



**2017 NCAA Convention Division II Legislative Proposals
Question and Answer Guide**

(Last Updated: February 13, 2017)

Please note this is the final edition of the 2017 NCAA Convention Division II Legislative Proposals Question and Answer Guide. A hard-copy version of the guide will not be distributed at the Convention in Nashville. The delegates should plan accordingly.

DIVISION II LEGISLATIVE PROPOSALS

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Proposal No. 2017-1 (No. 2-3) Amateurism -- Competition-Related Expenses From An Outside Sponsor

Question No. 1: What is the current legislation regarding donations from outside sponsors?

Answer: Currently, it is only permissible for outside sponsors (e.g., neighbors, businesses) to donate to the general fund of an outside team or organization. If an outside sponsor donates to an outside team or organization, the funds may not be earmarked for a particular student-athlete. It is not permissible for outside sponsors to provide expenses for a student-athlete participating as an individual.

Question No. 2: What are actual and necessary expenses?

Answer: Actual and necessary expenses include: (1) meals directly tied to competition and practice held in preparation for such competition; (2) lodging directly tied to competition; (3) apparel, equipment and supplies; (4) coaching and instruction; (5) health/medical insurance; (6) transportation (i.e., expenses to and from competition); (7) medical treatment and physical therapy; (8) facility usage; (9) entry fees; and (10) other reasonable expenses.

Question No. 3: What is outside competition?

Answer: Outside competition is athletics competition in which a student-athlete participates as an individual or as a member of a team that does not represent the intercollegiate athletics program of the institution.

Question No. 4: May an outside sponsor earmark a donation for a specific student-athlete?

Answer: Yes, an outside sponsor may earmark a donation for a specific student-athlete's participation in outside competition (not intercollegiate competition) provided the sponsor is not a representative of the institution's athletics interests (e.g., boosters), an agent or a professional sports organization.

Question No. 5: May funds donated to a member institution's athletics program (e.g., for a foreign tour, equipment) be earmarked for a student-athlete's actual and necessary expenses?

Answer: No. An individual who donates to a member institution's athletics program becomes a representative of the institution's athletics interests. The legislation prohibits a student-athlete from receiving expenses from a representative of an institution's athletics interests.

Question No. 6: May an institutional staff member provide actual and necessary expenses to an enrolled student-athlete?

Answer: No.

Question No. 7: May an individual receive actual and necessary expenses from an outside sponsor to attend a sports camp?

Answer: Yes, provided the camp format includes bona fide organized competition for its participants.

Question No. 8: May a representative of the institution's athletics interests donate to the general fund (not earmarked for any individual) of a prospective student-athlete's or current student-athlete's team?

Answer: Yes. However, for prospective student-athletes, NCAA Bylaw 13.15.1.2.1 (involvement by local representatives of institution's athletics interests) requires that the individual act independently of the institution and donate only to organizations located in the individual's community.

Question No. 9: If an individual or entity provides actual and necessary expenses to a student-athlete for competition and practice held in preparation for such competition (other than institutional competition), does the individual or entity become a representative of an institution's athletics interests?

Answer: No.

Question No. 10: Is the institution responsible for monitoring the source of funds received by the student-athlete?

Answer: Yes.

Question No. 11: Is it permissible for a student-athlete to fundraise expenses for competition through a commercial crowdfunding site?

Answer: Yes. However, the institution is responsible for ensuring that funds are not provided by a representative of athletics interests, agent or professional sports organization.

Fees Charged by Commercial Crowdfunding Websites (II)

Date Issued: June 30, 2016

Date Published: July 19, 2016

Item Ref: 2-b

Interpretation: The Legislation Committee determined that payment of fees (e.g., flat rate fee, percent-based fee) associated with the use of a commercial crowdfunding website is an incidental cost to use the service and does not constitute endorsement of a commercial product. The committee noted that the use of a crowdfunding website is limited to

activities for which it is otherwise permissible for a student-athlete to raise funds.

[Reference: Bylaw 12.5.2.1 (advertisements and promotions following enrollment)]

Question No. 12: If a student-athlete raises funds that exceed their actual and necessary expenses, has the student-athlete committed a violation?

Answer: No, provided the student-athlete donates the additional money to the general fund of the outside team or organization and those funds are not earmarked for the student-athlete.

Question No. 13: May a representative of athletics interests who is also a student-athlete's neighbor donate funds to a student-athlete's participation on an outside team?

Answer: These situations must be analyzed on a case-by-case basis. If the student-athlete and the individual have a pre-existing relationship that meets the guidelines outlined in the October 3, 2008, official interpretation, it would be permissible for the individual to donate for the student-athlete's participation in an outside event.

Benefits Resulting from a Relationship Established Prior to Collegiate Enrollment (II)

Date Issued: September 15, 2008

Date Published: October 03, 2008

Item Ref: 1

Interpretation:

The subcommittee reviewed the application of NCAA Bylaw 12.1.2.1.6 as it relates to situations in which a student-athlete has received benefits after initial full-time collegiate enrollment from someone other than a family member or legal guardian. It is agreed that the following objective guidelines generally should be used in determining whether such benefits are contrary to the preferential treatment legislation:

a. Did the relationship between the student-athlete (or student-athlete's parents) and the individual providing the benefit(s) develop as a result of the student-athlete's participation in athletics or notoriety related thereto?

b. Did the relationship between the student-athlete (or student-athlete's parents) and the individual providing the benefit(s) predate the student-athlete's status achieved as a result of his or her athletics ability or reputation?

c. Is the pattern of benefits provided by the individual to the student-athlete (or student-athlete's parents) prior to the athlete attaining notoriety as a skilled athlete similar in nature to those provided after attaining such stature?

The subcommittee noted that the origin and duration of a relationship and the consistency of benefits provided during the relationship are key factors in determining whether the benefits provided are contrary to the spirit and intent of Bylaw 12.1.2.1.6.

The subcommittee also noted that the above-mentioned interpretation does not apply to individuals who have no logical ties to the prospective student-athlete. For example, a current student-athlete who, prior to initial collegiate enrollment, has been receiving normal and reasonable living expenses from an individual with whom he or she has an established relationship may continue to receive occasional benefits (e.g., meals during campus visits, reasonable entertainment) from an individual or family with whom the student-athlete has an established relationship. However, such expenses may not include educational expenses associated with a grant-in-aid (i.e., tuition and fees, room and board, and required course-related books).

[References: Bylaw 12.1.2.1.6 (preferential treatment, benefits or services) and an official interpretation (9/25/00, Item No. 2) that has been archived.]

Proposal No. 2017-2 (No. 2-4) Amateurism -- Payment Based On Performance -- From Amateur Team Or Event Sponsor In Individual Sports

Question No. 1: What is the current legislation regarding receipt of prize money based on place finish during the summer, outside of the academic year?

Answer: Student-athletes are permitted to receive awards during the summer if the award is permitted by the rules of the amateur sports organization. Such awards may include gift certificates, but not cash. Therefore, the award is not linked to actual and necessary expenses.

Question No. 2: What are actual and necessary expenses?

Answer: Actual and necessary expenses include: (1) meals directly tied to competition and practice held in preparation for such competition; (2) lodging directly tied to competition held in preparation for such competition; (3) apparel, equipment and supplies; (4) health/medical insurance; (5) transportation (i.e., expenses to and from competition); (6) medical treatment and physical therapy; (7) facility usage; (8) entry fees; and (9) other reasonable expenses.

Question No. 3: Under the proposal, how would individual sports differ from team sports?

Answer: The receipt of cash based on performance is not permissible in team sports and that would not change under this proposal. A student-athlete may receive actual and necessary expenses from a team when those expenses are associated with competition or practice conducted in conjunction with competition.

Question No. 4: Is there a limit on the number of times a student-athlete can receive actual and necessary expenses?

Answer: No. However, the calculation of actual and necessary expenses would not include the expenses or fees of anyone other than the student-athlete (e.g., coach's fees, parent's expenses).

Question No. 5: If a student-athlete participates in multiple open events during the summer but only receives prize money in one event, can the student-athlete earn up to the cost of their participation in all events during the summer?

Answer: No. The receipt of prize money is limited to the student-athlete's actual and necessary expenses specific to the event in which the prize money is earned.

Question No. 6: Would this proposal allow a student-athlete to receive a cash prize for participation on a two-person volleyball team, or a three-person basketball team?

Answer: No. This proposal only permits prize money received for individual sports. Both volleyball and basketball are considered team sports.

Question No. 7: Would this proposal allow a student-athlete to receive a cash prize for participation on a two-person golf team or doubles tennis team?

Answer: Yes. Those sports are considered NCAA individual sports and therefore student-athletes could receive prize money if the conditions set forth in the proposal are satisfied. [See Bylaw 14.7.3.5 (exempt teams).]

Question No. 8: Would this proposal allow a golf student-athlete to receive a cash prize in a club tournament if that tournament is only open to members of that club?

Answer: No. That would not be considered an open event. A competitive event that permits any participants to be selected on basis unrelated to an objective standard of performance is not considered an "open" event.

