

LEGISLATION



2021 NCAA
CONVENTION

DIVISION II SECOND
PUBLICATION OF
PROPOSED
LEGISLATION

115th Annual Convention
January 12-15, 2021

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
P.O. Box 6222
Indianapolis, Indiana 46206-6222
317-917-6222
www.ncaa.org
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Legislation Prepared By: Stephanie Quigg, *Director of Academic and Membership Affairs for Division II*; Karen Wolf, *Associate Director of Academic and Membership Affairs for Division II*; Chelsea Hooks, *Assistant Director of Academic and Membership Affairs*; and Michael Woo, *Assistant Director of Academic and Membership Affairs*.

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Second Publication of Proposed Legislation

115th 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 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 three 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. [Note: There were no proposals properly sponsored by the Division II membership by the July 15 deadline. As a result, there was not an Initial Publication of Proposed Legislation for the 2021 Convention.]

No new proposals may be submitted for the 2021 Convention inasmuch as the July 15 and September 1 deadlines have passed. Member institutions and conferences, as well as the 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 an amendment-to-amendment of a dominant provision of Constitution 1 and 2 and elsewhere may only be sponsored by the Board of Governors. It should also 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 A 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 Constitution 5. [Note: There were no proposals properly sponsored by the Division II membership by the July 15 deadline. As a result, there was not an Initial Publication of Proposed Legislation for the 2021 Convention]. The third publication will be as follows:

November 15 - Official Notice of the 2021 Convention. This publication will contain all Division II legislation for the Convention, including all amendments-to-amendments submitted by the November 1 deadline.

2020-21 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 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. [Note: There were no proposals properly sponsored by the Division II membership by the July 15 deadline.]

July 15: Legislation Committee Review. The committee reviews proposals by the membership and works with the primary contact person for each amendment to ensure that the proposal meets the intent of the sponsor, to ensure that the placement of the amendment is consistent with the organizational integrity of the Manual, and to edit the intent and rationale statements of the sponsors for clarity and brevity. [Note: The committee did not meet on this date as there were no proposals properly sponsored by the Division II membership by the July 15 deadline.]

August 5: Presidents Council Consideration. The NCAA Division II 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.

August 15: Posting of Initial Publication of Proposed Legislation. [Note: There was not an Initial Publication of Proposed Legislation as there were no proposals properly sponsored by the Division II membership by the July 15 deadline.]

August 15-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 inform the primary contact person.

September 1: Deadline for submission of amendments sponsored by the Division II 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. This publication includes all Division II membership-sponsored proposals (as modified) and includes all proposals sponsored by the Division II Presidents Council.

September 23-November 1: Amendment-to-Amendment Period. The Division II Presidents Council as well as the membership (see Constitution 5.3.5.3) may submit amendments to the Division II 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 circularized amendment and the current provisions.

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 Division II Presidents Council and Board of Governors are authorized to submit further amendments-to-amendments at the Convention if it deems such action necessary.

November 15: Mailing and Posting of the Official Notice of the Convention. This publication includes all Division II proposed legislation, resolutions and properly submitted amendments-to-amendments. [Note: The 2021 NCAA Official Notice will only be available in an electronic format on www.ncaa.org.]

January 12-15, 2021: 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 - Scott Larson, Lubbock Christian University
Brenda Cates, University of Mount Olive
Carlin Chesick, Pennsylvania State Athletic Conference
Diana Kling, Peach Belt Conference

Kara Lindaman, Winona State University
Christine Lowthert, Assumption College
David Marsh, Northwood University
Mackenzie O'Neill, Missouri Western State University
Pennie Parker, Rollins College
Jason Stock, California State University, San Marcos
Brian Summers, Christian Brothers University
Scott Young, University of Indianapolis

115th Annual Convention

Legislative Proposals Submitted by the NCAA Division II Presidents Council and by the Division II 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 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.]

Various Bylaws

No. 2-1 VARIOUS BYLAWS -- STUDENT-ATHLETE USE OF NAME, IMAGE AND LIKENESS

Intent: To permit Division II student-athletes to utilize their name, image and likeness, as specified; further, consistent with the Board of Governors' principles that any legislative changes be transparent and enforceable, to recommend the necessary administrative framework, as specified.

A. Bylaws: Amend 11.1.4, as follows:

11.1.4 Representing Individuals in Marketing Athletics Ability/Reputation. Staff members of the athletics department of a member institution shall not represent, directly or indirectly, any individual in the marketing of athletics ability or reputation to an agent, a professional sports team or a professional sports organization, including receiving compensation for arranging commercial endorsements or personal appearances for **prospective, current or** former student-athletes, except as specified in Bylaw 11.1.4.1, and shall not receive compensation or gratuities of any kind, directly or indirectly, for such services.

[11.1.4.1 unchanged.]

11.1.4.2 Professional Service Provider. Institutional staff members shall not serve as a professional service provider (see Bylaw 12.02.7) for a prospective student-athlete's name, image and likeness activities.

B. Bylaws: Amend 12.02, as follows:

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly: **represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation in order to secure a professional sports opportunity.**

(a) Represents or attempts to represent an individual for the purpose of marketing his or her 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 through 12.02.6 unchanged.]

12.02.7 Professional Service Provider. A professional service provider is an individual who provides third party services to an individual regarding their name, image and likeness. A professional service provider includes, but shall not be limited to, an agent, tax advisor, marketing consultant, attorney or anyone who is employed or associated with such persons.

[12.02.7 through 12.02.9 renumbered as 12.02.8 through 12.02.10, unchanged.]

