

# LEGISLATION



## 2023 NCAA CONVENTION

### DIVISION II SECOND PUBLICATION OF PROPOSED LEGISLATION

117<sup>th</sup> Annual Convention  
January 11-14, 2023  
San Antonio, Texas

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
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## Second Publication of Proposed Legislation

### 117th Annual Convention

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

**The order of the membership-sponsored proposal(s) in the Initial Publication of Proposed Legislation has changed in the Second Publication of Proposed Legislation. The order of the 12 proposals in the second publication will change in the Official Notice. The numeral 2 has been placed in front of the proposal number to help identify its position in the second publication. In addition, for each proposal that appeared in the initial publication, a parenthetical follows the proposal number, which identifies the proposal's number as it appeared in the Initial Publication of Proposed Legislation.**

No new proposals may be submitted for the 2023 Convention inasmuch as the July 15 and September 1 deadlines have passed. Member institutions and conferences, as well as the Division II Presidents Council, have until 5 p.m. Eastern time November 1 to submit amendments to these proposals. Such amendments-to-amendments may not increase the modification set forth in the printed proposal. Amendments-to-amendments submitted by the membership must have eight sponsors from active member institutions in Division II. In addition, amendments-to-amendments may be sponsored by at least one member conference (on behalf of eight or more of their active member institutions) in Division II. It should be noted that proposals that are withdrawn after the September 15 sponsor-modification deadline appear in the Second Publication of Proposed Legislation; however, information will be included in the Official Notice to indicate the sponsor's intent to withdraw the proposal at the Convention.

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

This publication represents the second of three publications dealing with Convention legislation, as dictated by the provisions of NCAA Bylaw 9. The third publication will be as follows:

**November 15** - Official Notice of the 2023 Convention. This publication will contain all Division II legislation for the Convention, including all amendments-to-amendments and resolutions submitted by the November 1 deadline.

## 2022-23 Legislative Calendar

The legislative calendar, as set forth in Bylaw 9, is summarized here for convenience of reference.

**July 15:** Deadline for submission of amendments by the Division II membership. Each amendment must include a statement of intent and a separate statement of rationale (200 words or less), as well as identification of the designated primary contact person.

**August 3:** Presidents Council Consideration. The NCAA Division II Presidents Council considers legislative proposals that it may wish to sponsor. The Presidents Council also reviews the amendments submitted by the membership in accordance with the July 15 deadline. See "July 15" above. The Presidents Council reviewed these proposals to determine co-sponsorship and to determine committee review assignments.

**August 15:** Posting of Initial Publication of Proposed Legislation (IPOPL).

**August 15 through September 15:** Sponsor-Modification Period. Sponsors are permitted to refine and change their proposals in any manner germane to the original proposal. Member institutions and conferences are invited to offer any suggested revisions of a proposal to the primary contact person listed with the proposal. Additionally, members that believe an amendment should not be modified should so inform the primary contact person.

**August 31:** Administrative Committee Videoconference. On behalf of the Presidents Council, the Administrative Committee reviews all amendments to be included on the 2023 NCAA Convention agenda for placement in the 2023 NCAA Convention Division II Official Notice.

**September 1:** Deadline for submission of amendments sponsored by the Presidents Council.

**September 15:** Deadline for submission by all sponsors (with submission by the primary contact person) of any modification to their original amendments. These modifications may represent either greater or lesser changes; they need only be germane to the original proposal.

**September 23:** Posting of Second Publication of Proposed Legislation (SPOPL). This publication includes all Division II membership-sponsored proposals (as modified) and includes all proposals sponsored by the Presidents Council.

**September 23 through November 1:** Amendment-to-Amendment Period. The Presidents Council as well as the membership (see Bylaw 9.3.4.2) may submit amendments to the Division II proposals in the SPOPL. These amendments-to-amendments may not increase the modification of the provisions to be amended; they must fall between the provisions of the circularized amendment and the current provisions.

**October 7:** Deadline for Committee review. Any Association-wide and/or Division II committee charged by the Administrative Committee to evaluate a membership-sponsored amendment must complete its evaluation not later than October 7. The committee must then report the results of its review to the Management Council. The Management Council will review each committee's evaluation at its October videoconference. If the committee issued a position statement, the position must be publicized in the Official Notice.

**November 1:** Deadline for all resolutions and amendments-to-amendments to be received in the national office. No amendments-to-amendments sponsored by the membership may be submitted after this date. The Presidents Council and Board of Governors are authorized to submit further amendments-to-amendments and resolutions at the Convention if it deems such action necessary.

**November 15:** Posting of the Official Notice of the Convention. This publication includes all Division II proposed legislation, resolutions and properly submitted amendments-to-amendments.

**January 11-14, 2023:** NCAA Convention. All delegates have the opportunity to download the NCAA Events app prior to the Convention. The NCAA Events app contains the most up-to-date schedule and other helpful Convention information.

## **Division II Legislation Committee**

Chair - Carlin Chesick, Pennsylvania State Athletic Conference

Brenda Cates, University of Mount Olive

Ismael Contreras, Purdue University Northwest

Audra Kedy, Great American Conference

Kara Lindaman, Winona State University

Alex Pappas, Metropolitan State University of Denver

Pennie Parker, Rollins College

Christopher Ratcliff, Rogers State University

Kevin Schriver, Southwest Baptist University

Jason Stock, California State University, San Marcos

Melinda Terry, St. Edward's University

## 117th Annual Convention

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

[Note: Pursuant to Bylaw 9.3.12, all amendments shall become effective not earlier than the first day of August following adoption by the Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Further, all amendments with an effective date other than the first day of August following the Convention will contain in the rationale statement reasons for such an effective date. Those proposals that receive the required vote to carry an immediate effective date and that are adopted, become effective upon adjournment of the Convention.]

[Note: In the following proposals:

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

## Emerging Sports for Women

**No. 2-1 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL, FINANCIAL AID AND PLAYING AND PRACTICE SEASONS – EMERGING SPORTS FOR WOMEN – STUNT**

**Intent:** To add stunt as an emerging sport for women and establish legislation related to membership, financial aid, and playing and practice seasons, as specified.

**A. Bylaws:** Amend 7.02.2, as follows:

7.02.2 Emerging Sports for Women. The following shall be considered emerging sports for women:

(a) Team Sports: acrobatics and tumbling, ~~and~~ rugby **and stunt**; and

[7.02.2-(b) unchanged.]

[7.02.2.1 unchanged.]

**B. Bylaws:** Amend 7.3.1.7.1.3, as follows:

7.3.1.7.1.3 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports and acrobatics and tumbling, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contest requirement. The following minimums are applicable:

Team Sports Minimum Contests Minimum Participants Individual Sports Minimum Contests Minimum Participants:

Team Sports	Minimum Contests	Minimum Participants	Individual Sports	Minimum Contests	Minimum Participants
Acrobatics and Tumbling	6	18	Women's Bowling	8	5
Baseball	24		Cross Country	4	5
Basketball	22		Equestrian	6	12
Beach Volleyball	8		Men's Fencing	6	5
Field Hockey	10		Women's Fencing	6	5
Football	8		Golf	6	5
Men's Ice Hockey	20		Men's Gymnastics	6	6
Women's Ice Hockey	20		Women's Gymnastics	6	5
Men's Lacrosse	8		Rifle	8	4
Women's Lacrosse	10		Skiing	5	5
Women's Rowing	6		Swimming and Diving	8	11
Women's Rugby	9		Tennis	10	5
Soccer	10		Track and Field, Indoor	4	10
Softball	24		Track and Field, Outdoor	4	14

<b>Stunt</b>	<b>8</b>	<b>16</b>	Men's Wrestling	9	6
Men's Volleyball	9		Women's Wrestling	9	6
Women's Volleyball	15		Women's Triathlon	4	3
Men's Water Polo	15				
Women's Water Polo	10				

[7.3.1.7.1.3.1 through 7.3.1.7.1.3.11 unchanged.]

**C. Bylaws:** Amend 15.4.2, as follows:

15.4.2 Equivalency Sports.

15.4.2.1 Maximum Equivalency Limits.

[15.4.2.1.1 unchanged.]

15.4.2.1.2 Women's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.2.1) that an institution may provide in any academic year to counters in each women's sport, as follows:

Acrobatics and Tumbling	9.0	Rowing	20.0
Basketball	10.0	Rugby	12.0
Beach Volleyball	5.0	Skiing	6.3
Bowling	5.0	Soccer	9.9
Cross Country/Track and Field (see Bylaw 15.4.2.1.4 for institutions that sponsor cross country but not indoor or outdoor track and field)	12.6	Softball	7.2
Equestrian	15.0	<b>Stunt</b>	<b>9.0</b>
Fencing	4.5	Swimming and Diving	8.1
Field Hockey	6.3	Tennis	6.0
Golf	5.4	Triathlon	5.0
Gymnastics	6.0	Volleyball	8.0
Ice Hockey	18.0	Water Polo	8.0
Lacrosse	9.9	Wrestling	10.0

[15.4.2.1.3 through 15.4.2.1.4 unchanged.]

[15.4.2.2 unchanged.]

**D. Bylaws:** Amend 17, as follows:

17 Playing and Practice Seasons

[17.01 through 17.02 unchanged.]

17.02.16 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:

[17.02.16-(a) through 17.02.16-(c) unchanged.]

17.02.16.1 Team Sports. The following are classified as team sports for purposes of this bylaw:



Acrobatics and Tumbling	Rowing, Women's
Baseball	Rugby, Women's
Basketball	Soccer
Beach Volleyball	Softball
Field Hockey	<b>Stunt</b>
Football	Volleyball
Ice Hockey, Men's and Women's	Water Polo, Men's and Women's
Lacrosse	

[17.02.16.2 unchanged.]

[17.02.17 through 17.02.18 unchanged.]

[17.1 through 17.21 unchanged.]

**17.22 Stunt. Regulations for computing the stunt playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1 and Figure 17-2.)**

**17.22.1 Length of Playing Season -- Championship and Nonchampionship Segments. The length of an institution's playing season in stunt shall be limited to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required days per Bylaw 17.1.6.5 and official vacation, holiday and final-examination period during which no practice or competition shall occur.**

**17.22.2 First Date of Practice -- Championship Segment. A member institution shall not commence practice sessions in stunt in the championship segment before January 10 or the first day of classes, whichever is earlier.**

**17.22.3 First Date of Competition -- Championship Segment. A member institution shall not engage in its first date of competition with outside competition in the championship segment before February 1.**

**17.22.3.1 Exception -- February 1 on a Saturday, Sunday or Monday. When February 1 falls on a Saturday, Sunday or Monday, a member institution shall not engage in its first date of competition with outside competition in the championship segment before the Friday preceding February 1.**

**17.22.4 End Date of Practice and Competition -- Championship Segment. A member institution shall conclude all practice and competition in stunt in the championship segment by the conclusion of the National Collegiate Stunt Association National Championships (see Bylaw 17.1.7 for additional regulations regarding the end date of practice and competition).**

**17.22.5 First Date of Practice and Competition -- Nonchampionship Segment. A member institution shall not commence practice sessions or engage in outside competition in the nonchampionship segment before September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier.**

**17.22.6 End Date of Practice and Competition -- Nonchampionship Segment. A member institution shall conclude all practice and competition in the nonchampionship segment not later than November 15.**

**17.22.7 Number and Dates of Competition.**

**17.22.7.1 Maximum Limitations -- Institutional. A member institution shall limit its total playing schedule with outside competition in stunt during the institution's stunt playing season to 16 dates of competition, except for those dates of competition excluded under Bylaws 17.22.7.3, 17.22.7.4 and 17.22.7.5.**

**17.22.7.1.1 In-Season Foreign Competition. A member institution may play one or more of its countable dates of competition in stunt in one or more foreign countries on one trip during the prescribed playing season. However, except for dates of competition played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.31), the institution may not engage in such in-season foreign competition more than once every four years.**

**17.22.7.2 Maximum Limitations -- Student-Athlete. An individual student-athlete may participate in each academic year in not more than 16 dates of competition. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, except for those dates of competition excluded under Bylaws 17.22.7.3, 17.22.7.4 and 17.22.7.5.**

**17.22.7.3 Annual Exemptions. The maximum number of dates of competition in stunt shall exclude the following:**

- (a) Conference Championship. Competition in one conference championship tournament or playoff;
- (b) Season-Ending Championship. Competition in one season-ending tournament (e.g., National Collegiate Stunt Association National Championship). A season-ending tournament involves competition after the end of the regular season between teams that are not identified until the close of the regular season;
- (c) Alumni Game. One date of competition with an alumni team of the institution;
- (d) Hawaii, Alaska, Puerto Rico, Canada. Any dates of competition played in Hawaii, Alaska, Puerto Rico or Canada, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska, Puerto Rico or Canada, by a member institution located outside those locales;
- (e) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate (or in individual sports per Bylaw 17.02.16.2, in which team members of that sport participate) with and against alumni and friends of the institution, the purpose of which is to raise funds to benefit the institution's athletics or other programs, provided the student-athletes do not miss class as a result of their participation (see Bylaw 12.5.1.1);
- (f) Celebrity Sports Activity. Competition involving a maximum of two student-athletes from a member institution's team who participate in local celebrity activities in stunt conducted for the purpose of raising funds for charitable organizations, provided:
  - (1) The student-athletes do not miss class as a result of the participation; and
  - (2) The involvement of the student-athletes has the approval of the institution's athletics director; and
- (g) U.S. National Team. One date of competition against a U.S. national team as selected by the appropriate national governing body in that sport.

