

## 2011 Faculty Athletics Representatives Association (FARA) Official Positions for 2012 Proposed Legislation

The following groupings have been assigned to the 2012 legislation:

2012-1 through 2012-7 are a part of the Consent Package;

2012-8 through 2012-10 are part of the Presidents Council Strategic Membership Package;

2012-11 through 2013 are a part of the Presidents Council Ease of Burden Package;

2012-14 (Recruiting), 2012-15 (Awards and Benefits), and 2012-16 (Division Membership) are not part of any defined package. [NOTE: The numbers in parenthesis following the proposal numbers refer to the legislation as presented in the SPOPL for this legislative cycle.]

### **2012-1 (2-9) AMATEURISM AND EXECUTIVE REGULATIONS -- FINANCIAL DONATIONS AND ADVERTISING AND SPONSORSHIP OF NCAA CHAMPIONSHIPS – PROFESSIONAL SPORTS ORGANIZATIONS**

**Intent:** To specify that a professional sports organization may serve as a financial sponsor of an intercollegiate competition event, provided the organization is not publically identified as such; and that a professional sports organization may serve as a financial sponsor of an activity or promotion that is ancillary to the competition event and may be publicly identified as such; further, to eliminate the prohibition on sponsorship of NCAA championship activities or promotions by professional sports organizations or teams.

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

**Effective Date:** Immediate

**Rationale:** Current NCAA regulations limit the involvement of professional sports organizations as financial sponsors of intercollegiate events, including NCAA championships. In the case of NCAA championship events, these regulations limit the opportunities for the NCAA staff and/or local organizing committee, host institution and/or conference that administers a championship event in promoting the NCAA championship or related activities. Professional sports teams have been interested in advertising NCAA championships through their promotional channels (e.g., e-mail to season-ticket holders, team website, newsletters), during their contests (e.g., public address announcements, video/message boards, promotional booth) or with their media partners. Partnering with professional sports organizations can help to increase exposure and fan interest for intercollegiate competition events, including NCAA championships, without compromising the Association's principle of amateurism. This legislation is specific to events and ancillary activities. It would not permit a professional sports organization to be a general financial sponsor of an institution, conference or the NCAA. Finally, it will remain impermissible for a professional sports team/organization to use the names or likenesses of student-athletes in any manner.

**FARA Position: NO POSITION** *Does not meet our mandate to evaluate and take positions on legislation that involves academic integrity, student-athlete well being, and/or institutional control.*

### **2012-2 (2-4) AMATEURISM AND ELIGIBILITY -- GENERAL REGULATIONS AND ELIGIBILITY REQUIREMENTS -- ELIMINATION OF ELIGIBILITY FORM TO CERTIFY INTERNATIONAL STUDENT-ATHLETES**

**Intent:** To eliminate the requirement that an international student-athlete must complete the eligibility form prior to competition; further, to specify that a student-athlete must complete a form developed by the NCAA to certify activities that occur following the prospective student-athlete's request that a final amateurism certification be issued by the NCAA Eligibility Center and before initial full-time enrollment at a Division I or II institution.

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

**Effective Date:** August 1, 2012, for student-athletes enrolling in a Division I or Division II institution on or after August 1, 2012.

**Rationale:** One of the themes that emerged from the 2010 NCAA Division II Chancellors and Presidents Summit was the need to ease the compliance and financial burdens that current regulations place on Division II intercollegiate athletics. The information requested on the International Student-Athlete Eligibility Form is very similar to the information being requested by the NCAA Eligibility Center as part of the amateurism certification process. Eliminating this requirement would ease the burden for senior compliance administrators by not having to administer the form for each international student-athlete. Further, by creating a new form for all student-athletes, institutions would have a much-needed tool to ensure that the time between when the individual requests a final amateurism certification and initial full-time enrollment is accounted for. The newly created form may be included in the online compliance forms database, thus, not requiring institutional personnel additional burden.

