

LEGISLATION



2019 NCAA CONVENTION

DIVISION III SECOND PUBLICATION OF PROPOSED LEGISLATION

113th Annual Convention
January 23-26, 2019
Orlando, Florida

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
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Second Publication of Proposed Legislation 113th Annual Convention

This publication presents all proposed amendments to NCAA Division III legislation that were properly submitted in accordance with the July 15 and September 1 deadlines in the NCAA legislative calendar. The proposals herein appear in the order in which they would appear, if adopted, in the NCAA Manual. No attempt has been made to place them in topical groupings or in the order in which they eventually might appear in the Convention agenda. **The order of the seven proposals in the Second Publication of Proposed Legislation will change in the Official Notice. The numeral 2 has been placed in front of each proposal number to help identify its position in the Second Publication of Proposed Legislation. In addition, for each proposal that appeared in the Initial Publication of Proposed Legislation, a parenthetical follows the proposal number, which identifies the proposal's number as it appeared in the Initial Publication of Proposed Legislation.**

Each proposal is accompanied by the traditional statement of intent, proposed effective date and a statement of rationale.

Between the posting of the Initial Publication of Proposed Legislation on August 15 and September 15, sponsors of the membership-sponsored proposals were permitted to refine and change the amendments in any manner that was germane to the proposal. Such changes could either increase or decrease the modification set forth in the original proposal. All of these changes have been incorporated in this Second Publication of Proposed Legislation, which also includes all proposals submitted by September 1 by the NCAA Division III Presidents Council and the NCAA Division III Management Council.

No new proposals may be submitted for the 2019 NCAA Convention inasmuch as the July 15 and September 1 deadlines have passed. Member institutions and conferences, as well as the Presidents Council and Management Council, now have until November 1 by 5 p.m. Eastern time 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 20 or more active member institutions for proper sponsorship in Division III. In addition, amendments-to-amendments may be sponsored by two or more member conferences in Division III. 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 the Request for Interpretation form.

This publication represents the second in a series of three publications dealing with Convention legislation, as dictated by the provisions of NCAA Constitution 5. The third publication will be as follows:

Official Notice of the 2019 Convention. Issued on November 15 and contains all Division III legislation for the Convention, including all amendments-to-amendments and resolutions submitted by the November 1 deadline.

2018-19 Legislative Calendar

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

July 15: Deadline for submission of amendments by the Division III 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, and must be sponsored by at least one conference or at least 10 of the 20 individual institution sponsors.

July 16-17: Management Council Consideration. The NCAA Division III Management Council considers legislative proposals that it may wish to sponsor. It also reviews proposals submitted by the membership in accordance with the July 15 deadline.

August 8: Presidents Council consideration. The NCAA Division III Presidents Council considers legislative proposals that it may wish to sponsor. It also reviews the proposals submitted by the membership in accordance with the July 15 deadline.

Not Later Than August 15: Posting of Initial Publication of Proposed Legislation.

Date IPOPL is Posted 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. Also, members that believe an amendment should not be modified should so inform the primary contact person.

September 1: Deadline for submission of amendments sponsored by the Division III Presidents Council or Management Council.

September 1: Deadline for proper co-sponsorship of membership proposals. The proposals must receive proper co-sponsorship from one additional conference (if originally sponsored by one conference) or 10 additional individual institutions (if originally sponsored by 10 institutions) or it will be withdrawn.

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 amendment.

Not Later Than September 23: Posting of Second Publication of Proposed Legislation. This publication includes all Division III membership-sponsored proposals as modified and includes all proposals sponsored by the Division III Presidents Council or Management Council.

Date SPOPL is Posted through November 1: Amendment-to-amendment period. The Division III Presidents Council and Management Council as well as the membership (see Constitution 5.3.5.3) may submit amendments to the proposals in the Second Publication of Proposed Legislation. These amendments-to-amendments may not increase the modification of the provisions to be amended; they must fall between the provisions of the original proposed amendment and the current provisions.

November 1: Deadline for all 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 councils are authorized to submit further amendments-to-amendments at the Convention if they deem such action necessary (see Constitution 5.3.5.3.2.1).

November 15: Mailing of the Official Notice of the Convention. This publication includes all Division III proposed legislation and the properly submitted amendments-to-amendments and resolutions.

January 23-26, 2019: NCAA Convention. Voting on proposals will occur at the business session.