17.22.7.4 Discretionary Exemptions. The following may be exempted from an institution's maximum number of dates of competition in stunt each year. An institution may exempt not more than three from this list annually:

- (a) Foreign Team in United States. A date of competition against a foreign team in the United States played in the facility in which the member institution regularly plays its home contests;
- (b) Non-Division II Four-Year Collegiate Institution. An exhibition date of competition against a non-Division II four-year collegiate institution; or
- (c) Scrimmages. A scrimmage with outside competition, provided the scrimmage is conducted without official scoring.

17.22.7.4.1 Official Scoring. For purposes of Bylaw 17.22.7.4-(c), official scoring has occurred when either institution participating in the scrimmage satisfies either of the following conditions:

- (a) The signing of a scorebook by an official; or
- (b) The score is used for individual or seasonal statistics.

17.22.7.5 Once-in-Four-Years Exemption -- Foreign Tours. An institution may exempt the dates of competition played on a foreign tour, provided the tour occurs only once in a four-year period and is conducted in accordance with the procedures set forth in Bylaw 17.31.

17.22.8 Out-of-Season and Nonchampionship Segment Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the championship segment except for the following:

- (a) Weight Training, Conditioning and/or Team Activities. Student-athletes shall not engage in weight training, conditioning and/or team activities before September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier, in accordance with Bylaw 17.1.6.3; and
- (b) Nonchampionship Segment Activities. During the segment in which the NCAA championship does not occur, student-athletes may participate in any practice or competition activity as permitted by other legislation provided such activity is restricted to a period of 45-consecutive calendar days, omitting vacation and examination days officially announced or on days that the institution is closed due to inclement weather, as long as no practice or competition occurs on such days. The 45-consecutive calendar days must be within the dates set forth in Bylaws 17.22.5 and 17.22.6, and shall not commence prior to September 7 or the institution's fourth

day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier. (See Bylaws 17.1.6.2 and 17.1.6.6 for daily and weekly hour limitations and required days off.)

17.22.8.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations approved by the Management Council. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in their sport.

17.22.8.1.1 Vacation Period and Summer-Workout Sessions. A coach may participate in individual-workout sessions with student-athletes from the coach's team during any institutional vacation period and/or the summer, provided the request for such assistance is initiated by the student-athlete.

17.22.9 Safety Exception. A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in stunt. The coach may provide safety or skill instruction but cannot conduct the individual's workouts.

17.22.10 Camps and Clinics. There are no limits on the number of student-athletes in stunt who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.

17.22.11 Other Restrictions.

17.22.11.1 Noncollegiate, Amateur Competition.

17.22.11.1.1 In Season. A student-athlete shall be denied eligibility for intercollegiate stunt competition for the remainder of the season if, after enrollment in college and during any year in which the student-athlete is a member of an intercollegiate stunt squad or team, they compete or have competed as a member of any outside stunt team in any noncollegiate, amateur competition (e.g., tournament play, exhibition games or other activity) during the institution's intercollegiate stunt season (see Bylaw 14.7.5 for exceptions and waivers).

17.22.11.1.2 Out of Season. There are no limits to the number of student-athletes with eligibility remaining in intercollegiate stunt who may practice or compete out of season on an outside, amateur stunt team.

17.22.11.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) at any time (i.e., during the academic year, vacation periods and summer) with an outside team that involves any student-athlete with eligibility remaining from the institution's stunt team, except as provided under Bylaws 14.7.5, 16.8.1.2.1 and 17.31.

17.22.11.1.2.2 Olympic, Paralympic and National Team Development Program. There are no limits on the number of student-athletes from the same institution who may participate in Olympic, Paralympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution.

17.22.11.2 Equipment Issue, Squad Pictures. It shall be permissible to designate a single date for issuing stunt equipment and for taking squad pictures after the beginning of classes in the fall term or the day before the beginning of a segment as specified in Bylaw 17.22.2

17.22.11.2.1 Exception for Sundays. If the day before the beginning of a segment is a Sunday, the member institution may designate the preceding Saturday for issuing equipment and taking squad pictures.

[17.22 through 17.32 renumbered as 17.23 through 17.33, unchanged.]

**Source:** NCAA Division II Presidents Council [Management Council (Committee on Women's Athletics)].

**Effective Date:** August 1, 2023

**Rationale:** The NCAA Committee on Women's Athletics noted the continued growth in high school stunt sponsorship and participation, steady increase in the number of member institutions sponsoring stunt, and support from the sport's national governing body as compelling rationale to include stunt as an emerging sport for women. The committee further noted the relatively low cost of sponsoring the sport and the opportunity for the sport to enrich sponsoring institutions' enrollment management strategies. Stunt provides participation opportunities for female student-athletes of all body types and diverse sport backgrounds (e.g., power lifting, gymnastics), as well as opportunities for female sport administrators, coaches and officials. Stunt leadership demonstrated that current

stunt programs are fully integrated into athletics departments as stand-alone programs, the experience of a stunt student-athlete is comparable to the experience of student-athletes who compete in NCAA sports, and the sport's organizational structure and sport rules are consistent with NCAA values and legislation.

**Frequently Asked Questions:**

**Question No. 1:** May an emerging sport be used to satisfy sport sponsorship requirements?

**Answer:** A Division II institution may use emerging sports to meet the NCAA membership minimum sports-sponsorship requirements, provided minimum contests and participants requirements are met.

**Question No. 2:** What is the proposed championship segment for stunt?

**Answer:** Spring.

**Question No. 3:** Are all three divisions considering proposals to add stunt to the emerging sports list for women?

**Answer:** Yes.

**Question No. 4:** If a Division II institution has a varsity stunt team, will the team be required to apply NCAA Division II legislation?

**Answer:** Yes. Any NCAA sponsored sport or emerging sport for women recognized by the institution as a varsity team must apply the constitution, bylaws, interpretations and other legislation of the Association.

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## Consent Package

### No. 2-2 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL -- ACTIVE MEMBERSHIP -- INSTITUTIONS -- CONDITIONS AND OBLIGATIONS OF ACTIVE MEMBERSHIP -- FINANCIAL DATA REQUIREMENT -- PENALTY FOR FAILURE TO SUBMIT FINANCIAL DATA

**Intent:** To establish a penalty for an active member institution that fails to submit its financial data by the applicable deadline, as specified.

**Bylaws:** Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.22 unchanged.]

**7.3.1.5.23 Financial Data Requirement -- Failure to Submit. An active member institution that fails to submit its financial data per NCAA Article 2-D-1-c by the applicable deadline, in a format approved and administered by the Membership Committee, shall forfeit Division II Institutional Equal Distribution Funds for the following academic year.**

[7.3.1.5.23 renumbered as 7.3.1.5.24, unchanged.]

[7.3.1.6 through 7.3.1.8 unchanged.]

[7.3.2 through 7.3.5 unchanged.]

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

**Effective Date:** August 1, 2025, for implementation of the penalty for failure to submit the data.

**Rationale:** With the adoption of the new NCAA Constitution, Article 2-D-1-c requires institutions to submit annually to the division, and the NCAA, financial data as determined by the division detailing operating revenues, expenses and capital relating to the intercollegiate athletics program, effective August 1, 2022. Such data shall be submitted via the NCAA Member Financial Reporting System (MFRS) to satisfy the annual requirement. Currently 95 percent of the Division II membership utilizes the MFRS. Division II will continue to benefit from this annual data collection method and the information will continue to be made available to Division II schools and conferences via the Institutional Performance Program (IPP). An institution that fails to submit the data by the applicable deadline shall forfeit Division II Institutional Equal Distribution Funds in the following academic year. The committee agreed to delay implementation of the penalty, until August 1, 2025, to allow the membership time to adapt to the new legislated requirement without having a penalty.

#### **Frequently Asked Questions:**

**Question No. 1:** If adopted, how will this proposal change the current legislation?

**Answer:** If adopted, this proposal will establish a penalty for those active Division II institutions that fail to submit its financial data by the applicable deadline. All data must be submitted via the NCAA Member Financial Reporting System (MFRS) to satisfy the annual requirement.

**Question No. 2:** How will active Division II institutions submit the annual financial data?

**Answer:** All data must be submitted via the MFRS to satisfy the annual requirement.

**Question No. 3:** If adopted, what will be the penalty for active Division II institutions that fail to submit its financial data?

**Answer:** Active Division II institutions that fail to submit its financial data via the MFRS shall forfeit Division II Institutional Equal Distribution Funds for the following academic year.

No. 2-3 NCAA DIVISION II MEMBERSHIP AND INSTITUTIONAL CONTROL -- ACTIVE MEMBERSHIP -- INSTITUTIONS -- CONDITIONS AND OBLIGATIONS OF ACTIVE MEMBERSHIP -- ELIMINATION OF SELF-STUDY AND EVALUATION

**Intent:** To eliminate the Institutional Self-Study Guide (ISSG).

**Bylaws:** Amend 7.3, as follows:

7.3 Active Membership.

7.3.1 Institutions.

[7.3.1.1 through 7.3.1.3 unchanged.]

7.3.1.5 Conditions and Obligations of Active Membership.

[7.3.1.5.1 through 7.3.1.5.23 unchanged.]

