ACTION ITEMS.

1. Legislative items.


      (1) **Recommendation.** Adopt noncontroversial legislation to amend Bylaw 14.2.2 (10-semester/15-quarter rule) to establish an exception to the 10-semester/15-quarter rule to permit an institution to approve a two-semester or three-quarter extension of the 10-semester/15-quarter period of eligibility for a transgender female (male to female) student-athlete who uses two semesters or three quarters while completing one calendar year of testosterone suppression treatment or surgical intervention.

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

      (3) **Rationale.** Due to NCAA Board of Governors policy and consistent with medical treatment options, a transgender female (male to female) student-athlete who is being treated with testosterone suppression medication or who has undergone surgical intervention to suppress testosterone production for gender transition may continue to compete on a men’s team, but may not compete on a women’s team without changing that team’s status to a mixed team until the student-athlete has completed one calendar year of testosterone suppression treatment or one year has passed since surgical intervention. As such, if the student-athlete is full time during that calendar year, two semesters or three quarters are being used even though the student-athlete is not medically permitted to compete. Allowing an institution to approve a two-semester or three-quarter extension of the 10-semester/15-quarter legislation is consistent with medical treatment options and policy approved by the Board of Governors.

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

      (5) **Student-athlete impact.** A transgender female student-athlete will have the opportunity to receive a clock extension, if necessary, as a result of a missed participation opportunity due to testosterone suppression medication treatment or surgical intervention without the institution having to file an extension of eligibility waiver.

(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 15.6.3.1 (one year limit) to specify that athletically related financial aid awarded for one academic year shall be awarded in equal amounts for each term of the academic year; further, to specify that only the initial award shall be required to be awarded in equal amounts.

(2) Effective date. August 1, 2018.

(3) Rationale. NCAA Division II Proposal No. 2017-13 (financial aid – terms and conditions of awarding institutional financial aid – period of institutional financial aid award – one year limit – requirement to provide athletically related financial aid for one academic year) amended the period of award legislation to require that an offer of athletically related financial aid be awarded for one academic year, unless the student-athlete meets one of the legislated exceptions. Clarifying that the initial financial aid award must be awarded in equal amounts will assist the membership in applying the new legislation and is consistent with the guidance provided in the 2017 NCAA Convention question and answer guide.

(4) Estimated budget impact. Will vary.

(5) Student-athlete impact. A student-athlete must be provided a financial aid agreement, in equal amounts, for the full academic year unless the student-athlete meets one of the legislated exceptions.


(1) Recommendation. Adopt noncontroversial legislation to amend Bylaw 15.6.4.3 (increase, reduction or cancellation not permitted) to eliminate restrictions that preclude an institution from increasing athletically related financial aid during the period of the award on the basis of a student-athlete’s athletics ability, performance or contribution to a team’s success, or for any other athletics reason.

(2) Effective date. August 1, 2018.
(3) **Rationale.** At the 2017 NCAA Convention, the delegates adopted Proposal No. 2017-14 (financial aid – terms and conditions of awarding institutional financial aid – reduction and cancellation during period of award – increases in athletically related financial aid permissible at any time, for any reason), which will permit institutions to increase a student-athlete’s athletically related financial aid at any time, for any reason. Amending the legislation addresses an inadvertent drafting error.

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

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

d. **Incorporation of Interpretation into the NCAA Division II Manual.**

(1) **Recommendation.** To incorporate the following official interpretation into the Manual:

Nonbinding Agreements with Agents (II)

The NCAA Division II Legislation Committee confirmed that an individual who signs a contract to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in the sport that does not become binding until the agent or agency representative also signs the document is ineligible.

[References: Division II Bylaws 12.1.2 (activities prior to initial full-time collegiate enrollment), 12.2.5.1.1 (nonbinding agreements), 12.3.1 (general rule) and 12.3.1.1 (representation for future negotiations)]

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

(3) **Rationale.** Incorporating the February 6, 2017, official interpretation into the Manual will clarify the application of the pre-enrollment amateurism legislation regarding agreements with agents.

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

(5) **Student-athlete impact.** None.
2. **Nonlegislative items.**

   a. **Review of Division II Legislative Types.**

      (1) **Recommendation.** That the NCAA Division II Presidents Council and NCAA Division II Management Council consider streamlining the current legislative process and consider the following changes: (1) Presidents Council and Management Council continue to use noncontroversial legislation in any instance where a legislative change is necessary to maintain the normal and orderly administration of the division in between annual Conventions, including modifications of wording to the legislation and changes to administrative regulations (Bylaws 31 and 32), while maintaining the Presidents Council’s authority to adopt emergency legislation as necessary; (2) Presidents Council and Management Council sponsor Convention legislation in those instances where a Council or committee recommends a change to an administrative regulation that is not deemed to be noncontroversial; (3) Management Council provides Legislation Committee with authority to incorporate interpretations into the Manual and include such recommendations as an informational item in meeting reports; and (4) Management Council provides the NCAA Division II Academic Requirements Committee with authority to issue interpretations and incorporate interpretations of academic legislation into the Manual.