Division III Interpretations and Legislation Committee

Amy J. Backus, Case Western Reserve University

Chuck Brown, Pennsylvania State Erie, The Behrend College (chair)

Jim Cranmer, St. Mary's College of Maryland

Jason Fein, Bates College

Alexandra Littlefox, Mills College

Gregg Kaye, Commonwealth Coast Conference

Angie Morenz, Blackburn College

Parker Hammel, Wartburg College (student-athlete)

113th Annual Convention
LEGISLATIVE PROPOSALS SUBMITTED BY THE MEMBERSHIP

[Note: Pursuant to Constitution 5.3.12, all amendments shall become effective not earlier than the first day of August following adoption by the Convention; however, if a voting delegate wishes to propose an immediate effective date, or an effective date other than the first day of August following the Convention, the rationale statement shall contain reasons why the amendment has an alternative effective date. Those proposals that are given an immediate effective date and are adopted become effective on adjournment of the Convention.]

Note: In the following proposals:

- Those letters and words that appears in *italics and strikethrough* are to be deleted.
- Those letters and words that appear in **boldface and are underlined** are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division III legislation.

Board of Governors

The discussion and vote on 2019 NCAA Convention Proposal No. BOG-2019-1 will occur immediately after the Plenary Session at the 2019 NCAA Convention Thursday, January 24, 2019. The schedule calls for the Association-Wide Business Session to begin at 5:45 p.m. Eastern time in Grand Ballroom 7-8 at the Orlando World Center Marriott.

No. 2-1 ORGANIZATION -- BOARD OF GOVERNORS -- INDEPENDENT MEMBERS

Intent: To amend legislation related to the NCAA Board of Governors, as follows: (1) Increase the number of members from 20 to 25 by adding five independent voting members; (2) Define an independent member; (3) Specify that an independent member shall be appointed to a three-year term that is renewable for an additional three-year term, and that an independent member who has served two terms shall not serve further; (4) Specify that the Board of Governors shall issue a call for nominations when a vacancy for an independent member occurs; and (5) Specify that the Board of Governors shall serve as the final authority for the selection of and additional duties assigned to independent members.

A. Constitution: Amend 4.02, as follows:

[Dominant provision, all divisions, common vote]

4.02 Definitions and Applications.

[4.02.1 through 4.02.3 unchanged.]

4.02.4 Independent Member of the Board of Governors. An independent member of the Board of Governors shall be an individual who is not salaried by an NCAA member institution, conference or affiliated member, and shall be verified as independent by the Board of Governors.

[4.02.4 through 4.02.5 renumbered as 4.02.5 through 4.02.6, unchanged.]

B. Constitution: Amend 4.1, as follows:

[Dominant provision, all divisions, common vote]

4.1 Board of Governors.

4.1.1 Composition. The Board of Governors shall consist of ~~20~~**25** members. The NCAA president and the chairs of the Division I Council and the Division II and Division III Management Councils shall be ex officio nonvoting members, except that the NCAA president is permitted to vote in the case of a tie among the voting members of the Board of Governors present and voting. The other ~~16~~**21** voting members of the Board of Governors shall include:

[4.1.1-(a) through 4.1.1-(c) unchanged.]

(d) Two Division II presidents or chancellors from the Division II Presidents Council; ~~and~~

(e) Two Division III presidents or chancellors from the Division III Presidents Council; ~~and~~

(f) Five independent members (see Constitution 4.02.4).

4.1.2 Duties and Responsibilities. The Board of Governors shall:

[4.1.2-(a) through 4.1.2-(k) unchanged.]

(l) Review and coordinate the catastrophic-injury and professional career insurance (disability injury/illness) programs;
~~and~~

(m) Compile the names of those individuals associated with intercollegiate athletics who died during the year immediately preceding the annual Convention;:

(n) Issue a call for nominations when a vacancy for an independent member occurs on the Board of Governors; and

(o) Serve as the final authority for the selection of and additional duties assigned to independent members of the Board of Governors.

4.1.3 Election/Term of Office.

4.1.3.1 Election. Division I members of the Board of Governors shall be appointed by the Division I Board of Directors. Divisions II and III members of the Board of Governors shall be appointed by the Divisions II and III Presidents Councils, respectively.

4.1.3.2 ~~Terms~~**Term of Office.** ~~The terms of service of members of the Board of Governors shall coincide with their service on the applicable divisional presidential governing body, unless otherwise specified by that governing body.~~

(a) President or Chancellor Members. The terms of office of president or chancellor members of the Board of Governors shall coincide with their service on the applicable divisional presidential governing body, unless otherwise specified by that governing body.

(b) Independent Members. An independent member of the Board of Governors shall be appointed to a three-year term that is renewable for an additional three-year term. An independent member who has served two terms shall not serve further on the Board of Governors.