~~7.3.1.5.24 Self-Study and Evaluation.~~

~~7.3.1.5.24.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for review and examination on request by an authorized representative of the Association and the Membership Committee. Subjects covered by the self-study shall include:~~

~~(a) Compliance-related topics:~~

~~(1) Institutional oversight;~~

~~(2) Budgetary control;~~

~~(3) Ethical conduct;~~

~~(4) Recruiting;~~

~~(5) Eligibility;~~

~~(6) Financial aid;~~

~~(7) Rules compliance;~~

~~(8) Health and safety; and~~

~~(b) Strategic-initiative related topics:~~

~~(1) Philosophy statement;~~

~~(2) Institutional control and responsibility;~~

~~(3) Athletics operations;~~

~~(4) Student-athlete well-being;~~

~~(5) Health and safety;~~

~~(6) Life in the balance/overall educational experience; and~~

~~(7) Cultural diversity and gender equity.~~

~~7.3.1.5.24.1.1 Deadline. The Institutional Self-Study Guide must be postmarked by 5 p.m. Eastern time June 1 of the year it is due to the national office, based on the published schedule for Division II member institutions.~~

~~7.3.1.5.24.1.1.1 Extension. The Membership Committee may approve additional time for an institution to complete the required self-study and evaluation of its intercollegiate athletics program if extraordinary circumstances warrant such action (e.g., change in administration). Such requests must be received in the NCAA national office by March 1 of the year the self-study is due to the national office.~~

~~7.3.1.5.24.1.2 Failure to Complete Self-Study Report. Institutions failing to complete the self-study report within the five-year time period shall be placed on probation for one year pursuant to Bylaw 7.02.5 and shall not be eligible to receive Division II Institutional Equal Distribution Funds proceeds. An institution that fails to complete the self-study report during the probationary year shall be fined \$1,000, placed on restricted membership status pursuant to Bylaw 7.02.6, shall not be eligible to receive Division II Enhancement Funds proceeds and shall not be eligible for NCAA championships competition in all sports. In order for an institution to be removed from probation or restricted membership status, the institution must supply the Membership Committee with a complete self-study report including the institution's action plan. The Membership Committee may remove an institution from probation or restricted membership status by a two-thirds vote of the Membership Committee members present and voting. A notice of any action taken by the Membership Committee shall be given in writing to the chancellor or president of an institution.~~

[7.3.1.6 through 7.3.1.9 unchanged.]

[7.3.2 through 7.3.6 unchanged.]

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

**Effective Date:** August 1, 2023

**Rationale:** Current legislation requires institutions to conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the ISSG to facilitate the process. The legislation was adopted in 1997 and was intended to enhance the integrity of Division II athletics programs by helping administrators evaluate and identify specific areas in their athletics programs that may represent potential problems and develop written plans for improvement for those areas. While the ISSG has been an integral and successful component of ensuring compliance and integrity within Division II intercollegiate athletics operations during this time, the instrument in and of itself is no longer the right tool by which to conduct such evaluation given the likely restructuring of Division II rules and policies that will occur as a result of the adoption of the new constitution. The Membership Committee will consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies.

#### **Frequently Asked Questions:**

**Question No. 1:** If adopted, how will this proposal change the current legislation?

**Answer:** If adopted, active Division II institutions will no longer be required to complete the ISSG.

**Question No. 2:** If adopted, is the submission of the ISSG still required as part of the Division II provisional membership process?

**Answer:** Yes.

**Question No. 3:** If adopted, will the NCAA Division II Membership Committee consider the development of a new evaluation tool/process that aligns more closely with the division's revamped bylaws and policies?

**Answer:** Yes.

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## Organizational Structure

### No. 2-4 DIVISION II ORGANIZATIONAL STRUCTURE -- PRESIDENTS COUNCIL -- MANAGEMENT COUNCIL -- ADMINISTRATIVE COMMITTEE -- PLANNING AND FINANCE COMMITTEE

**Intent:** To amend the Division II organizational structure, as follows: (1) Rename the Division II Presidents Council as the Division II Executive Board; further, to amend the board's composition, term of office, chair and vice chair duties, and establish the duties, as specified; (2) Amend the Division II Management Council composition, and duties and responsibilities, as specified; (3) Amend the Division II Administrative Committee composition, as specified; and (4) Rename the Division II Planning and Finance Committee as the Division II Strategic Planning and Finance Committee; further, to amend the committee's composition and duties, as specified.

**A. Bylaws:** Amend 8.1, as follows: (February 1, 2024)

[Division II, Roll Call]

#### 8.1 Division II ~~Presidents Council~~**Executive Board**.

8.1.1 Composition. The composition of the ~~Presidents Council~~**Executive Board** shall ~~be based on a weighted regional representation by institutions that shall include one~~**eight** ~~chancellor or president~~**presidents/chancellors** ~~per region for every 22 institutions in that region (see Bylaw 8.1.1.4.1)~~**based on Division II championships region.** ~~In addition, two~~**one** "at-large" positions shall exist ~~president/chancellor~~ **to enhance efforts to achieve diversity of representation and to accommodate independent institutions on the board, and two independent members who are not salaried by an NCAA member institution, conference or affiliated member and shall be approved, appointed and verified as independent by the Executive Board.** The ~~Presidents Council~~**Executive Board** shall also include two ~~members~~**student-athletes** ~~of serving on and chosen by~~ the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports) (see Bylaw 21.8.5.9.5). **The chair of the Division II Management Council shall serve on the Executive Board as an ex-officio, nonvoting member.**

8.1.1.1 Same Conference. To the extent possible, chancellors or presidents from the same conference shall not serve concurrently on the ~~Presidents Council~~**Executive Board**.

8.1.1.2 Same Institution. To the extent possible, members of the ~~Presidents Council~~**Executive Board** and the Management Council (see Bylaw 8.2) shall not be employed at the same institution.

~~8.1.1.3 Eligibility for Membership. The Presidents Council shall be composed of chancellors or presidents representing Division II active member institutions.~~

~~8.1.1.4 Geographical Areas.~~

~~8.1.1.4.1 Geographical Areas. For the purpose of representation on the Presidents Council, the Association shall be divided into geographical areas. The Division II geographical areas are as follows:~~

~~(a) Region 1 -- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia;~~

~~(b) Region 2 -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee;~~

~~(c) Region 3 -- Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin; and~~

~~(d) Region 4 -- Alaska, Arizona, British Columbia, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming.~~

~~8.1.1.5 Student-Athlete Advisory Committee Members. The two members of the Division II Student-Athlete Advisory Committee shall each have a vote on the Presidents Council.~~

[8.1.2 unchanged.]

#### 8.1.3 Election/Term of Office.

~~8.1.3.1 Selection Process. When a vacancy on the Presidents Council occurs, a formal call for nominations shall be published on the NCAA website. In addition, an informational letter to solicit nominations will be mailed to institutions and conference offices in the region in which the vacancy exists. The members of the Council shall~~



~~select an individual to fill a vacancy after reviewing nominations submitted by institutions and/or conference offices.~~

8.1.3.21 Term of Office. ~~Members~~**Presidents, chancellors and independent members** of the ~~Presidents Council~~**Executive Board** shall serve ~~six~~**two**-year terms, ~~which shall conclude following the annual NCAA Convention~~**that are renewable for an additional two-year term**. ~~Presidents Council members are not eligible for immediate re-election. A Presidents Council member may be elected to an additional term on the Presidents Council after three years have elapsed. An individual who has served two terms on the Presidents Council may not serve further on the Presidents Council.~~**The two student-athletes appointed to the Executive Board shall serve one-year terms that are renewable for an additional one-year term.**

8.1.3.21.1 Chair and Vice Chair. The chair and the vice chair of the ~~Council~~**Executive Board** shall each serve terms not to exceed ~~three~~**two** years. The chair and vice chair shall not be eligible for immediate re-election to that position. In addition, a member must serve a minimum of one year on the ~~Presidents Council~~**Executive Board** before serving as chair or vice chair.

~~8.1.3.2.2 Student-Athletes. The two student-athletes appointed to the Presidents Council shall each serve a one-year term that is renewable for an additional one-year term.~~

~~8.1.3.3 Staggered Terms:~~

~~8.1.3.3.1 Chair and Vice Chair. The terms of service of the chair and vice chair of the Presidents Council shall expire on a staggered basis to provide for continuity.~~

~~8.1.3.3.2 Members. The Division II Administrative Committee shall have the authority to amend terms of service of Presidents Council members, as necessary, to stagger the expiration of terms to provide for continuity of service.~~

[8.1.4 unchanged.]

**B. Bylaws:** Amend 8.1.2, as follows: (February 1, 2024)

[Division II, Roll Call]

8.1.2 Duties and Responsibilities. The ~~Presidents Council~~ **Executive Board** shall:

- (a) Implement policies adopted by the ~~Association's~~**NCAA** Board of Governors;
- (b) Establish and direct the general policy of Division II;
- (c) Establish a strategic plan **and/or a set of strategic priorities** for Division II;
- (d) Elect a chair and vice chair;
- (e) Appoint a Division II Executive Board member to the Board of Governors;
- (f) Sponsor Division II legislation or grant relief from the application of legislation in circumstances in which significant values are at stake or the use of the regular legislative process is likely to cause significant harm or hardship to the Association or the Division II membership because of the delay in its effective date;
- (g) ~~Identify, before the printing of the notice of any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur~~**Adopt emergency legislation;**
- (h) Sponsor amendments and amendments-to-amendments to the constitution by two-thirds majority vote;
- (i) Call for a special Convention of Division II;
- (j) Delegate to the Management Council responsibilities for specific matters it deems appropriate;
- (k) Approve recommendations of the Management Council (see Bylaw 8.2), **including the composition of the Management Council;**
- (l) Ratify, amend or rescind the actions of the Management Council (see Bylaw 8.2);
- (m) Ensure ~~that~~ there is gender and ethnic diversity among its membership, the membership of the Management Council (see Bylaw 8.2) and the membership of each of the other bodies in the Division II governance structure;

- (n) ~~Develop and a~~ Approve the budget and the use of funds allotted to Division II (e.g., institutional equal distribution funds, funds for the operation of championships);
- (o) Approve regulations providing for expenditures and income to Division II;
- (p) Approve regulations providing for the administration of Division II championships;
- (q) Advise the Board of Governors concerning the employment of the NCAA president and concerning the oversight of their employment;
- (r) Provide comments and input to the Board of Governors on matters that impact Division II and the Association;**
- ~~(r s)~~ Convene same-site meetings, as necessary, with the Management Council; and
- ~~(s t)~~ **Appoint such Create** committees or ~~subcommittees as may be necessary for executing the provisions of this constitution or the Division II bylaws.~~ **other bodies (e.g., project teams) to study and recommend courses of action on specific issues or to fulfill the duties and responsibilities of Division II.**

[8.1.2 unchanged.]

8.1.2.1 Duties of the Chair. The chair of the ~~Presidents Council~~**Executive Board** shall:

[8.1.2.1-(a) unchanged.]

(b) Preside at ~~Presidents Council~~**Executive Board** meetings;

[8.1.2.1-(c) through 8.1.2.1-(d) unchanged.]

(e) Serve as an ex officio, nonvoting member of the Division II **Strategic** Planning and Finance Committee.

8.1.2.2 Duties of the Vice Chair. The vice chair of the ~~Presidents Council~~**Executive Board** shall:

[8.1.2.2-(a) through 8.1.2.2-(b) unchanged.]

~~(c) Serve as a member of the Association's Board of Governors;~~

[8.1.2.2-(d) relettered as 8.1.2.2-(c), unchanged.]

(e ~~d~~) ~~Serve as chair of~~ **on** the Division II **Strategic** Planning and Finance Committee.

[8.1.2.2 unchanged.]

**C. Bylaws:** Amend 8.2, as follows: (August 1, 2023)

[Division II, Roll Call]

8.2 Division II Management Council.

8.2.1 Composition. The **composition of the** Management Council shall ~~be comprised of~~ **include** one ~~administrator or representative~~**member** from each of the Division II multisport voting conferences; ~~one administrator or representative of Division II independent institutions provided there are at least eight Division II independent institutions; two~~**four** "at-large" ~~positions~~**members** to enhance efforts to achieve diversity of representation; and two ~~members of~~ **student-athletes serving on and chosen by** the **Division II** Student-Athlete Advisory Committee (**one representing male sports and one representing female sports**) (~~per see~~ Bylaw 21.8.5.9.4). The members shall be representatives of Division II active member institutions. The members of the Council shall include:

- (a) At least ~~four~~**five** directors of athletics;
- (b) At least ~~four~~**five** senior woman administrators;
- (c) At least ~~four~~**five** faculty athletics representatives; and
- (d) At least ~~one~~**two** conference ~~administrator~~**office staff**.