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

      (3) **Rationale.** The Legislation Committee requests that the Presidents Council and Management Council be given the opportunity to review the various legislative types. Specifically, the committee noted how the number of proposal types can be confusing for the membership.

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

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

   b. **Nonchampionship Segment Activities – Educational Resources on Countable Athletically Related Activities Legislation.**

      (1) **Recommendation.** That the NCAA Division II Student-Athlete Advisory Committee develop an educational document on the countable athletically related activities legislation reflecting the adoption of Proposal No. 2017-18.
(2) **Effective date.** August 1, 2017.

(3) **Rationale.** The Legislation Committee requests that the Student-Athlete Advisory Committee be given the opportunity to review an educational document which was developed for the 2005-06 academic year on the countable athletically related activities legislation, and attempt to develop an educational document reflecting the adoption of Proposal No. 2017-18. The committee agreed there was a need for an educational document.

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

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

**INFORMATIONAL ITEMS.**

1. **Review of Division II Legislation Adopted at the 2017 NCAA Convention.** The committee reviewed the following proposals that were adopted at the Convention:

   a. **Proposal No. 2017-12 – Modification to the Financial Aid Form.** The committee discussed what information should be included on the financial aid form for the 2018-19 academic year. The committee agreed that institutions should retain the ability to include all financial aid information in Compliance Assistant even though only athletics aid information will be required for reporting purposes. The committee directed staff to remove the “other countable aid” category and replace it with an “other institutional aid” category. The committee agreed to review the modified financial aid form at its November 2017 in-person meeting.

   b. **Proposal No. 2017-13 – Requirement to Award Equal Amounts.** The committee discussed whether the legislation should be amended to clarify that an award of athletically related financial aid should be awarded in equal amounts. The committee agreed to recommend sponsorship of noncontroversial legislation to specify that an award of athletically related financial aid should be distributed in equal amounts, consistent with the guidance in the question and answer guide. Further, the committee clarified that the requirement only applies to an initial award of athletically related financial aid. [See Legislative Action Item No. 1b.]

   c. **Proposal No. 2017-14 – Inadvertent Drafting Error.** The committee reviewed an inadvertent drafting error in Proposal No. 2017-14, which omitted necessary revisions to Bylaw 15.6.4.3 (increase, reduction or cancellation not permitted). The committee recommended sponsorship of noncontroversial legislation. [See Legislative Action Item No. 1c.]
d. Discussion Regarding Future Assessment of Impact of Financial Aid Proposals. The committee engaged in a conversation regarding how to assess the impact of the three financial aid proposals in the future. Based on financial reporting deadlines, the earliest the committee will have an opportunity to review financial data from the 2018-19 academic year will be at its March 2020 meeting. The committee agreed to have further conversations on whether additional financial data collection is necessary at a future meeting.

e. Proposal No. 2017-18 – Nonchampionship Segment and Football Spring Practice Period. The committee considered whether the nonchampionship segment limitations adopted in Proposal No. 2017-18 should apply to the football spring practice period. The committee noted the January 2017 release of the NCAA Sport Science Institute Interassociation Consensus Year-Round Football Practice Contact for College Student-Athlete Recommendations, and agreed no change was necessary at this time.

f. Feedback on Window of Reconsideration. The committee reviewed feedback from the Division II membership regarding the window of reconsideration, which is a period of time at the end of the business session during the Convention for delegates to reconsider the outcome of a proposal(s). The committee noted the lack of support for eliminating the window of reconsideration and did not recommend an amendment to the procedure. Further, the committee noted the Division III membership adopted Proposal No. 2017-9 (eliminate window of reconsideration and prohibit additional reconsideration), which eliminated the window of reconsideration from the Division III business session.

g. Update from the National Association of Intercollegiate Athletics Regarding the One-Time Transfer Exception. The committee received an update on conversations between NCAA staff and NAIA leadership. NAIA leadership indicated that it would engage its membership in a discussion regarding the adoption of Proposal No. 2017-5 (recruiting – contacts and evaluations – contactable prospective student-athletes – four-year college prospective student-athletes – removal of requirement to obtain permission from NAIA institution) at the NAIA Convention in April 2017. The committee directed staff to continue to track waivers regarding denials of the one-time transfer exception from NAIA institutions.