**FARA POSITION: Support.** *The functions of the Eligibility Center with respect to amateurism certification have made this form obsolete.*

### **2012-3 (2-11) ELIGIBILITY -- INITIAL ELIGIBILITY -- COMMON PROVISIONS -- DIVISION I AND DIVISION II**

**Intent:** To change the voting line for bylaws related to initial eligibility from federated to common for Division I and Division II, as specified; further, to specify that in order to use college courses to meet initial-eligibility requirements, the course must be placed on the high school transcript; and, to specify that a student who has attended multiple high schools must submit a transcript from each high school to the NCAA Eligibility Center.

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

**Effective Date:** Immediate

**Rationale:** Federation of the Association has successfully provided Divisions I and II the opportunity to amend initial-eligibility legislation deemed most appropriate for each division (e.g., core-course distribution, test-score and grade-point average requirements and core-course time limitation). However, there are portions of the initial-eligibility legislation that traditionally have and practically should remain consistent for the two divisions. Designating these bylaws as common provisions will provide consistency for prospective student-athletes and high school coaches and administrators to understand initial-eligibility legislation and how courses completed by the prospective student-athlete will be used to certify eligibility. A consistent standard also will assist the NCAA Eligibility Center in more efficiently determining whether a particular student-athlete has fulfilled each division's initial-eligibility requirements. If the divisions have different legislation, the NCAA Eligibility Center is required to apply different standards to the same course. This may result in two core-course lists for each high school, leading to duplicative work for the NCAA Eligibility Center and confusion for prospective student-athletes. However, the autonomy of each division to establish its own initial-eligibility requirements (e.g., number of core courses, minimum grade-point average and standardized test score) will be maintained under this proposal. [Note: Bylaws 14.3.1.2.3 and 14.3.1.2.9 will only be designated as common if Division I takes action to also designate them as common.]

**FARA Position: SUPPORT** *Designating these bylaws as common provisions will provide consistency for prospective student athletes, coaches and administrators to understand initial-eligibility legislation and how courses completed by the prospective student will be used to certify eligibility. It will also assist the Initial Eligibility Center in determining whether a particular student-athlete has fulfilled each division's initial-eligibility requirements.*

### **2012-4 (2-12) ELIGIBILITY -- PROGRESS-TOWARD-DEGREE REQUIREMENTS -- ELIGIBILITY FOR COMPETITION -- CREDIT HOURS EARNED PRIOR TO INITIAL FULL-TIME ENROLLMENT AT THE CERTIFYING INSTITUTION -- CREDIT HOURS EARNED WHILE ENROLLED AS A HIGH SCHOOL STUDENT**

**Intent:** To specify that a student-athlete may use credits earned while enrolled as a high school student (e.g., advanced placement, dual enrollment) to meet both initial-eligibility and progress toward degree

requirements; further, to specify that such credits may not apply toward the minimum 75 percent of semester or quarter hours that must be earned during the regular academic year.

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

**Effective Date:** August 1, 2012, for individuals initially enrolling full time in a collegiate institution on or after August 1, 2012.

**Rationale:** At the time the legislation in Bylaw 14.4.3.3.10 (credit hours earned prior to initial full-time enrollment at the certifying institution) was incorporated from a July 25, 2005, official interpretation, the provision that specifies that the restriction on using credit hours earned prior to full-time initial collegiate enrollment does not apply to credits earned while a prospective student athlete is enrolled as a high school student was not included. Therefore, the current legislation is not clear as it relates to the use of such credits. This proposal will make the legislation consistent with the intent of the interpretation and clarify how credits earned while the student-athlete is enrolled as a high school student may be used. In addition, the proposal clarifies that hours earned before full-time enrollment at the institution may not be used satisfy the required minimum number of hours that must be earned during the academic year. It is also consistent with the goal of initial-eligibility legislation, which is to identify student-athletes capable of succeeding in college level academic work.