**Once the minimums are met, the Council may include individuals working in athletics administration and individuals that supervise athletics, including but not limited to a vice president, athletic trainer, assistant/associate/deputy director of athletics, and/or other individuals involved in the administration of athletics.**

[8.2.1.1 through 8.2.1.3 unchanged.]

[8.2.2 through 8.2.4 unchanged.]

**D. Bylaws:** Amend 8.2.2, as follows: (August 1, 2023)

[Division II, Roll Call]

8.2.2 Duties and Responsibilities. The Management Council shall:

- (a) Implement policies adopted by the *Association's* **NCAA** Board of Governors and the *Presidents Council* **Executive Board**;
- (b) Make recommendations to the *Presidents Council* **Executive Board** on matters it deems appropriate;
- (c) ~~Recommend the adoption of~~ **Adopt** noncontroversial and intent-based amendments, administrative bylaws and regulations to govern Division II, ~~subject to ratification by the Presidents Council~~;
- (d) Sponsor legislative proposals for a vote at the annual NCAA Convention;**
- ~~(d e)~~ Take final action on matters delegated to it by the *Presidents Council* **Executive Board**;
- ~~(e)~~ *Make interpretations of the bylaws of Division II*;
- (f) Review and act on the recommendations of the Division II committee structure and the recommendations of ~~Division II representatives to~~ committees with Association-wide functions;
- (g) Appoint the members of the Division II committee structure and appoint the Division II representatives to committees with Association-wide functions;
- (h) Identify, before the printing of the Official Notice for any Convention, Division II proposals for which a roll-call vote of the eligible voters may be required and designate during the Convention the roll-call votes that must occur;**
- (i) Establish the final sequence of legislative proposals in the agenda for the Division II business session at the annual Convention;**
- ~~(h j)~~ Elect a chair and vice chair;
- ~~(i k)~~ Organize and participate in an annual "summit" with the Division II Student-Athlete Advisory Committee;
- ~~(j l)~~ Hear and act on appeals by member institutions of decisions made by a Division II committee or the NCAA staff regarding the application of NCAA legislation (excluding actions of any committee that has final authority over issues subject to appeal); and
- ~~(k m)~~ Recommend the ~~appointment of such committees or subcommittees as may be necessary for executing the provisions of this constitution or the~~ **creation of committees or other bodies to study and suggest courses of action on specific issues or to fulfill the duties and responsibilities of** Division II bylaws, subject to ~~ratification~~ **approval** by the *Presidents Council* **Executive Board**.

8.2.2.1 Duties of the Chair. The chair of the Management Council shall:

[8.2.2.1-(a) through 8.2.2.1-(f) unchanged.]

8.2.2.2 Duties of the Vice Chair. The vice chair of the Management Council shall:

[8.2.2.2-(a) through 8.2.2.2-(b) unchanged.]

(c) Serve as a member of the Division II **Strategic** Planning and Finance Committee; and

[8.2.2.2-(d) unchanged.]

[8.2.2.3 unchanged.]

**E. Bylaws:** Amend 8.3, as follows: (August 1, 2023)

[Division II, Roll Call]

8.3 Division II Administrative Committee.

8.3.1 Composition. The Administrative Committee shall consist of five members, including the chairs and vice chairs of the *Presidents Council* **Executive Board** and Management Council, **and the chair of the Division II Student-Athlete Advisory Committee** . ~~The fifth member shall be another member of the Presidents Council.~~

[8.3.1.1 unchanged.]

[8.3.2 through 8.3.3 unchanged.]

F. **Bylaws:** Amend 8.4, as follows: (February 1, 2024)

[Division II, Roll Call]

8.4 Division II **Strategic** Planning and Finance Committee.

8.4.1 Composition. The Division II **Strategic** Planning and Finance Committee shall consist of ~~seven~~**11** members, including the vice chair of the ~~Presidents Council~~ **Executive Board**, ~~two members~~ **the vice chair** of the Management Council, **one of which must include the vice chair, three additional members of the Presidents Council and two additional members of the Management Council, one conference commissioner, one member from the Division II Student-Athlete Advisory Committee, and six additional members.** ~~The chairs of the Presidents Council and the Management Council shall serve as ex officio, nonvoting members.~~ **At least one of the 11 members shall be from a minority-serving institution.**

[8.4.1.1 unchanged.]

8.4.2 Duties. The Division II **Strategic** Planning and Finance Committee shall:

- (a) ~~Review budgetary recommendations related to the annual Division II budget;~~ **Monitor the Division II strategic plan/strategic priorities; and assess and report on its implementation and recommend updates, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Executive Board;**
- (b) ~~Advise both the Division II Presidents Council and Management Council regarding the division's financial affairs;~~ **Provide regular reports on the implementation of the strategic plan/strategic priorities of the Division II Management Council and Executive Board;**
- (c) ~~Monitor the Division II strategic plan, assess and report on its implementation and recommend updates of the plan, when necessary, consistent with the Division II philosophy, strategic position and direction from the Division II Presidents Council; and~~ **Make recommendations related to the Division II budget and budget guidelines and principles;**
- (d) ~~Provide regular reports on the implementation of the strategic plan to the Division II Management Council and Presidents Council.~~ **Ensure alignment of the division's strategic plan/strategic priorities with financial allocations; and**
- (e) **Advise both the Division II Executive Board and Management Council regarding the division's financial affairs.**

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

**Effective Date:**

Sections A, B, F: February 1, 2024

Sections C, D, E: August 1, 2023

**Rationale:** The Division II Implementation Committee developed this proposal during its review of current legislation and policy to determine alignment with the principles in the new constitution adopted at the 2022 NCAA Convention. This proposal addresses key themes regarding greater student-athlete representation in the Division II governance structure; transitioning to a smaller/more nimble Presidents Council (to be renamed Executive Board); providing each conference more frequent representation on that body by basing it on championships regions and reducing the overall terms of service; ensuring representation of all Division II conferences via the Management Council; and assigning the Management Council with more responsibility and decision-making for the day-to-day operations of the division. The delayed effective date of February 1, 2024, for sections A and B of the proposal, will permit the current Division II Presidents Council members to complete their service through the full 2023 legislative cycle that concludes with the 2024 NCAA Convention. In addition, the delayed effective date of February 1, 2024, for section F, will permit the current members of the Division II Planning and Finance Committee to participate through the entire committee meeting cycle of April, August, September and December 2023.

**Frequently Asked Questions:**

**Division II Presidents Council/Executive Board**

**Question No. 1:** If adopted, what will be the composition of the Division II Executive Board?

**Answer:** If adopted, the Division II Executive Board will consist of the following members:

- Eight presidents/chancellors based on Division II championships regions;
- One "at-large" president/chancellor to enhance diversity on the board;
- Two independent members who are not salaried by an NCAA member institution, conference or affiliated member and shall be approved, appointed, and verified as independent by the board;
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports); and
- Management Council chair as an ex officio, nonvoting member.

**Question No. 2:** If adopted, what duties and responsibilities will be removed from the Division II Executive Board?

**Answer:** If adopted, the Division II Executive Board will no longer be responsible for the following duties and responsibilities:

- Identify the Division II proposals that require a roll-call vote at the NCAA Convention;
- Establish the final sequence of the Division II proposals in the agenda of the Division II Business Session at the NCAA Convention;
- Develop the Division II budget; and
- Appoint committees or subcommittees for executing the provisions of the NCAA Constitution or Division II bylaws.

### ***Division II Management Council***

**Question No. 3:** If adopted, what will be the composition of the Division II Management Council?

**Answer:** If adopted, the Division II Management Council will consist of the following members:

- One member from all voting, multisport Division II conferences; Page No. 8
- Four at-large members to enhance diversity; and
- Two student-athletes serving on and chosen by the Division II Student-Athlete Advisory Committee (one representing male sports and one representing female sports).

Further, if adopted, the members of the council shall include:

- At least five directors of athletics;
- At least five senior woman administrators;
- At least five faculty athletics representatives; and
- At least two conference office staff members.

Once these minimums are met, the council may include individuals working in athletics administration and individuals that supervise athletics, including but not limited to: a vice president, athletic trainer, assistant/associate/deputy director of athletics, and/or other individuals involved in the administration of athletics.

**Question No. 4:** If adopted, what are the additional duties and responsibilities of the Division II Management Council?

**Answer:** If adopted, the Division II Management Council's additional duties and responsibilities are as follows:

- Sponsor legislative proposals for vote at the NCAA Convention;
- Identify the Division II proposals that require a roll-call vote at the NCAA Convention;
- Establish the final sequence of the Division II proposals in the agenda of the Division II Business Session at the NCAA Convention;
- Appoint committees or subcommittees for executing the provisions of the NCAA Constitution or Division II bylaws; and
- Recommend the creation of committees or other bodies (e.g., project teams) to study and recommend courses of action on specific issues or to fulfill the duties and responsibilities of Division II, subject to the approval by the Executive Board.

### ***Division II Administrative Committee***

**Question No. 5:** If adopted, what will be the composition of the Division II Administrative Committee?

**Answer:** If adopted, the Division II Administrative Committee will consist of five members, including:

- Chair and vice chair of the Executive Board;
- Chair and vice chair of the Management Council; and
- Chair of Division II Student-Athlete Advisory Committee.

***Division II Strategic Planning and Finance Committee***

**Question No. 6:** If adopted, what will be the composition of the Division II Strategic Planning and Finance Committee?

**Answer:** If adopted, the Division II Strategic Planning and Finance Committee will consist of 11 members, including:

- Vice chair of the Division II Executive Board;
- Two members of the Division II Management Council, one of which must be the vice chair;
- One conference commissioner;
- One member from the Division II Student-Athlete Advisory Committee; and
- Six additional members, from Division II institutions.

Of the 11 members on the Division II Strategic Planning and Finance Committee, at least one member shall be from a minority-serving institution.

**Question No. 7:** If adopted, how will the members of the Division II Strategic Planning and Finance Committee be selected?

**Answer:** If adopted, the members serving on the Division II Strategic Planning and Finance Committee from the Executive Board and Management Council will be selected by the Executive Board and Management Council, respectively. Additionally, the one member from the Division II Student-Athlete Advisory Committee will be selected by the Division II Student-Athlete Advisory Committee. Finally, the one conference commissioner and the remaining members of the Division II Strategic Planning and Finance Committee will be recommended by the Division II Nominating Committee and approved by the Division II Management Council.

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## Consent Package

### No. 2-5 LEGISLATIVE PROCESS -- AMENDMENT PROCESS -- NOTIFICATION TO MEMBERSHIP -- ELIMINATION OF INITIAL PUBLICATION AND SECOND PUBLICATION -- TIMING OF OFFICIAL NOTICE

**Intent:** To amend the Division II legislative process, as follows: (1) August 15: Eliminate the Initial Publication of Proposed Legislation (IPOPL); (2) September 23: Eliminate the Second Publication of Proposed Legislation (SPOPL); and (3) Not later than December 10: Publication of the Official Notice.

**Bylaws:** Amend 9.3, as follows:

#### 9.3 Amendment Process.

[9.3.1.1 through 9.3.1.4 unchanged.]

[9.3.3 through 9.3.5 unchanged.]

#### 9.3.6 Notification to Membership.

##### 9.3.6.1 Amendments to Division Dominant Provisions.

*9.3.6.1.1 Initial Publication. Amendments to division dominant provisions sponsored by a divisional presidential administrative group shall be published for the information of the membership as follows:*

*(a) Not later than September 23 for an annual Convention.*

*(b) Not later than 25 days before a special Convention.*

9.3.6.1.21 Official Notice. A copy of the proposed amendments shall be ~~mailed~~**provided** to members of the appropriate division not later than ~~November 15~~**December 10** before an annual Convention or 15 days before a special Convention.

[9.3.6.1.3 renumbered as 9.3.6.1.2, unchanged.]