Question No. 9: If a student-athlete who participates in a team sport at the institution (e.g., basketball) participates in an individual event (e.g., a golf tournament), is it permissible for them to accept prize money?

Answer: Yes.

Question No. 10: If Proposal No. 2017-1 (amateurism -- competition-related expenses from an outside sponsor) is adopted, how does that impact this proposal? For instance, if a student-athlete receives donations from outside sponsors to cover all their actual and necessary expenses for participation in an open event, is it still permissible for the student-athlete to accept prize money up to the cost of actual and necessary expenses?

Answer: No.

Question No. 11: How does this proposal compare with the legislation in Divisions I and III?

Answer: This proposal mirrors the legislation in Divisions I and III.

Proposal No. 2017-3 (No. 2-5) Amateurism -- Involvement With Professional Teams -- Tryouts -- Tryout After Enrollment -- Tryout at Any Time

Question No. 1: What is the current legislation regarding the timing of professional team tryouts?

Answer: Currently, a student-athlete may only try out for a professional team or permit a professional team to conduct a medical examination outside of the playing and practice season.

Question No. 2: Does this proposal change the length of a permissible tryout or the receipt of expenses for participation in a professional team tryout?

Answer: No.

Question No. 3: May the institution pay for a student-athlete to participate in a professional team tryout?

Answer: No. Expenses for the tryout may only be provided by the professional team or by the student-athlete.

Question No. 4: May a student-athlete miss class for travel to or participation in a professional team tryout or medical examination?

Answer: No.

Question No. 5: Does the restriction on missing class apply to student-athletes who have exhausted their eligibility during that academic year?

Answer: Yes.

Question No. 6: Does the restriction on missing class apply to student-athletes who have exhausted their eligibility during a previous academic year?

Answer: No.

Question No. 7: Does the restriction on missing class apply to student-athletes with remaining eligibility who are enrolled part time?

Answer: No. However, the restriction would apply if the student-athlete is enrolled as a part-time student in their last term prior to graduation in accordance with Bylaw 14.1.7.1.7.3 (practice or competition – final semester/quarter).

Proposal No. 2017-4 (No. 2-6) Amateurism -- Promotional Activities -- Permissible -- Institutional, Charitable, Educational or Nonprofit Promotions -- Monetary and Educational Requirements

Question No. 1: What is a promotional activity?

Answer: A promotional activity is any event in which a student-athlete participates to support the charitable or educational activities of an institutional, charitable, educational or nonprofit entity or to support activities considered incidental to participation in intercollegiate athletics.

Question No. 2: What is the current legislation pertaining to monetary and educational requirements for promotional activities?

Answer: Prior to a student-athlete's promotion of, or participation in, a promotional activity for a member institution, member conference or a noninstitutional charitable, educational, nonprofit or government agency (e.g., the armed services), an authorized representative of the entity must sign a release statement ensuring that the student-athlete's name, image or appearance is used in a manner consistent with NCAA legislation.

Additionally, student-athletes are not permitted to promote or participate in an activity that involves a commercial entity if all money derived from the activity does not go directly to the institution, conference or noninstitutional charitable, educational, nonprofit or government agency.

Question No. 3: Would this proposal permit an institution to participate in a partnership with a restaurant where the institution gets a portion of the proceeds if the money goes directly to the restaurant first?

Answer: Yes.

Question No. 4: Is there a requirement that a specific percentage of the proceeds raised by the promotional activity go to the institution or charitable, educational, nonprofit or government agency?

Answer: No.

Question No. 5: Would student-athletes be permitted to promote (e.g., post, retweet) permissible promotional activities on social media?

Answer: Yes.

Question No. 6: If the proposal is adopted, what educational material must be provided to the outside entity?

Answer: Institutions must provide information regarding regulations on the proper use of a student-athlete's name, image or appearance before the promotional activity occurs.

Question No. 7: How frequently must an institution provide educational material to an outside entity?

Answer: Annually.

Question No. 8: What is the penalty if an institution fails to send educational material prior to a student-athlete's participation in a promotional activity?

Answer: The institution would have to report a secondary violation to the NCAA enforcement staff. The eligibility of the involved student-athlete(s) would not be impacted.

Question No. 9: Would this proposal permit an outside entity to use the name, image or appearance in a manner contrary to the promotional activities legislation?

Answer: No.

Proposal No. 2017-5 (No. 2-7) Recruiting -- Contacts and Evaluations -- Contactable Prospective Student-Athletes -- Four-Year College Prospective Student-Athletes -- Removal of Requirement to Obtain Permission from NAIA Institution

Question No. 1: What is the current requirement for contacting National Association of Intercollegiate Athletics student-athletes?

Answer: Currently, the Division II institution must receive permission to contact an NAIA student-athlete before initiating recruiting contact. If the NAIA institution fails to respond to a student-athlete's written request for permission to contact within 14 consecutive calendar days of receipt of the request, permission is granted by default. If the NAIA institution denies the request, the NCAA institution may not encourage the transfer and cannot provide athletics aid during the first year of enrollment at the NCAA institution.

Question No. 2: If this proposal is adopted, what process must be used to provide courtesy notification to an NAIA institution?

Answer: Each institution will determine what is sufficient notification (e.g., email, form). The proposal does not require a particular method of notification, but notification must be sent prior to contact with an NAIA student-athlete.

Question No. 3: Does this proposal change the requirements of the one-time transfer exception?

Answer: No. Institutions will still be required to receive permission to use the one-time transfer exception from an NAIA institution.

Question No. 4: Does this proposal permit an institution to provide athletics aid to a student-athlete transferring from an NAIA institution?

Answer: Yes. Since permission to contact would no longer be required for a student-athlete transferring from an NAIA institution, a Division II institution may provide athletics aid upon transfer. However, it would remain impermissible to provide athletics aid to a nonqualifier in the first year of collegiate enrollment.

Proposal No. 2017-6 (No. 2-8) Recruiting -- Offers and Inducements -- Institutional Pre-Enrollment Fees

Question No. 1: What is the current legislation regarding institutional pre-enrollment fees?

Answer: Currently, it is impermissible to waive, pay in advance or guarantee payment of institutional pre-enrollment fees such as an admissions application fee, pre-admission academic testing fees or room deposits. However, the legislation does permit certain pre-enrollment fees to be rebated if the student-athlete is awarded financial aid covering fees once the student-athlete is enrolled.

Question No. 2: Does this proposal require pre-enrollment fees to be paid for incoming student-athletes?

Answer: No. Payment of pre-enrollment fees would remain institutional discretion.

Question No. 3: What types of fees are considered to be pre-enrollment fees?

Answer: A pre-enrollment fee is any fee that is required of a prospective or incoming student by the institution. In addition to the fees listed in the proposal, an admissions application fee and a housing application fee are other examples.

Question No. 4: Must a pre-enrollment fee be required of all prospective students at the institution in order for it to be paid for a prospective student-athlete?

Answer: No.

Question No. 5: If a prospective student-athlete receives pre-enrollment expenses, does he or she become a student-athlete?

Answer: No.

Question No. 6: May the institution cover a pre-enrollment fee that is part of an element of a full grant-in-aid (e.g., advance tuition payment, advance room and board payment)?

Answer: Yes; however, such a payment will be considered athletics aid and the recipient will become a counter. The amount received would need to be included in the individual and team equivalency calculation.

Question No. 7: May an institution guarantee (e.g., verbally, in writing) payment for pre-enrollment fees before the prospective student-athlete signs a National Letter of Intent or the institution's written offer of admission and/or financial aid or before the institution has received a financial deposit in response to its offer of admission?

Answer: Yes; however, payment or reimbursement of pre-enrollment fees may not occur until after a prospective student-athlete has signed a NLI or the institution's written offer of admission and/or financial aid or after the institution has received a financial deposit in response to its offer of admission. Before August 1 of a prospective student-athlete's senior year, an institution shall not indicate in writing that it will cover a fee that is part of an element of a full grant-in-aid (e.g., advance tuition payment, advance room and board payment).

Question No. 8: Is it a violation if an institution pays a pre-enrollment fee for a prospective student-athlete who does not ultimately enroll at the institution?

Answer: No. However, that individual would trigger counter status if the pre-enrollment fee covered an element of a full grant-in-aid and would need to be included on the financial aid form.

Proposal No. 2017-7 (No. 2-16) Playing and Practice Seasons -- General Playing-Season Regulations -- Time Limits For Athletically Related Activities -- Additional Restrictions -- No Class Time Missed For Competition In Nonchampionship Segment -- Team Sports

Question No. 1: What is the current legislation regarding missed class time in the nonchampionship segment?

Answer: In team sports, it is not permissible for student-athletes to miss class for competition during the nonchampionship segment. The current legislation does not restrict student-athletes in individual sports from missing class for competition during the nonchampionship segment.

Question No. 2: Does the proposal include a limit on the amount of class time that can be missed?

Answer: No. Each institution will have the discretion to determine what is appropriate in terms of missed class time for competition during the nonchampionship segment. NCAA Constitution 3.3.4.7 (missed class-time policies) requires all active institutions to establish policies in all sports concerning missed class time.

Question No. 3: Does this proposal change the maximum contest or date of competition limitations in Bylaw 17?