4.1.3.3 Committee Chair. The Board of Governors shall elect one of its members to serve for a two-year period as chair.

Source: NCAA Board of Governors (Commission on College Basketball Association-Wide Issues Topical Working Group)

Effective Date: August 1, 2019

Rationale: The Commission on College Basketball recommended that the NCAA restructure its highest governance body, the Board of Governors, to include at least five independent members with the experience, stature and objectivity to assist the NCAA in re-establishing itself as an effective, respected leader and regulator of college sports. One independent member will also serve on the Board of Governors Executive Committee. The current Board of Governors includes 16 institutional presidents or chancellors representing each division as voting members, the chairs of the Division I Council and the Division II and III Management Councils as ex-officio nonvoting members, and the NCAA president (who may vote in case of a tie). Like public companies, major nonprofit associations typically include outside board members to provide objectivity, relevant experience, perspective and wisdom. Board members with those qualities will provide valuable insight to the NCAA as it works towards the restoration of public confidence in college basketball and college sports in general. The Board of Governors will issue a formal call for nominations to fill vacancies; appoint the Board of Governors Executive Committee as the nominating committee; and serve as the final authority for the selection of and additional duties assigned to independent members.

Budget Impact: \$25,000 each fiscal year [committee expenses (e.g., travel, hotel, per diem) for the five independent members to attend Board of Governors in-person meetings (four times per year)].

Additional Information:

Question No. 1: What entity will serve as the nominating committee to vet the nominated individuals and recommend a slate of independent members for full approval by the Board of Governors?

Answer: The Board of Governors Executive Committee.

Question No. 2: What is the composition of the Executive Committee?

Answer: The Executive Committee includes representation of all three divisions. Specifically, the committee includes the chair and vice chair of the Board of Governors (who must represent different divisions) and the members of the Governors who are the chairs of each divisional presidential body (Division I Board of Directors, Division II Presidents Council, Division III Presidents Council). When the chair or vice chair of the Board of Governors also serves as the divisional chair, then the vice chair from that division also serves on the Executive Committee. It is also the intent that the lead independent member will serve on the Executive Committee.

Question No. 3: What will be the duties and responsibilities of independent members?

Answer: Independent members will have the same duties and responsibilities of all governors. See Constitution 4.1.2 (duties and responsibilities). In addition, independent members will be responsible for meeting current Board of Governors policies and procedures regarding the duty of care, duty of loyalty, and duty of obedience.

Question No. 4: Will each independent member have full voting rights on the Board of Governors?

Answer: Yes.

Question No. 5: Will independent members receive an orientation regarding duties, responsibilities and expectations before their service on the Board of Governors?

Answer: Yes, and it will also include an orientation from the leadership in each division on the philosophical, governance, and financial priorities of the division.

Presidents Council Grouping

No. 2-2 MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- STUDENT-ATHLETE GRADUATION RATE REPORTING

Intent: To include as a condition and obligation of Division III active membership, that an institution submit on an annual basis student-athlete graduation rate reporting data for the academic success rate in a form prescribed by the Management Council; further to establish that annual championships eligibility is contingent upon submission of the student-athlete graduation rate data.

A. Constitution: Amend 3.2.4, as follows:

[Roll Call]

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.20 unchanged.]

3.2.4.21 Academic Success Rate. Active members shall annually submit student-athlete graduation rate data, by the applicable deadline, for the Academic Success Rate (ASR) in a form prescribed by the Management Council.

3.2.4.21.1 Failure to Submit Data. An active member institution that fails to submit student-athlete graduation rate data for the ASR by the applicable deadline shall not be eligible to enter a team or individual competitors in an NCAA championship (See Bylaw 31.2.1.9) and may be subject to additional membership penalties.

B. Administrative: Amend 31.2.1, as follows:

[Roll Call]

31.2.1 Institutional Eligibility. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall recognize the sport involved as a varsity intercollegiate sport (see Bylaw 17.02.13) and shall:

[31.2.1-(a) through 31.2.1-(h) unchanged.]

[31.2.1 unchanged.]

31.2.1.9 Academic Success Rate. An institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless it has submitted, by the applicable deadline, student-athlete graduation rate data for the Academic Success Rate (ASR), in a form prescribed by the Management Council.

[31.2.1.9 renumbered as 31.2.1.10, unchanged.]

Source: NCAA Division III Presidents Council [Management Council (Diversity and Inclusion Working Group)]

Effective Date: August 1, 2019 [First report is due June 1, 2020]

Rationale: Currently, institutions are required to annually submit student-body enrollment and graduation information to the NCAA. Voluntary reporting of Division III student-athlete graduation rates during the last eight years has annually reflected lower rates for male African-American student-athletes, and in particular football players, than their student-athlete peers, as well as rates lower than the student-body. This proposal allows for the private identification and communication of student-athlete graduation rates at each member school. A mandatory collection also provides the data to develop Division III evidence-based best practices to improve the retention and graduation of all student-athletes, including male African-Americans and football student-athletes. Institution-specific rates will not be publicized; rather, institutions will be able to view their student-athlete graduation rates privately in the NCAA Institutional Performance Program (IPP) for assessment and bench-marking. In addition, a mandated division-wide graduation-rate submission program also allows for the better promotion of Division III's overall positive academic success story.