C. Bylaws: Amend 12.1.2, as follows:

12.1.2 Activities Prior to Initial Full-Time Collegiate Enrollment. An individual ~~loses~~ **may retain** amateur status and thus ~~shall not~~ be eligible for intercollegiate participation in a particular sport if the individual ~~previously enters~~ **entered** into an agreement with or ~~receives~~ **received** benefits from an agent, **provided the agreement is terminated upon initial full-time enrollment at a Division II institution** (See Bylaws 12.02.1 and 12.3 for additional information regarding agents.)

D. Bylaws: Amend 12.1.3, as follows:

12.1.3 Permissible – Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, participation in the following activities and receipt of the following benefits will not jeopardize the amateur status of an individual:

[12.1.3-(a) through 12.1.3-(h) unchanged.]

(i) Professional Service Providers. A student-athlete may retain a professional service provider (see Bylaws 12.02.7 and 12.3) for assistance with name, image and likeness activities (see Bylaws 12.4.2 and 12.5.1.2).

E. Bylaws: Amend 12.1.4, as follows:

12.1.4 Impermissible -- Following Initial Full-Time Collegiate Enrollment. Following initial full-time collegiate enrollment, an individual's participation in the following activities or receipt of the following benefits will jeopardize the individual's amateur status and eligibility for intercollegiate participation in a particular sport:

[12.1.4-(a) through 12.1.4-(g) unchanged.]

(h) Agreement With or Benefits From an Agent. Entrance into an agreement with or receipt of benefits from an agent **in order to secure a professional sports opportunity**.

[12.1.4-(i) through 12.1.4-(r) unchanged.]

F. Bylaws: Amend 12.2.4.2, as follows:

12.2.4.2 Draft List. An enrolled student-athlete may enter a professional league's draft an unlimited number of times during his or her collegiate career and be drafted by any team in the league without jeopardizing eligibility in that sport, provided the student-athlete does not ever agree (orally or in writing) to be represented by an agent for the purposes of marketing his or her athletics ability or reputation in that sport, ~~sign a professional sport contract~~ **in order to secure a professional sports opportunity** or otherwise jeopardize his or her amateur status.

G. Bylaws: Amend 12.3, as follows:

12.3 Use of Agents **and Professional Service Providers**.

12.3.1 General Rule -- **Agents**. ~~An individual~~ **A student-athlete** shall be ineligible for participation in an intercollegiate sport, if, **after initial full-time enrollment at a Division II institution**, he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport **in order to secure a professional sports opportunity**. 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~~ **A student-athlete** who signs a contract or commitment **in order to secure a professional sports opportunity** 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 Representation for Future Negotiations. ~~An individual~~ **A student-athlete** shall be ineligible per Bylaw 12.3.1, if he or she enters 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 his or her eligibility in that sport.

12.3.1.3 Benefits From Prospective Agents. ~~An individual~~ **A student-athlete** shall be ineligible per Bylaw 12.3.1, if he or she (or his or her relatives or friends) accepts transportation or other benefits from: **any person who represents any individual in the marketing of his or her athletics ability in order to secure a professional sports opportunity. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2).**

~~(a) Any person who represents any individual in the marketing of his or her 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 the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport.~~

[12.3.1.3.1 unchanged.]

~~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 his or her athletics ability.~~

[12.3.2 unchanged.]

~~12.3.3 Athletics Scholarship Agent. Any individual, 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 his or her 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.

12.3.43 Professional Sports Counseling Panel. It is permissible for an institution to have an authorized institutional professional sports counseling panel appointed and overseen by the institution's president or chancellor (or his or her designated representative from outside the athletics department).

12.3.4 General Rule -- Professional Service Providers. A student-athlete may use the services of a professional service provider (see Bylaw 12.02.7) in the following name, image and likeness activities:

- (a) Advice regarding name, image and likeness activities;**
- (b) Representation in contract negotiations related to name image and likeness activities; and**
- (c) Marketing of the student-athlete's name, image and likeness activities.**

12.3.4.1 Limitation on Marketing Athletics Ability or Reputation. A professional service provider that represents a student-athlete in name, image and likeness activities may not also represent a student-athlete for the purpose of marketing his or her athletics ability or reputation in order to secure a professional sports opportunity.

12.3.4.2 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating professional service providers related to such activities. However, an institution may not identify or select a professional service provider or arrange for or provide payment for services rendered to the student-athlete.

12.3.4.3 Fees and Payment Arrangements for Services. A student-athlete is required to pay the rate commensurate with the going rate for services provided by a professional service provider, consistent with payment arrangements (e.g., flat fee, profit share, upfront guarantee) the service provider makes with nonstudent-athlete clients. A student-athlete may receive the same benefits (e.g., meals, copies, mailing) from a professional service provider that nonstudent-athletes receive but may not receive anything that would constitute an extra benefit. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2).

12.3.5 Name, Image and Likeness Counseling Panel. It is permissible for an institution to have an authorized institutional name, image and likeness counseling panel appointed and overseen by the institution's president or chancellor (or his or her designated representative from outside the athletics department).

