

LEGISLATION

2017 NCAA CONVENTION

DIVISION II INITIAL PUBLICATION OF PROPOSED LEGISLATION

111th Annual Convention
January 18-21, 2017

Nashville, Tennessee



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

P.O. Box 6222

Indianapolis, Indiana 46206-6222

317/917-6222

www.ncaa.org

August 2016

Legislation Prepared By: Stephanie Quigg Smith, *Director of Academic and Membership Affairs for Division II*; Amanda Conklin, *Associate Director of Academic and Membership Affairs*; and Karen Wolf, *Assistant Director of Academic and Membership Affairs*.

NCAA, NCAA logo and NATIONAL COLLEGIATE ATHLETIC ASSOCIATION are registered marks of the Association and use in any manner is prohibited unless prior approval is obtained from the Association.

Initial Publication of Proposed Legislation Submitted by the Division II Membership 111th Annual Convention

This publication presents all proposed amendments to NCAA legislation that were properly submitted by the Division II membership in accordance with the July 15 deadline in the NCAA legislative calendar. The three proposals herein are printed 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. **The order of the three proposals may change in the Second Publication of Proposed Legislation and in the Official Notice. Therefore, the numeral 1 will be placed in front of each proposal number to help identify it in future legislative publications as having originated in the initial (first) publication.**

This publication is produced directly from LSDBi each time it is downloaded. Therefore, the content of the publication may change each time it is accessed from the NCAA webpage. As modifications or corrections are made to proposals during the sponsor-modification period, updates will be made to LSDBi and those changes will be reflected in this document.

All of the amendments in this publication have been reviewed by the Division II Legislation Committee. Each proposal is accompanied not only by a statement of intent and proposed effective date, but also by a statement of rationale and a listing of the primary contact person designated by the sponsors of the amendment.

Between the date this publication is posted (August 15) and September 15, sponsors of these proposals are permitted to refine and change the amendments in any manner that is germane to the proposal as printed in this publication. Such changes may either increase or decrease the modification set forth in the original proposal as the sponsors may alter the proposal to make greater or lesser changes in the current legislation than they originally submitted. A sponsor-modification memorandum will be distributed to designated primary contact persons in August. Sponsors may use the LSDBi "Sponsor-Modification Submission" section to modify the legislative proposals they have submitted. All such modifications must be received in the NCAA national office not later than 5 p.m. Eastern time September 15. In addition, sponsors who wish to withdraw a proposal before September 15 may use the LSDBi "Sponsor-Modification Submission" section for that purpose; however, please note that proposals withdrawn after September 15 will still appear in the Second Publication of Proposed Legislation.

No new proposals may be submitted by the Division II membership for the 2017 Convention as the July 15 deadline has passed. Member institutions and conferences that wish to offer suggested revisions to an amendment are encouraged to contact the designated primary contact person, as listed with each proposal. Such contacts should be made as early in the period of time between the date this publication is posted and September 15 to assure time for appropriate consideration by the sponsors.

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

September 23 - Second Publication of Proposed Legislation (SPOPL), including the proposals submitted by the Division II membership as modified on or prior to September 15, as well as all legislation submitted by the NCAA Division II Presidents Council. The submission deadline for the Presidents Council is September 1. Amendment-to-amendment forms will also be available at this time.

November 15 - Official Notice of the 2017 Convention. This will contain all Division II legislation for the Convention, including all amendments-to-amendments and resolutions submitted by the November 1 deadline.

2016-17 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.

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 relevant divisional Manual, and to edit the intent and rationale statements of the sponsors for clarity and brevity.

August 4: 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.

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. 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 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 (SPOPL). This publication includes all Division II membership-sponsored proposals (as modified) and 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 5.3.4.2) may submit amendments to the proposals in the Second Publication of Proposed Legislation (SPOPL). These amendments-to-amendments may not increase the modification of the provisions to be amended; they must fall between the provisions of the circularized amendment and the current provisions.

