

**Positions on the Proposed D-II Legislation
taken at the
FARA Annual Meeting and Symposium
November 12-14, 2009
St. Louis, MO**

NOTE: Numbering refers to the *Official Notice* while the numbers following in parenthesis are from the *Second Publication of Proposed Legislation*. A position of “no position” indicates FARA viewed the proposed legislation as having no relationship or a minimal relationship to the criteria used to establish FARA’s positions: academic integrity, student-athlete well-being, and institutional oversight.

**2010-1 [Consent Package] (2-2) RECRUITING — OFFERS AND INDUCEMENTS —
SUMMER FACILITY FEES FOR PROSPECTIVE STUDENT-ATHLETES**

Intent: To permit an institution to pay fees associated with the use of institutional practice and competition facilities by a prospective student-athlete to participate in voluntary athletically related activities in his or her sport during the summer prior to initial full-time enrollment at the certifying institution, provided the prospective student-athlete has signed a National Letter of Intent or written offer of admission and/or financial aid.

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

Rationale: Currently, it is permissible for an institution to pay fees for the use of institutional practice and competition facilities by a student-athlete for voluntary activities in his or her sport during the summer. It is also permissible for a prospective student-athlete who has signed a National Letter of Intent or written offer of admission and/or financial aid to participate in voluntary weightlifting or conditioning activities on the institution's campus in the presence of the institution's strength and conditioning coach, provided such activities are not prearranged, and the strength and conditioning coach is performing normal duties and responsibilities in the supervision of the weight room or facility in use, and does not work directly with the prospective student-athlete. This proposal permits an institution to pay fees for the use of institutional practice and competition facilities by a prospective student-athlete who has signed a National Letter of Intent or written offer of admission and/or financial aid for voluntary activities in his or her sport during the summer prior to initial full-time enrollment at the certifying institution, just as it is currently allowed for a regularly enrolled student-athlete. The immediate effective date will allow institutions to pay the fees during summer 2010.

FARA Position: No Position.

**2010-2 [Consent Package] (2-3) RECRUITING AND ELIGIBILITY — ADMISSIONS AND
GRADUATION DATA, BANNED DRUG LIST AND INITIAL-ELIGIBILITY STANDARDS —
REPORTS AND NOTIFICATION — ELIGIBILITY CENTER**

Intent: To specify that the NCAA Eligibility Center shall provide the information contained within the disclosure reports related to admissions, graduation-rate data and academic success rate to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center and the Eligibility Center has received an

institution's request to add the prospective student-athlete to the institution's institutional request list; further, to specify that the Eligibility Center shall provide notification of initial-eligibility standards, the banned-drug list and information about nutritional supplements to a prospective student-athlete and his or her parents or legal guardians after he or she has registered with the Eligibility Center.

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

Rationale: Current legislation places the burden on institutions to distribute information that could be provided to prospective student-athletes by the Eligibility Center. The information related to admissions, graduation-rate data and the academic success rate is already collected and published by the NCAA. The creation of the Eligibility Center has provided increased efficiency and customer service to prospective student-athletes and their parents. This proposed role in the central coordination and distribution of required reports would enhance the Eligibility Center's service to the membership. The close relationship between the NCAA national office and the Eligibility Center would facilitate the sharing of the necessary data. The required information could be provided to prospective student-athletes by the most efficient method (e.g., e-mail or other technology), as determined by the Eligibility Center. This shift in report distribution would merely be administrative in nature. Institutions would remain responsible for responding to any questions raised by prospective student-athletes and their parents or legal guardians. The Eligibility Center will begin performing these duties for all prospective student-athletes who register with the NCAA Eligibility Center on or after August 1, 2010.

FARA Position: Support. Legislation that provides uniform distribution of valuable information to the prospective student-athlete and increases the efficiency of the process serves a desirable goal in the recruiting process. This shift in responsibility also positively impacts institutional oversight by shifting an athletics administrative function to the Eligibility Center.