9.3.6.1.43 Amendments-to-Amendments. Copies of all amendments-to-amendments to division dominant provisions submitted by a divisional presidential administrative group in accordance with the September 15 deadline shall be published ~~by September 23. Copies of all other amendments to amendments submitted by the November 1 deadline shall be published~~ in the Official Notice of the Convention.

##### 9.3.6.2 Amendments to Legislation.

*9.3.6.2.1 Initial Publication. Proposed amendments shall be published for the information of the appropriate division as follows:*

*(a) Not later than August 15 -- Those proposed by the membership, including the primary contact person's name, title and member institution or member conference, as well as the sponsors' statements of intent and rationale and any amendments designated for inclusion by the Presidents Council; and*

*(b) Not later than September 23 -- Those submitted by the Presidents Council and those modified by the sponsors; or*

*(c) Not later than 25 days before a special Convention -- All proposed amendments.*

9.3.6.2.21 Official Notice. A copy of the proposed amendments shall be ~~mailed to members of the appropriate division~~ **published** not later than ~~November 15~~**December 10** before an annual Convention or 15 days before a special Convention.

[9.3.6.2.3 renumbered as 9.3.6.2.2, unchanged.]

9.3.6.2.43 Amendments-to-Amendments. Copies of all amendments-to-amendments submitted by the amendment's original sponsors in accordance with the September 15 deadline shall be published ~~by September 23. Copies of all other amendments to amendments submitted by the November 1 deadline shall be published~~ in the Official Notice of the Convention.

[9.3.7 through 9.3.13 unchanged.]

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

**Effective Date:** August 1, 2023, for proposals submitted for the 2024 NCAA Convention.

**Rationale:** This proposal streamlines and simplifies the legislative process. It was one of several options vetted within the membership and supported through feedback opportunities. Consideration was given to extending the deadline for membership proposals from July 15 to August 1, but it was agreed to retain the current July 15 deadline to give the Division II Management Council and Division II Student-Athlete Advisory Committee the opportunity to review the proposals during their summer meetings. The proposal eliminates the Initial Publication of Proposed Legislation (IPOPL) and the Second Publication of Proposed Legislation (SPOPL) based on technological advances to provide notification to the membership of proposed legislative changes before the publication of the Official Notice. The Official Notice will have a change of publication date from November 15 to not later than December 10. The change in publication date of the Official Notice will result in a unified communication of educational materials for the NCAA Convention. Educational materials will be made available in the early fall, including a PDF of all the membership-sponsored and governance proposals for the Convention and a voice-over educational video. The Question and Answer Guide will also be made available to the membership when the Official Notice is posted.

#### **Frequently Asked Questions:**

**Question No. 1:** If adopted, how will this proposal change the current legislation?

**Answer:** If adopted, this proposal will eliminate the IPOPL and SPOPL and amend the release date of the Official Notice to be not later than December 10.

The Division II legislative process would become as follows:

- Submission of membership-sponsored proposals by July 15;
- Submission of Presidents Council proposals by September 1;
- End of the sponsor modification period for membership-sponsored proposals on September 15;
- Amendment-to-amendment period from September 23 to November 1;
- Committees provide feedback on membership-sponsored proposals by October 7; and
- Release the Official Notice not later than December 10.

**Question No. 2:** If adopted, will educational resources related to the proposals continue to be released annually?

**Answer:** Yes. NCAA staff will provide the proposals and other educational resources (e.g., Question and Answer Guide, voiceover recording) to the Division II membership in the late fall time period.



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## Amateurism

### No. 2-6 AMATEURISM -- VARIOUS BYLAWS -- DEFINITION OF AGENT AND USE OF AGENTS

**Intent:** To specify that an agent is any individual who, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract; further, to restructure the use of agents legislation, as specified.

**A. Bylaws:** Amend 12.02, as follows:

[Division II, Roll Call]

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly, **recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.**

*(a) Represents or attempts to represent an individual for the purpose of marketing their athletics ability or reputation for financial gain; or*

*(b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.*

*12.02.1.1 Application. An agent may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.*

**12.02.2 Agency Contract. An agency contract is an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.**

[12.02.2 through 12.02.10 renumbered as 12.02.3 through 12.02.11, unchanged.]

**B. Bylaws:** Amend 12.2.4, as follows:

[Division II, Roll Call]

12.2.4 Draft and Inquiry.

[12.2.4.1 unchanged.]

12.2.4.2 Draft List. An enrolled student-athlete may enter a professional league's draft an unlimited number of times during their collegiate career and be drafted by any team in the league without jeopardizing eligibility in that sport, provided the student-athlete **(or their relatives or friends)** does not **accept transportation or other material benefits from** ~~ever agree (orally or in writing) to be represented by~~ an agent **or any person who represents any individual in** ~~for the purposes of~~ marketing their athletics ability or reputation in that sport, sign a professional sport contract or otherwise jeopardize their amateur status.

[12.2.4.2 unchanged.]

12.2.4.3 Negotiations. An individual may request information about professional market value without affecting their amateur status. Further, the individual, their relatives or legal guardians, the institution's professional sports counseling panel or head coach may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. ~~An individual who retains an agent shall lose amateur status.~~

[12.2.4.3 unchanged.]

**C. Bylaws:** Amend 12.3, as follows:

[Division II, Roll Call]

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible **if they (or their relatives or friends) accept transportation or other material benefits from an agent or any person who represents any individual in the marketing of their athletics ability.** ~~for participation in an intercollegiate sport, if they ever have agreed (orally or in writing) to be represented by an agent for the purpose of marketing their athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.~~

~~12.3.1.1 Nonbinding Agreements. An individual who signs a contract or commitment that does not become binding until the agent also signs the document, is ineligible, even if the contract remains unsigned by the other parties until after the student-athlete's eligibility is exhausted.~~

~~12.3.1.2<sup>1</sup> Representation for Future Negotiations. An individual **may** shall be ineligible per Bylaw 12.3.1, if they enter into a verbal or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed their eligibility in that sport.~~

~~12.3.1.3 Benefits From Prospective Agents. An individual shall be ineligible per Bylaw 12.3.1, if they (or their relatives or friends) accept transportation or other benefits from:~~

~~(a) Any person who represents any individual in the marketing of their athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or~~

~~(b) An agent, even if they have indicated that they have no interest in representing the student-athlete in the marketing of their athletics ability or reputation and do not represent individuals in the student-athlete's sport.~~

~~12.3.1.3.1 Educational Expenses or Services. Receipt of educational expenses or services (e.g., tuition, fees, room and board, books, tutoring, standardized test preparatory classes) from an agent is specifically prohibited.~~

~~12.3.1.4 Exception — Career Counseling and Internship/Job Placement Services. A student-athlete may use career counseling and internship/job placement services available exclusively to student-athletes, provided the student-athlete is not placed in a position in which the student-athlete uses their athletics ability.~~

~~12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the student-athlete in negotiations for such a contract.~~

~~12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (i.e., in person, by telephone or by mail) with a professional sports organization on behalf of the student-athlete. A lawyer's presence during such discussions is considered representation by an agent.~~

**12.3.2 Professional Service Provider. An individual may utilize a professional service provider for advice and activities related to an individual's name, image and likeness.**

12.3.3 **Agent to Secure Athletics Scholarship Agent.** Any individual **shall be ineligible if they enter into an agreement (orally or in writing) with an agent for securing initial or continuing enrollment at a particular institution.** ~~agency or organization that represents a prospective student-athlete for compensation in placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid shall be considered an agent or organization marketing the individual's athletics ability or reputation.~~

~~12.3.3.1 Talent Evaluation Services and Agents. A prospective student-athlete may allow a scouting service or agent to distribute personal information (e.g., high school academic and athletics records, physical statistics) to member institutions without jeopardizing their eligibility, provided the fee paid to such an agent is not based on placing the prospective student-athlete in a collegiate institution as a recipient of institutional financial aid.~~

[12.3.4 unchanged.]

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

**Effective Date:** August 1, 2023

**Rationale:** This change redefines the term "agent" to align with that term used in the Uniform Athlete Agent Act and will expand a student-athlete's ability to seek and receive advice from individuals for the purposes of making well-informed decisions prior to entering into contractual agreements. Allowing student-athletes to receive advice from an individual about a decision related to an agreement is in the best interests of student-athletes; specifically, when considering the name, image and likeness landscape. Establishing that it is permissible for a student-athlete to work with professional service providers, such as, but not limited to, tax consultants, attorneys,

and marketing agents, allows for student-athletes to obtain the appropriate and necessary advice related to the student-athlete's name, image and likeness and the accompanying activities. Finally, it will still be impermissible for a student-athlete (or their relatives) to receive tangible or intangible benefits from an agent or individual for professional sports opportunities or, to enter into an agreement with an agent for or receive compensation or incentives related to enrollment-based decisions.

### **Frequently Asked Questions:**

**Question No. 1:** If adopted, how will the legislation related to agents change?

**Answer:** If adopted, an individual shall be ineligible if they (or their relatives or friends) accept transportation or other material benefits from an agent or any person who represents any individual in the marketing of their athletics ability.

Additionally, an agent would be defined as any individual who, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract for current or future representation where a student-athlete authorizes the individual to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

**Question No. 2:** If adopted, how will the application of the agency contract legislation change?

**Answer:** If adopted, a student-athlete may enter into an agency contract, provided the student-athlete, or their relatives or friends, do not receive transportation or material benefits from an agent.

Further, an agency contract would be any agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract or endorsement contract.

**Question No. 3:** If adopted, may a student-athlete utilize talent evaluation services?

**Answer:** Yes.

**Question No. 4:** If adopted, may an individual utilize an agent for enrollment-based decisions at a particular institution?

**Answer:** No. An individual shall be ineligible if they enter into an agreement (orally or in writing) with an agent for securing initial or continuing enrollment at a particular institution.

**Question No. 5:** If adopted, may a Division II student-athlete utilize a professional service provider for advice or activities related to the student-athlete's name, image or likeness?

**Answer:** Yes. [See NC-2023-30 (amateurism and financial aid – various bylaws – student-athlete name, image and likeness activities)]

**Question No. 6:** Is it permissible for a prospective student-athlete to receive transportation or other material benefits from an agent prior to initial full-time collegiate enrollment at a Division II institution?

**Answer:** Yes, however, upon their enrollment at a Division II institution, the individual would be required to cease any and all activities that do not align with NCAA legislation. Please note, the individual would still be required to receive a certification by the NCAA Eligibility Center. [See NC-2023-30 (amateurism and financial aid – various bylaws – student-athlete name, image, and likeness activities)]

**Question No. 7:** Will an agent be required to be registered with and receive certification from the NCAA prior to representing a Division II student-athlete?

**Answer:** No, however, all agents should adhere to all state/national registration and certification requirements.

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## Recruiting and Playing and Practice Seasons

No. 2-7 (1-1) RECRUITING AND PLAYING AND PRACTICE SEASONS -- GENERAL PLAYING-SEASON REGULATIONS  
-- TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES -- WEEKLY HOUR LIMITATIONS -- OUTSIDE  
OF PLAYING SEASON -- SUMMER ACCESS -- VOLUNTARY WORKOUTS FOR TEAM SPORTS

**Intent:** To specify that a signed prospective student-athlete and a student-athlete may participate in up to two hours per week of individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term, for a period up to three weeks, provided the request for such assistance is initiated by a signed prospective student-athlete or student-athlete.

**A. Bylaws:** Amend 13.11.2, as follows:

[Division II, Roll Call]

13.11.2 Permissible Activities.

[13.11.2.1 through 13.11.2.6 unchanged.]

**13.11.2.7 Voluntary Summer Workout -- Team Sports. In team sports, beginning July 5 through the start of the institution's fall term, for a period up to three weeks, a signed prospective student-athlete may participate in individual workout-sessions with a member of the coaching staff, provided the request for such assistance is initiated by the signed prospective student-athlete. Participation in such activities shall be limited to a maximum of two hours per week.**

**B. Bylaws:** Amend 17.1.6.3.5, as follows:

[Division II, Roll Call]

17.1.6.3.5 Institutional Vacation Period. A student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period (e.g., summer, academic year).