Budget Impact: Minimal initial campus-based reporting expenses for schools currently not reporting student-athlete graduation rates. Currently, institutional financial aid directors submit annual data on student-athletes, and consequently are already coding the student-athlete cohort within institutional software on an annual basis. By sharing such information across institutional departments, this data collection and submission will not prove overly burdensome.

General Grouping

No. 2-3 AMATEURISM -- PRE-ENROLLMENT EDUCATIONAL EXPENSES

Intent: To permit individuals to accept educational expenses (e.g. tuition, fees, room, board and books) prior to collegiate enrollment from any individual or entity other than an agent, professional sports team/organization or representative of an institution's athletics interests, provided such expenses are disbursed directly through the recipient's educational institution (e.g., preparatory school, high school).

A. Bylaws: Amend 12.1.3.1, as follows:

[Roll Call]

12.1.3.1 Permissible Activities -- Before Initial, Full-Time Collegiate Enrollment. Before initial, full-time collegiate enrollment, an individual may engage in the following without jeopardizing his or her amateur status:

[12.1.3.1-(a) through 12.1.3.1-(q) unchanged.]

(r) Educational Expenses. May accept educational expenses (e.g. tuition, fees, room, board and books) from any individual or entity other than an agent, professional sports team/organization or a representative of an institution's athletics interests, provided such expenses are disbursed directly through the recipient's educational institution (e.g., high school, preparatory school).

B. Bylaws: Amend 12.1.7, as follows:

[Roll Call]

12.1.7 Prohibited Forms of Pay. "Pay" as used in the sections above includes, but is not limited to, the following:

[12.1.7.1 through 12.1.7.2 unchanged.]

12.1.7.3 Educational Expenses. Except as provided for in Bylaws **12.1.3.1-(r)** and 12.1.6-(a), educational expenses not permitted by the governing legislation of this Association (see Bylaw 15 regarding permissible financial aid to enrolled student-athletes) that includes those provided to an individual by an outside sports team or organization that are based in any degree on the recipient's athletics ability (except as specified in Bylaw 15.2.3.5), even if the funds are given to the institution to administer to the recipient.

[12.1.7.4 unchanged.]

Source: NCAA Division III Management Council (Interpretations and Legislation Committee).

Effective Date: August 1, 2019

Rationale: Current legislation precludes prospective student-athletes from receiving educational expenses for secondary education when athletics participation is considered. This standard is more restrictive than the standard that is imposed on current student-athletes who are permitted to receive such assistance in recognition of high school athletics leadership, ability, participation or performance from an established and continuing program. It seems inconsistent that prospective student-athletes should be held to a higher standard than current student-athletes as it relates to the receipt of educational expenses to attend a secondary institution. This proposal would allow for consistency in application between prospective student-athletes and current student-athletes.

Budget Impact: None

No. 2-4 RECRUITING -- SOCIAL MEDIA AND PUBLICITY -- EXCEPTIONS -- CONNECT WITH PROSPECTIVE STUDENT-ATHLETES

Intent: To establish an exception to the restrictions on electronic transmissions and publicity before commitment legislation to permit athletics department staff members to (1) connect with (e.g., "friend," "follow," etc.) prospective student-athletes on social media platforms, and (2) take actions (e.g., "like," "favorite," republish, etc.) on social media platforms that indicate approval of content generated by users of the platforms other than institutional staff members or representatives of an institution's athletics interests.

A. Bylaws: Amend 13.02.11, as follows:

[Roll Call]

13.02.11 Electronic Transmissions. Any electronically transmitted correspondence (e.g., electronic mail, Instant Messenger, private communication through ~~social networking site~~ **social media platforms**, text messages or facsimiles) may be sent to a prospective student-athlete (or his or her parents or legal guardians) provided the communication is private between only the sender and recipient (e.g., no use of public chat rooms, message boards, public communication through ~~a social networking site~~ **social media platforms**). An enrolled student-athlete may send private electronic correspondence (e.g., electronic mail, Instant Messenger, private communication through ~~social networking site~~ **social media platforms**, text messages or facsimiles) to a prospective student-athlete for recruitment purposes. [D]

[13.02.11.1 through 13.02.11.4 unchanged.]

13.02.11.5 Exception—Actions on Social Media Platforms. An athletics department staff member may connect with (e.g., "friend," "follow," etc.) a prospective student-athlete on social media platforms. Further, an athletics department staff member may take actions (e.g., "like," "favorite," republish, etc.) on social media platforms that indicate approval of social media content generated by users of the platforms other than institutional staff members or representatives of an institution's athletics interests.