H. Bylaws: Amend 12.4, as follows:

12.4 Employment and Student-Athlete Business Activities.

12.4.1 Criteria Governing Compensation to Student-Athletes. All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete: [R]

- (a) Only for work actually performed; **and**
- (b) At a rate commensurate with the going rate in that locality for similar services; **and,**
- ~~(c) An employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's product or services.~~

~~12.4.2 Specific Athletically-Related Employment Activities.~~

~~12.4.2.1 National Team Practice and Competition. A student-athlete may receive actual and necessary expenses and reasonable benefits associated with national team practice and competition (e.g., health insurance, broken-time payments). [R]~~

~~12.4.2.2 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided all compensation received by the student-athlete is consistent with the criteria governing compensation to student-athletes (see Bylaw 12.4.1). [R]~~

12.4.2 Student-Athlete Business Activities. A student-athlete may use his or her name, image and likeness to promote his or her athletically and nonathletically related business activities (e.g., products, services, personal appearances).

12.4.2.1 Restrictions. A student-athlete shall not receive compensation for athletics performance or participation. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2). (See also Bylaw 16.11.2.1.)

12.4.2.2 Autographs. A student-athlete is not permitted to receive compensation for signing an autograph while he or she is representing the institution (e.g., reported for practice or competition, community engagement event, institutional promotional activity).

12.4.2.3 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided all compensation received by the student-athlete is consistent with the criteria governing compensation to student-athletes (see Bylaw 12.4.1). If institutional facilities are used, a student-athlete must adhere to all applicable institutional processes for facility rentals in a manner consistent for members of the general public. (See 13.12.2.2.1.1 for camps and clinics.) [R]

12.4.2.4 Merchandise and Memorabilia. A student-athlete is permitted to sell items provided by the institution, conference or NCAA, including awards, used equipment and apparel retained by the student-athlete that the institution will not reuse, at any time. A student-athlete may sell institutional merchandise he or she has purchased, subject to institutional restrictions related to the resale of items that include institutional marks.

12.4.2.5 Missed Class Time. A student-athlete shall not miss class to participate in activities related to the use of their name, image and likeness.

12.4.2.6 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating professional service providers related to such activities (see Bylaw 12.3.5). Neither the institution nor an institutional staff member shall be involved in the arrangement, development, operation or promotion of a student-athlete's business activity.

12.4.2.6.1 Exception. A business activity that is developed as part of the student-athlete's coursework is not subject to these restrictions.

12.4.2.7 Use of Institutional Marks. A student-athlete's promotion of his or her business activity may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the institution he or she attends, consistent with institutional policies applicable to any student. A student-athlete must adhere to all applicable institutional processes for use of institutional marks in a manner consistent for members of the general public.

12.4.2.8 Use of Professional Service Providers. See Bylaw 12.3.

12.4.2.9 Reporting of Name, Image and Likeness Activities. A student-athlete shall report to the institution's athletics department information related to business activities that involve the use of his or her name, image or likeness on an annual basis.

I. **Bylaws:** Amend 12.5, as follows:

12.5 Promotional Activities.

12.5.1 Permissible.

12.5.1.1 Institutional, Charitable, Educational or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational, nonprofit or government agency (e.g., the armed services) may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:

[12.5.1.1-(a) unchanged.]

[12.5.1.1-(a)-(1) through 12.5.1.1-(a)-(3) unchanged.]

(4) A commercial establishment may use the appearance, name or picture of an enrolled student-athlete to promote an institutional fundraising activity;

[12.5.1.1-(b) through 12.5.1.1-(c) unchanged.]

~~(d) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;~~

- (e) ~~Any commercial items with names or pictures of student-athletes (other than items specified per Bylaws 12.5.1.6 and 12.5.1.7) may be sold only by the member institution, member conference or NCAA, through outlets controlled by the member institution, member conference or the NCAA or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event);~~

[12.5.1.1-(f) through 12.5.1.1-(g) relettered as 12.5.1.1-(d) through 12.5.1.1-(e), unchanged.]

12.5.1.1.1 Exception - Promotional Activities Not Sponsored or Organized by a Member Institution's Athletics Department or Member Conference. The promotional activity conditions apply to activities sponsored or organized by an institution's athletics department or a conference office. Promotional activities in which a student-athlete participates independent of his or her status as a student-athlete (e.g., institutional community service requirement) are not subject to the legislation. **See Bylaw 12.5.1.2.**

[12.5.1.1.2 through 12.5.1.1.3 unchanged.]

12.5.1.1.4 Promotions Involving Commercial Locations/Sponsors. A member institution or a charitable, educational, nonprofit or government agency may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment; ~~provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a cosponsor, if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.~~ **The commercial establishment may use the appearance, name or picture of an enrolled student-athlete to promote an institutional fundraising activity.**

[12.5.1.1.5 through 12.5.1.1.7 unchanged.]

~~12.5.1.2 Modeling and Other Nonathletically Related Promotional Activities. An individual may accept remuneration for or permit the use of his or her name or picture to advertise or promote the sale or use of a commercial product or service without jeopardizing his or her eligibility to participate in intercollegiate athletics only if all of the following conditions apply:~~

- (a) ~~The individual became involved in such activities for reasons independent of athletics ability;~~
- (b) ~~No reference is made in these activities to the individual's involvement in intercollegiate athletics;~~
- (c) ~~The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way on the individual's athletics ability or reputation.~~

~~12.5.1.3 Congratulatory Advertisement. It is permissible for a student-athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:~~

- (a) ~~The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team;~~
- (b) ~~The advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;~~
- (c) ~~There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;~~
- (d) ~~The student-athlete has not signed a consent or release granting permission to use the student-athlete's name or picture in a manner inconsistent with the requirements of this section; and~~
- (e) ~~If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a member institution's promotional activities and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3.~~

