

LEGISLATION



2018 NCAA CONVENTION

DIVISION III SECOND
PUBLICATION OF
PROPOSED
LEGISLATION

112th Annual Convention
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Indianapolis, Indiana

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
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Second Publication of Proposed Legislation 112th Annual Convention

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

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

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

No new proposals may be submitted for the 2018 NCAA Convention inasmuch as the July 15 and September 1 deadlines have passed. Member institutions and conferences, as well as the Presidents Council and Management Council, now have until November 1 by 5 p.m. Eastern time to submit amendments to these proposals. Such amendments-to-amendments may not increase the modification set forth in the printed proposal. Amendments-to-amendments submitted by the membership must have 20 or more active member institutions for proper sponsorship in Division III. In addition, amendments-to-amendments may be sponsored by two or more member conferences in Division III. It should be noted that proposals that are withdrawn after the September 15 sponsor-modification deadline appear in the Second Publication of Proposed Legislation; however, information will be included in the Official Notice to indicate the sponsor's intent to withdraw the proposal at the Convention.

Member institutions and conferences are encouraged to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Refer to Appendix B for the Request for Interpretation form.

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

Official Notice of the 2018 Convention. Issued on November 15; and contains all Division III legislation for the Convention, including all amendments-to-amendments and resolutions submitted by the November 1 deadline.

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 III membership. Each amendment must include a statement of intent and a separate statement of rationale (200 words or less), as well as identification of the designated primary contact person, and must be sponsored by at least one conference or at least 10 of the 20 individual institution sponsors.

July 17-18: Management Council Consideration. The NCAA Division III Management Council considers legislative proposals that it may wish to sponsor. It also reviews proposals submitted by the membership in accordance with the July 15 deadline.

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

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

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

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

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

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

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

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

November 1: Deadline for all amendments-to-amendments to be received in the national office. No amendments-to-amendments sponsored by the membership may be submitted after this date. The Councils are authorized to submit further amendments-to-amendments at the Convention if they deem such action necessary (see Constitution 5.3.5.3.2.1).

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

January 17-20, 2018: NCAA Convention. Voting on proposals will occur at the business session.

Division III Interpretations and Legislation Committee

Amy J. Backus, Case Western Reserve University

Chuck Brown, Pennsylvania State Erie, The Behrend College

Jim Cranmer, St. Mary's College of Maryland

Alexandra Fox, Mills College

Shantey M. Hill, St. Joseph's College (Long Island)

Gregg Kaye, Commonwealth Coast Conference

Shana Levine, Lewis and Clark College (chair)

Michael Rubayo, Swarthmore College (Student-Athlete)

**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 an effective date other than the first day of August following the Convention, the rationale statement shall contain reasons why the amendment has an alternative effective date. Those proposals that are given an immediate effective date and that are adopted, become effective on adjournment of the Convention.]

Note: In the following proposals:

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

Presidents Council Grouping

No. 2-1 ELIGIBILITY -- ACADEMIC MISCONDUCT AND IMPERMISSIBLE ACADEMIC ASSISTANCE

Intent: To define pre-enrollment and post-enrollment academic misconduct; clarify the individuals and activities to which the legislation applies; and clarify when an institution must report an academic misconduct violation. Specifically, academic misconduct as an NCAA violation is primarily conditioned first on a finding by the institution that its own policies have been violated, and then if the institutional violation involved any of the following: (1) an institutional staff member or athletics representative along with a student athlete; (2) an erroneous declaration of eligibility; or (3) an alteration of a transcript or academic record (alteration by an institutional staff member would constitute academic misconduct regardless if it violated the institution's policies). Further, if an institution's policies were not violated and academic misconduct was not found, then establish an impermissible academic assistance analysis in lieu of an extra benefit analysis.

A. Bylaws: Amend 10.1, as follows:

[Roll Call]

10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

[10.1-(a) unchanged.]

~~(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student athlete;~~

[10.1-(c) through 10.1-(f) relettered as 10.1-(b) through 10.1-(e), unchanged.]

~~(g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores);~~

~~(h) Fraudulence or misconduct in connection with entrance or placement examinations;~~

[10.1-(i) through 10.1-(j) relettered as 10.1-(f) through 10.1-(g), unchanged.]

B. Bylaws: Amend 14.1.2, as follows:

[Roll Call]

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, **an institution is responsible for determining the validity of a student-athlete's academic record** ~~it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student athlete when the institution receives notification, or otherwise has cause to believe, that a student athlete's high school, preparatory school or two-year college transcript is not valid.~~

14.1.2.1 Academic Misconduct - Pre-Enrollment A prospective student-athlete, student-athlete, a current or former institutional sta member (see bylaw 14.9.1), or a representative of an institution's athletics interest, shall not:

(a) Arrange for a false or inaccurate academic record (e.g., courses, grades, credits, transcripts, test scores) for a prospective student-athlete; or

(b) Provide false, inaccurate or incomplete information to the NCAA or institution regarding a prospective student-athlete's academic record.