[17.1.6.3.5.1 through 17.1.6.3.5.2 unchanged.]

**17.1.6.3.5.3 Exception -- Summer Access -- Team Sports. In team sports, beginning July 5 through the start of the institution's fall term, for a period up to three weeks, a student-athlete may participate in individual workout-sessions with a member of the coaching staff, provided the request for such assistance is initiated by the student-athlete. Participation in such activities shall be limited to a maximum of two hours per week. (See Bylaw 13.11.2.7 for signed prospective student-athletes.)**

**Source:** Great Lakes Intercollegiate Athletic Conference and Mid-America Intercollegiate Athletics Association

**Effective Date:** Immediate

**Rationale:** The relationship between coach and student-athlete is vital in preparation for the academic and athletic demands that come with a new school year. COVID-19 was very traumatic for student-athletes and coaches, and the NCAA waiver of coaches being allowed to interact with their student-athletes over the summer period during COVID-19 was well received by coaches and students in all sports. This permissive legislative change will continue that practice in Division II, for a limited period of time each July through the start of the institution's fall term and will specify that the participation in the activities must come at the request of a signed prospective student-athlete or student-athlete. Finally, the immediate effective date will permit signed prospective student-athletes or student athletes to have access to individual workout sessions during summer 2023.

### Frequently Asked Questions:

**Question No. 1:** If adopted, will this proposal amend the current exception which allows fall sport student-athletes to participate in workouts designed and conducted by the institution's strength and conditioning personnel [see Division II Bylaw 17.1.6.3.5.1 (exception – fall championships sports)]?

**Answer:** No.

**Question No. 2:** May multiple signed prospective student-athletes or student-athletes in team sports participate in an individual workout-session with a coaching staff member at the same time?

**Answer:** Yes, provided the request for such assistance is initiated by each signed prospective student-athlete or student-athlete.

**Question No. 3:** May multiple coaches conduct an individual workout-session with a signed prospective student-athlete or student-athlete in team sports?

**Answer:** Yes, provided the signed prospective student-athlete or student-athlete requests the presence of each involved coaching staff member.

**Question No. 4:** Must the three-week period occur over consecutive weeks?

**Answer:** No, however all individual workout-sessions must conclude prior to the start of the institution's fall term. Institutions are responsible for monitoring that individual signed prospective student-athletes or student-athletes do not participate in more than three weeks between July 5 and the start of the institution's fall term.

**Question No. 5:** May a transfer prospective student-athlete in team sports (e.g., NCAA, two-year college, NAIA) request individual workout-sessions with a member of the coaching staff beginning July 5 through the start of the institution's fall term?

**Answer:** Yes, provided the prospective student-athlete satisfies the applicable transfer requirements prior to requesting the assistance of the coaching staff member.

**Question No. 6:** Prior to being able to request participation in individual workout-sessions with a member of the coaching staff, must a signed prospective student-athlete or student-athlete complete all mandatory medical examinations [see Division II Bylaw 17.1.5 (mandatory medical examinations)]?

**Answer:** Yes.

**Position Statement(s):** *NCAA Committee on Competitive Safeguards and Medical Aspects of Sports:* The committee agreed to take no position on this proposal.

*NCAA Division II Legislation Committee:* The committee agreed to oppose this proposal. The committee noted concerns related to student-athletes feeling pressured to take advantage of the opportunity to participate in voluntary workouts, and that some student-athletes may be "volun-told" to attend. Additionally, it was noted that student-athletes may feel compelled to forgo participating in activities, such as study abroad programs, internships or summer jobs. Finally, the committee noted that this proposal would create an increased monitoring burden on compliance administrators.

*NCAA Division II Presidents Council., NCAA Division II Management Council.:* The councils agreed to oppose this proposal due to the proposal being contrary to the Life in the Balance Division II philosophy. The councils noted concerns of student-athletes feeling pressured to take advantage of the opportunity or returning to the institution early to participate in voluntary workouts. The councils also voiced concerns that some student-athletes may be "volun-told" to attend. It was noted that student-athletes may feel compelled to forgo participating in activities, such as study abroad programs, internships or summer jobs. Further, if adopted, the councils noted the potential impact on the mental health of coaching staff members, athletic trainers, and student-athletes. Finally, the councils noted that although this proposal is similar to the relief provided during COVID-19, that relief was specific to that timeframe since, at that time, many Division II institutions implemented remote learning and canceled sport seasons making it impossible for institutions and student-athletes to participate in anything else.

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## Eligibility

No. 2-8 (1-2) ELIGIBILITY AND PLAYING AND PRACTICE SEASONS -- SEASONS OF COMPETITION: 10-SEMESTER/15-QUARTER RULE AND FOOTBALL -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY AND OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES -- EXCEPTION -- COMPETITION IN THE NONCHAMPIONSHIP SEGMENT AND SPRING PRACTICE -- SCRIMMAGE AGAINST A FOUR-YEAR COLLEGIATE INSTITUTION

**Intent:** In football, to permit a scrimmage against a four-year collegiate institution during spring practice as one of the three permissible 11-on-11 scrimmages to occur on or after the 10th day of spring practice; further, to specify that participation in a scrimmage against a four-year collegiate institution does not trigger use of a season of competition, provided the student-athlete was academically eligible during the segment in the same academic year that concludes with the NCAA championship.

**A. Bylaws:** Amend 14.2, as follows:

[Division II, Football Only, Roll Call]

14.2 Seasons of Competition: 10-Semester/15-Quarter Rule. A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.10 and 14.2.2). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of their seasons of participation in all sports within the time periods specified below:

[14.2.1 through 14.2.3 unchanged.]

14.2.4 Criteria for Determining Season of Eligibility.

14.2.4.1 Minimum Amount of Competition. Any competition (including a scrimmage with outside competition), regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year collegiate institution at the varsity or subvarsity level.

[14.2.4.1.1 through 14.2.4.1.2 unchanged.]

14.2.4.1.3 Exception – Competition in the Nonchampionship Segment **and Spring Football**. In field hockey, **football**, men's and women's soccer, men's and women's volleyball and men's and women's water polo, a student-athlete may engage in outside competition during the segment of the playing season that does not conclude with the NCAA championship without using a season of competition, provided the student-athlete was academically eligible during the segment in the same academic year that concludes with the NCAA championship. In baseball, women's beach volleyball, softball and men's and women's lacrosse, a student-athlete may engage in outside competition during the segment of the playing season that does not conclude with the NCAA championship without using a season of competition. Prior to participating against outside competition during the nonchampionship segment **and spring football practice**, student-athletes shall be certified as eligible (e.g., amateurism, enrolled full time).

[14.2.4.1.4 through 14.2.4.1.6 unchanged.]

[14.2.4.2 through 14.2.4.8 unchanged.]

[14.2.5 through 14.2.7 unchanged.]

**B. Bylaws:** Amend 17.11, as follows:

[Division II, Football Only, Roll Call]

17.11 Football.

[17.11.1 through 17.11.8 unchanged.]

17.11.8.3 Annual Exemptions. The maximum number of contests in football shall exclude the following:

[17.11.8.3-(a) through 17.11.8.3-(h) unchanged.]

**(i) Spring Practice Scrimmage. One scrimmage against a four-year collegiate institution during spring practice.**

[17.11.8.3-(i) through 17.11.8.3-(k) relettered as 17.11.8.3-(j) through 17.11.8.3-(l), unchanged.]

[17.11.8.3 through 17.11.8.4 unchanged.]

17.11.9 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:

[17.11.9-(a) through 17.11.9-(b) unchanged.]

[17.11.9-(b)-(1) through 17.11.9-(b)-(7) unchanged.]

**(8) An institution may participate in a scrimmage against a four-year collegiate institution and the scrimmage shall count as one of the three sessions that may be devoted primarily to 11-on-11 scrimmages. The scrimmage against a four-year collegiate institution may not occur until on or after the 10th spring practice. [See Bylaw 14.2.4.1.3 for participation during the nonchampionship segment].**

[17.11.9-(b)-(8) through 17.11.9-(b)-(9) renumbered as 17.11.9-(b)-(9) through 17.11.9-(b)-(10), unchanged.]

[17.11.9 through 17.11.10 unchanged.]

**Source:** Great American Conference, Great Lakes Intercollegiate Athletic Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association and South Atlantic Conference.

**Effective Date:** August 1, 2023

**Rationale:** Currently, outside of the playing season in the sport of football, an institution may participate in no more than three sessions that may be devoted primarily to 11-on-11 scrimmages. However, it is currently impermissible for an institution to participate in a scrimmage against an outside team, four-year collegiate institution while outside of the playing season. Allowing a Division II institution, in the sport of football, to participate in a scrimmage against another four-year collegiate institution outside of the playing season will improve the development and retention of football student-athletes by providing them with a competitive opportunity against another team. Delaying the scrimmage to occur after the ninth day of spring practice allows for acclimatization to contact, as permitted in Bylaw 17.11.9. Further, allowing such participation to not count as a season of competition will align football with other fall sports that are permitted to participate during the nonchampionship segment and not use a season of competition. Finally, the immediate effective date will permit Division II institutions to take advantage of the legislative change for the 2023 spring term.

### **Frequently Asked Questions:**

**Question No. 1:** What is the current legislation?

**Answer:** Currently, in the sport of football during the spring practice period, an institution may participate in no more than three 11-on-11 scrimmages. However, it is currently impermissible for an institution to participate in a scrimmage against an outside team.

**Question No. 2:** If adopted, how will this proposal change the current legislation?

**Answer:** If adopted, in the sport of football during the spring practice period, an institution may participate in one scrimmage against a four-year collegiate institution as one of the three 11-on-11 scrimmages on or after the 10th day of spring practice.

Additionally, participation in the scrimmage would not count as a season of competition, provided the student-athlete was academically eligible during the segment that concludes with the NCAA championship.

### **Playing and Practice Seasons**

**Question No. 3:** If adopted, when is it permissible for a scrimmage against a four-year collegiate institution to occur?

**Answer:** If adopted, the scrimmage may occur on or after the 10th day of the spring practice period.

### **Eligibility**

**Question No. 4:** May a football student-athlete who is academically ineligible during the NCAA championship segment and regains eligibility for the spring term participate in the scrimmage against a four-year collegiate institution?

**Answer:** Yes, however, the student-athlete would be charged with a season of competition.

**Question No 5:** If adopted, is it permissible for a football midyear transfer student-athlete to participate in the scrimmage against a four-year collegiate institution during the spring practice period and not use a season?

**Answer:** Yes, provided the student-athlete was academically eligible during the preceding fall term and is certified as eligible for the spring term.

**Position Statement(s):** *NCAA Division II Football Committee:* The committee agreed to support this proposal. The committee noted that allowing student-athletes the opportunity to participate in a scrimmage against a four-year collegiate institution during the spring practice period will improve the development and retention of student-athletes by providing them with a competitive opportunity against an outside team. The committee also noted that requiring the scrimmage to occur on or after the 10th day of the spring practice period allows time for student-athletes to get acclimated to contact. Finally, the committee noted that allowing such participation to not count as a season of competition aligns football with other Division II fall sports that are permitted to participate in the nonchampionship segment and not utilize a season of competition provided they were eligible during the championship segment.

*Presidents Council, Committee on Competitive Safeguards and Medical Aspects of Sports., Management Council., Legislation Committee:* The councils and committees agreed to take no position on this proposal.

**Additional Information:**

The vote on the immediate effective date was defeated. The effective date defaults to August 1, 2023, as outlined in Division II Bylaw 9.3.12.2.1.