B. Bylaws: Amend 13.10, as follows:

[Roll Call]

13.10.2 Comments Before Acceptance. An institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. [D]

[13.10.2.1 unchanged.]

13.10.2.2 Exception—Actions on Social Media Platforms. An athletics department staff member may connect with (e.g., "friend," "follow," etc.) a prospective student-athlete on social media platforms. Further, an athletics department staff member may take actions (e.g., "like," "favorite," republish, etc.) on social media platforms that indicate approval of social media content generated by users of the platforms other than institutional staff members or representatives of an institution's athletics interests.

Source: NCAA Division III Management Council (Interpretations and Legislation Committee).

Effective Date: Immediate

Rationale: This proposal provides continuity among the three divisions regarding public social media communication, thereby minimizing confusion for prospective student-athletes and ensuring equitable access for Division III coaches. First, the proposal allows prospective student-athletes to receive electronic notifications automatically generated by the social media platform (e.g., the platform notifies a prospective student-athlete that he or she has received a friend request); coaches may not include any additional language in either the request or the reply. Next, the proposal permits coaches to respond to content produced by prospective student-athletes. By limiting coaches' initial social media correspondence to a response, this proposal allows prospective student-athletes to control a level of privacy and the extent to which they would like to engage in the recruiting process on social media platforms. Under current legislation, it is difficult to monitor all coaches and their social media activities (e.g., "likes," "favorites," republishing, etc.). This proposal creates an exception to publicity related to recruiting on social media platforms and attempts to maintain pace with the frequent creation and/or enhancement of social media applications. The immediate effective date will provide relief from the current application of the legislation without detrimentally impacting prospective student-athlete well-being.

Budget Impact: None.

No. 2-5 ELIGIBILITY -- FINAL TERM BEFORE EXPERIENTIAL LEARNING REQUIREMENT

Intent: To extend the existing final term exception to the full-time enrollment requirement to include student-athletes that are carrying (for credit) all courses necessary to complete degree requirements but have an outstanding experiential learning requirement.

Bylaws: Amend 14.1.8, as follows:

[Roll Call]

14.1.8 Full-Time Enrollment.

[14.1.8.1 unchanged.]

14.1.8.1.6 Exceptions.

14.1.8.1.6.1 Final Semester/Quarter – Practice or Competition. A student-athlete may practice or compete while enrolled in less than a minimum full-time program of studies, provided the student is enrolled in the final semester or quarter of the baccalaureate or graduate program and the institution certifies that the student is carrying (for credit) the courses necessary to complete degree requirements. For a student-athlete who competes while eligible pursuant to this exception, the student-athlete shall forfeit eligibility in all sports, unless the student completes all degree requirements during that semester or quarter and is eligible to receive the baccalaureate or graduate diploma on the institution's next degree-granting date.

14.1.8.1.6.1.1 Final Term Before Experiential Learning Requirement. A student-athlete may practice or compete while enrolled in less than a minimum full-time program of studies in the final semester or quarter of the student's baccalaureate degree program before participating in an experiential learning requirement (e.g., student teaching, internship, clinical, capstone project) in the following term, provided the student-athlete is carrying (for credit) all courses necessary to complete degree requirements as determined by the faculty of the institution, other than the experiential learning requirement. For a student-athlete who competes while eligible pursuant to this exception, the student-athlete shall forfeit eligibility in all sports, unless the student completes all other degree requirements during that semester or quarter and participates in the experiential learning requirement no later than the next regular academic term. A student-athlete who uses this exception is not permitted to use the final semester/quarter exception the following semester or quarter (see bylaw 14.1.8.1.6.4, for eligibility when enrolled in an experiential learning requirement).

[14.1.8.1.6.2 through 14.1.8.1.6.7 unchanged.]

[14.1.8.1.7 unchanged.]

Source: NCAA Division III Management Council (Interpretations and Legislation Committee).

Effective Date: August 1, 2019

Rationale: This proposal provides flexibility for student-athletes who are unable to satisfy an experiential learning requirement in the same term in which they complete the other credits necessary for graduation. The proposal would save student-athletes from incurring the additional expense of taking courses unnecessary for their degree solely for the purpose of playing their final season.