**FARA Position: SUPPORT** *This proposal will make the legislation consistent with a July 25, 2005 interpretation and clarify how credits earned while the student-athlete is enrolled as a high school student may be used. It clarifies that the credits earned prior to full-time enrollment may not be used to satisfy the minimum number of hours that must be earned during the academic year (75-25 rule). It is also consistent with the goal of initial-eligibility legislation, which is to identify student-athletes capable of succeeding in college level academic work.*

#### **2012-5 (2-8) FINANCIAL AID -- FINANCIAL AID FROM OUTSIDE SOURCES -- FINANCIAL AID FROM AN ESTABLISHED AND CONTINUING PROGRAM**

**Intent:** To specify that a student-athlete may receive financial aid through an established and continuing program to aid students, provided the recipient's choice of institutions is not restricted by the donor of the aid and there is no direct connection between the donor and the student athlete's institution.

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

**Effective Date:** August 1, 2012

**Rationale:** A theme that emerged from the 2010 NCAA Division II Chancellors and Presidents Summit was the need to ease the compliance and financial burdens that current regulations place on Division II intercollegiate athletics. Current financial aid legislation outlines various types of outside sources of financial aid and places various restrictions on the receipt of such aid. This change reduces the bureaucracy with monitoring and researching outside awards by simplifying the review for compliance and financial aid offices. Finally, such outside scholarships would still be included when determining a student-athlete's individual financial aid limit and would continue to count against institutional sport limitations, and no changes would be made to the current legislative requirement that the outside aid must be awarded through an established and continuing award program.

**FARA POSITION: Support.** *This legislation has the possibility of allowing student-athletes more opportunities for scholarships, decreases the possibility for inadvertent violations by simplifying the process by which financial aid sources can be determined to be in compliance with NCAA regulations, and does not change the individual or team limits for scholarships.*

**2012-6 (2-14) PLAYING AND PRACTICE SEASONS -- EXCEPTIONS TO THE FIRST CONTEST DATE OR FIRST DATE OF COMPETITION -- ALUMNI GAME, FUNDRAISING ACTIVITY, CELEBRITY SPORTS ACTIVITY AND DISCRETIONARY EXEMPTIONS**

**Intent:** In basketball, to specify that the alumni game, fundraising activity, celebrity sports activity and exceptions to the first contest may be played at any time during the playing and practice season; further, in baseball, cross country, field hockey, golf, men's ice hockey, lacrosse, rowing, soccer, softball, swimming and diving, tennis, indoor and outdoor track and field, volleyball and wrestling, to specify that the alumni game, fundraising activity, celebrity sports activity and discretionary exemptions may be played at any time during the playing and practice season.

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

**Effective Date:** August 1, 2012

**Rationale:** The alumni game, fundraising activity and celebrity sports activity are not played to gain competitive experience. In many cases, these events are celebratory in nature, provide the institution with an opportunity to engage with the local community and to build relationships with alumni. The discretionary exemptions and exceptions to the first contest in basketball provide opportunities for student-athletes to compete and prepare for Division II competition. Permitting these contests or dates of competition to be played at any time during the playing and practice season provides institutions the autonomy to play these events throughout the season as is determined most appropriate for each sport.

**FARA Position: SUPPORT** *The purpose of these activities is either fundraising or involvement of the team with the community at large. No competitive advantage is gained by the participants.*

**2012-7 (2-15) PLAYING AND PRACTICE SEASONS -- GOLF -- FIRST DATE OF PRACTICE AND COMPETITION -- NONCHAMPIONSHIP SEGMENT -- EXCEPTION -- ALTERNATE PLAYING SEASON -- PRESEASON ACTIVITIES BEFORE THE FIRST DAY OF CLASSES**

**Intent:** In golf, to establish an exception to the preseason practice activities restrictions to permit a golf practice round to exceed three hours in length for institutions that use the alternate playing season.