~~12.5.1.4 Educational Products Related to Sport-Skill Instruction. It is permissible for a student-athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport-skill demonstration, analysis or instruction, provided:~~

- (a) ~~Such print and electronic media productions are for educational purposes;~~

- ~~(b) There is no indication that the student-athlete expressly or implicitly endorses a commercial product or service;~~
- ~~(c) The student-athlete does not receive remuneration for such participation; however, the student-athlete may receive actual and necessary expenses related to his or her participation;~~
- ~~(d) The student-athlete does not miss class time to participate in the activity; and~~
- ~~(e) The student-athlete has signed a release statement ensuring that the student-athlete's name or image is used in a manner consistent with the requirements of this section and a copy of the statement is kept on file and shall be available for examination on request by an authorized representative of the NCAA.~~

12.5.1.2 Advertisements and Promotions. A student-athlete may permit the use of his or her name, image or likeness and receive compensation to advertise or promote the sale or use of a commercial product or service.

12.5.1.2.1 Restrictions. A student-athlete shall not receive compensation for athletics performance or participation. In addition, compensation to a student-athlete shall not be provided as an inducement for enrollment (see Bylaw 13.2). (See also Bylaw 16.11.2.1.)

12.5.1.2.2 Specifically Prohibited Promotional Activities. A student-athlete shall not engage in name, image and likeness activities involving a commercial product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances).

12.5.1.2.3 Conflicts with Institutional Agreements and Other Considerations. An institution or conference, at its discretion, may prohibit a student-athlete's involvement in name, image and likeness activities based on other considerations, such as a conflict with institutional or conference values, as defined by the institution or conference. An institution or conference shall have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage.

12.5.1.2.4 Missed Class Time. A student-athlete shall not miss class to participate in activities related to use of their name, image and likeness.

12.5.1.2.5 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities. Neither the institution nor an institutional staff member shall be involved in the arrangement, development or promotion of the relationship between the student-athlete and an involved individual or commercial entity.

12.5.1.2.6 Use of Institutional Marks. A student-athlete's promotion or endorsement of a commercial product or service may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the institution he or she attends, consistent with institutional policies applicable to any student. Institutional marks may not be used in the advertisement or promotion.

12.5.1.2.7 Use of Professional Service Providers. See Bylaw 12.3.

12.5.1.2.8 Reporting of Name, Image and Likeness Activities. A student-athlete shall report to the institution's athletics department information related to the use of his or her name, image or likeness in the advertising or promotion of a commercial product or service on an annual basis.

[12.5.1.5 renumbered as 12.5.1.3, unchanged.]

12.5.1.64 Promotion by Third Party of Highlight Film, Videotape, Media Guide or Photographs. Any party other than the institution or a student-athlete (e.g., a distribution company) or any party hired by the institution, conference or NCAA may sell and distribute an institutional highlight film or videotape or an institutional or conference highlight film, videotape or media guide that contains the names and pictures of enrolled student-athletes or a picture of a student-athlete only if:

- (a) The institution, conference or NCAA specifically designates any agency that is authorized to receive orders for the film, videotape, media guide or photograph; **and**
- (b) The distribution company, retail store or a third party is precluded from using the name or picture of an enrolled student-athlete in any poster or other advertisement to promote the sale or distribution of the film, videotape, media guide or photograph; ~~and.~~
- ~~(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution, conference or NCAA endorses the product or services of the advertiser or third party.~~

[12.5.1.7 renumbered as 12.5.1.5, unchanged.]

12.5.1.86 Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) and World University Championships. A student-athlete's name or picture may be used to promote Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) or World University Championships as specified in this section.

~~12.5.1.86.1 Sale and Distribution of Promotional Items. Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete's name or picture. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item.~~

~~12.5.1.8.1.1 Corporate Sponsors. A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete.~~

12.5.2 Nonpermissible.

~~12.5.2.1 Advertisements and Promotions Following Enrollment. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics, if the individual:~~

- ~~(a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or~~
- ~~(b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.~~

~~12.5.2.1.1 Exceptions. The individual's eligibility will not be affected, provided the individual:~~

- ~~(a) Meets the conditions set forth in Bylaw 12.5.1.2; or~~
- ~~(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of his or her name or picture and ceases receipt of any remuneration for such an arrangement.~~

~~12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected.~~

~~12.5.2.2 Use of a Student-Athlete's Name or Picture Without Knowledge or Permission. If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters, photographs) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.~~

12.5.2.31 Specifically Restricted Activities. A student-athlete's involvement in promotional activities specified in this section is prohibited.

~~12.5.2.3.1 Name-the-Player Contest. A student-athlete may not permit use of his or her name or picture in a "name-the-player" contest conducted by a commercial business for the purpose of promoting that business.~~

[12.5.2.3.2 through 12.5.2.3.3 renumbered as 12.5.2.1.1 through 12.5.2.1.2, unchanged.]

~~12.5.3 Media Activities. A student-athlete may participate in media activities (e.g., appearance on radio, television, in films or stage productions or participation in writing projects) when such an appearance or participation is related in any way to athletics ability or prestige provided:~~

- ~~(a) The student-athlete is eligible academically to represent the institution at the time of appearance or participation;~~
- ~~(b) The student-athlete does not receive any remuneration for the appearance or participation in the activity;~~
- ~~(c) The student-athlete does not make any endorsement, expressed or implied, of any commercial product or service. The institution or the entity sponsoring the activity may pay the actual and necessary expenses directly related to the appearance or participation by the student-athlete in the activity; and~~

~~(d) The student-athlete does not miss class to participate in the activity, except for class time missed in conjunction with away-from-home competition or to participate in NCAA or conference-sponsored media activity.~~

~~12.5.3.1 Writing Activities for a Commercial Entity. It is permissible for a student-athlete to write a column in a newsletter produced by a commercial company provided the individual meets the conditions set forth in Bylaw 12.5.1.2.~~

[12.5.4 renumbered as 12.5.3, unchanged.]