C. Bylaws: Amend 14.9, as follows:

[Roll Call]

14.9 Post-Enrollment Academic Misconduct and Impermissible Academic Assistance. All institutional sta members and student-athletes are expected to act with honesty and integrity in all academic matters.

14.9.1 Institutional Staff Member - Defined For purposes of Bylaw 14.9, an institutional sta member is any individual, excluding a student employee, who performs work for the institution or the athletics department, regardless of whether he or she receives compensation for such work.

14.9.1.1 Student Employee. For purposes of Bylaw 14.9, a student employee is an institutional sta 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, an institutional sta member per Bylaw 14.9.1.1-(a) or a representative of the institution's athletics interests.

14.9.2 Academic Misconduct – Post Enrollment.

(a) **Conduct Violating Institutional Policy.** A student-athlete, a current or former institutional sta member, or a representative of an institution's athletics interest shall not engage in any conduct constituting a violation or breach (as determined by the institution) of an institutional policy regarding academic honesty or integrity (e.g., academic oense, academic honor code violation, plagiarism, academic fraud) under any of the following circumstances:

- (1) **The conduct involves a student-athlete and either a current or former institutional sta member or representative of an institution's athletics interests;**
- (2) **The conduct results in an erroneous declaration of eligibility to participate in intercollegiate athletics and the student-athlete subsequently competes for the institution while ineligible; or**
- (3) **The conduct involves the alteration or falsification of a student-athlete's transcript or academic record.**

(b) **Other Conduct.** A current or former institutional sta member, or a representative of an institution's athletics interest shall not alter or falsify a student-athlete's transcript or academic record regardless if the alteration or falsification constitutes a breach of an institutional policy regarding academic integrity (e.g., academic oense, academic honor code violation, plagiarism, academic fraud).

14.9.3 Impermissible Academic Assistance. A current or former institutional sta member or a representative of an institution's athletics interests shall not provide the following:

- (a) **Substantial assistance that is not generally available to an institution's students and is not otherwise expressly authorized in Bylaw 16.3, which results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics; or**
- (b) **An academic exception that results in a grade change, academic credit or fulfillment of a graduation requirement when such an exception is not generally available to the institution's students and the exception results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics.**

14.9.3.1 Application. If an institution determines, pursuant to its policies and procedures, that academic misconduct has occurred, a violation of Bylaw 14.9.3 shall not be cited by the institution or through an enforcement investigation. If an institution determines, pursuant to its policies and procedures, that academic misconduct has not occurred, the conduct in question may still constitute a violation of Bylaw 14.9.3

14.9.4 Policies and Procedures. An institution shall:

- (a) **Have written institutional policies and procedures regarding academic misconduct applicable to the general student-body, including student-athletes. The policies and procedures must be approved**

through the institution's normal process for approving such policies and must be kept on file or be accessible on the institution's website.

(b) Investigate and adjudicate alleged academic misconduct in accordance with established policies regardless of whether the misconduct is reported to the NCAA or whether the student-athlete acted alone or in concert with others.

14.9.4.1 Exception. 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 and is approved by the institution's president or chancellor (or his or her designee). Further, the policy that permits an expedited review must be kept on file or must be accessible on the institution's website.

[14.9 through 14.12 renumbered as 14.10 through 14.13, unchanged.]

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

Effective Date: August 1, 2018

Rationale: The current regulatory structure regarding academic misconduct is confusing, unclear and imprecise and appropriate revisions to the academic misconduct legislation will serve to benefit individual institutions and the Association as a whole. Despite changes in the academic landscape, academic misconduct legislation has not been revised since 1983 when the legislation was added to the Manual. Under the current regulatory structure, it can be unclear when academic misconduct involving student-athletes falls within the purview of the NCAA and when academic misconduct should be an institutional matter. Current terms, definitions and gaps in the academic misconduct legislation result in confusion and lack of clarity. The regulatory structure for academic misconduct is currently located in bylaws, interpretations and educational columns and should be consolidated in a single article (Bylaw 14). This proposal will expand the application of academic misconduct legislation to any situation in which an institutional staff member is involved and replaces the current academic extra benefit analysis with a specific and limited definition of impermissible academic assistance. In addition, the proposal will require institutional policies and procedures regarding academic misconduct for the general student body.

Budget Impact: None

No. 2-2 ETHICAL CONDUCT -- SPORTS WAGERING ACTIVITIES -- SANCTIONS -- ELIMINATION OF LEGISLATED SANCTIONS

Intent: To eliminate the legislated penalty for sports wagering activities.

Bylaws: Amend 10.3, as follows:

[Roll Call]

[Common provision, all divisions, divided vote]

10.3 Sports Wagering Activities. The following individuals shall not knowingly participate in sports wagering activities or provide information to individuals involved in or associated with any type of sports wagering activities concerning intercollegiate, amateur or professional athletics competition:

[10.3-(a) through 10.3-(d) unchanged.]