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

**Effective Date:** August 1, 2012

**Rationale:** While the NCAA Division II Golf Championship takes place in the spring, institutions and conferences may designate the fall as their championship season if a majority of the matches take place during the fall. As a result of the adoption of NCAA Proposal No. 2010-5 (playing and practice seasons -- fall sports), for those institutions and conferences that have designated fall as their championship season, during the preseason prior to the first day of classes, student-athletes are limited to six hours of countable athletically related activities per day, only five of which may be devoted to physical activities. In addition, any session which includes physical activities shall not exceed three hours in length, and student-athletes must be provided with at least three continuous hours of recovery time between any sessions occurring on that day. Student-athletes need approximately four hours to complete a round of golf, thus exceeding the three-hour maximum for any session where physical activities take place. This change would allow student-athletes to complete a round of golf during the preseason prior to the first day of classes without having to take a three hour break in the middle of a round.

**FARA Position: SUPPORT** *It is impractical to play a practice round in less than 3 hours. Further, there is no impact on academics, since classes have not yet begun.*

**2012-8 (2-1) NCAA MEMBERSHIP -- NEW MEMBER CONFERENCE -- MINIMUM NUMBER OF ACTIVE MEMBERS FOR ACTIVE STATUS -- SIZE OF CONFERENCES**

**Intent:** To amend the size of a member conference, as follows: (1) specify that a conference desiring to attain voting conference status and gain access to voting conference membership privileges shall be composed of at least 10 active member institutions and/or institutions in the provisional period of the membership process at the time of application, which shall be located in the same geographic area as

specified, and that the Membership Committee may waive these requirements if it deems that unusual circumstances warrant such action; (2) specify that a conference shall be composed of 10 active member institutions to become an active member conference, which shall be located in the same geographic area as specified; and that the Membership Committee may waive these requirements if it deems that unusual circumstances warrant such action; and (3) increase the minimum number of active member institutions required for active conference membership, as specified, and that the Membership Committee may waive this requirement if it deems that unusual circumstances warrant such action.

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

**Effective Date:** For Section A: August 1, 2013, for a conference applying for Division II conference membership on or after August 1, 2013. For Section B: August 1, 2017. For Section C: August 1, 2022.

**Rationale:** Since 2010, Division II has engaged in a study of membership matters. This recommendation is intended to address the effects that possible conference growth could have on the division. Conferences with less than 10 institutions often face increased financial challenges. The challenges are even greater for newly formed conferences. In addition, small conferences might face scheduling issues that could be alleviated with an increase in the number of institutions. Requiring new conferences intending to become Division II members to have at least 10 institutions and current conferences to grow to eight and later to 10 institutions, will assist these conferences with long-term viability and stability. Further, if a conference can demonstrate that unusual circumstances have precluded the conference from meeting the recommended requirements, the Membership Committee will have the authority to waive those requirements. Due to the increase in the minimum number of institutions required for conference membership, the current process for conferences with fewer than six active member institutions trying to attain voting conference status and gain access to voting conference membership privileges will be eliminated. Lastly, the proposed delayed effective dates will allow for sufficient time for conferences to meet the new requirements.

**FARA Position: SUPPORT** *As Faculty Athletic Representatives, we are tasked with the oversight of student-athlete well-being. Included in that responsibility is an approach to athletics that supports the overall experience for our student-athletes. Legislation that mandates the size of a conference provides a better experience with regard to competition and championship opportunities.*

## **2012-9 (2-2) NCAA MEMBERSHIP AND EXECUTIVE REGULATIONS -- MEMBER CONFERENCE -- PRIVILEGES -- CONFERENCE PRIVILEGES AND AUTOMATIC QUALIFICATION**

**Intent:** To amend the privileges of a member conference, as follows:

- (1) increase from two years to five years the waiting period for a new conference to become eligible for automatic qualification;
- (2) clarify that an active conference that adds a sport(s) shall conduct competition in that sport(s) for two consecutive years at the time of application for automatic qualification;
- (3) establish a three-year grace period during which a conference may continue to qualify for conference membership privileges following the date of withdrawal of the institution(s) that causes the conference's membership to fall below the minimum number of institutions required for active membership, provided the conference remains within one member institution of that minimum number; and
- (4) specify that in championship sports in which automatic qualification is offered, a sports committee must reserve at least 50 percent of the championship field for regional tournaments for at-large teams and that the remainder of the championships field will be awarded to conferences that meet the automatic-qualification criteria.