J. Bylaws: Amend 13.2, as follows:

13.2 Offers and Inducements.

[13.2.1 through 13.2.2 unchanged.]

13.2.3 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following: [R]

[13.2.3-(a) through 13.2.3-(j) unchanged.]

(k) Involvement of a prospective student-athlete in an institutional fundraiser or promotional activity if the prospective student-athlete has not signed a National Letter of Intent or the institution's written offer of admission and/or financial aid or the institution has not received his or her financial deposit in response to its offer of admission;~~or~~

(l) Educational expenses or services (e.g., tuition, fees, room and board, books, tutoring, standardized test preparatory classes);~~or~~

(m) An arrangement for use of a student-athlete's name, image or likeness (see Bylaws 12.4.2.1 and 12.5.1.2.1).

[13.2.4 through 13.2.11 unchanged.]

K. Bylaws: Amend 13.12.2.2.1.1, as follows:

13.12.2.2.1.1 Self-Employment. A student-athlete with remaining eligibility is ~~not~~ permitted to conduct his or her own camp or clinic. **If institutional facilities are used, a student-athlete must adhere to all applicable institutional processes for facility rentals in a manner consistent for members of the general public.** [R]

L. Bylaws: Amend 15.2.3, as follows:

15.2.3 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

(a) The compensation is only for work actually performed; **and**

(b) The compensation is at a rate commensurate with the going rate of that locality for similar services;~~and.~~

~~(c) The employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's products or services. (See Bylaw 12.4.)~~

M. Bylaws: Amend 16.11.1, as follows:

16.11.1 Permissible.

[16.11.1.1 through 16.11.1.7 unchanged.]

16.11.1.8 Fundraisers for Student-Athletes or Their Relatives. An institution, student-athletes, their relatives and their friend may organize a fundraiser for a student-athlete (or their relatives) under the following conditions: [R]

(a) Extreme circumstances should be extraordinary in the result of events beyond the control of the student-athlete;

(b) The proceeds must be designated for a specific purpose;

(c) The proceeds may be given directly to the beneficiaries, with receipt kept on file by the institution, which must include the amount of expenses incurred and the total amount received; and

(d) The excess proceeds must be given to a not-for-profit organization with the receipt kept on file by the institution.

16.11.1.89 Miscellaneous Benefits. An institution may provide or arrange for the following benefits for a student-athlete: [R]

[16.11.1.8-(a) through 16.11.1.8-(d) renumbered as 16.11.1.9-(a) through 16.11.1.9-(d) unchanged.]

~~(e) Fundraisers for student-athletes (or their family members) under the following conditions:~~

- ~~(1) Extreme circumstances should be extraordinary in the result of events beyond the control of the student-athlete;~~
- ~~(2) The proceeds must be designated for a specific purpose;~~
- ~~(3) The proceeds may be given directly to the beneficiaries, with receipt kept on file by the institution, which must include the amount of expenses incurred and the total amount received; and~~
- ~~(4) The excess proceeds must be given to a not-for-profit organization with the receipt kept on file by the institution.~~

[16.11.1.8-(f) through 16.11.1.8-(g) relettered as 16.11.1.8-(e) through 16.11.1.8-(f) renumbered as 16.11.1.9-(f) through 16.11.1.9-(g) relettered as 16.11.1.9-(e) through 16.11.1.9-(f), unchanged.]

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

Effective Date: August 1, 2021

Rationale: This proposal would permit Division II student-athletes to benefit from the use of their name, image and likeness in a manner that is consistent with the NCAA Board of Governors' guiding principles and with the Board's direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. These recommendations fall into two categories: (1) activities related to student-athlete business activities; and (2) promotion/endorsement of third-party products and services. Student-athletes should have full use of their name, image and likeness related to their own business activities, including autographs and appearances, noting the direct tie between these activities and a student-athlete's identity. Importantly, these opportunities can occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, in line with the Board's principles. A survey taken by more than 1,000 representatives of member institutions and conferences, including student-athletes, helped gather feedback on ways to modernize NCAA legislation to allow for student-athletes to receive compensation for their name, image and likeness. Student-athlete voices also were prioritized throughout the process.

Eligibility

Please note that, if adopted, Division II Proposal No. 2-2 (eligibility – freshman academic requirements and two-year college transfers – elimination of nonqualifier qualification status – access to athletics aid and practice for all incoming student-athletes) would render Proposal No. 2-3 (eligibility – freshman academic requirements and two-year college transfers – nonqualifiers – access to athletics aid) moot. If Proposal No. 2-2 is defeated, the Division II membership will vote on Proposal No. 2-3.

No. 2-2 ELIGIBILITY – FRESHMAN ACADEMIC REQUIREMENTS AND TWO-YEAR COLLEGE TRANSFERS – ELIMINATION OF NONQUALIFIER QUALIFICATION STATUS – ACCESS TO ATHLETICS AID AND PRACTICE FOR ALL INCOMING STUDENT-ATHLETES

Intent: To eliminate the nonqualifier qualification status and permit an incoming student-athlete who does not meet qualifier requirements to receive athletics aid and participate in practice during their first academic year in residence.