Answer: No.

Question No. 4: What impact does this proposal have on multisport student-athletes?

Answer: The legislation is sport specific. A multisport student-athlete would be permitted to miss class once in four years in each sport.

Proposal No. 2017-8 (No. 2-19) Division Membership -- Membership Requirements -- Sports Sponsorship -- Minimum Contests and Participants Requirements for Sports Sponsorship -- Women's Lacrosse and Women's Volleyball

Question No. 1: What is the current minimum contest requirement for sports sponsorship in women's lacrosse?

Answer: Eight contests.

Question No. 2: What is the current minimum contest requirement for sports sponsorship in women's volleyball?

Answer: Nine contests.

Question No. 3: Does this proposal change the Bylaw 17 playing and practice season maximum limitations in women's lacrosse and women's volleyball?

Answer: No. This proposal is specific to minimum contests for purposes of sports-sponsorship requirements to be considered an active member of Division II. The maximum limitations (17 dates of competition during the NCAA championship segment and five dates of competition during another segment in women's lacrosse and 26 dates of competition during the NCAA

championship segment and four during another segment in women's volleyball) will not change if this proposal is adopted.

While women's lacrosse and women's volleyball both use dates of competition for Bylaw 17 purposes, sports sponsorship requirements are based on the number of completed contests in which a team participates.

Question No. 4: What is the impact when an institution is not able to meet the minimum contest requirement?

Answer: If an institution does not meet the minimum contest requirement in a particular sport, that sport cannot be used to meet Division II minimum sports-sponsorship requirements per Bylaw 20.10.3.3 (sport sponsorship) for that academic year.

Question No. 5: If an institution does not meet the minimum contest requirement in women's lacrosse or women's volleyball, is the institution's team eligible for selection to a championship?

Answer: No. This proposal would align sports-sponsorship requirements with championship selection requirements. For championship selection purposes, an institution must participate in 10 contests in women's lacrosse. In women's volleyball, an institution must participate in 15 contests against Division II opponents and a minimum of 60 percent of matches against Division II opponents.

Question No. 6: Is there a waiver opportunity for an institution that is unable to meet the minimum contest requirement?

Answer: Yes. The institution may file a waiver through the NCAA Division II Membership Committee.

Question No. 7: How does an institution declare its intent to sponsor a sport?

Answer: The institution must include the sport on its sports-sponsorship form, which is submitted by August 1 of each year.

Question No. 8: What is the penalty for failing to meet sports-sponsorship requirements?

Answer: If an institution does not meet the sport-sponsorship requirements for a particular sport (e.g., a baseball team only completes 22 contests, when the minimum requirement is 24 contests), that team cannot be used to meet the overall sports-sponsorship requirements for active Division II member

institutions [see Bylaw 20.10.3 (sports sponsorship)]. An institution whose athletics department fails to meet overall sports-sponsorship requirements is put on restricted status in accordance with Bylaw 20.02.6 (restricted membership).

**Proposal No. 2017-9 (No. 2-18) Division Membership -- Membership Requirements --
Philosophy Statement**

Question No. 1: Who is responsible for ensuring that the standards of the philosophy statement are followed at the Division II institution?

Answer: This responsibility should rest with the chancellor or president; however, ensuring that everyone meets or exceeds the standards should be a collective effort among institutional staff members inside and outside athletics.

Question No. 2: Does the Division II philosophy statement only apply to individuals at the institution involved with athletics or does it also apply to individuals outside athletics?

Answer: The philosophy statement applies to all individuals at the Division II institution, inside and outside athletics.

Question No. 3: Are institutions required to distribute the Division II philosophy statement to athletics staff and student-athletes on an annual basis?

Answer: No. It is within the institution's discretion as to how it displays and distributes the Division II philosophy statement to the appropriate constituents.

Question No. 4: Are institutions required to submit documentation to the national office to demonstrate that they are adhering to the Division II philosophy statement?

Answer: No.

Question No. 5: Is an institution required to re-affirm its commitment to the Division II philosophy statement annually?

Answer: No.

Question No. 6: If an institutional athletics department staff member fails to adhere to the principles contained within the Division II philosophy statement, would this

be considered an institutional violation or affect an institution's Division II membership status?

Answer: No.

Question No. 7: May an institution develop penalties to be imposed at the campus level for individuals who fail to adhere to the principles contained within the Division II philosophy statement?

Answer: Yes.

Question No. 8: Is Division II the only division that has a philosophy statement?

Answer: No. Division I and Division III also have philosophy statements.

Question No. 9: Why does this proposal not have an immediate effective date?

Answer: The effective date will allow for notice to the Division II membership.

Proposal No. 2017-10 (No. 2-2) Eligibility -- Academic Misconduct

Question No. 1: What changes would this proposal make to the current academic misconduct legislation?

Answer: The adoption of Proposal No. 2017-10 would:

- a. Expand the application of academic misconduct legislation to any situation in which an institutional staff member is involved.
- b. Replace the academic extra benefit analysis as it relates to academic assistance issues with a specific and limited definition of impermissible academic assistance.
- c. Expressly require institutional policies and procedures regarding academic misconduct for the general student body.
- d. Limit the scope of definition of institutional staff member to exclude student employees from definition unless student employees meet certain criteria.

Question No. 2: What are the different types of academic integrity-related offenses that are considered to be NCAA violations?

- Answer:** There are four types of academic integrity-related offenses that are considered to be a violation of the proposed legislation:
- a. Academic misconduct (as defined and limited by the legislation);
 - b. The provision or arrangement of impermissible academic assistance by a current or former institutional staff member or representative of athletics interests to a student-athlete;
 - c. A departure from academic misconduct policies and procedures in the investigation and adjudication of alleged academic misconduct involving a student-athlete; and
 - d. Pre-enrollment academic misconduct (as defined by NCAA legislation previously in Bylaw 10, moved to Bylaw 14).

Academic Misconduct Violations.

Question No. 3: Who determines whether certain conduct constitutes academic misconduct at a given institution?

Answer: The institution determines whether the conduct violated or breached its own policies and procedures regarding academic misconduct.

Question No. 4: If a student-athlete on my campus is suspected or accused of being involved in academic misconduct, must I immediately report the issue to the NCAA enforcement staff?

Answer: No. Before reporting, an institution has the responsibility and obligation to determine whether academic misconduct has occurred pursuant to institutional policies and procedures. However, it is not unusual for an institution to request assistance from the NCAA for interpretive or investigative issues.

Question No. 5: Once my institution has determined academic misconduct involving a student-athlete occurred, is my institution required to report each and every finding of academic misconduct to the NCAA?

Answer: No. Not every finding of institutional academic misconduct is a violation. An NCAA academic misconduct violation occurs when:

- a. A student-athlete commits academic misconduct alone or in concert with another student(s) who is not an institutional staff

member, and the academic misconduct results in:

- (1) The alteration or falsification of a student-athlete's transcript or academic record;
 - (2) An erroneous declaration of eligibility to participate in intercollegiate athletics and the student-athlete subsequently competes while ineligible; or
 - (3) An erroneous declaration of eligibility to receive financial aid and the student-athlete subsequently receives financial aid while ineligible.
- b. A current or former institutional staff member or representative of athletics interests is involved in the academic misconduct involving a student-athlete, regardless of whether the misconduct involved alteration or falsification of a student-athlete's transcript or academic record or an erroneous declaration of eligibility.

Question No. 6: What is "alteration or falsification of a student-athlete's transcript or academic record"?

Answer: Alteration or falsification of a student-athlete's transcript or academic record is changing or doctoring transcripts or arranging to receive credit for a course in which a student-athlete did not enroll or complete (i.e., fraudulent academic credit).

Question No. 7: What is an "institutional staff member"?

Answer: An institutional staff member is any individual, excluding a student employee, who performs work for the institution or athletics department, regardless of whether the individual receives compensation for the work.

A student employee, however, is an institutional staff member if:

- a. He or she has institutional responsibilities to provide academic services to student-athletes; or
- b. He or she engages in academic misconduct or provides impermissible academic assistance at the direction of a nonstudent employee, a student employee who has institutional responsibilities to provide academic services to student-athletes or a representative of the institution's athletics interests.

Question No. 8: An institution's academic support services for student-athletes are provided by a unit that reports directly to the institution's provost, outside the athletics department. Would student tutors employed by this unit be considered "institutional staff members" for purposes of the academic misconduct and impermissible academic assistance legislation?

Answer: Yes. Those student employees whose responsibilities include providing academic services to student-athletes (e.g., tutors) would be considered "institutional staff members" for purposes of the academic misconduct and impermissible academic assistance legislation regardless of whether the academic support services for student-athletes are provided by a unit that reports to a department outside athletics.

Question No. 9: An institution's athletics department directs all of its student-athletes to use the tutoring services made available through its general nonathletics student support services center. Would student tutors employed by this nonathletics student support services center be considered "institutional staff members" for purposes of the academic misconduct and impermissible academic assistance legislation?

Answer: Yes. If the institution directs all of its student-athletes to seek tutoring services from the nonathletics student support services unit, the student tutors would be considered "institutional staff members" for purposes of the academic misconduct and impermissible academic assistance legislation.