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

**Effective Date:** For Section A: August 1, 2013, for a conference applying for Division II conference membership on or after August 1, 2013. For Sections B and C: Immediate. For Section D: August 1, 2012.

**Rationale:** Since 2010, Division II has engaged in a study of membership matters. This recommendation is intended to address the effects that possible membership growth and migration could have on the division and selection of teams for regional championships. By requiring a newly formed conference to wait five years after becoming active to be eligible for automatic qualification, the proposal ensures that new conferences are committed to the Division II philosophy before receiving an automatic qualification and that interest in the division is not based solely on receipt of automatic qualification privileges. The proposed grace period for conferences that fall below the requisite number for active membership provides the remaining members of a conference a reasonable amount of time to add a new member to satisfy the minimum requirement. Lastly, with the potential increase in conference membership, some regions could have more than four conferences that meet the automatic qualification criteria; therefore, significantly reducing the number of at-large teams participating in these tournaments. This recommendation would guarantee each region at least 50 percent of the championship field for at-large teams; which would prevent automatic qualifiers from dominating regional brackets.

**FARA Position:** *SUPPORT This legislation increases the waiting period for a new conference, clarifies that conferences with new sports must conduct competition for two consecutive years, establishes a grace period for institutions remaining in conferences that have fallen below a minimum number, and specifies that 50% of a championship field be set aside for at-large teams. All of these provisions support the overall experience for our student-athletes, in that they provide stability for the conferences, and open championship opportunities.*

#### **2012-10 (2-3) NCAA MEMBERSHIP -- MEMBER CONFERENCE -- ANNUAL LIMIT ON CONFERENCE MEMBERSHIP -- DIVISION MEMBERSHIP -- DIVISION II MEMBERSHIP PROCESS -- PROVISIONAL AND RECLASSIFYING INSTITUTIONS -- CONFERENCE MEMBERSHIP**

**Intent:** To amend the process related to conference membership, as follows: (1) specify that the Management Council, on recommendation of the Planning and Finance Committee and the Membership Committee, may establish an annual limit on the number of athletic conferences applying to become a member conference that will be invited to active conference membership; and (2) specify that before the Membership Committee may invite an institution into active membership, an active conference (or a conference applying for membership) must have taken action to allow such institution to join the conference as a full member.

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

**Effective Date:** For Section A: Immediate. For Section B: August 1, 2012, for an institution entering the Division II membership process on or after September 1, 2012.

**Rationale:** Since 2010, Division II has engaged in a study of membership matters. This recommendation is intended to assist the governance structure in controlling conference growth in the division and to address any potential operational issues associated with conference growth. When Management Council establishes an annual limit, the Membership Committee has the ability to review the applications of all applicant conferences; however, the committee will only invite the number approved by Management Council into active membership, unless unusual circumstances warrant a different action. Management Council will hear recommendations from the Planning and Finance Committee and the Membership Committee. The Council and the committees could base the optional annual limit on the long-range budget framework for the division (up to 23 conferences by 2013-14, up to 24 conferences by 2016-17, up to 25 conferences by 2019-20 and up to 26 conferences by the end of the new media agreement in 2023-24). Further, this recommendation will assist applicant institutions in finding a home with a Division II conference and to promote long-term stability of Division II institutions. Independent institutions often face challenges with scheduling, finances and championship opportunities that could be alleviated by conference membership. This recommendation increases the likelihood that institutions will operate successful, competitive programs in Division II.

