlier). *(Adopted: 5/4/07)*

12.1.1.3.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the student-athlete's amateur status has 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 as an amateur (as certified by the NCAA Eligibility Center) to continue practicing or to compete.
SUPPLEMENT NO. 11

Division: I

Proposal Number: 2017-108

Title: RECRUITING AND INFRACTIONS PROGRAM -- CONTACTS AND EVALUATIONS -- FOUR-YEAR COLLEGE PROSPECTIVE STUDENT-ATHLETES -- NOTIFICATION OF TRANSFER

Status: Ready for Vote

Intent: To replace “permission to contact” legislation related to four-year college transfer student-athletes with a “notification of transfer” model, as specified; further, to specify that a violation of the notification of transfer legislation may constitute a significant breach of conduct (Level II violation) as it relates to the NCAA infractions process.

A. Bylaws: Amend 13.1.3, as follows:

13.1.3 Four-Year College Prospective Student-Athletes -- Notification of Transfer. An athletics staff member or other representative of the institution’s athletics interests shall not make contact with the student-athlete of another NCAA or NAIA four-year collegiate institution, directly or indirectly, without first obtaining the written permission of the first institution’s athletics director (or an athletics administrator designated by the athletics director) to do so, regardless of who makes the initial contact authorization through the notification of transfer process. If permission is not granted, the second institution shall not encourage the transfer and the institution shall not provide athletically related financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. If permission is granted to contact the student-athlete, all applicable NCAA recruiting rules apply. If an institution receives a written request from a student-athlete to permit another institution to contact the student-athlete about transferring, the institution shall grant or deny the request within seven business days (see Bylaw 13.02.1) of receipt of the request. If the institution fails to respond to the student-athlete’s written request within seven business days, permission shall be granted by default and the institution shall provide written permission to the student-athlete. A student-athlete may initiate the notification of transfer process by providing his or her institution with a written notification of transfer at any time. The student-athlete’s institution shall enter his or her information into the national transfer database within two business days of receipt of a written notification of transfer from the student-athlete. [D]

13.1.3.1 Written Policies. An institution shall have written policies related to the process for a student-athlete to request permission to contact another institution regarding a possible transfer and the implications of such a request and a decision by a student-athlete providing written notification of transfer, including a description of services and benefits (e.g., academic support services, access to athletics facilities) that will or will not be provided to a student-athlete who requests permission to contact or indicates his or her intention to transfer upon receipt of notification. Such policies shall be published and generally available to student-athletes (e.g., student-athlete handbook, institution’s website).

13.1.3.2 Hearing Opportunity. If the institution decides to deny a student-athlete’s request to permit any other institution to contact the student-athlete about transferring, the institution shall inform the student-athlete in writing that he or she, upon request, shall be provided a hearing conducted by an institutional entity or committee outside the athletics department (e.g., the office of student affairs, the ombudsman, or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The institution shall conduct the hearing and provide written results of the hearing to the student-athlete within 15 business days (see Bylaw 13.02.1) of receipt of the student-athlete’s written request for a hearing. The student-athlete shall be provided the opportunity to actively participate (e.g., in person, via telephone) in the hearing. If the institution fails to conduct the hearing or provide the written results of the student-athlete within 15 business days, permission to contact the student-athlete shall be granted by default and the institution shall provide written permission to the student-athlete.

13.1.3.32 Student-Athlete Withdrawn From Four-Year College. An institution may contact a student-athlete who has withdrawn officially from a four-year collegiate institution without obtaining permission from the first institution authorization through the notification of transfer process only if at least one academic year has elapsed since the withdrawal.
13.1.1.3.2 Exception -- Official Religious Mission. An institution shall not contact a student-athlete who has begun service on an official religious mission without obtaining permission from the institution from which the student-athlete withdrew prior to beginning his or her mission authorization through the notification of transfer process if the student-athlete signed a National Letter of Intent (NLI) and attended the institution with which he or she signed the NLI as a full-time student. If such a student-athlete has completed his or her official religious mission and does not enroll full time in a collegiate institution within one calendar year of completion of the mission, an institution may contact the student-athlete without obtaining permission from the first institution authorization through the notification of transfer process. [D]

13.1.1.3.3 Transfer From Institution Placed on Probation by Committee on Infractions. It is not necessary for an institution to obtain permission in writing authorization through the notification of transfer process to recruit a student-athlete at an institution that has been placed on probation with sanctions that preclude it from competing in postseason competition during the remaining seasons of the student-athlete’s eligibility. However, the student-athlete's institution must be notified of the recruitment and may establish reasonable restrictions related to the contact (e.g., no visits during class time), provided such restrictions do not preclude the opportunity for the student-athlete to discuss transfer possibilities with the other institution [see Bylaw 14.7.2-(c)]. [D]