Question No. 10: Would a student employee who offers general tutoring to all first-year students be considered an "institutional staff member" for purposes of the academic misconduct and impermissible academic assistance legislation?

Answer: No. Unless the student employee's responsibilities specifically include the provision of tutoring services for student-athletes, a student employee whose tutoring services are generally available to all students would not be considered an "institutional staff member" for purposes of the academic misconduct and impermissible academic assistance legislation.

Question No. 11: What is a "former institutional staff member"?

Answer: A former institutional staff member is an institutional staff member who was employed by the institution at the time of the conduct in question but is now no longer employed at the institution.

Question No. 12: Is the definition of "representative of athletics interests" the same definition for purposes of this proposal as other NCAA legislation?

Answer: The definition of representative of athletics interests used in this proposal is the same as other areas of NCAA legislation.

Question No. 13: In determining whether a student is an institutional staff member, does the legislation apply differently to undergraduate and graduate students?

Answer: No. Application of the legislation to determine whether a student is an institutional staff member applies the same to both undergraduate and graduate students.

Question No. 14: Are student trainers, student managers and/or graduate student assistant coaches considered "institutional staff members"?

Answer: Provided that student trainers, student managers and graduate assistant coaches do not have institutional responsibilities to provide academic services to student-athletes, a student trainer, student manager and student graduate assistant coach would only be an institutional staff member for purposes of the academic misconduct and impermissible academic assistance legislation if the student engages in academic misconduct or provides impermissible academic assistance at the direction of a nonstudent employee, a student employee who has institutional responsibilities to provide academic services to student-athletes, or a representative of the institution's athletics interests.

Question No. 15: Must an individual who performs work for the institution or a student be paid in order to be an institutional staff member under the academic misconduct and impermissible benefits legislation?

Answer: No.

Question No. 16: Can academic misconduct between a student and student-athlete rise to the level of a violation under the academic misconduct legislation?

Answer: Yes, but only if the misconduct between the two students resulted in any of the following:

- a. An erroneous declaration of eligibility to participate in intercollegiate athletics and the student-athlete subsequently competes while ineligible;

- b. An erroneous declaration of eligibility to receive financial aid and the student-athlete subsequently receives financial aid while ineligible; or
- c. The alteration or falsification of the student-athlete's transcript or academic record.

Impermissible Academic Assistance.

Question No. 17: If conduct does not violate or breach an institution's own policies and procedures regarding academic misconduct, may the conduct still constitute an impermissible academic assistance NCAA violation?

Answer: Yes, provided each of the following factors are present:

- a. A current or former institutional staff member or representative of athletics interest provides the impermissible academic assistance;
- b. The institution determines that academic misconduct has not occurred pursuant to its policies and procedures;
- c. The academic assistance or academic exception provided is not generally available to the institution's student body or students involved in the course;
- d. The assistance is substantial;
- e. The assistance is not permitted in Bylaw 16.3; and
- f. The assistance leads to the certification of a student-athlete's eligibility to practice, compete, or receive financial aid.

Impermissible academic assistance is designed to identify when a student-athlete receives special treatment in the area of academics that would not otherwise be available to the general student. The impermissible academic assistance legislation requires a separate analysis from the academic misconduct legislation and is triggered when the institution determines that conduct did not violate its academic integrity policies and procedures. The impermissible academic assistance analysis focuses on whether student-athletes have been treated consistent with students generally; whereas, the academic misconduct analysis primarily focuses on whether conduct violates an institution's academic integrity policies and procedures.

Question No. 18: What is "substantial assistance"?

Answer: This determination is fact specific. Assistance such as proofreading, assisting a student with a problem on a math assignment or tutoring should not be considered substantial. Substantial assistance generally includes a considerable amount of assistance provided to the student-athlete that is of significant value to the student-athlete.

Question No. 19: What is permissible assistance under Bylaw 16.3?

Answer: Bylaw 16.3 permits an institution to make general academic counseling and tutoring services available to all student-athletes, which may be provided by the department of athletics or the institution's nonathletics student support services. An institution may also provide other types of academic support, career counseling and personal development services that support the success of student-athletes and a life skills program for student-athletes.

Question No. 20: Why is assistance that leads to the certification of a student-athlete's eligibility to practice, compete, or receive financial aid included in the analysis of impermissible academic assistance?

Answer: Generally, academic integrity issues are handled by an institution without involvement of the NCAA. For the purposes of intercollegiate athletics, the NCAA has established requirements that determine a student-athlete's eligibility for practice, competition and financial aid. One of the commitments for intercollegiate athletics adopted by the NCAA is fair competition. The commitment requires that all member institutions compete within the framework of the NCAA collegiate model of athletics in which athletics competition is an integral part of the student-athlete's effort to acquire a degree in higher education. A student-athlete's eligibility to practice, compete, or receive financial aid provides a common framework for impermissible academic assistance determinations for all member institutions.

Question No. 21: When does an institution assess whether alleged impermissible academic assistance "result[ed] in the certification of a student-athlete's eligibility to practice, compete, or receive financial aid"?

Answer: The assessment of whether impermissible academic assistance leads to the certification of eligibility begins when the alleged impermissible academic assistance occurred and ends after an institutional determination is made regarding the alleged impermissible academic assistance. At that

junction, the institution must determine whether the substantial academic assistance or academic exception enabled the student-athlete to be certified as eligible for purposes of athletics participation, or financial aid during the period of time (e.g., term or terms) between when the conduct occurred and the institutional determination was made.

Question No. 22: May the "results in the certification of a student-athlete's eligibility" analysis require the institution to look to a previous term or terms?

Answer: Yes, depending on the timing of when the conduct occurred.

Question No. 23: During the fall term, an institution determines that, in a spring course, a professor provided a basketball student-athlete with an academic exception that was not generally available to the student body. Pursuant to the institution's own policies and procedures, the academic exception provided by the professor did not constitute academic misconduct. Although the academic exception resulted in the student-athlete earning full credit for the spring course, the course was not necessary for the student-athlete to be certified as eligible for the fall term. Has an impermissible academic assistance violation occurred?

Answer: No, because the academic exception did not impact the student-athlete's eligibility between the times in which the exception was provided (previous spring term) and the institutional determination was made (end of fall term).

Question No. 24: If an academic exception did not impact a student-athlete's eligibility during the period of time between when the conduct occurred and the institutional determination was made, must an institution continue to monitor its future impact on the student-athlete's eligibility? For example, if the course in which a student-athlete received an academic exception that was not generally available to the student body becomes necessary to maintain an eligible grade-point average in subsequent academic certifications, would the conduct then constitute an impermissible academic violation?

Answer: No. An academic exception that had no impact on a student-athlete's eligibility during the period of time between when the conduct occurred and the institutional determination was made, does not need to be reassessed during the student-athletes' future eligibility certifications.

Question No. 25: What potential scenarios may result in an institution determining, pursuant to its policies and procedures, that academic misconduct has not occurred?

Answer:

The following are examples of situations in which an institution is considered to have determined that academic misconduct did not occur:

- a. There is no institutional policy addressing the particular conduct that occurred;
- b. The institution is unable to make a determination that misconduct occurred;
- c. The institution does not conduct or complete its review of the alleged academic integrity issue for any reason (e.g., because the student-athlete departed the institution); or
- d. The institution makes a specific determination that the conduct was not academic misconduct.

Only a finding that academic misconduct has occurred pursuant to an institution's policies and procedures would preclude further analysis under the impermissible academic assistance legislation.

Question No. 26:

Can the same conduct result in both an academic misconduct violation and an impermissible academic assistance violation?

Answer:

No. An impermissible academic assistance violation may only potentially be found when the institution determines that specific conduct did not violate its own policies and procedures regarding academic misconduct.

Question No. 27:

How does application of the proposed impermissible academic assistance legislation differ from the current extra benefit legislation?

Answer:

Currently, the extra benefit legislation applies when "academic benefits" are provided to student-athletes that are not generally available to the institution's students. Under the current legislation, institutions could be subject to both an academic misconduct violation and extra benefit violation. Additionally, an extra benefit violation could involve assistance between only students even when a student is not an institutional staff member, and the current legislation does not specify how much assistance could lead to an extra benefit violation. The impermissible academic assistance legislation replaces the application of the extra benefit analysis, providing necessary parameters and clarity to the treatment of academic benefits provided to student-athletes that are not generally available to an institution's student body.

Question No. 28: The writing center coordinator at my institution provided proofreading and edited sentence structure on a student-athlete's paper. This type of assistance does not violate our institution's academic misconduct policies and procedures and similar services are available through the writing center to other students on campus. Would this constitute an "impermissible academic assistance" violation?

Answer: No. The assistance is generally available to the institution's students and it is likely "proofreading" would not be considered "substantial assistance."

Question No. 29: A math professor at my institution helped a student-athlete complete some of the math problems on a recent course assignment. The math professor has provided similar assistance to other students in the past in order to help students learn math. This type of assistance does not violate our institution's academic misconduct policies and procedures. Would this constitute an "impermissible academic assistance" violation?