**FARA Position: SUPPORT** *This third piece of the Strategic Growth legislation endorses a managed growth approach to Division II, which will provide stability for our division, conferences, institutions, teams, and student-athletes.*

**2012-11 (2-5) RECRUITING -- CONTACTS AND EVALUATIONS -- PERMISSIBLE NUMBER AND TIME PERIOD FOR CONTACTS -- UNLIMITED CONTACTS**

**Intent:** To specify that in-person, off-campus recruiting contacts shall not be made before June 15 immediately preceding a prospective student-athlete's junior year in high school; further, to permit an institution to make unlimited in-person, off-campus recruiting contacts with a prospective student-athlete each academic year.

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

**Effective Date:** June 15, 2012; for any prospective student-athlete entering his or her junior year in high school June 15, 2012, and thereafter.

**Rationale:** A theme that emerged from the 2010 NCAA Division II Chancellors and Presidents Summit was the need to ease the compliance and financial burdens that current regulations place on Division II intercollegiate athletics. Many times, institutional budgets dictate the amount of off campus recruiting contacts that can be made. In addition, there is no feedback to suggest that prospective student-athletes feel any level of intrusion by in-person recruiting contacts. The current recruiting calendars provide protection to prospective student-athletes by limiting when coaches can have in-person, off-campus recruiting contact with prospective student-athletes. Legislating the number of permissible in-person, off-campus recruiting contacts requires monitoring by compliance administrators and coaches. Eliminating the maximum number of recruiting contacts would ease the burden on compliance administrators and coaches who are responsible for monitoring the legislation. Finally, this proposal includes a change to the time period for contacts. By permitting contacts to begin in the summer before a prospective student-athlete's junior year in high school is consistent with the timing of general recruitment of students at many institutions' admissions offices. Further, June 15 is consistent with the date proposed for telephone calls and recruiting materials.

**FARA POSITION: Support.** *This legislation is very similar to proposed DI legislation and also to current practices for NAIA schools. The new legislation aligns more closely with current timetables for recruiting students, indicating that many high school students (and not just student-athletes) are already well into the process of selecting a college or university to attend before the start of their senior year. Anecdotal evidence suggests that in some cases student-athletes that would be ideal recruits for DII institutions have already either decided upon a school or at least narrowed their selections down to a limited number of schools before the current recruiting window in DII is opened.*

**2012-12 (2-6) RECRUITING -- CONTACTS AND EVALUATIONS -- CONTACTABLE PROSPECTIVE STUDENT-ATHLETES -- HIGH SCHOOL PROSPECTIVE STUDENT-ATHLETES -- PERMISSIBLE NUMBER AND TIMING OF TELEPHONE CALLS**

**Intent:** To specify that telephone calls to a prospective student-athlete [or the prospective student athlete's relatives or legal guardian(s)] may not be made before June 15 immediately preceding the prospective student-athlete's junior year in high school; further, to specify that on or after June 15 immediately preceding a prospective student-athlete's junior year in high school, institutional staff members may make unlimited telephone calls to a prospective student-athlete [or the prospective student-athlete's relatives or legal guardian(s)].

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

**Effective Date:** June 15, 2012; for any prospective student-athlete entering his or her junior year in high school June 15, 2012, and thereafter.

**Rationale:** One of the themes that emerged from the 2010 NCAA Division II Chancellors and Presidents Summit was the need to ease the compliance and financial burdens that current regulations place on Division II intercollegiate athletics. Current telephone regulations are difficult to monitor for compliance

administrators. It is recommended that all coaches who make telephone calls complete a phone log to assist compliance administrators with monitoring the rule. This is a challenge since some coaches purchase non-traceable phones or do not complete the log. In addition, some institutions have purchased expensive technology to track on this legislation. Amending this legislation to permit unlimited telephone calls will provide considerable relief to compliance administrators and coaches, and allow them to focus on other matters that could enhance the student-athlete experience. Finally, this recommendation includes a change to the time period for making telephone calls. Permitting telephone calls to begin in the summer before the prospective student-athlete's junior year in high school is consistent with the timing of general recruitment of students by many institutions' admissions offices. Further, the June 15 date is consistent with the recommendation related to contacts and electronic communications.