2. Discussion Regarding Organized Competition Before Initial Collegiate Enrollment and Division II Men’s Soccer. The committee reviewed participation data related to men’s soccer, including ages of participants in the 2014 and 2016 Division II championships. The committee noted no correlation between age of the team and success in the championship, and agreed that a legislative change to the organized competition rule is not necessary at this time.
3. **Review of Feedback on Scout Days.** The committee reviewed feedback from the Division II Conference Commissioners Association pertaining to scout days and whether a student-athlete should be permitted to participate in a professional scout day organized by a member institution or conference that includes current student-athletes from multiple institutions. The committee noted lack of support for a legislative change, and agreed to take no action at this time.

4. **Update on the Division II Academic Requirements Committee Review of Four-Year College Transfer Legislation.** The committee received an update on the Academic Requirements Committee's review of the four-year college transfer legislation. No action was required at this time.

5. **Review of Awards Limits.** The committee reviewed the awards figures in Division II Bylaw 16 and discussed how Division II legislation aligns with the legislation in Divisions I and III. Based on the ongoing culture of compliance review, the committee directed staff to obtain feedback from the NCAA Division II Athletics Directors Association Regulatory Advisory Group on three potential options to amend the figures and legislation: (1) Deregulate the awards limitations to allow institutions to determine what awards are appropriate for a student-athlete to receive; (2) Eliminate the awards limits and amend the legislation to permit “reasonable” awards to be provided to a student-athlete; and/or (3) Increase the award limits to account for inflation, while providing a maximum limit for a student-athlete to receive on an individual basis. The committee agreed to review the feedback at its June or November 2017 in-person meeting.

6. **Discussion Regarding Potential Extension of 10-Semester/15-Quarter Clock for Transgender Female Student-Athletes.** The committee recommended sponsorship of noncontroversial legislation to establish an exception to the 10-semester/15-quarter rule to permit an institution to approve a two-semester or three-quarter extension of the 10-semester/15-quarter clock while completing one calendar year of testosterone suppression treatment or surgical intervention. [See Legislative Action Item No. 1a.]

7. **Discussion Regarding Legislative Types.** The committee discussed whether the Division II legislative process should be streamlined to include four proposal types. The committee recommended changes to the legislative process and referred the recommendations to the Presidents Council and the Management Council. Further, the committee noted its support for Academic Requirements Committee having legislated authority to issue interpretations and incorporate interpretations of academic legislation into the Manual. [See Nonlegislative Action Item No 2a.]

8. **Division II Educational Updates.**

   a. **NCAA Division II Culture of Compliance Think Tank.** The committee received an update of the work of the think tank and next steps, including a subgroup that will
review the Manual for possible legislative changes. The committee agreed to continue to review proposed legislative changes from the perspectives of competitive equity and ease of burden, and will continue to receive updates on the work of the think tank.

b. **Online Coaches Education Program.** The committee received an update regarding the progress of the online coaches education program and a timeline for the introduction of the program, which is scheduled to launch in Spring 2018. The committee agreed to discuss the impact of the education program on the coaches certification test at a future in-person meeting.

c. **Review and Approval of the 2017-18 NCAA Division II Coaches Certification Test.** The committee reviewed and approved the 2017-18 NCAA Division II coaches certification test, policies and procedures, and the test outline. Further, the committee amended the coaches test certification procedures to specify that coaches are permitted to use a copy of the NCAA Convention Division II Legislative Proposals Question and Answer Guide; however, the use of the practice questions document is prohibited. The updated test includes questions pertaining to newly adopted legislation. The committee also directed staff to seek feedback from the Division II Conference Commissioners Association Compliance Administrators regarding the process for the 14-day wait period between tests when a coach fails the test.

d. **2017-18 Compliance Forms.** The committee discussed the process for reviewing and approval of the 2017-18 compliance forms. The committee agreed the chair will complete the initial review and approve the forms. However, if necessary, the Legislative Review Subcommittee will perform a secondary review and approve the forms on its May 2017 teleconference.

9. **Discussion Regarding Issues Related to Student-Athlete Time Demands.**

a. **Division I Proposals Adopted at the 2017 NCAA Convention.** The committee received an overview of the legislation adopted by Division I pertaining to student-athlete time demands. The committee noted that the Student-Athlete Advisory Committee should receive a similar update to determine whether the legislative changes are necessary in Division II.

b. **Review of Out-of-Season Playing and Practice Season Legislation.** The committee discussed the out-of-season playing and practice season legislation and whether current restrictions on the permissible use of the eight-hour segment (maximum of two hours of team activities) remain appropriate. The committee directed staff to seek feedback from the: (1) Division II Student-Athlete Advisory Committee; (2) Division II Faculty Athletics Representatives Association; (3) Division II Coaches
Connection groups; and (4) Division II Sport Committees. The committee agreed to continue the discussions at its in-person meeting in November 2017.

c. **Educational Resources on Countable Athletically Related Activities.** The committee reviewed an educational document on the countable athletically related activities legislation that was developed for the 2005-06 academic year. The committee agreed to refer the issue to the Student-Athlete Advisory Committee for review and potential action. [See Nonlegislative Action Item No 2b.]

