

LEGISLATION

2018 NCAA CONVENTION

DIVISION II INITIAL
PUBLICATION OF
PROPOSED
LEGISLATION

112th Annual Convention
January 17-20, 2018
Indianapolis, Indiana



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

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**Initial Publication of Proposed Legislation
Submitted by the Division II Membership
112th Annual Convention**

This publication presents all proposed amendments to NCAA legislation that were properly submitted by the Division II membership in accordance with the July 15 deadline in the NCAA legislative calendar. The three proposals herein are printed in the order in which they would appear, if adopted in the NCAA Division II Manual. No attempt has been made to place them in topical groupings or in the order in which they eventually might appear in the Convention agenda. The order of the three proposals may change in the Second Publication of Proposed Legislation and in the Official Notice. Therefore, the numeral 1 will be placed in front of each proposal number to help identify it in future legislative publications as having originated in the initial (first) publication.

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

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

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

No new proposals may be submitted by the Division II membership for the 2018 Convention as the July 15 deadline has passed. Member institutions and conferences that wish to offer suggested revisions to an amendment are encouraged to contact the designated primary contact person, as listed with each proposal. Such contacts should be made early in the period between the date this publication is posted and September 15 to assure time for appropriate consideration by the sponsors.

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

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

November 15 - Official Notice of the 2018 Convention. This will contain all Division II legislation for the Convention, including all amendments-to-amendments and resolutions submitted by the November 1 deadline.

2017-18 Legislative Calendar

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

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

July 15: Legislation Committee Review. The committee reviews all proposals by the membership and works with the primary contact person for each amendment to ensure that the proposal meets the intent of the sponsor, to ensure that the placement of the amendment is consistent with the organizational integrity of the relevant divisional Manual, and to edit the intent and rationale statements of the sponsors for clarity and brevity.

August 9: Presidents Council Consideration. The Presidents Council considers legislative proposals that it may wish to sponsor. It also reviews the proposals submitted by the membership in accordance with the July 15 deadline.

August 15: Posting of Initial Publication of Proposed Legislation.

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

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

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

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

September 23 through November 1: Amendment-to-Amendment Period. The Presidents Council as well as the membership (see Constitution 5.3.4.2) may submit amendments to the proposals in the SPOPL. These amendments-to-amendments may not increase the modification of the provisions to be amended; they must fall between the provisions of the circularized amendment and the current provisions.

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

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

January 17-20, 2018: NCAA Convention. All delegates have the opportunity to download the NCAA Events app prior to arriving at the Convention. The NCAA Events app contains the most up-to-date meeting schedule and other helpful Convention information.

Division II Legislation Committee

Chair - Natasha Oakes, Missouri Western State University
Molly Belden, Northeast-10 Conference
Peggy Davis, Virginia State University
Taryn Driver, Texas A&M University-Commerce
Marty Gilbert, Mars Hill University
Chris Gregor, Saint Martin's University
Kelly McLaughlin, Regis University (Colorado)
Pennie Parker, Rollins College
Kimberly Pate, Lenoir-Rhyne University
Linda Van Drie-Andrzewski, Wilmington University (Delaware)
Keith Vitense, Cameron University
Cherrie Wilmoth, Southeastern Oklahoma State University

112th Annual Convention
LEGISLATIVE PROPOSALS SUBMITTED BY THE MEMBERSHIP

[Note: Pursuant to Constitution 5.3.12, all amendments shall become effective not earlier than the first day of August following adoption by the Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Further, all amendments with an effective date other than the first day of August following the Convention, will contain in the rationale statement reasons for such effective date. Those proposals that receive the required vote to carry an immediate effective date and that are adopted, become effective upon adjournment of the Convention.]

[Note: In the following proposals:

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

Membership

No. 1-1 NCAA MEMBERSHIP -- ELIGIBILITY FOR MEMBERSHIP -- GENERAL -- MEMBERSHIP FOR INTERNATIONAL INSTITUTIONS -- INSTITUTIONS LOCATED IN MEXICO

Intent: To specify that an institution located in Mexico may join Division II upon the successful completion of the membership process.