Answer: No. Although the assistance provided by the professor may or may not have been substantial, similar assistance was available to students in the course generally.

Question No. 30: An English professor on my campus allowed a student-athlete to turn in a term paper two semesters after the course was completed for full credit. The professor did not allow any other student in the course to receive the exception and institutional policy does not address this type of issue. This type of exception does not violate our institution's academic misconduct policies and procedures. The exception resulted in the student-athlete receiving a passing grade in the course and, but for the grade, the student-athlete would not have been eligible to compete. Would this constitute an "impermissible academic assistance" violation?

Answer: Yes. The academic exception was not generally available to the institution's student body or students in the involved course, the institution did not find academic misconduct pursuant to its policies and procedures, an institutional staff member was involved and the exception resulted in certification of eligibility for competition for the student-athlete.

Question No. 31: A booster arranged for a student employee in the dining hall to complete a term paper for a student-athlete, who was in his fourth year of enrollment. The paper was submitted to the professor and the student-athlete received a passing grade in the course, which subsequently kept the student-athlete eligible for competition. After exhausting eligibility at the institution, the

student-athlete withdrew from the institution. The institution investigated the issue but determined that its academic misconduct policies and procedures did not apply to this scenario, citing the student-athlete's withdrawal from the institution. Would this constitute an "impermissible academic assistance" violation?

Answer:

Yes. While the institution determined that academic misconduct did not occur, the academic assistance provided was not generally available to the institution's student body or students in the involved course. The assistance was substantial and not permitted in Bylaw 16.3. A booster and an institutional staff member were involved (due to the student working at the direction of a booster). Finally, the assistance resulted in certification of eligibility for competition for the student-athlete.

Institutional Academic Misconduct Policies and Procedures.

Question No. 32: Is the legislation prescriptive as to what the institutional academic misconduct policies must address?

Answer:

No. Institutions are responsible for determining the substance of their institutional academic misconduct policies and procedures. The legislation, however, requires that the policies and procedures be in writing, applicable to the general student body, including student-athletes, approved through the institution's normal process for approving such policies and kept on file or accessible on the institution's website.

Question No. 33: May an institution have separate policies and procedures for student-athletes?

Answer:

No; however, an institution may establish a policy that permits an expedited investigation and adjudication of academic misconduct by a student-athlete, provided other applicable policies and procedures are observed and the policy for expedited review is approved through the institution's normal process for approving such policies, is approved by the institution's chancellor or president (or his or her designee) and kept on file or accessible on the institution's website.

Question No. 34: Is the failure to investigate and adjudicate alleged academic misconduct of a student-athlete in accordance with the institution's policies and procedures a violation?

Answer:

Yes.

Pre-enrollment Academic Misconduct.

Question No. 35: Does the proposal change current pre-enrollment academic misconduct legislation?

Answer: No. The substance of pre-enrollment academic misconduct legislation remains the same. However, the proposal moves the pre-enrollment academic misconduct legislation from Bylaw 10 to Bylaw 14.

Enforcement: Institutional Staff Members and Impermissible Academic Assistance.

Question No. 36: How does the enforcement staff view its role in cases of academic misconduct?

Answer: Please see the following letter from vice president of enforcement, Jon Duncan.

MEMORANDUM

TO: NCAA Division II Membership.

FROM: Jonathan F. Duncan
Vice President of Enforcement.

SUBJECT: NCAA Division II Proposal 2017-10 (Academic Integrity).

As the membership considers academic integrity rules, it is important to understand how the enforcement staff views its role in cases of academic misconduct. Accordingly, this memorandum will identify decisions that are best made by schools on the local level. It will also address two proposed rules that generate frequent questions and describe how the enforcement staff intends to apply them.

Decisions about teaching curriculum and course content are obviously made by campus officials. Similarly, policies and procedures regarding academic misconduct are prepared and owned by individual schools. The enforcement staff is not involved in those matters. Member schools have also been clear that questions of academic misconduct should be resolved by campus officials through campus procedures. The enforcement staff will not revisit those decisions.

Two provisions in the proposed rules have generated good questions from member schools. The enforcement staff wants its position on these provisions and its role in these cases to be clear.

1. Institutional staff member responsibility. One concept fundamental to the NCAA structure is that institutions are responsible for the conduct of their representatives (e.g., NCAA Bylaws 2.1.2 and 2.8.1). The same is true for acts of academic misconduct. Under current bylaws and in the proposed revisions, institutions are responsible for violations committed by staff members. However, not all staff members are similarly situated. For example, within an athletics department, some staff members are in leadership roles (like coaches, administrators and compliance officials), while others are further removed (like trainers and equipment managers). Outside of athletics, certain staff members are in closer proximity to sport programs and have greater responsibility than others.

Although a school is accountable for all its representatives, the enforcement staff will certainly consider the differences between and among staff members at a school. Misconduct by coaches, leaders and others nearest a sport program most negatively impacts the collegiate model. Accordingly, cases where those individuals engage in academic impropriety are more likely to be alleged as major (Bylaw 19.02.2.2).

Misconduct by individuals further removed from leadership positions and further removed from a sport program still constitutes a violation but may be alleged by the enforcement staff at a lower level. For example, the enforcement staff will treat differently a case where a student teaching assistant acting on his or her own accord provides a student-athlete answers to a quiz without the knowledge or involvement of any coach or administrator. Misconduct by this individual has a different impact on the collegiate model and might be processed as a secondary violation (Bylaw 19.02.2.1).

As always, the enforcement staff will consider the totality of circumstances, including the type of institutional representative involved, when drafting allegations of academic misconduct. The NCAA Division II Committee on Infractions also considers the full context of every case when determining the level of a violation and fashioning penalties. The committee provides a meaningful check

of enforcement staff allegations in individual cases and also shares its analysis through written decisions.

2. Impermissible academic assistance. Some fear that the enforcement staff will overreach and allege violations when schools provide ordinary assistance to college athletes who need academic support. The enforcement staff is sensitive to this concern and has no interest in discouraging appropriate and generous academic support for college athletes.

To be very clear, the enforcement staff will not pursue allegations where appropriate personnel provide a college athlete counseling in course selection, assistance in enrolling or edits to a research paper. These and other similar supports advance the collegiate model and the educational interests of college athletes. The enforcement staff will not bring allegations in these instances.

In contrast, writing a paper for a college athlete or sharing exam answers are not acceptable supports and are not permitted by Bylaw 16.3. These are substantial benefits not generally available to students and do not serve the interests of the college athlete. They are also unfair to eligible competitors who work hard to comply with applicable educational requirements. Accordingly, after working with the school and considering all relevant facts, the enforcement staff would consider bringing an allegation in this context. The enforcement staff would also look carefully at the individuals involved and the impact of the misconduct when weighing whether the violation might be major or secondary. As always, the Committee on Infractions would conclude whether violations occurred and the appropriate level.

The enforcement staff understands the sensitivity and complexity of academic misconduct rules. It has no interest in overreaching in this area, or any other. Rather, the enforcement staff looks forward to working with member schools, governance committees and colleagues in other regulatory departments in advancing the educational interests of college athletes.

JFD:ajh

Proposal No. 2017-11 (No. 2-1) (No. 1-1) NCAA Membership -- Conditions and Obligations of Membership -- Independent Medical Care

Question No. 1: If adopted, how will this proposal impact institutions?

Answer: This proposal would require institutions to do two things: (1) an institution must establish an administrative structure that permits primary athletics health care providers to determine medical management and return-to-play decisions related to student-athletes. The decisions made may not be challenged. Within this structure, a coach may not serve as the sole supervisor nor have sole hiring/firing authority over primary athletics health care providers; and (2) an institution will need to designate an athletics health care administrator. This administrator will oversee the institution's athletic health care administration and delivery.

Question No. 2: What if the director of athletics is also a coach of a sports team?

Answer: A director of athletics who is also a coach may not serve as the sole supervisor nor have sole hiring/firing authority over primary athletics health care providers. Effective solutions to this situation may focus on the development of shared supervisory relationships for athletics health care providers, or on the creation of appeal or oversight mechanisms, external to the athletics department, for the evaluation of the merits of negative employment decisions against athletics health care providers. Another example may be an administrative 'firewall' so that decision-making by primary athletics health care providers is always autonomous and unchallengeable.

Question No. 3: What is a "primary athletics health care provider"?

Answer: A primary athletics health care provider is defined as an institution's team physician and/or athletic trainer. This designation reflects the central role the physician and athletic trainer play, by virtue of their training, qualifications, and credentials, in the day-to-day management of student-athlete health and safety. This designation is also consistent with guidelines and recommendations established by sports medicine and athletic training professional organizations.

Question No. 4: How is "administrative structure" defined?

Answer: In the context of this proposal, the administrative structure is the organizational makeup, policy and process through which the institutional medical line of authority operates. Within the administrative structure,

primary athletics health care providers should have authority and reporting lines that ensure their complete autonomy to determine medical management and return-to-play decisions for student-athletes.

Question No. 5: Who may be designated as an athletics health care administrator and what functions should the individual perform?