[10.3.1 unchanged.]

~~10.3.2 Sanctions. The following sanctions for violations of Bylaw 10.3 shall apply:~~

~~(a) A student-athlete who engages in activities designed to influence the outcome of an intercollegiate contest or in an effort to affect win-loss margins ("point shaving") or who participates in any sports wagering activity involving the student-athlete's institution shall permanently lose all remaining regular season and postseason eligibility in all sports.~~

~~(b) A student-athlete who participates in any sports wagering activity, through the Internet, a bookmaker or a parlay card, shall be ineligible for all regular season and postseason competition for a minimum period of one year from the date of the institution's determination that a violation has occurred and shall be charged with a loss of a minimum of one season of eligibility. If the student-athlete is later determined to have been involved in a later violation of any portion of Bylaw 10.3, the student-athlete shall permanently lose all remaining regular season and postseason eligibility in all sports.~~

Source: NCAA Division III Presidents Council [Management Council (Student-Athlete Reinstatement Committee)].

Effective Date: Immediate

Rationale: The student-athlete reinstatement process offers the opportunity for the NCAA Division III Committee on Student-Athlete Reinstatement and NCAA student-athlete reinstatement staff to review cases on an individual basis and consider the totality of the circumstances. For violations that trigger the legislated sports-wagering sanctions, the minimum penalty is automatic and cannot be appealed. To promote increased fairness, it is important to conduct a case-by-case review of these sports-wagering violations and also provide for an appellate opportunity. Further, if the proposal is adopted, the legislated sanctions will be incorporated into the Division III Committee on Student-Athlete Reinstatement guidelines, which would recognize the Association's continued emphasis on the severity of sports-wagering violations. Note: Bylaw 10.3.2 is a common provision across NCAA Divisions I, II and III.

Budget Impact: None.

General Grouping

No. 2-3 AMATEURISM -- PROMOTIONAL ACTIVITIES -- INSTITUTIONAL, CHARITABLE, EDUCATIONAL OR NONPROFIT PROMOTIONS -- EDUCATIONAL REQUIREMENT

Intent: To amend the promotional activities legislation by requiring institutions to provide educational material in lieu of obtaining a release statement from the authorized representative of the charitable, educational, nonprofit or government agency confirming the student-athlete's name, image or appearance will be used in a manner consistent with Bylaw 12 regulations.

Bylaws: Amend 12.5.1.1, as follows:

[Roll Call]

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

- (a) The student-athlete receives written approval to participate from the institution's president or chancellor (or designee), subject to the limitations on participants in such activities as set forth in Bylaw 17;
- (b) The specific activity or project in which the student-athlete participates does not involve cosponsorship, advertisement or promotion by a commercial agency, except as follows:
 - (1) Identification (e.g., graphics, voice over, on-screen text) of the commercial entity must explain the commercial entity's affiliation with the permissible entity (e.g., entity is the official sponsor of the institution/event);
 - (2) The appearance or description of the commercial product(s)/service(s) and/or the commercial entity's logo(s) may be included but may not exceed 25 percent of the total promotional activity. Further, language or action included in the promotion may not directly encourage the use or purchase of the commercial product or service (e.g., drink this product) with which the commercial entity is associated;
 - (3) The promotion shall not feature alcoholic beverages, tobacco products or performance-enhancing drugs. Further, the commercial entity shall not be any organization that promotes gambling.
- (c) The name or picture of a student-athlete with remaining eligibility may not appear on an institution's printed promotional item (e.g., poster, calendar) that includes a reproduction of a product with which a commercial entity is associated if the commercial entity's officially registered regular trademark or logo also appears on the item;
- (d) The student-athlete does not miss class;
- (e) All money derived from the activity or project goes directly to the member institution, member conference or the charitable, educational or nonprofit agency. Further, an institution may designate money earned through participation in institutional fundraisers for a student-athlete in accordance with Bylaw 12.1.1.1.2;
- (f) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational or nonprofit agency related to participation in such activity;
- (g) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;
- (h) Any commercial items with names or pictures of student-athletes (other than items specified per Bylaws 12.5.1.8 and 12.5.1.9) may be sold only by the member institution, member conference or NCAA, through outlets controlled by the member institution, member conference or NCAA or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event); ~~and~~

(i) The student-athlete ~~and an authorized representative of the charitable, educational or nonprofit agency~~ signs a release statement ~~ensuring that the student-athlete's~~ **authorizing the use of his or her** name, image or appearance ~~is used~~ in a manner consistent with the requirements of this section-; **and**

(j) The institution provides educational material(s) to a representative of the charitable, educational, nonprofit or government agency regarding restrictions on the use of a student-athlete's name, image or appearance.

[12.5.1.1.1 through 12.5.1.1.7 unchanged.]