13.1.1.3.5 Transfer From Institution Ineligible for Postseason Competition -- Academic Performance Program. On approval by the Committee on Academics, an institution may contact a student-athlete at another institution whose team is ineligible for postseason competition during the remaining seasons of the student-athlete’s eligibility due to sanctions pursuant to the Academic Performance Program, without obtaining written permission from the other institution authorization through the notification of transfer process. The student-athlete’s institution must be notified of the recruitment and may establish reasonable restrictions related to the contact (e.g., no visits during class time), provided such restrictions do not preclude the opportunity for the student-athlete to discuss transfer possibilities with the other institution [see Bylaw 14.7.2-(d)]. [D]

[13.1.1.3.6 renumbered as 13.1.1.3.5, unchanged.]

B. Bylaws: Amend 19.1.2, as follows:

19.1.2 Significant Breach of Conduct (Level II Violation). A significant breach of conduct is one or more violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; include more than a minimal but less than a substantial or extensive impermissible benefit; or involve conduct that may compromise the integrity of the NCAA Collegiate Model as set forth in the constitution and bylaws. Among other examples, the following may constitute a significant breach of conduct:

[19.1.2-(a) through 19.1.2-(d) unchanged.]

(e) A violation of Bylaw 11.1.11 (Responsibility of Head Coach) by a head coach resulting from an underlying Level II violation by an individual within the sport program, or

(f) A violation of Bylaw 13.1.1.3 (Four-Year College Prospective Student-Athletes -- Notification of Transfer) or

[19.1.2-(f) relettered as 19.1.2-(g), unchanged.]

Source: NCAA Division I Council (Transfer Working Group)

Effective Date: October 15, 2018

Category: Amendment

Topical Area: Recruiting

Rationale: This proposal presents a notification-based alternative to replace the existing permission to contact process and improve the recruiting environment associated with four-year college transfer student-athletes. Pursuant to a notification model, a student-athlete would be permitted to explore transfer
opportunities at any other Division I institution once written notification is provided. Once a notification of transfer has been submitted, the student-athlete would be entered into a database of student-athletes who have provided notification of their interest in transferring. Such a system would provide more transparency for coaches and student-athletes and also provide sunshine on impermissible contact, since student-athletes and prospective coaches would not be allowed to communicate before the student-athlete notifies the current school. Among the most prevalent concerns is the interference and influence by individuals from other institutions on a student-athlete’s desire to transfer. This type of unwanted interference is among the issues most often cited within Division I circles when the topic of transfer is discussed. Based on the significant unethical nature of such interference, the proposal would add impermissible contact to the list of behaviors that may constitute a significant breach of conduct (Level II) violation. Separating access to athletics aid from a permission to contact or notification model represents a significant change in four-year transfer regulations and one that aligns with the guiding principle of establishing a least restrictive environment for student-athletes. A student-athlete’s eligibility for financial aid at a new institution would be based on the general legislative requirements applicable to all student-athletes. Finally, in conjunction with this proposal, a referral has been made to the autonomy conferences to consider sponsoring and adopting legislation that would allow an institution to reduce or not renew a student-athlete’s financial aid at the end of the period of award or reduce or cancel the aid during the period of the award if the student-athlete provides a notification of transfer.

**Budget Impact:** None.

**Time Impact:** None.

**History:**

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<th>Status</th>
<th>Description</th>
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<tr>
<td>Nov 15, 2017</td>
<td>In Progress</td>
<td>The Council modified the proposal to specify that an institution shall enter a student-athlete’s information into the national transfer database within five business days of receipt of a written notification of transfer from the student-athlete.</td>
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<tr>
<td>Jan 17, 2018</td>
<td>In Progress</td>
<td>The Council modified the proposal to reduce, from five to two, the number of business days an institution has to enter a student-athlete’s information into the national transfer database on receipt of a written notification of transfer from the student-athlete. In addition, the Council modified the effective date from August 1, 2018 to October 15, 2018.</td>
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**Legislative References**

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<td>13.1.1.3.1</td>
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<td>13.1.1.3.2</td>
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<td>13.1.1.3.3.1</td>
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<td>13.1.1.3.4</td>
<td>Transfer From Institution Placed on Probation by Committee on Infractions.</td>
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<td>Legislative Cite</td>
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<td>13.1.1.3.5</td>
<td>Transfer From Institution Ineligible for Postseason Competition -- Academic Performance Program.</td>
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<tr>
<td>19.1.2</td>
<td>Significant Breach of Conduct (Level II Violation).</td>
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NLI SINGLE SIGNING PERIOD
LET'S DISCUSS! WHAT DO YOU THINK?