2010-3 [Consent Package] (2-5) RECRUITING — TRYOUT EXCEPTIONS — USE OF INSTITUTIONAL FACILITIES

Intent: To establish a tryout exception that permits a group that includes prospective student-athletes to use an institution's facilities for physical activities without the use being considered a tryout, provided the physical activities are related to a sport that is not sponsored by the institution on the varsity intercollegiate level; further, to establish a tryout exception that permits an institution's athletics department staff members and representatives of its athletics interests to be involved in the conduct and administration of the use of a member institution's facilities for physical activities by a group that includes prospective student-athletes, as specified.

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

Rationale: Currently, under the tryout exception that allows the use of a member institution's facilities by prospective student-athletes for activities not involving the institution's staff, athletics department staff members or representatives of the institution's athletics interests may not be involved in the conduct or administration of the activity. For example, athletics department staff members may not sell concessions, apparel or work at a scorer's table.

Institutions depend on such activities to generate critical revenue for their departments, and for these activities to happen, it is often necessary for a member of the athletics department staff to administer aspects related to the activity. The existing legislation hinders access to collegiate facilities and, thus, hinders community relationships, which is contrary to the intent of the Division II Strategic Positioning Platform. Further, establishing an exception to the tryout restrictions in those instances in which the physical activities are related to a sport that is not sponsored by the institution on the intercollegiate level would not diminish either the intent or impact of the tryout restrictions, but rather would allow athletics department staff members an additional level of involvement in the conduct of these events, most of which are hosted for fundraising purposes.

FARA Position: No Position.

2010-4 [Consent Package] (2-7) ELIGIBILITY — FRESHMAN ACADEMIC REQUIREMENTS — TEST-SCORE REQUIREMENT — EXCEPTION — INSTITUTIONS LOCATED IN PUERTO RICO — PRUEBA DE APTITUD ACADEMICA

Intent: To create an exception to the test-score requirement for initial eligibility to specify that a prospective student-athlete entering an institution located in Puerto Rico may use a minimum combined score on the Prueba de Aptitud Academica verbal and math reasoning sections of 730 to satisfy such test score requirement.

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

Rationale: The Prueba de Aptitud Academica (PAA) is an aptitude test created by The College Board and administered to secondary school students in Puerto Rico. It is used as an entrance exam to universities and colleges in Puerto Rico. The PAA is administered in Spanish, but it is not a translation of the SAT. Since the majority of instruction at Puerto Rican institutions is conducted in Spanish, the PAA should be accepted for the purpose of meeting the test-score requirements for initial eligibility for student-athletes attending an institution located in Puerto Rico. Data available demonstrates that the PAA is similar to the SAT in its ability to predict college academic outcomes for students attending an institution in Puerto Rico. Data further indicates that a combined score on the PAA verbal and math reasoning sections of 730 is at approximately the same point on the overall distribution of test scores (one standard deviation below the average of all test-takers) as 820 on the SAT and 68 on the ACT. This score on the PAA, in addition to meeting all other academic qualifications for initial eligibility would be sufficient for initial-eligibility certification of student-athletes entering an institution located in Puerto Rico.

FARA Position: STRONGLY SUPPORT. This legislation is intended to recognize equivalent standard for the primary entrance exam for universities located in Puerto Rico. The ACT/SAT are not routinely administered to students enrolling in colleges and universities located in Puerto Rico. The standards proposed for the PAA are equivalent to the standards that are currently accepted on the SAT/ACT examinations. Additionally, this legislation becomes important because of recent policy changes at the Puerto Rican institutions, as prior policies did not allow participation of incoming freshman.

2010-5 (2-11) PLAYING AND PRACTICE SEASONS — FALL SPORTS

Intent: In cross country, field hockey, football, golf, soccer, tennis and women's volleyball, to amend the playing and practice seasons legislation, as follows: (1) Amend the first date of practice in the championship segment (in golf and tennis, for an institution that is a member of a conference that conducts its only conference championship or plays the majority of its conference matches during the fall, or an institution that declares fall as its institution's championship segment); (2) Specify limitations on preseason practice activities prior to the first day of classes; (3) Amend the first contest or date of competition with outside competition in the championship segment (in golf and tennis, for an institution that is a member of a conference that conducts its only conference championship or plays the majority of its conference matches during the fall, or an institution that declares fall as its institution's championship segment); (4) In field hockey and soccer, to reduce the maximum number of contests during the segment in which the NCAA championship is conducted from 20 to 18; and (5) In women's volleyball, to reduce the maximum number of dates of competition during the segment in which the NCAA championship is conducted from 28 to 26.