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

Effective Date: August 1, 2018

Rationale: The current legislation requires an institution to have an authorized representative of the charitable, educational or nonprofit agency sign a release statement insuring the student-athlete's name, image or appearance is used in a manner consistent with the requirements of the promotional activities legislation. By eliminating the signature requirement for an authorized representative of the charitable, educational or nonprofit agency, while still requiring education on the requirements of the promotional activities legislation, will maintain the intent of the legislation and reduce the administrative burden.

Budget Impact: None.

Presidents Council Grouping

No. 2-4 ELIGIBILITY -- GRADUATE AND POSTBACCALAUREATE ELIGIBILITY -- STUDENTS GRADUATING FROM DIVISION III INSTITUTIONS

Intent: To permit a student that has graduated from an NCAA Division III institution to participate in intercollegiate athletics at the Division III institution of his or her choice provided: (1) The student is enrolled and seeking a second baccalaureate or graduate degree; (2) The student has eligibility remaining (i.e., seasons of participation); and (3) The participation occurs within the applicable 10-semester/15-quarter period set for in Bylaw 14.2.

Bylaws: Amend 14.1.9, as follows:

[Roll Call]

14.1.9 Graduate Student/Postbaccalaureate Participation. A student ~~athlete who is enrolled in a graduate or professional school of the institution he or she most recently attended as an undergraduate (regardless of whether the individual has received a U.S. baccalaureate degree or its equivalent), a student-athlete who is enrolled and seeking a second baccalaureate or equivalent degree at the same institution, or a student-athlete who has graduated and is continuing as a full-time student at the same institution while taking course work that would lead to the equivalent of another major or degree as defined and documented by the institution, may participate in intercollegiate athletics, provided the student has eligibility remaining and such participation occurs within the applicable 10-semester/15-quarter period set forth in Bylaw 14.2 (see Bylaw 14.1.8.1.6.2).~~ **who has graduated from an NCAA Division III institution may participate as a graduate or postbaccalaureate student at the Division III institution he or she most recently attended as an undergraduate or another Division III institution, provided:**

(a) The student is enrolled and seeking a second baccalaureate or graduate degree;

(b) The student has eligibility remaining; and

(c) The student's participation occurs within the applicable 10-semester/15-quarter period set forth in Bylaw 14.2.

[14.1.9.1 unchanged.]

Source: NCAA Division III Presidents Council [Management Council, (Subcommittee for Legislative Relief)].

Effective Date: Immediate

Rationale: Current legislation permits a graduate or postbaccalaureate student to participate only at the institution from which the student-athlete received his or her undergraduate degree. Allowing Division III students with eligibility remaining to continue participation at a Division III institution following completion of a baccalaureate degree allows those students to make academic and athletic choices that are in their best interests. Because these are Division III students, there is not the concern of student-athletes taking advantage of a redshirt year to participate at Division III institutions and thereby diluting the philosophical tenet that promotes athletic participation as primarily a four-year, undergraduate experience. This proposal is also consistent with the Division III membership's feedback from the 2017 NCAA Convention regarding NCAA Division III Proposal 2017-2. Finally, the current waiver conditions for graduate participation would continue to apply for all students that did not attend a Division III institution.

Budget Impact: None

General Grouping

No. 2-5 (1-1) PLAYING AND PRACTICE SEASONS -- ANNUAL CONTEST EXEMPTIONS -- ALUMNI CONTEST

Intent: To permit the stand-alone annual exemption of one alumni contest per sport during any segment/period, with the exception of football.

Bylaws: Amend 17.1.4.5, as follows:

[Roll Call]

17.1.4.5 Standard Contest or Date of Competition Exemptions.

17.1.4.5.1 Annual Exemptions. The maximum number of contests or dates of competition during the traditional segment shall exclude the following (see Figure 17-1):

- (a) Conference Championship. Competition in one conference championship tournament (or the tournament used to determine the conference's automatic entry in the NCAA championship);
- (b) Season-Ending Tournament. Competition in one season-ending tournament (e.g., NCAA championship, NAIA championship, NCCAA championship). A season-ending tournament is one that involves competition after the end of the regular season between teams that are not identified until the close of that regular season; and
- (c) Exhibitions, Scrimmages or Joint Practices. Competition in up to two exhibitions, scrimmages or joint practices against any opponent (see Bylaw 13.11.2.2 for competition against prospective student-athletes).

(d) Alumni Contest. An institution may exempt one contest or date of competition each year with an alumni team of the institution during any segment/period in all sports with the exception of football.

~~17.1.4.5.1.1 Exception—Alumni Contest. An institution may exempt one contest or date of competition each year with an alumni team of the institution during any segment/period provided it is counted as one of the two exempted exhibitions, scrimmages or joint practices [see Bylaw 17.1.4.5.1.1 (c)].~~

[17.1.4.5.2 through 17.1.4.5.3 unchanged.]

Source: Allegheny Mountain Collegiate Conference, Great Northeast Athletic Conference, Little East Conference, Michigan Intercol. Ath. Assn., Middle Atlantic Conferences, and Ohio Athletic Conference.