A. Bylaws: Amend 13.6.6.5, as follows:

13.6.6.5 Student Host. The institution may provide the following to a student host entertaining a prospective student-athlete: [R]

[13.6.6.5-(a) through 13.6.6.5-(c) unchanged.]

[13.6.6.5.1 unchanged.]

~~13.6.6.5.2 Nonqualifier Prohibition. The student host must be enrolled in the member institution being visited by a prospective student-athlete. A nonqualifier (see Bylaw 14.02.13.3) may not serve as a student host during his or her first academic year in residence. [D]~~

[13.6.6.5.3 renumbered as 13.6.6.5.2, unchanged.]

B. Bylaws: Amend 14.02.13, as follows:

14.02.13 Qualification Status.

[14.02.13.1 unchanged.]

14.02.13.2 Partial Qualifier. A partial qualifier is a student who does not meet the requirements for a qualifier ~~but who has met all of the following academic requirements (see Bylaw 14.3):~~

~~(a) Graduation from high school;~~

~~(b) Successful completion of a required core curriculum consisting of a minimum number of courses in specified subjects; and~~

~~(c) Specified minimum grade-point average in the core curriculum and minimum SAT or ACT score based on the initial-eligibility index for partial qualifiers (see Bylaw 14.3.1.2.1).~~

~~14.02.13.3 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), presented neither the core-curriculum grade-point average and SAT/ACT score required for a qualifier.~~

C. Bylaws: Amend 14.02.14, as follows:

14.02.14 Residence. Residence is enrollment in a full-time academic program (as defined by the institution) at a collegiate institution during a regular term of an academic year. A summer term may not be used to satisfy an academic term or year of residence. Any student-athlete (e.g., qualifier, ~~nonqualifier~~, transfer student) admitted after the 12th class day may not use that semester or quarter for the purpose of satisfying an academic term or year of residence.

[14.02.14.1 unchanged.]

D. Bylaws: Amend 14.1.10, as follows:

14.1.10 Eligibility for Male Students or Male Student-Athletes to Practice With Women's Teams. A male student or male student-athlete (see Bylaw 17.02.9) may engage in practice sessions with women's teams under the following conditions:

[14.1.10-(a) through 14.1.10-(d) unchanged.]

~~(e) It is not permissible for a male student or male student-athlete who is serving an academic year in residence as a nonqualifier to participate in practice sessions with a women's team. However, it is permissible for a nonrecruited, male student who is serving an academic year of residence as a nonqualifier to participate in practice sessions with a women's team.~~

[14.1.10-(f) relettered as 14.1.10-(e), unchanged.]

E. 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 ~~and Nonqualifiers~~.

[14.3.1.1 unchanged.]

14.3.1.2 Partial Qualifier. A partial qualifier is defined as a student who does not meet the requirements for a qualifier (see Bylaw 14.3.1.1) ~~but who, at the time of graduation from high school, meets the requirements of the initial eligibility index for partial qualifiers set forth in Bylaw 14.3.1.2.1. A student-athlete is required to successfully complete a core curriculum of 16 academic courses as outlined in Bylaw 14.3.1.1-(a) in order to achieve partial qualifier status.~~

~~14.3.1.2.1 Initial-Eligibility Index for Partial Qualifiers. A student-athlete must meet the requirements of the following eligibility index to be certified as a partial 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 based 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
3.050 & above	400	37	2.675	550	47	2.300	700	57
3.025	410	38	2.650	560	48	2.275	710	58
3.000	420	39	2.625	570	49	2.250	720	59
2.975	430	40	2.600	580	49	2.225	730	60
2.950	440	41	2.575	590	50	2.200	740	61
2.925	450	41	2.550	600	50	2.175	750	61
2.900	460	42	2.525	610	51	2.150	760	62
2.875	470	42	2.500	620	52	2.125	770	63
2.850	480	43	2.475	630	52	2.100	780	64
2.825	490	44	2.450	640	53	2.075	790	65
2.800	500	44	2.425	650	53	2.050	800	66
2.775	510	45	2.400	660	54	2.025	810	67
2.750	520	46	2.375	670	55	2.000	820	68
2.725	530	46	2.350	680	56			&
2.700	540	47	2.325	690	56		above	above

[14.3.1.2.2 through 14.3.1.2.5 renumbered as 14.3.1.2.1 through 14.3.1.2.4, unchanged.]

[14.3.1.3 through 14.3.1.5 unchanged.]

~~14.3.1.6 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulations, did not satisfy the requirements of the initial-eligibility indices for qualifiers set forth in Bylaw 14.3.1.1 or partial qualifiers set forth in Bylaw 14.3.1.2.~~

~~14.3.1.6.1 Eligibility for Aid, Practice and Competition – Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics~~

~~director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.~~

~~14.3.1.6.2 Practice-Session Attendance -- Nonqualifier. A student-athlete who is a nonqualifier and who, therefore, is not eligible for practice may not attend any practice sessions in any capacity, nor may the student-athlete attend any meeting characterized as practice (see Bylaw 17.02.1).~~

~~14.3.1.6.3 Outside Competition -- Nonqualifier. A nonqualifier may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but during the first year in residence, such an individual is not permitted to practice or compete on an institutional club team or on an outside sports team.~~

~~14.3.1.6.4 Residence Requirement -- Nonqualifier. A nonqualifier must fulfill an academic year of residence in order to be eligible for practice, competition and financial aid other than that permitted per Bylaw 14.3.1.6.1 (see Bylaw 14.02.14 regarding the requirements that must be met to fulfill an academic year in residence).~~

[14.3.2 unchanged.]