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

Rationale: Following the 2009 Convention, the presidents and chancellors directed the governance structure to review the playing and practice seasons legislation to ensure its alignment with the division's Strategic Positioning Platform and the principle of "life in the balance." The proposal amends the start date of the preseason practice period, the first date of competition and the maximum number of contests or dates of competition in specific sports. The proposal also adds limitations on physical activities during the preseason practice period before the first day of classes to reduce the risk of student-athlete injury and heat-related illnesses. The proposal strengthens the principle of balance because it will reduce the number of days that student-athletes are on campus prior to classes beginning at the institution. In addition, the proposed changes will likely result in less missed class time, missed study time and time away from campus. The proposed reductions in specified sports are necessary due to the fall sports season occurring with one less week overall. Finally, the change will have the incidental benefit of reducing costs for institutions for expenses associated with housing and feeding student-athletes prior to the general student-body arriving on campus, travel and/or game related expenses.

FARA Position: Support. These legislative proposals place limitations on preseason practices, reduce the number of contests, and/or amend competition start dates. Consistent with the Division II Strategic Platform and the "Life in the Balance" philosophy, these changes are likely to benefit student-athletes by: a) reducing missed class and study time and b) reducing time away from campus, thereby encouraging participation in other campus extracurricular activities. Some concern was expressed that preseason practice limitations could potentially increase the risk of heat-related illness due to insufficient time for student-athletes to become acclimatized to seasonal heat and humidity. It was also noted that mandatory orientation activities for freshmen may further limit their ability to become properly conditioned prior to competition. {NOTE: There is a proposed amendment to 2010-5 (2010-5-1) to delay implementation of the legislation for FIELD HOCKEY until 8/1/2011. Because of the timing of the notification of the proposed amendment FARA was unable to determine an official position for the amendment.}

2010-6 (2-12) PLAYING AND PRACTICE SEASONS — SPRING SPORTS

Intent: In baseball, to reduce the maximum number of contests from 56 to 50 and in golf, to reduce the maximum number of dates of competition from 24 to 21; further, in softball, to eliminate the tournament dates legislation.

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

Rationale: Following the 2009 Convention, the presidents and chancellors directed the governance structure to review the playing and practice seasons legislation to ensure its alignment with the division's Strategic Positioning Platform and the principle of "life in the balance." This proposal reduces the maximum number of contests in baseball and golf by approximately 10 percent. In addition, the proposal amends how an institution shall count contests in softball. Specifically, the change would require institutions to count each softball contest in a tournament as one contest against the maximum limitations. The proposed changes would likely result in less missed class time, missed study time and time away from campus for baseball, golf and softball student-athletes, which should contribute to improved academic performance overall. Finally, the change will have the incidental benefit of reducing costs for institutions for expenses associated with travel and/or game related expenses.

FARA Position: Strongly Support. These legislative proposals place limitations on preseason practices, reduce the number of contests, and/or amend competition start dates. Consistent with the Division II Strategic Platform and the "Life in the Balance" philosophy, these changes are likely to benefit student-athletes by: a) reducing missed class and study time and b) reducing time away from campus, thereby encouraging participation in other campus extracurricular activities.

2010-7 (2-9) PLAYING AND PRACTICE SEASONS — WINTER BREAK

Intent: To specify that a student-athlete shall not participate in any voluntary athletically related activities on campus from December 20 through December 26, unless the facility is open to the general student-body; further, in basketball, swimming and diving, indoor track and field and wrestling, to specify that a student-athlete shall not participate in any countable athletically related activities from December 20 through December 26.