Effective Date: August 1, 2018

Rationale: Proposal 2017-4 served to standardize the annual contest and date of competition exemptions. However, we believe the legislation went too far by eliminating the alumni contest as a stand-alone exemption. This proposal restores the alumni contest exemption as it existed in all sports that had them prior to the passage of Proposal 2017-4. Alumni contests are events that serve a distinctly different purpose than preseason scrimmages and exhibition games against organized teams (e.g., Division III member squads, foreign club teams), which are intended to prepare a team for regular season competition. Alumni contests are friendly competitions that are intended to build or maintain good will among former players and current student-athletes and to keep them connected with the institution through a friendly athletic activity. Often times these will occur in the non-traditional season or vacation periods. By standardizing an alumni game exemption separate and distinct from the preseason scrimmage/exhibition/joint practice exemptions, this legislation will more logically reflect the inherent difference between these two types of athletic activities and allow them to more properly meet their intended purposes.

Budget Impact: None

No. 2-6 (1-3) PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST PERMISSIBLE CONTEST -- NOVEMBER 8TH

Intent: In basketball, to establish the first permissible contest date as November 8. When November 8 falls on a Saturday, Sunday or Monday, a member institution may play its first contest on the Friday immediately preceding November 8.

Bylaws: Amend 17.3.3, as follows:

[Roll Call]

17.3.3 First Contest. A member institution shall not play its first contest (games, scrimmages and exhibitions) against outside competition in basketball before November ~~15~~ **8**, except as provided under Bylaw 17.3.3.1. When November ~~15~~ **8** falls on a Saturday, Sunday or Monday, a member institution may play its first contest on the Friday immediately preceding November ~~15~~ **8**.

[17.3.3.1 unchanged.]

Source: Minnesota Intercollegiate Athletic Conference and State University of New York Athletic Conference.

Effective Date: August 1, 2018

Rationale: This proposal establishes an earlier first contest date in basketball, which would allow for more balance in institutions' schedules. More game dates would be allowed in the first semester, which could create fewer contests in the second semester and a better balance between semesters. This proposal would establish a set first contest date that shortens the month-long preseason by one week. The proposal does not extend the 19 week playing and practice season, but allows for programs to better distribute weeks for practice and/or contests.

Budget Impact: None

Presidents Council Grouping

No. 2-7 PLAYING AND PRACTICE SEASONS -- FOOTBALL -- ESTABLISHING PRESEASON START DATE 25 DAYS FROM FIRST PERMISSIBLE SATURDAY CONTEST

Intent: To amend the football preseason legislation as follows: (1) The first permissible practice date shall be 25 days before the first permissible Saturday contest date (regardless of the institution's actual first contest date). Expenses may not be provided before this date; (2) A day off shall be provided during the first six days of preseason which includes the five-day acclimatization period; (3) A day off shall be provided during each remaining week of the preseason practice period (prior to the week of the first contest); (4) On-field activity (a practice session and a walk-through session) shall be limited to a combined total of four hours in length per day with a practice session not to exceed three hours; and (5) Footballs may be used during walk-through sessions following the five-day acclimatization period.

A. Bylaws: Amend 17.1.2, as follows:

[Roll Call]

17.1.2 General Regulations for Computing Playing Seasons. In determining the length of an institution's playing season, the following regulations shall apply:

- (a) **Week.** A week shall be defined by the institution as any consecutive seven-day period, regardless of the day on which the seven-day period begins. The playing season, or its segments (or periods in golf, rowing and tennis), shall consist of consecutive weeks. Practice or competition during any part of a week shall be counted as a full week (e.g., practice or competition during nine weeks and one day shall be counted as 10 weeks). An institution may not redefine its week except in the following circumstances:
 - (1) During a segment (or period in golf, rowing and tennis) of the playing season, following a period of at least seven consecutive days that includes a vacation, final-examination period or holiday period during which no athletically related activities occur [see Bylaw 17.1.2-(d)]; or
 - (2) Between the fall and spring period in golf, rowing and tennis and between segments of the playing season in other sports, provided the institution divides its practice and playing season into two distinct segments per Bylaw 17.1.1.2.
- (b) **Total Combined Length.** The total number of weeks for both segments (or periods in golf, rowing and tennis) of a playing season combined shall not exceed the maximum permitted in a particular sport;
- (c) **Holiday, Vacation Periods.** In traditional and nontraditional segments (or periods in golf, rowing and tennis), any practice or competition during published vacation and holiday periods during the academic year shall be counted as part of the playing season. If practice or competition is not scheduled during any full week (seven consecutive days) that includes a vacation or holiday period, it neither shall be counted as part of the playing season nor shall constitute a break in a segment (or period in golf, rowing and tennis) [see Bylaw 17.1.2-(a)-(1)];
- (d) **Final-Examination Periods.**
 - (1) **Traditional Segment.** Any practice or competition during a final-examination period during the academic year shall be counted as part of the playing season. If practice or competition is not scheduled during any full week (seven consecutive days) that includes a final-examination period, it neither shall be counted as part of the playing season nor shall constitute a break in a segment [see Bylaw 17.1.2-(a)-(1)].
 - (2) **Nontraditional Segment.** An institution shall not conduct practice or competition during a final examination period. For any final-examination period of a regular academic term (e.g., winter quarter, spring semester), an institution may not conduct practice and competition five weekdays before the first day of the final-examination period. This period shall not be counted as part of the playing season nor shall constitute a break in the segment.