14.3.2.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the high school core-curriculum grade-point average and test score have been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have ~~established minimum requirements~~ **been certified** as a qualifier (~~as certified~~ by the NCAA Eligibility Center) to continue practicing or to compete, or ~~the minimum requirements~~ as a partial qualifier to continue practicing.

14.3.2.1.1 Effect of Violation. A violation of Bylaw 14.3.2.1 in which the student-athlete is subsequently certified ~~as a qualifier or partial qualifier~~ shall be considered an institutional violation per Constitution 2.8.1 but shall not affect the student-athlete's eligibility.

[14.3.2.2 through 14.3.2.4 unchanged.]

[14.3.3 through 14.3.4 unchanged.]

F. Bylaws: Amend 14.5.1, as follows:

14.5.1 Residence Requirement -- General Principle. A student who transfers (see Bylaw 14.5.2) to a member institution from any collegiate institution is required to complete one full academic year of residence (see Bylaw 14.02.14) at the certifying institution before being eligible to compete for or to receive travel expenses from the member institution (see Bylaw 16.8.1), unless the student satisfies the applicable transfer requirements or receives an exception or waiver as set forth in this bylaw.

[14.5.1.1 unchanged.]

14.5.1.2 Outside Competition -- Partial Qualifier ~~or Nonqualifier~~. A two-year college transfer student who is a ~~nonqualifier or~~ partial qualifier and does not meet the applicable transfer requirements may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but such an individual is not permitted to practice or compete on an institution's club team or an outside sports team during the first academic year in residence. A four-year college transfer student who is a ~~nonqualifier or~~ partial qualifier and who has not completed an academic year in residence may participate in the institution's intramural program (provided the intramural team is not coached by a member of the institution's athletics department staff), but such an individual is not permitted to practice or compete on an institution's club team or an outside sports team during the first academic year in residence.

[14.5.1.3 through 14.5.1.4 unchanged.]

G. Bylaws: Amend 14.5.4, as follows:

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence (see Bylaw 14.02.14), unless the student meets the following eligibility requirements applicable to the division of which the certifying institution is a member. (See Bylaw 14.4 for progress-toward-degree requirements for transfer student-athletes.)

[14.5.4.1 through 14.5.4.2 unchanged.]

14.5.4.3 Eligibility for Competition, Practice and Athletics Aid – All Other Qualifiers; ~~and~~ Partial Qualifiers ~~and Nonqualifiers~~. A transfer student from a two-year college is eligible for competition, practice and athletics aid during the first academic year in residence at the certifying institution, provided:

[14.5.4.3-(a) through 14.5.4.3-(c) unchanged.]

[14.5.4.3-(d) unchanged.]

[14.5.4.3.1 through 14.5.4.3.2 unchanged.]

14.5.4.3.3 Practice and Receipt of Athletics Aid – Qualifiers and Partial Qualifiers. ~~Qualifiers and partial qualifiers~~ **A two-year college transfer** who **does** not meet the requirements set forth in Bylaw 14.5.4.3 may practice and receive athletics aid (but may not compete) at the certifying institution during their first academic year in residence.

~~14.5.4.3.4 Practice and Receipt of Athletics Aid – Nonqualifier. A nonqualifier who meets the requirements set forth in Bylaw 14.5.4.3-(a) through 14.5.4.3-(c) and presented a transferable minimum grade-point average of 2.000, may practice and receive athletics aid (but may not compete) at the certifying institution during the first academic year of residence.~~

14.5.4.4 Subvarsity Competition. A transfer from a two-year college who has not met the eligibility requirements set forth in Bylaws 14.5.4.1, 14.5.4.2 or 14.5.4.3 shall be eligible to compete only at the subvarsity level at the certifying institution. Such subvarsity competition shall count as a season of competition in the sport involved. A transfer student from a two-year college who was ~~not a qualifier~~ **a partial qualifier** and who has not met the eligibility requirements set forth in Bylaws 14.5.4.1 or 14.5.4.3 shall not be eligible to compete at the subvarsity level during the first year in residence at the certifying institution. ~~However, such a student who is a nonqualifier may participate in subvarsity practice sessions, provided they are conducted separate from varsity sessions.~~

[14.5.4.5 unchanged.]

14.5.4.6 Exceptions or Waivers for Transfer From Two-Year Colleges. A transfer student from a two-year college or from a branch school that conducts an intercollegiate athletics program is not subject to the residence requirement at the certifying institution, if any one of the following conditions is met. An individual who is a partial qualifier ~~or nonqualifier~~ shall not be permitted to use the exceptions under this bylaw.

[14.5.4.6.1 through 14.5.4.6.4 unchanged.]

[14.5.4.7 unchanged.]

H. Bylaws: Amend 14.5.5, as follows:

14.5.5.1 General Rule. A transfer student from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student has fulfilled a residence requirement of one full academic year (two full semesters or three full quarters) at the certifying institution (see Bylaw 14.02.14).

[14.5.5.1.1 unchanged.]

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was a partial qualifier (as defined in Bylaw 14.02.13.2) ~~or a nonqualifier (as defined in Bylaw 14.02.13.3)~~ and who attended the four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.1.2 (partial qualifiers) ~~and Bylaw 14.3.1.6 (nonqualifiers)~~.

[14.5.5.1.2.1 unchanged.]