Budget Impact: None

Presidents Council Grouping

No. 2-6 (1-1) PLAYING AND PRACTICE SEASONS -- FIELD HOCKEY AND SOCCER PRESEASON -- ESTABLISHING A THREE-DAY ACCLIMATIZATION PERIOD

Intent: To amend preseason practice in the sports of field hockey and soccer as follows: (1) to add three additional days to the preseason practice period; (2) to require an acclimatization period during the first three days of the preseason practice period, during which a team would be limited to one single practice session no longer than three hours in duration, followed by a one-hour walk through, with a minimum of three hours of rest required in between the two activities; and (3) to mandate that on every preseason practice day following the three-day acclimatization period, a team would be limited to conducting no more than two on-field practices per day and a maximum of six hours of athletically related activity total during the two practices combined, with a minimum of three hours of rest required in between practice sessions.

A. Bylaws: Amend 17.02.12, as follows:

[Roll Call]

17.02.12 Fall Preseason Practice Formula -- Sports Other Than Football-, **Field Hockey, Soccer and Water Polo.** In cross country, ~~field hockey~~, golf, rowing, rugby, ~~soccer~~, tennis and women's volleyball, the first permissible date for preseason practice shall be determined by the application of 16 units in the preseason practice formula, as specified in this section.

17.02.12.1 Unit -- Defined. A "unit" is a numerical value assigned to a particular calendar day within the application of the preseason practice formula that is used to determine the first permissible practice date for fall sports other than football. The number of units assigned to a particular day does not determine or limit the number of practices that may be conducted on that day.

17.02.12.2 ~~Determining the First Permissible Practice Date for Fall Sports Other Than Football~~ -- Application of the 16 Units. To determine the first permissible practice date, an institution shall count back a total of 16 units on a calendar starting with the day before the first scheduled intercollegiate competition (see Bylaw 17.02.12.2.1), as follows:

- (a) Never assign any units to Sundays on the calendar; it is permissible to practice on Sundays;
- (b) Never assign any units to calendar days during the preseason when all institutional dormitories are closed, the institution's team must leave campus, and practice is not conducted;
- (c) The first six units: assign one unit to each of the six calendar days (not including Sunday) before the first scheduled intercollegiate competition (see Bylaw 17.02.12.2.1);
- (d) The remaining 10 units:
 - (1) Assign one unit to each calendar day (not including Sundays) that occurs on or after the opening day of classes for the fall term (see Bylaw 17.02.12.2.2), and
 - (2) Assign two units to each calendar day before the opening day of classes for the fall term (not including Sundays) until the sum of units on the calendar reaches 16;
- (e) The date on which the total count of units on the calendar reaches 16 is the first permissible date for preseason practice (see Bylaw 17.02.12.2.3).

[17.02.12.2.1 through 17.02.12.2.5 unchanged.]

17.02.12.2.6 Field Hockey and Soccer. In the sports of field hockey and soccer, the first permissible date for preseason practice shall be determined by the application of 19 units in the preseason practice formula as follows:

(a) The first 16 units shall be applied in the same manner as set forth in Bylaw 17.02.12.2 (a)-(e); and

(b) The remaining three units shall be applied one unit per day for three days.

B. Bylaws: Amend 17.1.1.3, as follows:

[Roll Call]

17.1.1.3 Length of Playing Season.

17.1.1.3.1 Sports with a Fall NCAA Championship. The length of an institution's playing season shall be limited to a maximum of 18 weeks.

17.1.1.3.1.1 Segment Limitations. Except for the sport of football (see Bylaw 17.10) and unless otherwise noted in the applicable sport section, the playing season shall be conducted according to the following:

(a) Traditional Segment.

(1) First Permissible Practice. A member institution shall not commence practice before the date that permits a maximum of 16 units in the preseason practice formula (see Bylaw 17.02.12) before the first scheduled intercollegiate competition. This provision is not applicable to men's water polo [see Bylaw 17.26.2-(a)], **field hockey [see Bylaw 17.9.2] and soccer [see Bylaw 17.19.2].**

[17.1.1.3.1.1-(a)-(2) through 17.1.1.3.1.1-(a)-(3) unchanged.]

[17.1.1.3.1.1-(b) unchanged.]

[17.1.1.3.2 through 17.1.1.3.4 unchanged.]

C. Bylaws: Amend 17.9, as follows:

[Roll Call]

17.9 Field Hockey. Regulations for computing the field hockey playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1)

17.9.1 Length of Playing Season. (See Bylaw 17.1.1.3.1 for fall NCAA championship sports.)

17.9.2 Preseason Practice. ~~(See Bylaw 17.1.1.3.1.1)~~ **A member institution shall not commence practice sessions in field hockey before the date that permits a maximum of 19 permissible units in the preseason practice formula (see Bylaw 17.02.12.2.6) before the first scheduled intercollegiate competition.**

17.9.2.1 Three-Day Acclimatization Period. Preseason practice shall begin with a three-day acclimatization period for both first-time participants (e.g., freshmen and transfers) and continuing student-athletes. All student-athletes, including those who arrive to preseason practice after the first day of practice, are required to undergo a three-day acclimatization period. The three-day acclimatization period shall be conducted as follows:

17.9.2.1.1 Institutions may not conduct conditioning, speed, strength or agility tests before the start of the three-day acclimatization period.