(e) Preseason Football In football, the institution may redefine its week after the acclimatization period or at the conclusion of the preseason practice period but not both.

(e f) Nontraditional Segment. The nontraditional segment shall be counted as part of the institution's declared playing season, regardless of whether competition occurs during that segment; and

(f g) Equipment Issue, Team Pictures.

(1) It shall be permissible to designate a single date for issuing equipment and for taking team pictures after the beginning of classes in the fall term or the day before the beginning of a segment or, in basketball ~~and football~~, the day before the beginning of preseason practice. **In football, issuing equipment and taking team pictures may not occur before the start of preseason practice.**

(2) Exception for Sundays. If the day before the beginning of a segment is a Sunday, the member institution may designate the preceding Saturday for issuing equipment and taking team pictures.

B. Bylaws: Amend 17.10, as follows:

[Roll Call]

17.10.2 Preseason Practice. **Preseason practice shall start with the acclimatization period and conclude with the start of the week of the first intercollegiate contest as follows:**

(a) Acclimatization Period (See Bylaw 17.10.2.4). Six days consisting of five days of acclimatization activity and a day off from physical athletically related activity.

(b) Preseason Activities After Acclimatization Period. The days between the acclimatization period and the week of the first intercollegiate contest (See Bylaw 17.10.2.5). All physical athletically related activity shall be prohibited during one calendar day per defined week when classes are not in session for any portion of the week (See Bylaw 17.1.4.1 for day off requirements when classes are in session).

(c) End of Preseason. Preseason concludes with the start of the week of the first intercollegiate contest (Bylaw 17.10.2.2).

17.10.2.1 Physical Athletically Related Activity. Any on-field activity, weight training or conditioning. Community service, film review, leadership training, team building, team meetings and other similar activities shall not be considered physical athletically related activities.

17.10.2.2 Week of the First Intercollegiate Contest. The institution's defined week that includes the first regular season contest (excluding scrimmages, exhibitions or joint practices). The institution may redefine its week at the conclusion of the preseason practice period or the acclimatization period, but not both.

17.10.2.3 First Practice Date. A member institution shall not commence official preseason football practice sessions nor provide any expenses for the varsity, junior varsity or freshmen team prior to 25 days before the first permissible Saturday contest date (see Bylaw 17.10.3) regardless of the institution's actual first contest date.

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

(a) Institutions may not conduct conditioning, speed, strength or agility tests before the start of the ~~five-day~~ acclimatization period.

(b) Institutions are permitted to conduct weight training activities during the ~~five-day~~ acclimatization period without counting those activities toward the maximum hour limitations for on-field practices; however, weight training activities may not be conducted during the required three hours of continuous recovery time between any sessions **nor during the day off of physical athletically related activity.**

(c) During the first day of ~~the five-day~~ acclimatization ~~period~~ **activity**, an institution may conduct either:

- (1) ~~One on-field practice, not to exceed three hours in length. The institution may also conduct a one-hour walk-through session.~~ **One on-field practice and a walk-through session. These activities shall be limited to a combined total of four hours per day with the practice session not to exceed three hours.** No protective equipment (e.g., helmet, shoulder pads) may be worn, no equipment related to football (e.g., football, blocking sled) may be used and conditioning activities may not occur during the walk-through session. Student-athletes must be provided with at least three hours of continuous recovery time between any sessions (e.g., on-field practice, **weight training** or walk-through). During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (~~e.g., weight lifting~~); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time; or
- (2) One on-field testing session (e.g., speed, conditioning or agility tests), not to exceed one hour in length, and one on-field practice, not to exceed two hours in length. The institution may also conduct a one-hour walk-through session. No protective equipment (e.g., helmet, shoulder pads) may be worn, no equipment related to football (e.g., football, blocking sled) may be used and conditioning activities may not occur during the walk-through session. Student-athletes must be provided with at least three hours of continuous recovery time between any sessions (e.g., testing, on-field practice, **weight training** or walk-through). During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (~~e.g., weight lifting~~); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.
- (d) During the remainder of the five-days **of acclimatization activity period**, participants shall not engage in more than one on-field practice, ~~not to exceed three hours in length, and one one-hour walk-through session~~ **and a walk-through session. These activities shall be limited to a combined total of four hours per day with the practice session not to exceed three hours.** No protective equipment (e.g., helmet, shoulder pads) may be worn, no equipment related to football (e.g., football, blocking sled) may be used and conditioning activities may not occur during the walk-through session. Student-athletes must be provided with at least three hours of continuous recovery time between any sessions (e.g., on-field practice session, **weight training** or walk-through). During the recovery time, student-athletes may not attend any meetings or engage in other athletically related activities (~~e.g., weight lifting~~); however, time spent receiving medical treatment and eating meals may be included as part of the recovery time.
- (e) During the first two days of the acclimatization ~~period~~ **activity**, helmets shall be the only piece of protective equipment student-athletes may wear during the on-field practice session and conditioning session (as opposed to the walk-through session). During the third and fourth days of ~~the~~ acclimatization ~~period~~ **activity**, helmets and shoulder pads shall be the only pieces of protective equipment student-athletes may wear during the on-field practice session. During the final on-field practice session of the five-days ~~period~~ **of acclimatization activity** and on any day thereafter, student-athletes may practice in full pads.