14.5.5.2 Subvarsity Competition. A transfer student from a four-year institution who was a qualifier shall be eligible to compete immediately at the subvarsity level only at the certifying institution before meeting the transfer eligibility requirements. Such subvarsity competition shall count as a season of competition in the sport involved. A transfer student from a four-year institution who was not a qualifier shall not be eligible to compete at the subvarsity level during the first academic year in residence at the certifying institution. ~~However, such a student who is a nonqualifier may participate in subvarsity practice sessions, provided they are conducted separate from varsity practice sessions.~~

I. Bylaws: Amend 16.2, as follows:

16.2 Complimentary Admissions and Ticket Benefits.

[16.2.1 unchanged.]

16.2.1.2 General Regulations. Complimentary admissions shall be distributed only to persons designated by the student-athlete who have identified themselves and signed a receipt therefore. A violation of this administrative procedure shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility. The student-athlete's eligibility shall be affected by involvement in action contrary to the provisions of Bylaws 16.2.1.1 and 16.2.2 (e.g., receipt of more than the permissible four complimentary admissions or the sale or exchange of a complimentary admission for any item of value).

16.2.1.2.1 Partial Qualifier ~~or Nonqualifier~~. A partial qualifier ~~or nonqualifier~~ (per Bylaws 14.02.13.2 ~~and 14.02.13.3~~) may receive a complimentary admission to all of the institution's regular-season home intercollegiate athletics contests during the first academic year of residence.

[16.2.1.3 unchanged.]

[16.2.2 unchanged.]

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

Effective Date: August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

Rationale: This proposal would allow access to practice and athletics aid to all incoming student-athletes and two-year college transfers in their first year of enrollment, regardless of their initial-eligibility certification status. During the last six certification cycles, 97 percent of initial-eligibility waivers submitted for nonqualifiers were granted access to athletics aid and 65 percent were granted access to athletics aid and practice. Given the high percentage of approvals for athletics aid, this legislative change would allow an institution to determine whether to provide institutional athletics aid during the required academic year in residence or on transfer from a two-year college. Institutional athletics aid provided to an individual who does not meet the requirements to be a qualifier would count toward the individual limit and team maximum equivalency limits, which would eliminate any recruiting or competitive advantage. This proposal would also allow an institution to make the determination as to whether an individual who is not a qualifier should have access to practice in their first year of enrollment. Access to practice may help institutions with retention, enrollment management and a feeling of belonging for student-athletes.

No. 2-3 ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS AND TWO-YEAR COLLEGE TRANSFERS -- NONQUALIFIERS -- ACCESS TO ATHLETICS AID

Intent: To permit a nonqualifier to receive athletics aid during their first academic year in residence; further, to specify that a two-year college transfer who does not meet requirements for practice and competition may receive athletics aid immediately on transfer from a two-year college.

A. Bylaws: Amend 14.3, as follows:

14.3 Freshman Academic Requirements.

[14.3.1 unchanged.]

14.3.1.6 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulations, did not satisfy the requirements of the initial-eligibility indices for qualifiers set forth in Bylaw 14.3.1.1 or partial qualifiers set forth in Bylaw 14.3.1.3.

14.3.1.6.1 Eligibility for Aid, Practice and Competition -- Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment **may receive athletics aid (see Bylaw 15.2.1) based on institutional and conference regulations, but** shall not be eligible for *regular-season* competition and practice during the first academic year in residence. ~~However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.~~

[14.3.1.6.2 through 14.3.1.6.4 unchanged.]

[14.3.2 through 14.3.4 unchanged.]

B. Bylaws: Amend 14.5.4, as follows:

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence (see Bylaw 14.02.14), unless the student meets the following eligibility requirements applicable to the division of which the

certifying institution is a member. (See Bylaw 14.4 for progress-toward-degree requirements for transfer student-athletes.)

[14.5.4.1 through 14.5.4.3 unchanged.]

14.5.4.3.4 Practice and Receipt of Athletics Aid -- Nonqualifier. A nonqualifier ~~who meets the requirements set forth in Bylaw 14.5.4.3-(a) through 14.5.4.3-(c) and presented a transferable minimum grade-point average of 2.000,~~ may ~~practice and~~ receive athletics aid (but may not **practice or** compete) at the certifying institution during the first academic year of residence.

14.5.4.3.4.1 Exception for Practice -- Nonqualifier. A nonqualifier who meets the requirements set forth in Bylaw 14.5.4.3-(a) through 14.5.4.3-(c) and presented a transferable minimum grade-point average of 2.000 may practice (but may not compete) at the certifying institution during the first academic year of residence.

[14.5.4.4 through 14.5.4.7 unchanged.]

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

Effective Date: August 1, 2021, for student-athletes enrolling in a Division II institution on or after August 1, 2021.

Rationale: This proposal would allow access to athletics aid to all incoming student-athletes and two-year college transfers regardless of their initial-eligibility certification status. During the last six certification cycles, 97 percent of initial-eligibility waivers submitted for nonqualifiers were granted access to athletics aid at a minimum. Given the high percentage of approvals for athletics aid, this legislative change would allow an institution to determine whether to provide institutional athletics aid during the required academic year in residence or on transfer from a two-year college. Institutional athletics aid provided to a nonqualifier would count toward the individual limit and team maximum equivalency limits, which would eliminate any recruiting or competitive advantage.

Appendix A

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 kwolf@ncaa.org or chooks@ncaa.org, not later than November 20, 2020. When submitting such a request, please include the proposal number in question, your institution's name and your title. All resulting interpretations will be distributed to the delegates in time for the conference meetings held in conjunction with the Convention.