17.9.2.1.2 During the three-day acclimatization period, an institution may only conduct one on-field practice session per day not to exceed three hours followed by a one-hour walk-through session. Student-athletes must be provided with at least three hours of continuous recovery time between the sessions. During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (e.g., weight lifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.

17.9.2.1.3 Institutions are permitted to conduct weight training activities during the three-day acclimatization period without counting those activities toward the maximum hour limitations for on-field practices; however, weight training activities may not be conducted during the required three hours of continuous recovery time between sessions.

17.9.2.2 Preseason Activities After the Three-Day Acclimatization Period. For each preseason practice day following the three-day acclimatization period, an institution may only conduct two on-field practices not to exceed six hours total combined. Student-athletes must be provided with at least three hours of continuous recovery time between the sessions. During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (e.g., weight lifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.

[17.9.3 through 17.9.6 unchanged.]

D. Bylaws: Amend 17.19, as follows:

[Roll Call]

17.19 Soccer. Regulations for computing the soccer playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1)

17.19.1 Length of Playing Season. (See Bylaw 17.1.1.3.1 for fall NCAA championship sports.)

17.19.2 Preseason Practice. (See Bylaw 17.1.1.3.1.1) A member institution shall not commence practice sessions in soccer before the date that permits a maximum of 19 permissible units in the preseason practice formula (see Bylaw 17.02.12.2.6) before the first scheduled intercollegiate competition.

17.19.2.1 Three-Day Acclimatization Period. Preseason practice shall begin with a three-day acclimatization period for both first-time participants (e.g., freshmen and transfers) and continuing student-athletes. All student-athletes, including those who arrive to preseason practice after the first day of practice, are required to undergo a three-day acclimatization period. The three-day acclimatization period shall be conducted as follows:

17.19.2.1.1 Institutions may not conduct conditioning, speed, strength or agility tests before the start of the three-day acclimatization period.

17.19.2.1.2 During the three-day acclimatization period, an institution may only conduct one on-field practice session per day not to exceed three hours followed by a one-hour walk-through session. Student-athletes must be provided with at least three hours of continuous recovery time between the sessions. During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (e.g., weight lifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.

17.19.2.1.3 Institutions are permitted to conduct weight training activities during the three-day acclimatization period without counting those activities toward the maximum hour limitations for on-field practices; however, weight training activities may not be conducted during the required three hours of continuous recovery time between sessions.

17.19.2.2 Preseason Activities After the Three-Day Acclimatization Period. For each preseason practice day following the three-day acclimatization period, an institution may only conduct two on-field practices not to exceed six hours total combined. Student-athletes must be provided with at least three hours of continuous recovery time between the sessions. During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (e.g., weight lifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.

[17.19.3 through 17.19.6 unchanged.]

Source: City University of New York Athletic Conference and New Jersey Athletic Conference

Effective Date: August 1, 2019

Rationale: Under current NCAA legislation, the preseason practice time that is allotted in the sports of field hockey and soccer is insufficient in regard to the time needed to properly prepare student-athletes for intercollegiate competition. Due to the time constraints that coaches are faced with in the preseason practice period, programs are forced to engage in strenuous practice activities, including multiple training sessions often in extreme conditions. The additional three practice opportunities will provide programs extra time to prepare for competition, resulting in a reduced workload during each practice day in the preseason. In addition, the implementation of an acclimatization period for health and safety reasons will allow student-athletes who are returning from summer break to adjust to a return to strenuous play in potentially extreme temperatures.

Budget Impact: Would vary based on costs that institutions would need to incur for preseason housing and meals.

Position Statement(s): *Committee on Competitive Safeguards and Medical Aspects of Sports, Presidents Council and Management Council:* Presidents Council, Management Council and the Committee on Competitive Safeguards and Medical Aspects of Sports oppose this proposal as there is not existing health and safety data to support the changes proposed. Additionally, expanding the preseason and requiring student-athletes to return to campus earlier could negatively impact the work and internship opportunities for those student-athletes.

No. 2-7 PLAYING AND PRACTICE SEASONS -- FOOTBALL -- ESTABLISHING PRESEASON START DATE 23 DAYS BEFORE THE INSTITUTION'S FIRST CONTEST

Intent: To amend the football preseason legislation as follows: (1) Establish the first permissible practice date as 23 days before the institution's first regular season contest; and (2) Prohibit physical athletically related activity one day each week of the preseason following the five-day acclimatization period.