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

- (a) Following the ~~five-day~~ **acclimatization** period, student-athletes may practice in full pads. ~~However, an institution may not conduct multiple on-field practice sessions on the same day,~~
- (b) Student-athletes shall not engage in more than ~~three hours of on-field practice activities per day~~ **one on-field practice and a walk-through session per day. These activities shall be limited to a combined total of four hours per day with the practice session not to exceed three hours. No protective equipment (e.g., helmets, shoulder pads) may be worn, no equipment related to football (e.g., blocking sleds) may be used and conditioning activities may not occur during the walk-through session. Following the acclimatization period, an institution may use a football during the walk-through session. Student-athletes must be provided with at least three hours of continuous recovery time between any session (e.g., on-field practice, weight training or walk-through). During this time, student-athletes may not attend any meetings or engage in other athletically related activities; however time spent receiving medical treatment and eating meals may be included as part of the recovery time;**

(c) All physical athletically related activity (See Bylaw 17.10.2.1) shall be prohibited during one calendar day per defined week when classes are not in session for any portion of the week (See Bylaw 17.1.4.1 for day off requirements when classes are in session).

~~17.10.2.35.1 Exception — Walk-Through Sessions. During the preseason practice period only, on-field walk-through sessions are not considered an on-field activity under Bylaw 17.10.2.3, provided protective equipment (e.g., helmets, shoulder pads) is not worn, equipment related to football (e.g., footballs, blocking sleds) is not used and conditioning activities do not occur. Walk-through sessions shall be limited to one hour in length. Student athletes must be provided with at least three hours of continuous recovery time between an on-field practice session and a walk-through. During this time, student athletes may not attend any meetings or engage in other athletically related activities (e.g. weightlifting); however time spent receiving medical treatment and eating meals may be included as part of the recovery time.~~

~~17.10.23.4 First Practice Date. A member institution shall not commence official preseason football practice sessions for the varsity, junior varsity or freshman team before the date that will permit a maximum of 25 practice opportunities (see Bylaw 17.10.2.1.1) before its first scheduled intercollegiate game or before the Friday after the institution's first contest (game) if the first contest is scheduled for a Thursday.~~

~~17.10.23.1.4 Practice Opportunities — Football. In football only, to establish the starting date for preseason practice, the institution shall count one practice opportunity for each day beginning with the opening day of classes and one practice opportunity for each day classes are not in session in the week of the first scheduled intercollegiate contest (see Bylaw 17.10.3). Next, the institution shall count practice opportunities on an alternating basis in a two-one-two-one format (i.e., the first of the remaining days is counted as two, the next day is counted as one, the next as two, etc.) up to and including the 20th opportunity. Finally, the institution shall count one practice opportunity for each of the five days before the day of the 20th opportunity. The institution shall not count any days during the preseason when all institutional dormitories are closed, the institution's team must leave campus and practice is not conducted.~~

~~17.10.23.1.1.4 Sunday. Sundays before the institution's opening day of classes are included in the counting. Sundays after the institution's opening day of classes are excluded from the counting.~~

~~17.10.23.1.42.2 Week. The "week" of the first scheduled intercollegiate contest is defined as the six days, including or excluding Sunday pursuant to Bylaw 17.10.2.1.1.1, before the first contest (or before Friday if the first contest is on a Thursday, see Bylaw 17.10.3) even if one or more of the days fall into different traditional calendar weeks.~~

~~17.10.23.1.43.3 Opening Day of Classes. The "opening day of classes" is defined as the first day of classes as listed in the institution's official catalog. Required freshman orientation is not considered to be the opening day of classes for the academic year.~~

[17.10.3 renumbered as 17.10.4, unchanged.]