***FARA POSITION: Support.*** *This legislation is very similar to proposed DI legislation and also to current practices for NAIA schools. The new legislation aligns more closely with current timetables for recruiting students, indicating that many high school students (and not just student-athletes) are already well into the process of selecting a college or university to attend before the start of their senior year. Anecdotal evidence suggests that in some cases student-athletes that would be ideal recruits for DII institutions have already either decided upon a school or at least narrowed their selections down to a limited number of schools before the current recruiting window in DII is opened.*

#### **2012-13 (2-7) RECRUITING -- RECRUITING MATERIALS -- PRINTED RECRUITING MATERIALS, ELECTRONIC MEDIA AND ELECTRONIC TRANSMISSIONS -- PERMISSIBLE NUMBER AND TIMING OF MATERIALS**

**Intent:** To specify that an institution may not provide athletically related recruiting materials and electronic media to a prospective student-athlete [or the prospective student-athlete's relatives or legal guardian(s) and coaches] before June 15 immediately preceding the prospective student athlete's junior year in high school; further, to specify that any form of electronic transmission (e.g., text message, instant message) may not be sent before June 15 immediately preceding the prospective student-athlete's junior year in high school, and must be private between the recipient and sender.

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

**Effective Date:** June 15, 2012; for any prospective student-athlete entering his or her junior year in high school June 15, 2012, and thereafter.

**Rationale:** One of the themes that emerged from the 2010 NCAA Division II Chancellors and Presidents Summit was the need to ease the compliance and financial burdens that current regulations place on Division II intercollegiate athletics. The electronic transmissions legislation results in significant monitoring by compliance administrators on Division II campuses. A change to this legislation will ease the institutional burden of tracking electronic transmissions, which may give time back to these individuals to focus on other areas of compliance, and will eliminate the need to purchase technology to assist with tracking electronic transmissions. Finally, this recommendation includes a change to the time period for sending recruiting materials. Allowing recruiting materials to be sent beginning in the summer before the prospective student-athlete's junior year is consistent with the timing of general recruitment of students by many institutions' admissions offices. Further, June 15 is consistent with the date proposed for telephone calls and contacts.

***FARA POSITION: Support.*** *This legislation is very similar to proposed DI legislation and also to current practices for NAIA schools. The new legislation aligns more closely with current timetables for recruiting students, indicating that many high school students (and not just student-athletes) are already well into the process of selecting a college or university to attend before the start of their senior year. Anecdotal evidence suggests that in some cases student-athletes that would be ideal recruits for DII institutions have already either decided upon a school or at least narrowed their selections down to a limited number of schools before the current recruiting window in DII is opened.*

## **2012-14 (2-10) RECRUITING AND PLAYING AND PRACTICE SEASONS -- MANDATORY MEDICAL EXAMINATION -- SICKLE CELL SOLUBILITY TEST**

**Intent:** To specify that the required medical examination or evaluation that student-athletes and students who are trying out for a team must undergo prior to participation in practice, competition or out-of-season conditioning activities shall include a sickle cell solubility test (SST), unless documented results of a prior test are provided to the institution or the individual declines the test and signs a written release.

**Source:** NCAA Division II Presidents Council [Management Council (Committee on Competitive Safeguards and Medical Aspects of Sports)].