Answer: An institution should designate an individual who has administrative and clinical knowledge, but there is otherwise no specific credentialing required. The athletics health care administrator is not required to supervise or oversee the primary athletics health care providers and other members of the medical team, but rather should be focused on compliance with the broad structure and administrative environment in which student-athlete medical care is delivered. The proposal does not require that the individual have specific qualifications [e.g., doctor of medicine (MD), doctor of osteopathic medicine (DO)]. An athletics health care administrator is not required to be an institutional employee.

The position is administrative in nature and does not necessarily reflect the normal medical-legal hierarchy that would be required for the delivery of athletics health care. For example, athletic trainers deliver health care under the direction of a licensed physician. However, an athletic trainer could serve as the athletics health care administrator. While primary athletics health care providers will retain unchallengeable autonomous authority to determine medical management and return-to-play decisions, the athletics health care administrator will play an administrative role in the delivery of athletics health care. This administrative role may include assuring that schools are compliant with all pertinent NCAA health and safety legislation and with interassociation consensus statements that impact student-athlete health and safety.

Question No. 6: Is there specific training required (e.g., certification, license) of the athletics health care administrator?

Answer: No, but the individual should assure institutional compliance with existing, pertinent legislation and interassociation recommendations.

Question No. 7: Must the independent medical care be provided separate from and independent of the institution?

Answer: No. The phrase "independent medical care" refers to an environment in which primary athletics health care providers may make medical decisions for student-athletes free of pressure or influence from non-medical factors.

It depends on establishing an institutional medical line of authority independent of coaches and sport-specific staff members in an effort to afford sports medicine providers unchallengeable, autonomous authority to determine medical management and return-to-play decisions of student-athletes without outside influence.

Question No. 8: How does an athletics health care administrator differ from having a team physician?

Answer: The athletics health care administrator position lies outside of the normal medical hierarchy required for the lawful delivery of medical care. Physicians sit atop of that hierarchy, and a team physician/medical director is ultimately responsible for the care being delivered at all member institutions. Existing legislation in all three divisions requires the designation of a team physician who "shall be authorized to oversee the medical services for injuries and illnesses incidental to a student-athlete's participation in intercollegiate athletics" (Division I Constitution 3.2.4.16, Division II Constitution 3.3.4.17, Division III Constitution 3.2.4.18). Team physician authority is the linchpin for independent medical care of student-athletes.

An analogy for an athletics health care administrator is that of a medical office manager who works in a physician's office. The typical medical office manager has administrative and clinical knowledge, skills in business and administration and clinical management. The medical office manager is also responsible for the operations of the medical practice. Importantly, medical office managers are not dictating the care delivered by the physician. Instead, they are ensuring that the care is being delivered in an organizational environment that reflects relevant laws, rules and regulations.

Question No. 9: Will institutions be required to report to the NCAA the name of the individual appointed as the athletics health care administrator?

Answer: The membership database will be updated to allow designation of the institution's athletics health care administrator, but the proposal does not require reporting to the national office.

Question No. 10: Does this proposal require institutions to have medical staff present at all practices and competitions?

Answer: No.

Question No. 11: What if a coach is the only individual present from the institution at a practice or competition when an injury occurs?

Answer: The coach must follow protocols established by the primary athletics health care provider(s). The protocols should be consistent with existing health and safety legislation and relevant interassociation recommendations.

Question No. 12: Does the "unchallengeable autonomous authority" requirement preclude a student-athlete from getting a second opinion from a medical practitioner outside of the institution?

Answer: No. A student-athlete is permitted to seek an outside medical opinion. However, an outside medical opinion cannot override the decision of the primary athletics health care provider(s) regarding return to play. Such an opinion becomes part of the data that must be analyzed by the primary athletics health care provider(s) in making unchallengeable, autonomous medical decisions.

Proposal No. 2017-12 (No. 2-12) Financial Aid -- Maximum Limits On Financial Aid -- Team Limits -- Institutional Athletics Aid Only

Question No. 1: How are equivalencies currently calculated?

Answer: Individual equivalencies are calculated for any student-athlete who is a counter (e.g., receives institutional aid based in any degree on athletics ability). For each counter, all institutional aid provided to cover the elements of a full grant-in-aid (i.e., tuition, fees, books and required course supplies, room and board) must be totaled. For purposes of this calculation, the full value of books for an academic year is \$800, regardless of the amount received. Once all institutional aid is summed, certain aid types can be exempted from the calculation (e.g., academic awards provided the recipient meets national criteria, government grants based on need) to determine the amount of countable institutional aid received by the student-athlete.

Once the amount of countable institutional aid is determined, that number is used as the numerator. The denominator is either the actual or average cost of a full grant-in-aid. This fraction calculates the student-athlete's individual equivalency. A student-athlete's equivalency may not exceed 1.0 since it is impermissible to receive athletically related aid in excess of a full grant-in-aid.

The sum of all individual equivalency limits in a sport cannot exceed the team limitation outlined in Bylaw 15.4.2.1 (maximum equivalency limits).

$$\text{Individual Equivalency} = \frac{\text{All Institutional Aid Minus Exempted Aid}}{\text{Actual or Average Cost of Full Grant-in-Aid}}$$

Question No. 2: How would equivalencies be calculated if this proposal is adopted?

Answer: Individual equivalencies would be calculated for any student-athlete who receives athletics aid. The amount of athletics aid received by the student-athlete would be the numerator.

The rest of the calculation would not change. The denominator is either the actual or average cost of a full grant-in-aid. This fraction calculates the student-athlete's individual equivalency. A student-athlete's equivalency may not exceed 1.0 since it is impermissible to receive athletically related aid in excess of a full grant-in-aid.

$$\text{Individual Equivalency} = \frac{\text{Athletics Aid}}{\text{Actual or Average Cost of Full Grant-in-Aid}}$$

Question No. 3: What is "athletics aid"?

Answer: Athletics aid is financial aid awarded by the institution's athletics department, including institutional aid (e.g., leadership scholarship, tuition waiver) for which the athletics department is involved in selecting the recipient.

Question No. 4: Does this proposal change how grant-in-aid and cost of attendance are calculated?

Answer: No. A student-athlete may not receive athletics aid in excess of a full grant-in-aid. Additionally, a student-athlete may not receive financial aid (athletics and nonathletics aid) above the cost of attendance, as determined by federal financial aid policy and applied for all students at the institution.

Question No. 5: Does this proposal change the team maximum equivalency limits?

Answer: No.

Question No. 6: If this proposal is adopted, what information will be required on the financial aid form?

Answer: The NCAA Division II Legislation Committee will review the financial aid form and determine what information will be included if the proposal is adopted.

Question No. 7: What is the effective date of the proposal and how will it apply to student-athletes?

Answer: The effective date is August 1, 2018, for athletics aid agreements signed for the 2018-19 academic year. The athletics aid agreement may be signed prior to August 1, 2018, subject to applicable NCAA legislation and NLI procedures.

Proposal No. 2017-13 (No. 2-13) Financial Aid -- Terms and Conditions Of Awarding Institutional Financial Aid -- Period Of Institutional Financial Aid Award -- One-Year Limit -- Requirement To Provide Athletically Related Financial Aid For One Academic Year

Question No. 1: What is the current legislation regarding period of the award?

Answer: Athletics aid may be awarded on a term-by-term basis but the period of award may not exceed one academic year.

Question No. 2: Does athletics aid have to be awarded in equal amounts for each term of the academic year?

Answer: Yes. For an athletics aid agreement that is awarded on the basis of a dollar amount, the student-athlete must receive the same dollar amount in each term. For example, if a student-athlete signs an athletics aid agreement for \$6,000 for the academic year, the student-athlete must receive \$3,000 per semester (or, for quarter schools, \$2,000 per quarter).

For an athletics aid agreement that is awarded on the basis of a percentage, the student-athlete must receive the same percentage in each term. For example, if a student-athlete signs an athletics aid agreement for 50 percent tuition for the academic year, the student-athlete must receive 50 percent of their tuition costs in each semester, regardless of whether the dollar value varies by term.

For an athletics aid agreement that is awarded on the basis of a specific line item, the student-athlete must receive the same amount in each term. For example, if a student-athlete signs an athletics aid agreement for 30 credit hours of tuition, the student-athlete must receive 15 credit hours of tuition per semester (or, for quarter schools, 10 credit hours per quarter).

Question No. 3: Does the proposal change any provisions related to the conditions for reduction or cancellation of aid?

Answer: No. During the term of the award it is only permissible to reduce or cancel the aid based on the legislated conditions (Bylaw 15.3.4.2) and other nonathletically related conditions that are included in the financial aid agreement (Bylaw 15.3.4.2.2).

Question No. 4: May the one-year athletics aid award include summer?

Answer: No. Institutions must provide a separate award for a summer term.

Question No. 5: Is it permissible to provide an athletics aid agreement for more than one academic year (e.g., 2018-19 and 2019-20 academic years)?

Answer: No.

Question No. 6: May a midyear enrollee sign an athletics aid agreement for two terms (e.g., 2018 spring term and 2018 fall term)?

Answer: No. It is not permissible for an athletics aid agreement to span two academic years.

Question No. 7: If a student-athlete's athletics aid is nonrenewed for the next academic year due to academic reasons, may the institution provide athletics aid for the spring term if the student-athlete performs well academically during the fall term?