No. 2-9 (1-3) ELIGIBILITY -- SEASONS OF COMPETITION: 10-SEMESTER/15-QUARTER RULE -- CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY -- MINIMUM AMOUNT OF COMPETITION -- UP TO THREE CONTESTS -- FOOTBALL

**Intent:** In football, to specify that a student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests in a season without using a season of competition.

**Bylaws:** Amend 14.2, as follows:

[Division II, Football Only, Roll Call]

14.2 Seasons of Competition: 10-Semester/15-Quarter Rule. A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.10 and 14.2.2). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of their seasons of participation in all sports within the time periods specified below:

[14.2.1 through 14.2.3 unchanged.]

14.2.4 Criteria for Determining Season of Eligibility.

14.2.4.1 Minimum Amount of Competition. Any competition (including a scrimmage with outside competition), regardless of time, during a season in an intercollegiate sport shall be counted as a season of competition in that sport. This provision is applicable to intercollegiate athletics competition conducted by a two-year or four-year collegiate institution at the varsity or subvarsity level.

[14.2.4.1.1 through 14.2.4.1.6 unchanged.]

**14.2.4.1.7 Exception -- Football. In football, a student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests in a season without using a season of competition.**

[14.2.4.2 through 14.2.4.8 unchanged.]

[14.2.5 through 14.2.7 unchanged.]

**Source:** Great Lakes Intercollegiate Athletic Conference, Great Lakes Valley Conference, Gulf South Conference, Mid-America Intercollegiate Athletics Association, Rocky Mountain Athletic Conference and South Atlantic Conference.

**Effective Date:** August 1, 2023

**Rationale:** Under current legislation, a student-athlete who participates in any contest uses a season of competition in that sport. A Division II football student-athlete is not permitted to participate in an exhibition game or scrimmage and must count that experience as a season of competition. Additionally, some Division II student-athletes are permitted to participate in competition during the nonchampionship segment without using a season



of competition, provided they were academically eligible during the segment that concluded with the NCAA championship. Academically, a student-athlete who participates in limited contests during the initial year of collegiate enrollment will likely have a more favorable experience and it is more likely the student-athlete will be retained at the institution. In addition, academic success rates may increase with this change. Moreover, institutions sponsoring football are permitted to award athletically related financial aid to student-athletes equaling 36 equivalencies, compared to their Division I football bowl subdivision (FBS) and football championship subdivision (FCS) counterparts at 85 and 63 scholarships, respectively. There are fewer football student-athletes allowed on Division II game day rosters. Finally, this rule would not change the Division II 10-semester/15-quarter rule, or the eligibility of a partial qualifier to participate in NCAA athletics.

### **Frequently Asked Questions:**

**Question No. 1:** If adopted, how will this proposal change the current legislation?

**Answer:** If adopted, a football student-athlete representing a Division II institution, in their initial year of collegiate enrollment, may participate in up to three contests without using a season of competition.

**Question No. 2:** If adopted, will any football student-athlete, including transfers, have access to the exception?

**Answer:** No. A football student-athlete must be enrolled at a Division II institution in their initial year of collegiate enrollment in order to have access to the exception.

**Question No. 3:** If adopted, will a student-athlete who initially enrolls midyear at a Division II institution and remains at the institution for the subsequent fall term have access to the exception?

**Answer:** Yes.

**Question No. 4:** If adopted, will a student-athlete who initially enrolls midyear at a collegiate institution and transfers to a Division II institution for the subsequent fall term have access to the exception?

**Answer:** Yes.

For example, if a student-athlete initially enrolls full-time at a collegiate institution for the 2023 spring term but then transfers and enrolls full-time at a Division II institution for the 2023 fall term, they would have access to the exception at the Division II institution, provided they do not participate in more than three contests during the 2023 fall term. The institution is responsible for ensuring that the transfer student-athlete is still in their initial year of collegiate enrollment.

**Question No. 5:** May the participation in the three contests occur at any time?

**Answer:** Yes. There is not a restriction in place related to when the contests must occur and the contests may take place during regular or postseason competition. A Division II football student-athlete will have access to the exception provided they do not participate in more than three contests during their initial year of collegiate enrollment.

**Position Statement(s):** *Committee on Competitive Safeguards and Medical Aspects of Sports., Management Council., NCAA Division II Committee on Student-Athlete Reinstatement.;* The council and committees agreed to take no position on this proposal.

*Legislation Committee:* The committee agreed to oppose this proposal. The committee noted that the change would be inconsistent with the application of the Division II medical hardship legislation. The committee also noted concerns that football would be the only sport permitting student-athletes to participate in up to three countable contests, at any time during the season, and not use a season of competition.

*Presidents Council., Football Committee:* The council and committee agreed to support this proposal. The council and committee noted that allowing student-athletes the opportunity to participate in up to three contests without utilizing a season of competition in their initial year of collegiate enrollment will permit student-athletes to get acclimated on the field. The council and committee also noted that allowing student-athletes to participate in minimal competition during their initial year without being charged a season of competition will help with student-athlete retention.

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## Consent Package

### No. 2-10 ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIMINATION OF STANDARDIZED TEST-SCORE REQUIREMENTS (SAT OR ACT)

**Intent:** To eliminate the standardized test-score requirements (SAT or ACT) from Division II initial-eligibility requirements; further, to establish the initial eligibility requirements, as specified.

**Bylaws:** Amend 14.3, as follows:

#### 14.3 Freshman Academic Requirements.

##### 14.3.1 Eligibility for Financial Aid, Practice and Competition -- Qualifiers and Partial Qualifiers .

14.3.1.1 Qualifier. A qualifier is defined as one who is a high school graduate and who ~~presented the following minimum academic qualifications:~~ **has a minimum cumulative core-course grade-point average of 2.200 (based on a maximum 4.000) in a minimum of 16 academic courses. The 16 core courses shall include the following:**

<b>English</b>	<b>3 years</b>
<b>Mathematics</b>	<b>2 years</b>
<b>Natural or physical science (including at least one laboratory course if offered by the high school)</b>	<b>2 years</b>
<b>Additional courses in English, mathematics or natural or physical science</b>	<b>3 years</b>
<b>Social science</b>	<b>2 years</b>
<b>Additional academic courses [in any of the above areas or foreign language, philosophy or nondoctrinal religion (e.g., comparative religion) courses]</b>	<b>4 years</b>

(a) ~~A minimum cumulative grade-point average as specified in Bylaw 14.3.1.1.3 (based on a maximum 4.000) in a successfully completed core curriculum of at least 16 academic courses per Bylaw 14.3.1.4, including the following:-~~

English	3 years
Mathematics	2 years
Natural or physical science (including at least one laboratory course if offered by the high school)	2 years
Additional courses in English, mathematics or natural or physical science	3 years
Social science	2 years
Additional academic courses [in any of the above areas or foreign language, philosophy or nondoctrinal religion (e.g., comparative religion) courses]	4 years

(b) ~~A minimum combined score on the SAT verbal/critical reasoning and math sections or a minimum sum score on the ACT as specified in Bylaw 14.3.1.1.3. The required combined SAT or sum ACT score, respectively, must be achieved under national testing conditions on a national, state or district testing date [i.e., no residual (campus) testing (see Bylaw 14.3.1.5)]. The minimum combined SAT score of 820 applies to tests taken prior to March 1, 2016. The minimum combined SAT score required for tests taken on or after March 1, 2016, will be evaluated based on the concordance established by the College Board. (See Figure 14-3.)~~

~~14.3.1.1.1 Exception -- Institutions Located in Puerto Rico. A prospective student-athlete entering an institution located in Puerto Rico may use a minimum combined score on the Prueba de Aptitud Académica verbal and math reasoning sections of 730 to satisfy the test-score requirement in Bylaw 14.3.1.1-(b).~~

14.3.1.1.21 Exception -- Early Academic Certification. A prospective student-athlete shall be certified as a qualifier, provided they have achieved ~~the following academic criteria:~~ **a core-course grade-point average of 2.500 (based on a maximum of 4.000) in a minimum of 14 core courses on completion of six semesters (or the equivalent). The 14 core courses shall include three core courses in English, three in mathematics (at the level of Algebra I or higher), two in natural or physical science (including at least one laboratory course if offered at the high school) and six additional core courses in any NCAA core area. The record of the course and course grades must be certified by the NCAA Eligibility Center using either an official high**

**school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office.**

- (a) ~~A minimum combined score on the SAT critical reading and math sections of 820 or a minimum sum score on the ACT of 68, per the requirements of Bylaw 14.3.1.4. The minimum combined SAT score of 820 applies to scores for SAT tests taken prior to March 1, 2016. The minimum SAT score required for tests taken on or after March 1, 2016, will be evaluated based on the concordance established by the College Board (see Figure 14-3); and~~
- (b) ~~A core-course grade-point average of 2.500 (based on a maximum of 4.000) in a minimum of 14 core courses on completion of six semesters (or the equivalent). The 14 core courses shall include three core courses in English, three in mathematics (at the level of Algebra I or higher), two in natural or physical science (including at least one laboratory course if offered at the high school) and six additional core courses in any NCAA core area. The record of the course and course grades must be certified by the NCAA Eligibility Center using either an official high school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office.~~

14.3.1.1.21.1 Submission of Final Transcript(s). An institution must submit a final high school transcript(s) (official or unofficial) to the NCAA Eligibility Center by November 15 following a student-athlete's initial full-time enrollment for any student-athlete who is certified as a qualifier pursuant to the early academic certification exception. [D]

~~14.3.1.1.3 Initial Eligibility Index for Qualifiers. A student-athlete must meet the requirements of the following eligibility index to be certified as a qualifier. The SAT scores in the table apply to tests taken prior to March 1, 2016. SAT scores for tests taken on or after March 1, 2016, will be evaluated on the concordance established by the College Board (see Figure 14-3):~~

Core GPA	Combined SAT	Sum ACT	Core GPA	Combined SAT	Sum ACT	Core GPA	Combined SAT	Sum ACT
3.300 & above	400	37	2.925	550	47	2.525	710	58
3.275	410	38	2.900	560	48	2.500	720	59
3.250	420	39	2.875	570	49	2.475	730	60
3.225	430	40	2.850	580	49	2.450	740	61
3.200	440	41	2.825	590	50	2.425	750	61
3.175	450	41	2.800	600	50	2.400	760	62
3.150	460	42	2.775	610	51	2.375	770	63
3.125	470	42	2.750	620	52	2.350	780	64
3.100	480	43	2.725	630	52	2.325	790	65
3.075	490	44	2.700	640	53	2.300	800	66
3.050	500	44	2.675	650	53	2.275	810	67
3.025	510	45	2.650	660	54	2.250	820	68
3.000	520	46	2.625	670	55	2.225	830	69
2.975	530	46	2.600	680	56	2.200	840 & above	70 & above
2.950	540	47	2.575	690	56			
			2.550	700	57			

14.3.1.1.42 Eligibility for Financial Aid, Practice and Competition – Qualifier. A student-athlete who enrolls in a Division II institution as an entering freshman with no previous full-time college attendance shall meet the academic requirements for a qualifier, as certified by the NCAA Eligibility Center, and approved by the Board of Governors, and any applicable institutional and conference regulations, to be eligible for financial aid, practice and competition during the first academic year in residence.

[14.3.1.2 through 14.3.1.3 unchanged.]