10. **Appeals of Staff Interpretations.** The committee reviewed two fact scenarios. The first appeal pertained to the application of the national/international competition exception to the organized competition legislation in Bylaw 14.2.4.2, and whether an individual’s participation on a Senior B national team met the national/international competition exception set forth in Bylaw 14.2.4.2.2.2. The committee upheld the staff interpretation and confirmed that competition on the Senior B national team did not meet the exception since it was junior-level competition. [Note: Pennie Parker, director of athletics, Rollins College, recused herself from voting on this item.]

The second appeal pertained to the application of the financial aid equivalency computation legislation, specifically related to the calculation of the denominator for an out-of-state student-athlete who is eligible for both a different tuition rate and an out-of-state tuition waiver. The committee upheld the staff interpretation and confirmed that the institution should make the determination of how to calculate the equivalency in a manner that is consistent with how its financial aid office treats all students who qualify for both the tuition rate and out-of-state tuition waiver. [Note: Natasha Oakes, associate director of athletics for compliance/ SWA, Missouri Western State University, recused herself from voting on this item.]

11. **Update on the Division II Census.** Staff provided an update on the release of the 2018 membership census. The committee agreed to review census questions at its June 2017 in-person meeting.

12. **Approval of the November 2016 Legislation Committee In-Person Meeting Report.** The committee reviewed and approved its November 7-8, 2016, in-person meeting report.

13. **Review of NCAA Interpretations Subcommittee of the Division II Legislation Committee Teleconference Reports.** The committee reviewed and approved the February 6 and 20, 2017, Interpretations Subcommittee teleconference reports. The committee recommended that an official interpretation issued on the February 6, 2017, teleconference be incorporated into the legislation. [See Legislative Action Item No. 1d.]


16. **Nominations for Legislation Committee Chair and Subcommittee Chairs.** Staff noted that the terms for the current chairs of the committee and two subcommittees will expire August 31, 2017. Members interested in serving in any of the chair roles were instructed to contact the committee chair or the staff liaisons if interested in the positions. The committee agreed to elect the chairs at its June 2017 in-person meeting.

17. **Future Meeting Dates.**

   a. June 29-30, 2017; (Indianapolis).
   
   b. September 2017 teleconference, to be determined;
   
   c. November 6-7, 2017; (Indianapolis); and
   
   d. March 5-6, 2018; (Indianapolis).

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

*Staff Liaisons:* Karen Wolf, Academic and Membership Affairs
   Geoff Bentzel, Academic and Membership Affairs
   Chelsea Crawford, 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>Peggy Davis; Virginia State University; Central Intercollegiate Athletic Association.</td>
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<tr>
<td>Taryn Driver; Texas A&amp;M University, Commerce; Lone Star Conference.</td>
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<td>Marty Gilbert; Mars Hill University; South Atlantic Conference.</td>
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<td>Chris Gregor; St. Martin's University; Great Northwest Athletic Conference.</td>
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<td>Kelly McLaughlin; Regis University; Rocky Mountain Athletic Conference.</td>
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<td>Natasha Oakes; Missouri Western State University; Mid-America Intercollegiate Athletics Association.</td>
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<td>Pennie Parker; Rollins College; Sunshine State Conference.</td>
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<td>Kimberly Pate; Lenoir-Rhyne University; South Atlantic Conference.</td>
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<tr>
<td>Linda Van Drie-Andrzewski; Wilmington University (Delaware); Central Atlantic Collegiate Conference (via teleconference).</td>
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<tr>
<td>Keith Vitense; Cameron University; Lone Star Conference.</td>
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<tr>
<td>Cherrie Wilmoth; Southeastern Oklahoma State University; Great American Conference.</td>
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<th>Absentees:</th>
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<td>None.</td>
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<th>Guests in Attendance:</th>
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<th>NCAA Staff Liaisons in Attendance:</th>
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<tbody>
<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>Jada Buckner, Amanda Conklin, Mike DeCesare, Maritza Jones, Rachel Stark, Stephanie Quigg Smith, Gregg Summers, Angela Tressel, Jerry Vaughn, Jill Waddell and Quintin Wright.</td>
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