Bylaws: Amend 17.10.2, as follows:

17.10.2 Preseason Practice.

17.10.2.1 First Practice Date. A member institution shall not commence official preseason football practice sessions for the varsity, junior varsity or freshman team **earlier than 23 days** before **its first scheduled contest** ~~the date that will permit a maximum of 25 practice opportunities (see Bylaw 17.10.2.1.1) before its first scheduled intercollegiate game or before the Friday after the institution's first contest (game) if the first contest is scheduled for a Thursday.~~

~~17.10.2.1.1 Practice Opportunities — Football. In football only, to establish the starting date for preseason practice, the institution shall count one practice opportunity for each day beginning with the opening day of classes and one practice opportunity for each day classes are not in session in the week of the first scheduled intercollegiate contest (see Bylaw 17.10.3). Next, the institution shall count practice opportunities on an alternating basis in a two-one-two-one format (i.e., the first of the remaining days is counted as two, the next day is counted as one, the next as two, etc.) up to and including the 20th opportunity. Finally, the institution shall count one practice opportunity for each of the five days before the day of the 20th opportunity. The institution shall not count any days during the preseason when all institutional dormitories are closed, the institution's team must leave campus and practice is not conducted.~~

~~17.10.2.1.1.1 Sunday. Sundays before the institution's opening day of classes are included in the counting. Sundays after the institution's opening day of classes are excluded from the counting.~~

~~17.10.2.1.1.2 Week. The "week" of the first scheduled intercollegiate contest is defined as the six days, including or excluding Sunday pursuant to Bylaw 17.10.2.1.1.1, before the first contest (or before Friday if the first contest is on a Thursday, see Bylaw 17.10.3) even if one or more of the days fall into different traditional calendar weeks.~~

~~17.10.2.1.1.3 Opening Day of Classes. The "opening day of classes" is defined as the first day of classes as listed in the institution's official catalog. Required freshman orientation is not considered to be the opening day of classes for the academic year.~~

17.10.2.2 Five-Day Acclimatization Period. Preseason practice shall begin with a five-day acclimatization period for both first-time participants (e.g., freshmen and transfers) and continuing student-athletes. All student-athletes, including those who arrive to preseason practice after the first day of practice, are required to undergo a five-day acclimatization period. The five-day acclimatization period shall be conducted as follows:

[17.10.2.2-(a) through 17.10.2.2-(e) unchanged.]

17.10.2.3 Preseason Activities After Five-Day Acclimatization Period. The remaining preseason practice period shall be conducted as follows:

[17.10.2.3-(a) unchanged.]

(b) Student-athletes shall not engage in more than one on-field practice and one walk-through session, which shall be limited to a combined total of four hours per day with the practice session not to exceed three hours; **and**

(c) All physical athletically related activity (e.g., on-field activity, weight lifting and conditioning) is prohibited during one calendar day per each defined week after the week including the acclimatization period (minimum of two days off prior to first contest) if classes are not in session during any portion of the defined week (See Bylaw 17.1.4.1 for day-off requirements when classes are in session).

[17.10.2.3.1 unchanged.]

Source: NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

Effective Date: August 1, 2019

Rationale: The Interassociation Consensus: Year-Round Football Practice Contact for College Student-Athletes Recommendations include the discontinuation of traditional two-a-day contact practices. Pursuant to those recommendations, the Division III Management Council adopted noncontroversial legislation in April 2017 to eliminate multiple on-field traditional contact practices on the same day. The noncontroversial legislation, however, did not change the calculation method for determining the first permissible preseason practice date, which assumes the permissibility of two-a-day practices. Consequently, the current calculation method could produce inequitable start dates and lost practice opportunities. This proposal seeks to rectify those potential inequities by providing consistent practice opportunities for all football sponsoring institutions. Institutions could

start 23 days before their first contest, resulting in up to 21 practice days, while still providing student-athletes with two days off from physical athletically related activity during the preseason (During the off days, film review, team meetings, leadership and entertainment activities are permissible). This proposal maintains the health and safety provisions outlined in the Interassociation Recommendations and provides more equitable practice opportunities.

Budget Impact: The proposal provides a permissive first practice date and therefore institutions would not be obligated to incur additional expense by starting preseason before what is currently allowed. Regardless, by comparing the first permissible practice date under the proposed model with the current model, some institutions will have an earlier start date, others later and some the same. Therefore, the budget impact varies per institution.

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.

SPOPL	IPOPL	SPOPL	IPOPL
1	--	5	--
2	--	6	1
3	--	7	--
4	--		

Appendix B

Request for Interpretation

Member institutions and conferences are encouraged to contact primary contact persons, and if necessary, 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 bfregan@ncaa.org or jmyers@ncaa.org. When submitting such a request, please include the proposal number in question, your institution's name and your title.