A. Constitution: Amend 3.02.3, as follows:

[Roll Call]

3.02.3 Membership Categories.

3.02.3.1 Active Member. An active member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution) and duly elected to active membership under the provisions of this article (see Constitution 3.3.3). Active members have the right to compete in NCAA championships, to vote on legislation and other issues before the Association, and to enjoy other privileges of membership designated in the constitution and bylaws of the Association. (See Constitution 3.3.2.1.1 regarding restrictions on the privileges of for-profit institutions.)

[3.02.3.1.1 unchanged.]

3.02.3.2 Provisional Member. A provisional member is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution) and that has applied for active membership in the Association. Provisional membership is a prerequisite for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article (see Constitution 3.6.3). Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 20.2.

[3.02.3.3 unchanged.]

3.02.3.4 Provisional Conference. A provisional conference consists of a group of at least 10 four-year colleges or universities or two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution), and that has applied for provisional conference membership in the Association. Provisional conference membership is a prerequisite for active conference membership in the Association. The conference shall be elected to provisional conference membership under the provisions of this article (see Constitution 3.4.1) and shall follow the guiding principles of a model Division II conference, set forth in the "Division II Long-Range Financial Plan." Provisional conferences shall receive all publications and mailings received by voting member conferences in addition to other privileges designated in the constitution and bylaws of the Association.

[3.02.3.5 unchanged.]

B. Constitution: Amend 3.2.1, as follows:

[Roll Call]

3.2.1 General. Membership is available to colleges, universities, athletics conferences or associations and other groups that are related to intercollegiate athletics; that have acceptable academic standards (as defined in Constitution 3.3.3.2); and that are located in Canada, **Mexico** and the United States, its territories or possessions. Such institutions or organizations must accept and observe the principles set forth in the constitution and bylaws of the Association.

3.2.1.1 Membership of ~~Canadian~~ **International** Institutions. ~~Canadian institutions~~ **Institutions located in Canada and Mexico** invited to explore Division II membership must accept or observe the policies and

procedures as developed and approved by the Board of Governors, in addition to the principles set forth in the constitution and bylaws of the Association.

3.2.1.1.1 Accreditation Standard for ~~Canadian~~ **International** Institutions. ~~A Canadian institution~~ **An institution located in Canada or Mexico** must satisfy the Association's requirement of acceptable academic standards to be elected to and maintain active membership in the Association by meeting one of the following standards:

[3.2.1.1.1-(a) through 3.2.1.1.1-(b) unchanged.]

C. Constitution: Amend 3.3.3.2, as follows:

[Roll Call]

3.3.3.2 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.

D. Constitution: Amend 3.6.1.1, as follows:

[Roll Call]

3.6.1.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution) and duly elected to the membership process under the provisions of Constitution 3.6.3 and Bylaw 20.2.

E. Constitution: Amend 3.6.3.3, as follows:

[Roll Call]

3.6.3.3 Accreditation. An institution shall meet the Association's requirement of acceptable academic standards by accreditation through one of the six regional accrediting agencies* (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution). The application shall be considered with regard to requested membership division and sport classification in accordance with Bylaw 20. The application shall be reviewed by the Membership Committee.

F. Bylaws: Amend 14.8.2.1, as follows:

[Roll Call]

14.8.2.1 Residence Requirement. The one-year residence requirement for student-athletes may be waived under the following conditions or circumstances:

[14.8.2.1-(a) through 14.8.2.1-(c) unchanged.]

(d) For a student-athlete who transfers to a member institution to continue the student-athlete's opportunity for full participation in a sport because the student-athlete's original institution lost regional accreditation [or no longer meets the accreditation standard for ~~a Canadian~~ **an international** institution (see Constitution 3.2.1.1.1)] and forfeited immediately its membership in the Association per Constitution 3.3.5.2.

G. Bylaws: Amend 20.02.5, as follows:

[Roll Call]

20.02.5 Provisional Membership. A provisional member institution is a four-year college or university or a two-year upper-level collegiate institution accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution) and that has applied for active membership in the Association. The institution shall be elected to provisional membership under the provisions of this article and Constitution 3.6.3. Provisional membership is a prerequisite for active membership

and shall last for a minimum of three years. During year one of the membership process, an institution shall administer its athletics programs in accordance with NCAA legislation regarding full-time enrollment, good academic standing, sports sponsorship and health and safety. During years two and three of the provisional period, an institution shall administer its athletics programs in accordance with the constitution, bylaws and other legislation of the Association. Provisional members shall receive all publications and mailings received by active members in addition to other privileges designated in the constitution and bylaws of the Association. For specific requirements, see Bylaw 20.2.