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

Rationale: Following the 2009 Convention, the presidents and chancellors directed the governance structure to review the playing and practice seasons legislation to ensure its alignment with the division's Strategic Positioning Platform and the principle of "life in the balance." This proposal establishes a "dead" period during the championship segment for winter sports, during which it would not be permissible for an institution to have practice, competition or other countable athletically related activities. It also establishes a "dead period" during the same dates for all sports during the winter break, during which it would not be permissible for a student-athlete to participate in voluntary athletically related activities on campus, unless the facility is open to the general student-body. This seven-day period (December 20 through 26) will allow student-athletes to travel home during the winter break,

work or simply relax. In addition, institutional athletics personnel (e.g., coaches, facilities managers, athletic trainers) will be able to achieve work-life balance because they will not be required to be on campus to attend to the management of student-athletes and facilities.

FARA Position: Oppose. The strict time period of December 20-26 was believed to cause too many problems at individual institutions, particularly given policies regarding competition during finals, etc. It was also felt that the strict time period ran counter to the spirit of deregulation. However, those in attendance unanimously supported a more flexible approach which would allow each institution to specify a seven-day period that must include Dec. 24, 25 and 26. {NOTE: There is a proposed amendment to 2010-7 (2010-7-1) to allow travel on December 20th if it is the earliest practical opportunity to return from an away contest. Because of the timing of the notification of the proposed amendment FARA was unable to determine an official position for the amendment.}

2010-8 (2-13) PLAYING AND PRACTICE SEASONS — WINTER SPORTS — BASKETBALL

Intent: In basketball, to reduce the maximum number of contests from 27 to 26.

Source: NCAA Division II Presidents Council. Effective Date: August 1, 2010

Rationale: Following the 2009 Convention, the presidents and chancellors directed the governance structure to review the playing and practice seasons legislation to ensure its alignment with the division's Strategic Positioning Platform and the principle of "life in the balance." This proposal reduces the maximum number of contests in basketball from 27 to 26. This reduction is necessary due to the recommended proposal for the winter break, which would establish a "dead" period in basketball during which it would not be permissible for an institution to have practice, competition, other countable athletically related activities or voluntary athletically related activities on campus from December 20 through December 26, thus shortening the overall length of the basketball playing season by one week. Finally, the proposal would likely result in less missed class time, missed study time and time away from campus for basketball student-athletes, which should contribute to improved academic performance overall.

FARA Position: Strongly Support. These legislative proposals place limitations on preseason practices, reduce the number of contests, and/or amend competition start dates. Consistent with the Division II Strategic Platform and the "Life in the Balance" philosophy, these changes are likely to benefit student-athletes by: a) reducing missed class and study time and b) reducing time away from campus, thereby encouraging participation in other campus extracurricular activities.

2010-9 (2-1) PERSONNEL — CONDUCT OF ATHLETICS PERSONNEL — SPORTS SAFETY TRAINING

Intent: To specify that each head coach and all other coaches who are employed full time at an institution shall maintain current certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

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

Rationale: Legislation requiring first aid, CPR and AED certification promotes student-athlete safety and well-being. A survey of the NCAA death claims since 1992 reports 60 percent of all nonvehicle-related deaths have been due to heart-related conditions and 83 percent of all deaths occurred during practice or conditioning. Although a similar proposal was defeated by the membership at the 2007 NCAA Convention, this proposal differs slightly from the previous in that it does not require the certified individual to be present during athletically related activities, nor does it specify the certifying organization. This proposal promotes and encourages the safety and wellbeing of student-athletes by requiring all head coaches [regardless of employment status (e.g., full time, part time, voluntary)] and all other coaches who are employed full time to maintain current certification in first aid, CPR and AED use. Additionally, Division II grant and initiative funding may be used to certify all coaches in first aid and CPR or to purchase an AED; however, it is not required for an institution to purchase an AED.

FARA Position: Strongly Support

As Faculty Athletic Representatives in Division II, we are tasked with oversight responsibilities for the general well-being of our student-athletes. Legislation which mandates appropriate first aid, CPD and AED certification is consistent with those responsibilities and ensures the health and safety of our athletes during practices and competitions.