November 1: Deadline for resolutions and 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 Presidents Council is 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 the properly submitted amendments-to-amendments.

January 18-21, 2017: NCAA Convention. Delegates may receive the Convention Program when they register at Convention or they may use the NCAA Convention app. The Convention Program and app also contain the most up-to-date meeting schedule and other helpful Convention information.

Division II Legislation Committee

Chair - Natasha Oakes, Missouri Western State University
Molly Belden, Northeast-10 Conference
Peggy Davis, Virginia State University
Marty Gilbert, Mars Hill University
Chris Gregor, Saint Martin's University
Barbara Hannum, Hawaii Pacific University
Jacob Long, Student-Athlete Representative
Kelly McLaughlin, Regis University
Pennie Parker, Rollins College
Kimberly Pate, Lenoir-Rhyne University
Linda Van Drie-Andrzewski, Wilimington University (Delaware)
Cherrie Wilmoth, Southeastern Oklahoma State University

111th 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 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 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.]

No. 1-1 NCAA MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- INDEPENDENT MEDICAL CARE

Intent: To specify that an active member institution shall establish an administrative structure that provides independent medical care and affirms the unchallengeable autonomous authority of the primary athletics health care providers (team physicians and athletic trainers) to determine medical management and return-to-play decisions related to student-athletes; further, an active institution shall designate an athletics health care administrator to oversee the institution's athletic health care administration and delivery.

Bylaws: Amend 3.3.4, as follows:

3.3.4 Conditions and Obligations of Membership.

[3.3.4.1 through 3.3.4.16 unchanged.]

3.3.4.17 Independent Medical Care. An active member institution shall establish an administrative structure that provides independent medical care and affirms the unchallengeable autonomous authority of primary athletics healthcare providers (team physicians and athletic trainers) to determine medical management and return-to-play decisions related to student-athletes. An active institution shall designate an athletics healthcare administrator to oversee the institution's athletic healthcare administration and delivery.

[3.3.4.17 and 3.3.4.18 renumbered as 3.3.4.18 and 3.3.4.19, unchanged.]

Source: NCAA Division II Presidents Council [Management Council (Committee for Competitive Safeguards and Medical Aspects of Sports)], Pennsylvania State Athletic Conference, Mid-America Intercollegiate Athletics Association and Gulf South Conference.

Effective Date: August 1, 2017

Rationale: The NCAA Principle of Health and Safety makes it the responsibility of institutions to protect the health of, and provide a safe environment for, their student-athletes. As a continuum of Inter-Association Consensus: Independent Medical Care for College Student-Athlete Guidelines, this proposal supports this principle and requires further administrative controls in the delivery of athletics health care services. This proposal addresses the issue of medical providers -primary athletics health care providers -- at institutions having unchallengeable autonomous authority to determine medical management and return-to-play decisions of student-athletes. Current legislation gives unchallengeable authority to the sports medicine staff to cancel or modify workouts for health and safety reasons, but does not address medical management of student-athletes. This issue impacts student-athlete health and well-being. This proposal will help to ensure appropriate medical controls and authority. Further, the administrative structure should ensure that no coach serves as the primary supervisor for any medical provider, nor have hiring, retention, and dismissal authority over that provider. The athletics health care administrator can assure that no coach serves in such capacity, and that the delivery of athletics health care is consistent with health and safety legislation and evolving inter-association statements addressing health and safety issues.

Primary Contact Person:

Steve Murray, Commissioner
Pennsylvania State Athletic Conference
204 Ulmer Hall
Lock Haven University
Lock Haven, PA 17745
Email: smurray@psacsports.org

No. 1-2 PLAYING AND PRACTICE SEASONS -- TENNIS

Intent: In tennis, to amend the playing and practice season, as specified.