Answer: Yes, provided the student-athlete meets the one-time exception for receipt of aid for less than a full academic year.

Question No. 8: The proposal's effective date is August 1, 2018. Would the exception for a student-athlete who graduated during previous academic year and will exhaust eligibility during the following fall term apply to a student-athlete who graduates at any time during the 2017-18 academic year and will exhaust his or her eligibility during the fall 2018 term?

Answer: Yes.

Question No. 9: Does the exception for a student-athlete who graduated during previous academic year and will exhaust eligibility during the following fall term permit the institution to renew the student-athlete's athletics aid for

subsequent terms of the academic year (e.g., spring semester, winter quarter, spring quarter)?

Answer: Yes.

Question No. 10: For quarter schools, may the exception for a student-athlete who graduated during previous academic year and will exhaust eligibility during the following fall term be used if a student-athlete exhausts eligibility during the winter term?

Answer: No. The proposal specifically requires that eligibility will be exhausted during the fall term.

Question No. 11: If the exception for a student-athlete who graduated during previous academic year and will exhaust eligibility during the following fall term is used and the student-athlete does not exhaust eligibility in the fall term (e.g., medical hardship), is there a violation?

Answer: No. It would not be a violation and the institution may award the student-athlete athletics aid for the spring term.

Question No. 12: If the final semester/quarter exception is used and the student-athlete does complete degree requirements at the conclusion of the term, is there a violation?

Answer: No. It would not be a violation and the institution may award the student-athlete athletics aid for the next term.

Question No. 13: May the institution provide athletics aid for less than one academic year to a graduate student-athlete with remaining eligibility?

Answer: No, unless the graduate student-athlete meets a legislated exception.

Question No. 14: Is an institution required to provide a student-athlete who previously received athletics aid for a full academic year a hearing if the institution decides to award the student-athlete athletics aid for less than one academic year in accordance with one of the exceptions outlined in this proposal?

Answer: An institution's regular financial aid authority must notify a student-athlete in writing of the opportunity for a hearing if institutional financial aid based in any degree on athletics ability is reduced or not renewed for the following academic year.

Question No. 15: What is the effective date of the proposal and how will it apply to student-athletes?

Answer: The effective date is August 1, 2018, for athletics aid agreements signed for the 2018-19 academic year. The athletics aid agreement may be signed prior to August 1, 2018, subject to applicable NCAA legislation and NLI procedures. If the proposal is adopted, regardless of when the aid agreement for the 2018-19 academic year is signed, athletics aid must be awarded for one academic year unless a legislated exception is met.

Question No. 16: Will an institution have the opportunity to file an NCAA Division II Committee for Legislative Relief waiver on behalf of a prospective student-athlete who does not meet a legislated exception?

Answer: Yes.

Proposal No. 2017-14 (No. 2-14) Financial Aid -- Terms And Conditions Of Awarding Institutional Financial Aid -- Reduction And Cancellation During Period Of Award -- Increase Permitted -- Increase For Any Reason At Any Time

Question No. 1: What is the current legislation regarding increases to athletics aid during the period of the award?

Answer: Athletics aid may only be increased during the period of the award for a demonstrated nonathletics reason.

Question No. 2: Who would be responsible for determining whether a student-athlete's athletics aid should be increased during the period of the award?

Answer: Each institution, at its discretion and in accordance with institutional policies regarding athletics aid, will be responsible for determining when and for what reason it is appropriate to increase athletics aid during the period of award.

Question No. 3: What documentation is required for an increase of athletics aid?

Answer: Each institution, at its discretion and in accordance with institutional policies regarding athletics aid, will be responsible for determining what documentation is required for such a request to be processed.

Question No. 4: If a student-athlete's athletics aid is increased during the academic year and the coach wants to return the student-athlete to the original athletics aid

amount for the following academic year, is the institution required to provide a hearing opportunity?

Answer: Yes. The student-athlete's athletics aid would be reduced since he or she will receive less athletics aid for the subsequent academic year.

Question No. 5: Would this proposal permit an institution to increase a student-athlete's athletics aid during the period of award based on athletics performance?

Answer: Yes.

Question No. 6: Does this proposal change the team maximum equivalency limits?

Answer: No. Any increases to athletics aid cannot exceed the individual or team maximum equivalency limits.

Question No. 7: What is the effective date of the proposal and how will it apply to student-athletes?

Answer: The effective date is August 1, 2018, for athletics aid agreements signed for the 2018-19 academic year. The athletics aid agreement may be signed prior to August 1, 2018, subject to applicable NCAA legislation and NLI procedures.

Proposal No. 2017-15 (No. 2-9) Recruiting -- Recruiting Materials -- Elimination of Conference Restrictions

Question No. 1: What is the current legislation regarding conference recruiting materials?

Answer: Conferences are precluded from providing recruiting materials to prospective student-athletes (or his or her parents, legal guardians or coaches).

Question No. 2: What is a recruiting material?

Answer: For purposes of NCAA legislation, recruiting material is athletically related and designed to solicit a prospective student-athlete's enrollment and athletics participation.

Question No. 3: What types of recruiting materials would this proposal permit the conference office to distribute?

Answer: While this proposal would not limit the potential recruiting materials, permissible materials would include a poster with all of the conference members and conference information or a brochure about the conference and Division II.

Question No. 4: Does this proposal change the recruiting materials legislation for institutions?

Answer: No.

Question No. 5: Would it be permissible for institutional coaches to distribute conference recruiting materials to prospective student-athletes?

Answer: Yes, provided the recruiting material is provided to the prospective student-athlete no earlier than June 15 immediately preceding the prospective student-athlete's junior year in high school.

Question No. 6: Is it permissible for a conference to highlight a specific institution on recruiting materials?

Answer: Yes. The content of the recruiting material would be at the discretion of the conference office.

Question No. 7: Would this proposal permit a conference to include an affiliate member on recruiting materials?

Answer: Yes.

Question No. 8: Would this proposal permit a conference to include a member who sponsors a Division I sport on recruiting materials?

Answer: Yes. However, it would remain impermissible for Division I conferences to distribute recruiting materials.

Question No. 9: Would this proposal permit a conference to distribute institutional recruiting materials?

Answer: No.

Question No. 10: Would it be permissible for a conference office to provide recruiting materials to a prospective student-athlete (or his or her parents, legal guardians or coaches) prior to June 15 immediately preceding the prospective student-athlete's junior year?

Answer: No.

Question No. 11: What is the penalty if a conference office sends an impermissible recruiting material to a prospective student-athlete (or his or her parents, legal guardians or coaches)?

Answer: The conference office would have to report a secondary violation to the NCAA enforcement staff. The eligibility of the involved prospective student-athlete(s) would not be impacted.

Proposal No. 2017-16 (No. 2-10) (No. 1-3) Recruiting -- Recruiting Calendars -- Football -- Contact Period -- Monday After Thanksgiving

Question No. 1: What is a contact period?

Answer: A contact period is that period of time when it is permissible for authorized athletics department staff members to make in-person, off-campus recruiting contacts and evaluations.

Question No. 2: When does the current football winter contact period begin?

Answer: December 1.

Question No. 3: If this proposal is adopted, when will the first day of the winter contact period occur in future years?

Answer: The chart below outlines the first Monday after Thanksgiving for the next 10 years should the proposal be adopted.

Academic Year	First Date of Winter Contact Period - Current Legislation	First Date of Winter Contact Period if Proposal No. 2017-16 is Adopted
2017-18	Friday, December 1, 2017	Monday, November 27, 2017
2018-19	Saturday, December 1, 2018	Monday, November 26, 2018
2019-20	Sunday, December 1, 2019	Monday, December 2, 2019
2020-21	Tuesday December 1, 2020	Monday, November 30, 2020
2021-22	Wednesday December 1, 2021	Monday, November 29, 2021
2022-23	Thursday, December 1, 2022	Monday, November 28, 2022
2023-24	Friday, December 1, 2023	Monday, November 27, 2023
2024-25	Sunday, December 1, 2024	Monday, December 2, 2024
2025-26	Monday, December 1, 2025	Monday, December 1, 2025
2026-27	Tuesday, December 1, 2026	Monday, November 30, 2026

Question No. 4: What is the current legislation in Divisions I and III?

Answer: Division I Football Bowl Subdivision (FBS) and NCAA Football Championship Subdivision (FCS) football begin the winter contact period on the Sunday following the last Saturday in November. Division III does not have recruiting calendars and coaches are permitted to recruit at any time.

Proposal No. 2017-17 (No. 2-11) Eligibility -- Seasons of Competition: 10-Semester/15-Quarter Rule -- Hardship Waiver -- Season-of-Competition Waiver -- Competition While Eligible

Question No. 1: What is a medical hardship waiver?

Answer: A student-athlete may be granted a medical hardship waiver due to an incapacitating injury or illness that prevents the student-athlete from participating in the remainder of a season in which the student-athlete has already triggered the use of a season of competition.

Question No. 2: What is a season-of-competition while eligible waiver?