2010-10 (2-4) RECRUITING — OFFICIAL VISIT — WRITTEN NOTICE

Intent: To eliminate the requirement that an institution must provide a prospective student-athlete written notice of the five official-visit limitation.

Source: Lone Star Conference, Mid-America Intercollegiate Athletics Association and South Atlantic Conference. Effective Date: Immediate

Rationale: This proposal will eliminate unnecessary paperwork and inadvertent violations due to administrative oversight. By reducing some of the administrative burdens placed on Division II compliance personnel who are charged with monitoring official visits, appropriate attention can be shifted to other areas. The immediate effective date will bring instant relief to the compliance workload. In 2004, Division I eliminated this requirement and there have not been any resulting issues with monitoring official visits.

FARA Position: Oppose. The primary reason for opposition to this proposal is that it places institutional paperwork reduction in a superior position to student-athlete well-being. If the current requirement is removed, there will be no institutional responsibility for informing a prospective student-athlete of the five official-visit limitation. Logic suggests that this situation has the potential to create more, rather than fewer, violations. Duplication of notices to a student-athlete seems a small price to pay to avoid violations. Some thought this notice could be included in the information sent by the Eligibility Center, thus assuring that student-athletes would receive it while reducing the paperwork burden on member institutions.

2010-11 (2-6) ELIGIBILITY — CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY — PARTICIPATION IN ORGANIZED COMPETITION PRIOR TO INITIAL COLLEGIATE ENROLLMENT

Intent: To specify that an individual who does not enroll in a collegiate institution as a full-time student in the regular academic term that begins immediately after a one-year time period following his or her high school graduation date shall use one season of intercollegiate competition for each consecutive 12-month period after the one-year time period and before initial full-time collegiate enrollment in which the individual participates in organized competition; further, to amend the administration of the organized-competition regulations, as specified.

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

Rationale: Since January 2008, the governance structure has been examining issues related to the organized-competition legislation. There has been significant analysis of whether the frequency and level of competition, rather than compensation, should determine organized competition. Per the proposal, it will no longer be of importance if the individual, his or her teammate(s) or other individuals participating in an event received compensation, including prize money, actual and necessary expenses, etc. An expanded "grace period" would allow individuals ample time to participate in organized competition and make a decision regarding enrollment in college without compromising their opportunity to participate in Division II athletics. Further, a transfer student will not be required to serve an academic year in residence at the certifying institution if he or she transfers after meeting certain academic requirements. By presenting the certifying institution with this academic information, the transfer student would demonstrate the requisite commitment to academics. Requiring institutions to provide individuals with information regarding the organized competition legislation ensures that individuals are provided with this information early in the recruiting process. A waiver provision specifies the committee authorized to waive the application of the organized-competition legislation. Finally, the Legislation Committee will continue to review cases processed under the organized-competition rule and report any issues to the Presidents Council.

FARA Position: Support. In general, there was strong support for the change in the organized competition rule; however, support was mixed at best for the expanded grace period. On balance, a majority were willing to support the proposal.

2010-12 (2-8) FINANCIAL AID, PLAYING AND PRACTICE SEASONS AND DIVISION MEMBERSHIP — SAND VOLLEYBALL

Intent: In sand volleyball, to establish the maximum institutional grant-in-aid equivalency limit, the playing and practice season regulations and the minimum contests and participants requirement for sports sponsorship, as specified.

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

Rationale: At the 2009 Convention, sand volleyball was added to the list of emerging sports for women. Establishing a maximum equivalency of five for institutions that sponsor sand

volleyball provides institutions the opportunity to offer athletics aid to student-athletes consistent with the Division II Strategic Positioning Platform. It is anticipated that during the initial years of sponsorship sand volleyball, student-athletes would also participate in volleyball at institutions that sponsor both sports. Utilizing a "hierarchy model", which causes a multi-sport student-athlete who participates in sand volleyball and volleyball to count against the volleyball equivalency, precludes institutions from gaining a competitive advantage in volleyball by offering sand volleyball financial aid to student-athletes who were recruited to play volleyball. The proposed playing and practice season legislation mirrors that of the other Division II spring sports. Establishing eight as the minimum number of contests and 10 as the minimum number of participants for the contest to count toward sports sponsorship for membership will provide reasonable competitive opportunities. Finally, including additional parameters associated with the different forms of competition (e.g., dual competitions, tournaments) for meeting minimum-contest requirements provides institutions an opportunity to legitimately sponsor the sport and student-athletes being provided a true intercollegiate sport experience.