WHAT IS A SINGLE SIGNING PERIOD?
A single signing period would start with the current November NLI signing date (second Wednesday of November) and end on August 1, eliminating multiple signing periods throughout the signing year.

This November - August signing period would apply to all sports except football.

It would also be permissible for prospective student-athletes (PSAs) to sign written offers of athletics aid (without the NLI) anytime once the NLI single signing period starts.

WOULD THIS CHANGE FOOTBALL SIGNING?
Since Division I FBS and FCS implemented early signing in December 2017, a two-year cycle of the early signing period will be evaluated before considering a football single signing period, potentially beginning with signing in December and ending on August 1.

Under the current Division II football signing, a single signing period would start the first Wednesday of February with the signing year ending on August 1.

WHAT'S NEXT?
Feedback provided to the Collegiate Commissioners Association (CCA) for a decision in June 2018.

Student-Athlete Voice
The need to educate PSAs to make more informed decisions throughout the recruiting process is the priority.

Starting the NLI signing period during the PSA’s senior year is appropriate; however, starting and stopping NLI signing periods precludes the PSA from committing to an institution when the PSA is ready to sign the NLI or written offer of athletics aid.

When the NLI signing period begins, a PSA should have the opportunity to formally commit once the PSA has made an educated decision.

For example, if that decision is in January, the PSA should be able to sign the NLI and/or written offer of athletics aid on that date. This opportunity does not exist today, causing the PSA to wait for several months to sign.

NCAA Division I and II National Student-Athlete Advisory Committees recommend the elimination of multiple NLI signing periods and support a single signing period.
A. Bylaws: Amend 13.9.3, as follows:

13.9.3 Institutional or Conference Letter-of-Intent Programs. A member institution may participate in an institutional or conference athletics letter-of-intent program or issue an institutional or conference financial aid agreement during the early signing period of the National Letter of Intent (NLI) (in those sports that have an NLI early signing period), however, once the early signing period has elapsed, an institutional or conference letter of intent or financial aid agreement may not be issued prior to the regular or late signing period for the National Letter of Intent program in the same sport the National Letter of Intent (NLI) signing period; however, an institutional or conference letter of intent or financial aid agreement may not be issued prior to the NLI initial signing date for that sport. [D]

[D13.9.3.1 through 13.9.3.2 unchanged.]

B. Bylaws: Amend 13.17.1, as follows:

13.17.1 Men’s Basketball. The following contact and evaluation periods shall apply to men’s basketball:

[D13.17.1-(a) through 13.17.1-(e) unchanged.]

(f) During the period 48 hours before 7 a.m. on the initial date for the fall signing of the National Letter of Intent, initial National Letter of Intent signing date: Dead Period

[D13.17.1-(g) unchanged.]

(h) March 1 through 30 days after the Saturday after the initial date for the spring signing of the National Letter of Intent [except for (1) and (2) below]: Contact Period

(1) Thursday before the NCAA Division I Men’s Basketball Championship game to Tuesday noon after the game: Dead Period

(2) During the period 48 hours before 7 a.m. on the initial date for the spring signing of the National Letter of Intent: Dead Period
Thursday before the NCAA Division I Men's Basketball Championship game to Tuesday noon after the game: Dead Period

[13.17.1-(l) through 13.17.1-(k) unchanged.]

C. Bylaws: Amend 13.17.2, as follows:

13.17.2 Women's Basketball. The following contact and evaluation periods shall apply to women's basketball:

[13.17.2-(a) through 13.17.2-(e) unchanged.]

(f) During the period 48 hours before 7 a.m. on the initial date for the fall signing of the National Letter of Intent:

Initial National Letter of Intent signing date: Dead Period

[13.17.2-(g) unchanged.]

(h) March 1 through 30 days after the Saturday after the initial date for the spring signing of the National Letter of Intent (except for (1) below): Contact Period

(1) During the period 48 hours before 7 a.m. on the initial date for the spring signing of the National Letter of Intent: Dead Period

[13.17.2-(i) through 13.17.2-(l) unchanged.]

Rationale:

FAQ:

Budget Impact:

Co-sponsorship - Conference:
None

Co-sponsorship - Institution:
None

Additional Information:

This editorial revision is necessary to align the legislation with the policies by which the Divisions I and II Conference Commissioners Associations have oversight.

Legislative References

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<td>13.9.3</td>
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