Answer: A student-athlete may be granted a season-of-competition while eligible waiver due to an extenuating circumstance (e.g., life-threatening injury or illness to an immediate family member, extreme financial difficulties) that prevents the student-athlete from participating in the remainder of a season after the student-athlete has already triggered the use of a season of competition.

Question No. 3: What are the current requirements to qualify for a medical hardship waiver or a season of competition – competition while eligible waiver?

Answer: In order to be eligible for either waiver, a student-athlete cannot have participated in more than two contests or dates of competition (whichever is applicable to that sport), 20 percent of the institution's completed contests or dates of competition or 20 percent of the maximum number of permissible contests or dates of competition set forth in Bylaw 17 in that sport. This competition can take place at any point in the season.

Question No. 4: If the proposal is adopted, how does an institution determine whether a student-athlete satisfies the criteria for a medical hardship waiver?

Answer:

Institutions would use the information in the chart below when determining whether a student-athlete satisfies the criteria for a medical hardship waiver. The chart below outlines the first half of the playing season, the denominator and the maximum amount of competition in which a student-athlete can participate and remain eligible for a medical hardship waiver.

Sport	First Half of Playing Season	Standard Denominator	30 Percent of Bylaw 17 Maximum
Baseball	Before the start of the 26th contest	50	15
Basketball	Before the start of the 14th contest	26	8
Beach Volleyball ¹	Before the start of the ninth date of competition	16	5
Women's Bowling	Before the start of the 17th date of competition	32	10
Cross Country	Before the start of the fourth date of competition	7	3
Women's Equestrian	Before the start of the eighth date of competition	15	5
Fencing	Before the start of the sixth date of competition	11	4
Field Hockey ²	Before the start of the 10th contest	18	6
Football	Before the start of the sixth contest	11	4
Golf	Before the start of the 11th date of competition	21	7
Gymnastics	Before the start of the seventh date of competition	13	4
Women's Ice Hockey	Before the start of the 18th contest	34	11
Men's Ice Hockey	Before the start of the 17th contest	32	10
Men's Lacrosse	Before the start of the ninth date of competition	17	6
Women's Lacrosse	Before the start of the ninth date of competition	17	6
Rifle	Before the start of the seventh date of competition	13	4
Women's Rowing	Before the start of the 11th date of competition	20	4
Women's Rugby	Before the start of the ninth date of competition	16	4
Skiing	Before the start of the ninth date of competition	Alpine - 16 Nordic - 16	Alpine - 5 Nordic - 5
Soccer ²	Before the start of the 10th contest	18	6
Softball	Before the start of the 29th contest	56	17
Swimming and Diving	Before the start of the ninth date of competition	16	5

Sport	First Half of Playing Season	Standard Denominator	30 Percent of Bylaw 17 Maximum
Tennis	Before the start of the 13th date of competition	25	8
Track and Field (Indoor/Outdoor)	Before the start of the 10th completed date of competition	Completed dates of competition	Will Vary
Track and Field (Indoor Only) ³	Before the start of the 10th date of competition	Completed dates of competition OR 18	Will vary OR 6
Track and Field (Outdoor Only) ³	Before the start of the 10th date of competition	Completed dates of competition OR 18	Will vary OR 6
Women's Triathlon ⁴	Before the start of the fourth date of competition	6	3
Men's Volleyball ⁵	Before the start of the 15th date of competition	28	9
Women's Volleyball ⁵	Before the start of the 14th date of competition	26	8
Water Polo	Before the start of the 11th date of competition	21	7
Wrestling	Before the start of the ninth date of competition	16	5

1 - May compete in not more than four dates of competition during the nonchampionship segment.

2 - May compete in not more than five dates of competition during another segment.

3 - See Bylaw 14.2.5.2.3.1.1 for additional information regarding the denominator in the percent computation for track and field.

4 - Three dates of competition.

5 - May compete in not more than four dates of competition during another segment.

6 - May include not more than two-day meets or not more than two occasions in which dual meets are held on two consecutive days that shall each count as a single date of competition.

Question No. 5:

If a student-athlete in an individual sport competed in a date of competition that did not trigger the use of an institutional date of competition for Bylaw 17 purposes (e.g., institution did not meet minimum number of required participants), does that date of competition need to be included in the numerator?

Answer:

Yes. Any date of competition in which the student-athlete participates must be included in the numerator, except for dates of competition that fall under a discretionary exemption (e.g., scrimmages and exhibitions).

Question No. 6:

If a student-athlete competes in the second half of the playing season, but does not participate in more than 30 percent of the season, does the student-athlete remain eligible for a medical hardship waiver?

Answer: No. The student-athlete would not meet the medical hardship waiver requirements and the waiver must be denied by the conference office. The institution would have the opportunity to appeal that decision to the NCAA Division II Committee on Student-Athlete Reinstatement.

Question No. 7: If a student-athlete does not compete in any contests or dates of competition during a season because of an injury, does the institution need to file a medical hardship waiver with the conference office?

Answer: No. The student-athlete did not trigger the use of a season of competition.

Question No. 8: How does this proposal compare to the legislation in Divisions I and III?

Answer: In Division I, the following standards apply:

Medical hardship waivers: The injury or illness must occur in the first half of the playing season and the student-athlete may not participate in more than three contests or dates of competition or 30-percent of the Bylaw 17 maximum, whichever is greater.

Season of competition while eligible waivers: The student-athlete's participation must occur in the first 20-percent of the championship segment and the student-athlete may not participate in more than two events or 10-percent of the institution's scheduled or completed contests, whichever is greater.

In Division III, the following standards apply:

Medical hardship waivers: The injury or illness must occur in the first half of the traditional playing season and the student-athlete may not participate in more than one-third plus one contest or date of competition of the Bylaw 17 maximum.

Season of participation waivers: The student-athlete's participation must occur in the first half of the traditional playing season and the student-athlete may not participate in more than one-third plus one contest or date of competition of the Bylaw 17 maximum.

Question No. 9: Is there a deadline for filing a medical hardship waiver with the conference office?

Answer: NCAA legislation does not specify a deadline for submission to the conference office, but institutions are encouraged to review the policies and procedures of the conference.

Question No. 10: If the proposal is adopted, when would the new criteria become effective?

Answer: The new criteria would be effective for any injury, illness or extenuating circumstance that occurs on or after August 1, 2017. Any injury, illness or extenuating circumstance that occurs prior to August 1, 2017, would be evaluated under the current legislation.

Question No. 11: If this proposal is adopted, will institutions be permitted to use completed contests or dates of competition in the denominator?

Answer: No. The proposal would only permit the Bylaw 17 maximum in a sport to be used in the denominator, with the exception of track and field.

Question No. 12: How will the denominator be calculated for track and field?

Answer: For institutions that sponsor both indoor and outdoor track and field, the denominator will be the number of completed institutional dates of competition in each season. For institutions that only sponsor indoor or outdoor track and field, the denominator can be either the completed contests or 18.

Question No. 13: If a student-athlete suffers an injury or illness at a non-NCAA institution (e.g., two-year institution, NAIA institution), does the institution need to file a hardship waiver with the conference office?

Answer: Yes. This applies even if the student-athlete was granted a hardship waiver at a non-NCAA institution (see Bylaw 14.2.5.1.1).

Proposal No. 2017-18 (No. 2-15) Playing and Practice Seasons -- Baseball, Beach Volleyball, Cross Country, Field Hockey, Golf, Lacrosse, Rowing, Soccer, Softball, Tennis, Women's Volleyball -- Out-Of-Season and Nonchampionship Segment Athletically Related Activities -- Nonchampionship Segment Activities

Question No. 1: Which sports have a nonchampionship segment?

Answer: Baseball, cross country, field hockey, golf, lacrosse, rowing, soccer, softball, tennis and women's volleyball.

Question No. 2: What is the current nonchampionship segment legislation and how does it compare to the proposed changes?

Answer: The figures below outline the current and proposed legislation.

For all sports with a nonchampionship segment, other than golf, rowing and tennis:

<u>Current Legislation</u>	<u>Proposed Legislation</u>
45-day window	45-day window
One day off per week	Two days off per week
Four hours per day	Four hours per day
20 hours per week	15 hours per week

Golf:

<u>Current Legislation</u>	<u>Proposed Legislation</u>
60-day window	60-day window
One day off per week	Two days off per week
Four hours per day	Four hours per day
20 hours per week	20 hours per week

Rowing:

<u>Current Legislation</u>	<u>Proposed Legislation</u>
65-day window	65-day window
One day off per week	Two days off per week
Four hours per day	Four hours per day
20 hours per week	15 hours per week

Tennis:

<u>Current Legislation</u>	<u>Proposed Legislation</u>
45-day window	60-day window
One day off per week	Two days off per week
Four hours per day	Four hours per day
20 hours per week	20 hours per week

Question No. 3: What activities would be permissible on the two days off per week?

Answer: No countable athletically related activities would be permissible on the required two days off. Student-athletes would only be permitted to participate in voluntary activity.

Question No. 4: Does this proposal change the alternate playing season in golf and tennis?

Answer: No. Institutions that declare the alternate playing season in golf and/or tennis would be subject to the same nonchampionship segment restrictions.