FARA Position: No Position

2010-13 (2-10) PLAYING AND PRACTICE SEASONS — GOLF — OUT-OF-SEASON AND NONCHAMPIONSHIP SEGMENT ATHLETICALLY RELATED ACTIVITIES — NONCHAMPIONSHIP SEGMENT ACTIVITIES — 60-CONSECUTIVE CALENDAR DAY PERIOD

Intent: In golf, to specify that during the segment in which the NCAA championship does not occur, a student-athlete may participate in any practice or competition activity as permitted by other legislation, provided such activity is restricted to a maximum of 24 days that occur within a period of 60 consecutive calendar days; further, to specify that an institution that declares fall as its championship segment per Bylaw 20.10.4.3 and discontinues championship segment activities by November 1 (instead of November 15) may add 15 calendar days to the period of 60 consecutive calendar days available during the nonchampionship segment.

Source: Rocky Mountain Athletic Conference and Northern Sun Intercollegiate Conference.

Rationale: This proposal would benefit student-athletes by spreading out the nonchampionship segment and allowing them to avoid missing class time for several weeks in a row. The change would not increase missed class time because the 24 days of practice and competition in the nonchampionship segment would not increase and most institutions already compete in four to five tournaments during the segment. The proposal will allow institutions additional flexibility in scheduling, which is vital as many institutions do not own their golf facilities and are subject to the availability of the venues in which they compete. Competition in the nonchampionship segment has equal weight to competition in the championship segment for determination of postseason participation. Under the current nonchampionship segment model, student-athletes typically have less than a week of practice time before their first competition of the season, which leads to the majority of the first week of practice consisting of qualifying rounds because a coach has not had the opportunity to assess his or her roster. Finally, since most coaches coach both the men's and women's programs, this change will allow them to spend adequate practice time with both programs.

FARA Position: Strongly Support. This legislation benefits student-athletes. The

increase to 60 days will help student athletes since they will not be missing class for several weeks in a row. Missed class time will not increase and the student athletes will still have 24 days of practice and competition, but the 24 days will be apportioned so that there is time to spread out practice and the tournaments. This legislation will assist student-athletes so that they will not be away from campus for consecutive weeks thus supporting their life in the balance.

2010-14 (2-14) PLAYING AND PRACTICE SEASONS — BASKETBALL — FIRST CONTEST

Intent: In basketball, to specify that a member institution shall not play its first contest (game or scrimmage) with outside competition prior to the second Friday of November.

Source: Peach Belt Conference, Mid-America Intercollegiate Athletics Association and West Virginia Intercollegiate Athletic Conference. Effective Date: August 1, 2010

Rationale: Currently, an institution shall not play its first contest against outside competition prior to November 15, aside from exceptions outlined in Bylaw 17.3.3.1. This proposal does not change that date substantially, it simply allows institutions to schedule that first contest on a weekend night. This proposal will not allow an institution to compete earlier than what is allowed under current legislation as most Division II basketball teams compete in exempted contests on or soon after November 1. The proposal will only change the date for the first permissible "countable" contest. This change will also provide a benefit to student-athletes as no season-opening games or events will take place during the week and teams can also schedule "countable" games earlier in the season to provide flexibility for conference playing dates that occur during final examination periods. Further, this change is easy to administer as all schools can easily determine when the second Friday is and coaches can better schedule knowing the season starts on a weekend every year. Adoption of this proposal will likely result in all Division II basketball teams officially starting their season on the same day.

FARA Position: Oppose. Opponents argued that (1) it would extend the length of the playing season; (2) it would cause facility problems at some institutions by overlapping with fall sports; and (3) we had opposed it in the past.