~~14.3.1.4 Test-Score Requirements. The minimum required SAT or ACT score (see Bylaw 14.3.1.1) must be achieved under national testing conditions on a national, state or district testing date [i.e., no residual (campus) testing].~~

~~14.3.1.4.1 Test-Score Time Limitation. The minimum required SAT or ACT score shall be achieved before the individual's first full-time enrollment in a collegiate institution.~~

~~14.3.1.4.2 Combined Test Scores. For students using the SAT examination, the highest scores achieved on the critical reading and mathematics sections of the SAT from two different national testing dates may be combined in determining whether the student has met the minimum test-score requirements. SAT scores for tests taken prior to March 1, 2016, will not be combined with SAT scores earned for tests taken on or after March 1, 2016. For students using the ACT examination, the highest scores achieved on the individual subtests of the ACT from more than one national testing date or state-administered examination may be combined in determining whether the student's sum score has met the minimum test-score requirement.~~

~~14.3.1.4.3 Nonstandard Test Administration. Students with education-impacting disabilities may use scores achieved during a nonstandard administration of the SAT or ACT. A student who takes a nonstandard SAT or ACT still must achieve the minimum required test score.~~

~~14.3.1.4.4 Test-Score Report. The minimum SAT or ACT score(s) used for initial-eligibility purposes must be provided to the NCAA Eligibility Center by the appropriate testing agency through an official test-score report.~~

[14.3.1.5 renumbered as 14.3.1.4, unchanged.]

[14.3.2 through 14.3.4 unchanged.]

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

**Effective Date:** August 1, 2023, for student-athletes initially enrolling full-time at a collegiate institution on or after August 1, 2023.

**Rationale:** In October 2021, the NCAA Standardized Test Score Task Force recommended to remove the standardized test scores from Division II initial-eligibility requirements, noting that its recommendation aligns with the trend among NCAA member institutions to move away from requiring standardized test scores for admissions. It was further noted by the Academic Requirements Committee that the existing core-course and grade-point average requirements for incoming student-athletes is an appropriate metric to measure academic readiness.

**Frequently Asked Questions:**

**Question No. 1:** If adopted, what would be the new legislated Division II initial-eligibility standards?

**Answer:** If adopted, the new requirements would be as follows:

Division II Initial-Eligibility Requirements	
<b>Early Academic Qualifier</b> Athletics aid, practice, and competition.	<b>Pre-7th Semester:</b> <ul style="list-style-type: none"><li>• 14 core-course units in the required subject areas; and</li><li>• At least a 2.500 core-course GPA.</li></ul>
<b>Qualifier</b> Athletics aid, practice, and competition.	<b>Complete Academic Record:</b> <ul style="list-style-type: none"><li>• 16 core-course units in the required subject areas;</li><li>• At least a 2.200 core-course GPA; and</li><li>• Proof of graduation.</li></ul>
<b>Partial Qualifier</b> Athletics aid and practice.	Does not meet requirements to be a Qualifier.

**Question No. 2:** Does this proposal include other Division II policies related to pass/fail grades, unofficial documents, and nontraditional courses?

**Answer:** No.

**Question No. 3:** If adopted, will this proposal impact the admissions requirements set by individual institutions?

**Answer:** No. This proposal is specific to Division II initial-eligibility requirements, which are separate and distinct from admissions requirements that are determined and maintained by individual member institutions.

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## Playing and Practice Seasons

### No. 2-11 (1-4) PLAYING AND PRACTICE SEASONS – GENERAL PLAYING-SEASON REGULATIONS AND BASKETBALL – BASKETBALL FIRST PERMISSIBLE PRACTICE DATE

**Intent:** In basketball, to specify that an institution shall not commence on-court preseason basketball practice sessions before the date that is 35 days before the institution's first regular-season contest; further, to specify that an institution shall not engage in more than 25 days of countable athletically related activities during the on-court preseason practice period.

**A. Bylaws:** Amend 17.1.6.3.1, as follows:

[Division II, Roll Call]

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:

[17.1.6.3.1-(a) unchanged.]

(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~~ **35 calendar days before the date of the institution's first regular-season contest.**

[17.1.6.3.1-(a)-(2) through 17.1.6.3.1-(a)-(3) unchanged.]

[17.1.6.3.1-(b) through 17.1.6.3.1-(e) unchanged.]

[17.1.6.3.1.1 unchanged.]

**B. Bylaws:** Amend 17.4.2, as follows:

[Division II, Roll Call]

17.4.2 Preseason Practices.

17.4.2.1 On-Court Practice. A member institution shall not commence on-court preseason basketball practice sessions before ~~October 15~~ **the date that is 35 days before the date of the institution's first regular-season contest. An institution shall not engage in more than 25 days of countable athletically related activities before its first regular-season contest. Any countable athletically related activities (e.g., conditioning, skill-related instruction) that occurs within the 35-day period shall count against the 25 days of countable athletically related activities.**

[17.4.2.1.1 unchanged.]

**Source:** Great American Conference, Gulf South Conference and Northern Sun Intercollegiate Conference.

**Effective Date:** August 1, 2023

**Rationale:** Current legislation specifies that on-court preseason basketball practice may not begin before October 15. Given the first permissible contest date, this results in basketball programs completing approximately 24 practices within 27 days (on average). This reflects 85.7% of the preseason period days involving basketball activities. The proposed legislation would provide a greater amount of rest and recovery time in the preseason period, while maintaining approximately the total number of days featuring countable athletically related activities during this period. 25 days of countable athletically related activities in a 35-day period results in a 14.3% reduction in days with countable athletically related activities in the preseason period. The proposed legislation does not adjust the first permissible contest date, or any other Bylaw 17 countable athletically related activities legislation (e.g., hours per week, hours per day). Further, the proposed legislation would provide institutions the flexibility to build the preseason schedule appropriately to accommodate academic schedules, facility constraints and other factors that are unavoidable under the current preseason model.

**Frequently Asked Questions:**

**Question No. 1:** What is the current legislation surrounding the first permissible on-court practice date?

**Answer:** Currently, in the sport of basketball, an institution shall not commence on-court preseason basketball practice sessions before October 15.

**Question No. 2:** If adopted, how will this proposal change the current legislation surrounding the first permissible on-court practice date?

**Answer:** If adopted, in the sport of basketball, an institution may begin on-court preseason basketball practice sessions 35 days before the institution's first regular-season contest.

Please note, contests that may permissibly occur prior to the second Friday in November (i.e., Division II Conference Commissioners Association's Tip-Off Classic, discretionary exemptions) shall not be used to determine the start of the 35-day practice period.

**Question No. 3:** What is considered the date of the institution's first regular season contest?

**Answer:** The institution's first regular season contest is any contest on or after the second Friday in November.

**Question No. 4:** If adopted, will this proposal amend the outside of the playing season legislation for basketball?

**Answer:** Yes. The out-of-season segment for basketball would conclude 36 days prior to the institution's first regular-season contest.

**Position Statement(s):** *Legislation Committee:* The committee agreed to oppose this proposal. The committee noted the impact this proposal would have on facility usage; specifically, the committee noted there will be an issue with scheduling facility usage for the sports of basketball and volleyball. Further, the committee also voiced concern regarding the additional monitoring burden on compliance administrators.

*NCAA Division II Mens and Womens Basketball Committees:* The committees agreed to support this proposal. The committees noted that this allows flexibility in scheduling practices and additional days off for rest and recovery during the preseason practice period.

*NCAA Division II Volleyball Committee:* The committee agreed to oppose this proposal. The committee noted very few volleyball programs at Division II institutions have their own facilities for practice and competitions; therefore, most volleyball and basketball programs share facilities. The committee noted that if adopted, this proposal will cause additional strain on facilities and volleyball programs to schedule practice and competition time. Further, the committee noted that due to many institutions using athletics facilities in the fall for general student activities (e.g., freshman orientations, welcome events), these events impact the shared facilities, which further limits the availability for volleyball programs. Finally, there will be a negative impact on strength and conditioning coaches and athletic trainers as there will be an increased period supporting volleyball and basketball student-athletes.

*Presidents Council., Committee on Competitive Safeguards and Medical Aspects of Sports., Management Council.:* The councils and committee agreed to take no position on this proposal.

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## Consent Package

### No. 2-12 EXECUTIVE REGULATIONS -- ADMINISTRATION OF NCAA CHAMPIONSHIPS -- AVAILABILITY OF ALCOHOLIC BEVERAGES AT DIVISION II CHAMPIONSHIPS

**Intent:** To eliminate the legislated restrictions on the availability of alcohol at NCAA Division II championships.

**Administrative:** Amend 31, as follows:

#### 31 Executive Regulations

[31.01 through 31.02 unchanged.]

#### 31.1 Administration of NCAA Championships.

[31.1.1 through 31.1.11 unchanged.]

~~31.1.12 Availability of Alcoholic Beverages. Alcoholic beverages shall not be sold or otherwise made available for public consumption at any championship event sponsored by or administered by the Association, nor shall any such beverages be brought to the site during the championship (i.e., during the period from the time access to the site is available to spectators until all patrons have left the facility or area used for competition).~~

~~31.1.12.1 Exception - Men's Lacrosse Joint Championship. The sale of alcoholic beverages at the Division II Men's Lacrosse Championship is permissible, provided it is a joint championship with Divisions I and III.~~

[31.2 through 31.4 unchanged.]

#### 31.6 Rights to NCAA Properties and Marketing Restrictions.

[31.6.1 unchanged.]

31.6.2 Concessions. The following conditions or restrictions apply to all concession items sold at any event sponsored or administered by the Association:

[31.6.2-(a) through 31.6.2-(d) unchanged.]

~~(e) No alcoholic beverages shall be sold or dispensed for public consumption at any event sponsored by or administered by the Association. (See Bylaw 31.1.12.1 for an exception for a men's lacrosse joint championship)~~

[31.6.3 through 31.6.4 unchanged.]

[31.7 through 31.9 unchanged.]

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

**Effective Date:** August 1, 2023

**Rationale:** The issue of whether to permit the sale of alcoholic beverages at Division II championships has been considered for a few years. Feedback from a recent membership survey indicated support within the Division II membership for allowing the sale of alcoholic beverages at Division II championships, noting that a number of Division II conferences allow this at their postseason tournament events. Survey feedback cites the practice having already been "normalized" at sporting events and will allow fans accustomed to being able to purchase beer and wine the opportunity to do so at Division II championships. As the sale of alcoholic beverages is already allowed at Division I championships, this recommendation also would mitigate disruption at joint championships (allowed during the Division I events but not during the Division II events). Only venues that meet specified NCAA requirements would be permitted to sell alcohol, including having a written policy in place for, and be actively engaged in, the sale of alcohol and be properly licensed by the local and state authorities to carry on such operations and signing indemnity and insurance agreements prior to the event. Hard liquor would continue to be permitted only in designated suites and hospitality areas.

#### Frequently Asked Questions:

**Question No. 1:** If adopted, will hosts be required to sell alcohol at the Division II championship?

**Answer:** No.

**Question No. 2:** If adopted, will hosts be permitted to sell alcohol at all rounds of the Division II championship or is this change applicable to final sites only?



**Answer:** Hosts will be permitted to sell alcohol at all rounds of the Division II championship.

**Question No. 3:** If adopted, will there be any restrictions in place on what type of alcohol will be available at a championship venue?

**Answer:** Yes. Hard liquor would only be permitted in designated suites and hospitality areas.

## Appendix A

### Legislative Proposal Number Changes

This appendix lists proposals that are included in the Second Publication of Proposed Legislation and gives their corresponding numbers in the Initial Publication of Proposed Legislation. Please note that not all proposals that appear in the Second Publication of Proposed Legislation were included in the Initial Publication of Proposed Legislation.

<b>SPOPL</b>	<b>IPOPL</b>	<b>SPOPL</b>	<b>IPOPL</b>
1	--	7	1
2	--	8	2
3	--	9	3
4	--	10	--
5	--	11	4
6	--	12	--

## Appendix B

### Request for Interpretation

Member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Interpretations related to the proposed legislation in this Second Publication of Proposed Legislation may be requested via electronic mail to the primary contact persons at [chooks@ncaa.org](mailto:chooks@ncaa.org) or [jlysiak@ncaa.org](mailto:jlysiak@ncaa.org), not later than November 18, 2022. When submitting such a request, please include the proposal number in question, your institution's name and your title. All resulting interpretations will be made available to the delegates prior to the divisional business session held in conjunction with the Annual Convention.