Bylaws: Amend 17.22, as follows:

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

17.22.1 Length of Playing Season —~~Championship and Nonchampionship Segments~~. The length of an institution's playing season ~~for both segments~~ in tennis shall be limited ~~by the dates and regulations set forth in the remainder of this section~~ **to a 144-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.**

17.22.2 First Date of Practice —~~Championship Segment~~. ~~A member institution shall not commence practice sessions in tennis in the championship segment before January 10 or the first day of classes, whichever is earlier~~ **A member institution shall not commence practice sessions in tennis prior to September 7 or the institution's fourth day of classes for the fall term, whichever is earlier.**

17.22.3 First Date of Competition —~~Championship Segment~~. ~~A member institution shall not engage in its first date of competition with outside competition in the championship segment before February 1~~ **A member institution shall not engage in its first date of competition (meet or practice meet) with outside competition in tennis prior to September 7 or the institution's fourth day of classes for the fall term, whichever is earlier.**

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

~~17.22.3.2 Exceptions. The following tennis dates of competition may be played at any time during the tennis playing and practice season:~~

~~(a) Alumni game [see Bylaw 17.22.7.3 (d)];~~

~~(b) Fundraising activity [see Bylaw 17.22.7.3 (f)];~~

~~(c) Celebrity sports activity [see Bylaw 17.22.7.3 (g)]; and~~

~~(d) Discretionary exemptions (see Bylaw 17.22.7.4).~~

17.22.4 End ~~Date of Practice and Competition~~—~~Championship Segment~~ **of Regular Playing Season**. A member institution shall conclude all practice and competition in tennis ~~in the championship segment~~ by the conclusion of the NCAA Division II Tennis Championship (see Bylaw 17.1.7 for additional regulations regarding the end date of practice and competition).

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

~~17.22.5.1 Exception—Alternate Playing Season. An institution that is a member of a conference that conducts its only conference championship or plays the majority of its conference matches during the fall, or an institution that declares fall as its institution's championship segment per Bylaw 20.10.4.2, may use the playing season dates for sports that conduct a fall championship. Further, an institution that uses this exception and discontinues its championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment. The institution is eligible for the NCAA championship.~~

	Fall (Championship)	Spring (Nonchampionship)
Practice	<i>17 days before the first permissible date of competition or five days before the first day of classes, whichever is earlier.</i>	February 15
Competition	<i>Thursday preceding September 6.</i>	February 15
End date for practice and competition	<i>November 15</i>	<i>Seven days prior to final examination period.</i>

~~17.22.5.1.1 Alternate Playing Season—Preseason Activities Before the First Day of Classes or First Scheduled Date of Competition. During the preseason practice period before the first day of classes or the first scheduled date of competition, whichever is earlier, student athletes shall not engage in more than six hours of countable athletically related activities per day, only five of which may be devoted to physical activities (e.g., practice, weight training, conditioning). In addition, any session with physical activities shall not exceed three hours in length. Student athletes must be provided with at least three continuous hours of recovery time between any session occurring that day. During this time, student athletes may not attend any meetings or engage in other athletically related activities (e.g., weightlifting); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.~~

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

[17.22.7 renumbered as 17.22.5, unchanged.]

17.22.86 ~~Out-of-Season and Nonchampionship Segment~~ Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the championship segment, except ~~for the following:~~ **as outlined in Bylaws 17.1.6.2 and 17.22.8.1.**

~~(a) Weight Training, Conditioning, Team Activities and/or Skill Instruction. Student athletes shall not engage in weight training, conditioning, team activities and/or skill instruction before September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier, in accordance with Bylaw 17.1.6.2; and~~