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

Effective Date: August 1, 2018

Rationale: The Interassociation Consensus Recommendations on Year-Round Football Practice Contact for College Student-Athletes "recommendations" included the discontinuation of two-a-day practices. The Division III Management Council adopted noncontroversial legislation to eliminate multiple on-field contact practices on the same day. The noncontroversial legislation, resulted in an inequitable start date formula and lost practice opportunities. This proposal seeks to provide equitable and sufficient practice opportunities for all football sponsoring institutions. Institutions would count back 25 days from the first contest date to determine the first permissible practice date. These 25 days would include any administrative days. The framework allows institutions to participate in up to 22 practice days while still providing student-athletes with a day off each week. Further, the proposal would allow up to four hours of on-field sessions which includes practices and walk through sessions. Currently, walk through sessions are limited to one hour but could be increased if the practice session is less than three hours. Finally, the proposal allows the use of footballs

during the preseason, following the five-day acclimatization period. This proposal provides flexibility for institutions to implement the recommendations while providing a framework to ensure their student-athletes are adequately prepared for competition.

Budget Impact: Will vary based on squad size and housing/board costs.

General Grouping

No. 2-8 (1-5) PLAYING AND PRACTICE SEASONS -- ICE HOCKEY -- FIRST PERMISSIBLE ON-ICE PRACTICE DATE -- SECOND MONDAY IN OCTOBER

Intent: In ice hockey, to establish the first permissible on ice practice date as the second Monday in October.

A. Bylaws: Amend 17.13.2, as follows:

[Roll Call]

17.13.2 Preseason Practice A member institution shall not commence on-ice practice sessions in ice hockey before the ~~third~~ **second** Monday in October.

[17.13.2.1 unchanged.]

B. Bylaws: Amend 17.13.3, as follows:

[Roll Call]

17.13.3 First Contest. A member institution shall not play its first contest (game, exhibition or scrimmage) against outside competition in ice hockey before the ~~second~~ **third** Friday following the first permissible practice date, except as provided under Bylaw 17.13.3.2.

[17.13.3.1 through 17.13.3.2 unchanged.]

Source: Middle Atlantic Conferences and Minnesota Intercollegiate Athletic Conference.

Effective Date: August 1, 2018

Rationale: This proposal establishes an earlier first on-ice practice date in ice hockey. The additional on-ice practices will allow student-athletes and teams to properly prepare for contests from a health and safety standpoint. Currently, teams have 10 on-ice days to prepare for a season during the academic year. This proposal will help ensure the safety of the student-athletes during pre-season training sessions. This proposal does not change the 19-week allowance, but allows for teams to better use their weeks to prepare student-athletes.

Budget Impact: None

Presidents Council Grouping

No. 2-9 (1-7) DIVISION III COMMITTEES -- ELIGIBILITY OF MEMBERSHIP -- STUDENT-ATHLETE ADVISORY COMMITTEE -- CHANGE IN COMPOSITION

Intent: Allow for each conference and the group of independents to have a representative on National SAAC.

Bylaws: Amend 21.9.5.10.1, as follows:

[Roll Call]

21.9.5.10 Student-Athlete Advisory Committee.

21.9.5.10.1 Composition. The Student-Athlete Advisory Committee shall consist of:

- (a) One student-athlete from **the group of independent institutions and one student-athlete from of the Division III multisport voting conferences** ~~unit represented in the Division III Student Athlete Advisory Committee partnership program. A unit shall consist of two partnered conferences. Independent institutions shall collectively be represented as one additional unit. If there is an odd number of Division III conferences, the unpaired conference and all independent institutions shall collectively be represented as one additional unit;~~ and

[21.9.5.10.1-(b) unchanged.]

[21.9.5.10.2 through 21.9.5.10.4 unchanged.]

Source: Allegheny Mountain Collegiate Conference, Great Northeast Athletic Conference and State University of New York Athletic Conference.

Effective Date: August 1, 2018

Rationale: Currently, conferences share the National SAAC representative on an alternating basis; however, with the growth and emphasis on student athlete input, it is imperative that the interests of student athletes within a conference are represented at the national level. By sharing the National SAAC representative with another conference, the interests of the student athletes are not always served. For example, the SUNYAC currently shares its National SAAC Representative with the Empire 8. The conferences are completely different with the SUNYAC comprised of state universities and the Empire 8 comprised of private institutions.

Budget Impact: Approximately \$115,000 to account for the increase of approximately 20-23 student-athletes for attendance at three in-person meetings and attendance at the NCAA convention.

Appendix A

Legislative Proposal Number Changes

This appendix lists proposals that are included in the Second Publication of Proposed Legislation and gives their corresponding numbers in the Initial Publication of Proposed Legislation. Please note that not all proposals that appear in the Second Publication of Proposed Legislation were included in the Initial Publication of Proposed Legislation.

SPOPL	IPOPL	SPOPL	IPOPL
1	--	6	3
2	--	7	--
3	--	8	5
4	--	9	7
5	1		

Appendix B

Request for Interpretation

Member institutions and conferences are encouraged to contact primary contact persons, and if necessary, to request interpretations of the proposed legislation in this Second Publication of Proposed Legislation. Interpretations related to the proposed legislation in this Second Publication of Proposed Legislation may be requested via electronic mail to the primary contact persons at jmyers@ncaa.org. When submitting such a request, please include the proposal number in question, your institution's name and your title.