[20.02.5 unchanged.]

H. Bylaws: Amend 20.2.1.1, as follows:

[Roll Call]

20.2.1.1 Types of Institutions. Membership in the provisional period is available to four-year colleges and universities and two-year upper-level collegiate institutions, accredited by the appropriate regional accrediting agency (see Constitution 3.2.1.1.1 for the accreditation standard for ~~a Canadian~~ **an international** institution) and duly elected to the membership process under the provisions of Constitution 3.6.3 and Bylaw 20.2.

[20.2.1.1 unchanged.]

I. Administrative: Amend 31.3, as follows:

[Roll Call]

31.3.3.1.1 Countable Competition. For NCAA team-championship selection purposes, competition is countable only when the teams played are varsity intercollegiate teams of four-year, degree-granting institutions that conduct a majority of their competition in that team sport against varsity intercollegiate teams (see Constitution 3.3.4.4) of four-year, degree-granting institutions located in Canada, **Mexico** and the United States, its territories or possessions. Competition against service teams, professional teams, semiprofessional teams, amateur teams, two-year colleges and club teams shall be excluded.

Source: California Collegiate Athletic Association, Great Northwest Athletic Conference and Pacific West Conference.

Effective Date: Immediate

Rationale: In 2008, Division II adopted Proposal No. 2008-3 which established a pilot program to allow Canadian institutions to join the Division II membership. In April 2017, the NCAA Board of Governors voted to end the 10-year international pilot and established a formal policy regarding international membership in the NCAA. Division II remains the only division with an international member. This proposal will expand the legislation to institutions in Mexico. Giving institutions in Mexico the opportunity to apply for Division II membership will allow Division II student-athletes the chance to benefit from cross-cultural competition, gain experience in international travel and potentially reach new markets. Finally, allowing institutions located in Mexico the opportunity to join the Division II membership, will help expand the number of institutions located in the West region. This proposal would not require institutions to compete in Mexico. Institutions located in Mexico will be required to apply and go through the Division II membership process, which would include receiving a bona fide invitation for membership from an active Division II conference before applying for Division II membership. The immediate effective date will permit institutions located in Mexico to apply for Division II membership by February 1, 2018.

Frequently Asked Questions:

Question No. 1: What is the current policy regarding international membership in Division II?

Answer: In April 2017, the NCAA Board of Governors established a formal policy regarding international membership in the NCAA, which provides each division the authority and autonomy to determine whether to open its membership to Canadian or Mexican institutions. Currently, Division II permits membership from institutions located in Canada.

Question No. 2: Will institutions located in Mexico follow the same membership process as a domestic institution?

Answer: Yes. Institutions located in Mexico will be required to complete the membership process outlined in Bylaw 20.2 (Division II membership process), which would include receiving a bona fide invitation for membership from an active Division II conference before applying for membership (see Bylaw 20.2.2.2).

Question No. 3: What is the effective date for this proposal?

Answer: The proposal has an immediate effective date to permit institutions located in Mexico to apply to enter the membership process by February 1, 2018.

Question No. 4: Will institutions be required to travel to and/or compete in Mexico?

Answer: No. However, a conference may have more stringent policies for conference competition.

Primary Contact Person:

Nathan Salant, Commissioner
California Collegiate Athletic Association
Email: nsalant@goccaa.org

No. 1-2 RECRUITING -- PUBLICITY -- COMMENTS PRIOR TO SIGNING -- ACTIONS ON SOCIAL MEDIA PLATFORMS

Intent: To establish an exception to the restrictions on publicity before commitment that permits actions (e.g., "like," "favorite," republish) by an institutional staff member on social media platforms that indicate approval of content on social media platforms that was generated by users of the platforms other than institutional staff members or representatives of an institution's athletics interests.