**Effective Date:** August 1, 2012; for all student-athletes, including both new and continuing student athletes.

**Rationale:** Requirements for sickle cell trait (SCT) status testing should be consistent across divisions. According to the 2011 membership survey, approximately 40 percent of responding Division II institutions currently confirm SCT status as part of their medical examination process. The potential for collapse and complications from SCT is not dependant on the division, sport, gender or race. The education of institutional staff conducting workouts continues to be the most important factor for preventing catastrophic events, as SCT generally does not result in a medical emergency unless the student-athlete is driven beyond their physiological limit. Typically, student athletes that self-regulate their workload and intensity are able to modify the overall stress placed on them and still succeed athletically. Division II often has fewer sports medicine staff available during workouts; therefore, knowledge of SCT status for all student-athletes by key staff can be a gateway to precaution implementation, preparation and emergency response activation. Finally, in an effort to ensure student-athletes make an informed decision, institutions are encouraged to educate student-athletes about the risks of the condition if the student-athlete elects to decline the test and sign a written release.

**FARA Position: SUPPORT** *As Faculty Athletics Representatives, we are tasked with oversight responsibilities for the general well-being of our student-athletes. Legislation which mandates appropriate testing for Sickle Cell Trait, which has been associated with life-threatening conditions in the student-athlete population, is consistent with those responsibilities and serves to ensure the health and safety of our student-athletes.*

## **2012-15 (2-13) AWARDS AND BENEFITS AND PLAYING AND PRACTICE SEASONS -- WINTER BREAK -- FIRST DAY OF WINTER BREAK WHEN DECEMBER 20 FALLS ON FRIDAY, SATURDAY, SUNDAY OR MONDAY**

**Intent:** To specify that the seven-consecutive calendar-day period of the winter break shall begin December 20 or the following Monday when December 20 falls on a Friday, Saturday or Sunday; further, when December 20 falls on a Monday the winter break shall begin on the following Tuesday.

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

**Effective Date:** August 1, 2012

**Rationale:** At the 2011 NCAA Convention, NCAA Proposal No. 2011-9 was defeated by the membership, at least partially due to the Presidents Council directive to the Legislation Committee to discuss a possible exception to the first day of the winter break for years in which December 20 falls on a Friday, Saturday, Sunday or Monday. With expanding conference schedules, restrictions on competition during final exams and availability of facilities, it is important to provide institutions the flexibility to compete over the weekend preceding the winter break. Further, this change maintains a consistent winter break for all Division II institutions, which will ensure competitive equity within the division.

**FARA Position: SUPPORT** *While some felt it was confusing, the majority believed it permitted greater flexibility in scheduling contests around activities like commencement, final exams, etc., and was a significant improvement over existing legislation.*

**2012-16 (2-16) DIVISION MEMBERSHIP -- MEMBERSHIP REQUIREMENTS --  
PHILOSOPHY STATEMENT -- PERSONAL CONDUCT OF DIVISION II INSTITUTIONAL  
STAFF MEMBERS, STUDENT-ATHLETES AND PROSPECTIVE STUDENT ATHLETES**

**Intent:** To amend the Division II philosophy statement, as specified.

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

**Effective Date:** August 1, 2012

**Rationale:** In recent years, Division II institutions have accepted transfer student-athletes who were dismissed from the previous institution's athletics team for disciplinary reasons. A student-athlete in this situation may be immediately eligible for competition at a Division II institution, provided an exception to the transfer requirement is met because the student-athlete was not under disciplinary suspension from the institution; only the athletics department. A modification of the philosophy statement, which broadly states that Division II institutional staff members, including presidents and directors of athletics, are the gatekeepers when it comes to student-athlete behavior and all are expected to hold themselves to the highest standards of personal conduct is appropriate so institutions, staff members, prospective student-athletes and student-athletes are aware of the expectations of being an upstanding Division II member.

**FARA Position: SUPPORT** *Consistent with the Division II Strategic Plan and "Life in the Balance" philosophy, this modification of the philosophy statement emphasizes a commitment among member institutions to maintain the highest ethical standards and act with integrity in all situations.*