~~(b) Nonchampionship Segment Activities. During the segment in which the NCAA championship does not occur, student athletes may participate in any practice or competition activity as permitted by other legislation provided such activity is restricted to a maximum of 24 days that occur within a period of 45 consecutive calendar days, omitting vacation and examination days officially announced or on days that the institution is closed due to inclement weather, as long as no practice or competition occurs on such days. The 45 consecutive calendar days must be within the dates set forth in Bylaws 17.22.5 and 17.22.6, and shall not commence prior to September 7 or the institution's fourth day of classes (as set forth in its catalog, counting Monday through Friday only), whichever is earlier. It is not permissible for an institution that declares fall as its championship segment and operates on the quarter system to engage in practice and competition from the time period of seven calendar days prior to the first date of the institution's final examination period for the winter quarter until the first day of classes of the spring quarter. The days during which practice and competition are prohibited may be exempted from the period of 45 consecutive calendar days.~~

~~(1) Exception—Alternate Playing Season. A member institution that declares fall as its institution's championship segment per Bylaw 20.10.4.2 and discontinues its championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 45 consecutive calendar days available during the nonchampionship segment (see Bylaw 17.22.5.1).~~

~~(2) Exception -- Intercollegiate Tennis Association (ITA). A student-athlete's practice for or participation in the Intercollegiate Tennis Association (ITA) National Small College Championships and ITA National Indoor Championship are not included in the institution's declared nonchampionship segment, provided the student-athlete has qualified for the championship(s).~~

[17.22.8.1 renumbered as 17.22.6.1, unchanged.]

[17.22.9 and 17.22.10 renumbered as 17.22.7 and 17.22.8, unchanged.]

Source: Mountain East Conference and Great Lakes Intercollegiate Athletic Conference.

Effective Date: August 1, 2017

Rationale: Currently, five Division II conferences conduct their women's tennis championship during the fall. While this is necessary due to regional weather issues and unique administrative situations, the current legislation permits those student-athletes approximately 85 in season days, depriving them of 50 plus in season days compared with those conferences whose tennis championship is held during the spring. This proposal attempts to remedy the inequity by adopting the format currently in use by other individual sports, such as wrestling, swimming and diving, and track and field, which permits each institution to utilize up to 144 in-season days as it sees fit. The permissive nature of the proposal allows institutions wishing to conduct a shorter in-season period to do so while those wishing to remain in season longer to prepare for postseason play may do so. It should also be noted that this proposal would not change the current legislation regarding number of dates of competition permitted each year which is 25, plus applicable exemptions.

Primary Contact Person:

Hannah Hinton, Associate Commissioner
Mountain East Conference
39 Cedarstone Court
Morgantown, WV 26505
Email: hhinton@mountaineast.org

No. 1-3 RECRUITING -- RECRUITING CALENDARS -- FOOTBALL -- CONTACT PERIOD -- MONDAY AFTER THANKSGIVING

Intent: In football, to revise the recruiting calendar to begin the winter contact period on the Monday after Thanksgiving.

Bylaws: Amend 13.17.3, as follows:

13.17.3 Football. The following contact and evaluation periods apply to football:

[13.17.3-(a) through 13.17.3-(c) unchanged.]

(d) ~~December 1~~ **The Monday after Thanksgiving** through 30 days after the Saturday after the initial date for signing the National Letter of Intent [except for (1) and (2) below]: Contact Period

[13.17.3-(d)-(1) through 13.17.3-(g) unchanged.]

Source: Mid-America Intercollegiate Athletics Association and Northeast-10 Conference.

Effective Date: August 1, 2017

Rationale: Currently, the winter contact period begins on December 1. In most years, December 1 falls in the middle or end of week. The Monday following Thanksgiving is a more appropriate day to begin this contact period as both collegiate institutions and secondary schools have resumed classes following the Thanksgiving break.

Primary Contact Person:

Bob Boerigter, Commissioner
Mid-America Intercollegiate Athletics Association
1627 Main Street
Suite 901

Kansas City, MO 64108
Email: bboer@themiaa.com

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 Initial Publication of Proposed Legislation before Convention. Interpretations related to the proposed legislation in this IPOPL may be requested via electronic mail to the primary contact persons. 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 prior to the conference meetings held in conjunction with the Convention.