Bylaws: Amend 13.10.2, as follows:

13.10.2 Comments Prior to Signing. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid or the institution has received his or her financial deposit in response to its offer of admission, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. [D]

13.10.2.1 Exception -- Actions That Indicate Approval of Content on Social Media Platforms. An athletics department staff member may take actions (e.g., "like," "favorite," republish) on social media platforms that indicate approval of content on social media platforms that was generated by users of the platforms other than institutional staff members or representatives of an institution's athletics interests.

[13.10.2.1 renumbered as 13.10.2.2, unchanged.]

Source: Rocky Mountain Athletic Conference and Central Atlantic Collegiate Conference.

Effective Date: Immediate

Rationale: Under the current legislation, it is difficult to monitor all coaches and their social media activities (e.g., "likes," "favorites," republishing). This proposal would create an exception to publicity related to recruiting on social media platforms and attempt to maintain pace with the frequent creation and/or enhancement of social media applications. The immediate effective date will provide relief from the current strict application of the legislation without detrimentally impacting prospective student-athlete well-being.

Primary Contact Person:

Kirsten Ford, Assistant Commissioner
Rocky Mountain Athletic Conference
Email: kford@rmacsports.org

Playing and Practice Seasons

No. 1-3 PLAYING AND PRACTICE SEASONS -- WOMEN'S VOLLEYBALL -- FIRST DATE OF COMPETITION -- CHAMPIONSHIP SEGMENT -- WOMEN -- EXCEPTION -- DIVISION II NATIONAL CHAMPIONSHIPS FALL FESTIVAL

Intent: In women's volleyball, to specify that in years in which the Division II National Championships Festival occurs in the fall, a member institution shall not engage in its first date of competition before the Thursday preceding August 30.

Bylaws: Amend 17.25.2.3, as follows:

[Roll Call]

17.25.2.3 First Date of Competition -- Championship Segment -- Women. A member institution shall not engage in its first date of competition with outside competition in the championship segment before the Thursday preceding September 6.

17.25.2.3.1 Exception -- Division II National Championships Fall Festival. In years in which the Division II National Championships Festival occurs in the fall, a member institution shall not engage in its first date of competition in women's volleyball before the Thursday preceding August 30.

[17.25.2.3.1 renumbered as 17.25.2.3.2, unchanged.]

Source: East Coast Conference and Mid-America Intercollegiate Athletics Association.

Effective Date: Immediate

Rationale: Under current legislation, women's volleyball loses a week of its competitive season during years in which the Festival occurs in the fall, due to the timing of the Festival. The loss of a week results in less time for student-athletes to recover between matches. In addition, it increases missed class time due to the need to schedule more midweek games because of the condensed regular season. The shortened season also results in a competitive disadvantage for schools located in remote geographic areas, as the opportunity to play midweek games is limited for those institutions due to travel considerations. The compacted season also reduces the opportunity for nonconference, in-region play, which is essential to the ranking and selection of teams for the postseason. This exception will provide student-athletes with the opportunity to participate in Division II's marquee championship event without having to experience the negative impact of a shortened season.

Frequently Asked Questions:

Question No. 1: How does this proposal change the current legislation?

Answer: This proposal would provide an exception in years in which the Division II National Championships Festival occurs in the fall, moving up the first permissible date of competition in the championship segment to the Thursday preceding August 30.

Question No. 2: How does this proposal affect the first permissible practice date for women's volleyball?

Answer: In years in which the Festival occurs in the fall, institutions would be permitted to begin practice one week earlier.

Question No. 3: Will institutions be required to start the playing season one week earlier in Festival years?

Answer: No.

Primary Contact Person:

Melissa Reilly, Associate Commissioner, SWA
East Coast Conference
Email: mreilly@eccsports.org

Request for Interpretation

Member institutions and conferences are encouraged to contact primary contact persons, and if necessary, to request interpretations of the proposed legislation in this Initial Publication of Proposed Legislation before Convention. Interpretations related to the proposed legislation in this IPOPL may be requested via electronic mail to the primary contact persons. When submitting such a request, please include the proposal number in question, your institution's name and your title. All resulting interpretations will be distributed prior to the conference meetings held in conjunction with the Convention.